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2 **CARIBBEAN FISHERY MANAGEMENT COUNCIL**
3 **135TH REGULAR COUNCIL MEETING**
4 **Carambola Beach Resort & Spa**
5 **St. Croix, USVI**
6

7 **SEPTEMBER 7-8, 2010**
8

9 The Caribbean Fishery Management Council convened at the
10 Carambola Beach Resort & Spa, St. Croix, USVI, Tuesday morning,
11 September 7, 2010, and was called to order at 9:00 o'clock a.m.
12 by Chairman Eugenio Piñeiro.
13

14 **EUGENIO PIÑEIRO:** Good morning, council members, and good
15 morning to the public in general and distinguished guests.
16 Today is September 7, 2010 and we are going to start our 135th
17 regular council meeting. Can I start with a roll call, please?
18

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

21 **EUGENIO PIÑEIRO:** Thank you. We have a quorum. We are waiting
22 for Beulah Dalmida-Smith. She will be here shortly. She is on
23 her way. Before we go any further, I would like to ask the
24 public and the council members to keep a moment of silence in
25 memory of John Farchette, Carlos's father, and Lorraine Berry,
26 Winston's sister, who passed away recently. Let's give a moment
27 of silence, please.
28

29 (Whereupon, a moment of silence was observed.)
30

31 **EUGENIO PIÑEIRO:** Thank you. As you know, in order for our work
32 to continue, it's a requirement of Magnuson that we have to
33 swear in the new members, the reappointed members, of this
34 council. In this case, we have our Vice Chair, Winston Ledee,
35 here, who has been reappointed by the Secretary of Commerce and
36 Dr. Roy Crabtree is going to swear him in again.
37

38 (Whereupon, the swearing in of council members was conducted.)
39

40 **EUGENIO PIÑEIRO:** Thank you, Winston. The next item is every
41 year we have to elect the officers and we do this and ask the
42 Coast Guard, and in this case it's going to be Lieutenant Lam,
43 to carry out the nomination process. Thank you, Lieutenant.
44

45 **MATTHEW LAM:** Thank you. I've been asked to open the floor for
46 the nominations of officers. Are there any nominees?
47

48 **CARLOS FARCHETTE:** Carlos Farchette. I would like to make a

1 motion to reappoint Genio Piñeiro as Chair of the Caribbean
2 Fishery Management Council.

3

4 **MARCOS HANKE:** Second.

5

6 **MATTHEW LAM:** All those in favor.

7

8 **EUGENIO PIÑEIRO:** We'll do the Vice Chair now the same way.

9

10 **CARLOS FARCHETTE:** I would like to make a motion to accept
11 Winston Ledee as Vice Chair of the Caribbean Fishery Management
12 Council.

13

14 **MARCOS HANKE:** Second.

15

16 **MATTHEW LAM:** All those in favor.

17

18 **EUGENIO PIÑEIRO:** Thank you very much, Lieutenant, and thank you
19 very much, guys. As you know, the chair cannot make any motion.
20 I haven't made one in seven years and so you have a long day
21 ahead of you guys. Now we are going to move ahead and the next
22 item on the agenda is the Adoption of the Agenda for this
23 meeting.

24

25 **ADOPTION OF AGENDA**

26

27 **MIGUEL ROLON:** Mr. Chairman, for tomorrow, we have a very brief
28 presentation before the opening of the meeting by the Fisheries
29 Forum. It's regarding the Caribbean workshop scoping process
30 that they're offering. We can include it on the agenda for
31 tomorrow or today. It's up to you. It's only about five
32 minutes.

33

34 **EUGENIO PIÑEIRO:** Any objection to those changes? No? You'll
35 notice that there's going to be a small presentation about
36 lionfish tomorrow morning and so we can include that in the
37 agenda. That will be tomorrow. Changes?

38

39 **MARCOS HANKE:** I move the adoption of the agenda.

40

41 **EUGENIO PIÑEIRO:** Changes?

42

43 **ROY CRABTREE:** Not a change, but Jennifer Lee has a presentation
44 to talk about corals and the Section 7 consultation on the ACL
45 Amendment and I don't know when you want to do that, today or
46 tomorrow.

47

48 **EUGENIO PIÑEIRO:** I would rather do that tomorrow. I want to

1 work on the ACL process.

2
3 **ROY CRABTREE:** It's relative to the ACL Amendment though and so
4 it would probably be best to do it before we have the final vote
5 on the amendment.

6
7 **EUGENIO PIÑEIRO:** If there's no objection from the council
8 members regarding those changes, we have Jennifer Lee.

9
10 **ROY CRABTREE:** Also, remember at the last meeting we asked to
11 have a presentation on fishing communities and Denise Johnson
12 has a presentation on fishing communities that also is related
13 to the ACL Amendment and so we ought to do that, again, before
14 we have final action today.

15
16 **EUGENIO PIÑEIRO:** Let's have this straight. Tomorrow, we're
17 going to have the lionfish presentation and we also will have,
18 Miguel, the Fisheries Forum presentation. That's for tomorrow
19 and then the other change in the agenda for today is to have
20 Jennifer and Denise Johnson to have those presentations before
21 the ACL.

22
23 **MIGUEL ROLON:** I propose that I can just say almost nothing in
24 my report and they can follow with those two presentations.

25
26 **EUGENIO PIÑEIRO:** In order to save time, I think that's the way
27 to go. Any more changes? Are we set? Are we set, Roy?

28
29 **ROY CRABTREE:** We're locating Denise Johnson. She may not be
30 here yet and so she may not be able to give the presentation
31 until she gets here. Joe is checking on that.

32
33 **EUGENIO PIÑEIRO:** We know there are some weather issues and it's
34 all right. We'll figure it out when she gets in. Any more
35 changes in the agenda?

36
37 **WINSTON LEDEE:** I move the adoption of the agenda.

38
39 **MARCOS HANKE:** Second.

40
41 **EUGENIO PIÑEIRO:** Thank you, Marcos. All those in favor say
42 aye; any opposition? With no opposition, the agenda is adopted.
43 Now we'll move into the Consideration of the 134th Council
44 Meeting Transcription.

45
46 **CONSIDERATION OF 134TH COUNCIL MEETING VERBATIM TRANSCRIPTION**

47
48 **SHEPHERD GRIMES:** Page 67, line 9, a statement attributed to

1 Steve Turner should be attributed to me, Shepherd Grimes. Page
2 115, line 8, and this is Dr. Crabtree's statement, but
3 "sumunits" should be "subunits".
4

5 With all due respect to the Chairman, page 17, line 45 through
6 47, Copernicus died almost 500 years ago and so that statement
7 must have been way back.
8

9 **EUGENIO PIÑEIRO:** Thank you, Shep. Thank you very much.
10 Anything else? Any comments regarding the transcription?
11

12 **WINSTON LEDEE:** I move the Consideration of the 134th Council
13 Meeting Verbatim Transcription.
14

15 **MARCOS HANKE:** Second.
16

17 **EUGENIO PIÑEIRO:** Second by Marcos Hanke. All those in favor
18 say aye. It's adopted. We'll now move into the Executive
19 Director's Report and Miguel.
20

21 **EXECUTIVE DIRECTOR'S REPORT**

22

23 **MIGUEL ROLON:** Thank you, Mr. Chairman. As I said, I want to
24 keep it very brief for the other presentations. The first thing
25 that we did between the two meetings, the previous one and this
26 one, is that we met with the west coast fishers of Puerto Rico.
27

28 About two years ago, March of 2008, there was a request of the
29 council to assist the west coast deepwater fishermen on the
30 possibility of establishing limited entry and then we met with
31 them once we secured the funding for the catch shares and a
32 committee has been proposed of fifteen members to look at the
33 possibility of establishing a catch share program for the west
34 coast of Puerto Rico.
35

36 We had two meetings, two workshops. One was by me and it was a
37 pre-meeting with the fishermen, an official meeting to tell them
38 about the possibility of this process, followed by a
39 presentation by Dr. Walter Keithly and then we had a meeting of
40 the committee.
41

42 We are going to discuss it in the next several months and the
43 goal is to see if the west coast fishermen of Puerto Rico
44 believe that a catch share program is viable and suitable for
45 them. The next step will be for the chairman to appoint the
46 fifteen-member panel.
47

48 You don't have to have the names exactly if you haven't finished

1 submitting all the candidates, but by establishing that panel,
2 then we can continue the process. As I said, I want to
3 emphasize it's a process, because as we told the fishermen, we
4 just want to examine the possibility of this catch share
5 program.

6
7 It will take anywhere from two to three years to work it out,
8 because we need to really consult directly with the local
9 government of Puerto Rico and also look at the regulations, et
10 cetera.

11
12 We sent copies of the presentation by Dr. Keithly to Julian, who
13 is here, just to take a look at this in the future, in the next
14 two or three years, and also Eddie Schuster is the president of
15 the St. Croix Fishermen's Association and they might also like
16 to participate in this process.

17
18 The other thing that we have is the Fisheries Forum and Kim
19 Gordon is with us today and she will give us a five-minute
20 presentation tomorrow that there's a possibility of and so the
21 Fisheries Forum had a meeting recently, in March, in North
22 Carolina, and they thought it could be a good idea and Miguel
23 was there and Beulah and he suggested to have a similar forum
24 workshop in Puerto Rico and the U.S. Virgin Islands.

25
26 The idea here is to bring to the table fishers from other areas,
27 fishers from the local area, of course, to discuss issues
28 related to the fishery management, especially those tied to the
29 data collection.

30
31 The last thing is that the council has been sponsoring the
32 lionfish tournament around Puerto Rico and there was a youngster
33 that won the tournament. He caught ninety lionfish all by
34 himself, but he is too shy. He didn't want to come in front of
35 the group, but we are going to give him what we promised, which
36 is the recognition by the council that this group is making,
37 especially by this youngster who won the prize of being the one
38 that caught the most lionfish.

39
40 Regarding the budget, we are okay with the budget. Right now,
41 there are people working in Washington for the next four years
42 to discuss the budget with you and we are going to discuss it in
43 the Administrative Committee and that's about it, Mr. Chairman.

44
45 Then just to brief you, what we want to do today -- If you look
46 at the agenda, we have a comment period from 11:00 to 12:00.
47 It's like any other public hearing and so we will have an
48 opportunity for those people who wish to do so to offer their

1 comments regarding the ACLs.

2
3 Graciela and Joe are sitting at the end of the table. Graciela
4 prepared the presentation with the preferred management measures
5 and the comments received and so we will discuss it one at a
6 time and also she has a blank slide where you can write the
7 language of any motions, as appropriate, and we will take it
8 very slow, one by one, so you have a chance to discuss it
9 thoroughly.

10
11 Remember, given that this is a final action, you also have a
12 copy of the draft regulation in front of you that was
13 distributed this morning. Anik is from the Regional Office and
14 she is here with us and any changes that occur to the document
15 that we are going to submit to the Secretary within 2010 have to
16 be reflected into the draft regulations and so we can ask her to
17 rewrite any of the corresponding parts in the draft regulations.

18
19 Tomorrow, you will have the same approach. We will have a one-
20 hour opening for comments for the queen conch and then we will
21 have also the draft regulation in front of you. I will send an
22 email to all of you guys, the staff and the council, with a copy
23 of the proposed regulations.

24
25 In addition, Diana is going to have a hard copy for the table to
26 discuss the queen conch regulations. I believe I should stop
27 and allow Beulah to say that she is here. Good morning, Beulah.

28
29 **BEULAH DALMIDA-SMITH:** Good morning, everyone. Beulah Dalmida-
30 Smith, on behalf of the Department of Planning and Natural
31 Resources, Territory of the Virgin Islands.

32
33 **EUGENIO PIÑEIRO:** Thank you, Beulah. It's good to have you
34 here.

35
36 **MIGUEL ROLON:** That's the process that we have. We want to
37 encourage you to discuss the pertinent comments on the preferred
38 alternatives so you will be able to finish during this meeting
39 and take action on the ACLs, but if you see that it's something
40 that has to be tabled or discussed or if you receive any comment
41 that merits more discussion, it's up to you to decide what to do
42 with those comments. Mr. Chairman, that's all I have.

43
44 **PRESENTATION BY JENNIFER LEE ON EFFECTS ON THREATENED ACROPORA**
45 **AND ON DESIGNATED CRITICAL HABITAT**

46
47 **JENNIFER LEE:** This presentation is on the effects on threatened
48 Acropora and on designated critical habitat. You may recall on

1 March 30, 2010 the Southeast Region went ahead and formally
2 requested reinitiation of the Section 7 consultation on the
3 Caribbean Reef Fish FMP.

4
5 The request was based on new information indicating threatened
6 Acropora and designated Acropora critical habitat may be
7 affected by the continued authorization of the Caribbean reef
8 fish fishery as managed by the Caribbean Reef Fish FMP.

9
10 Now, on April 7th, during your last council meeting, I informed
11 you of this and then I presented information to you on the
12 specific applicable requirements under the ESA and the effects
13 of the reef fish fishery on Acropora and Acropora critical
14 habitat. We focused on that because your last consultation,
15 back in 2005, at that point they hadn't been listed or
16 designated yet.

17
18 The purpose of that presentation was to get you thinking about
19 how the Caribbean reef fish fishery you manage affects
20 threatened Acropora corals and their designated critical
21 habitat. I also provided you with input on the Draft ACL
22 Amendment and recommended additional measures that could be
23 taken to reduce effects.

24
25 Here are the topics that I reviewed with you last time. I'm not
26 going to repeat this information, but I do encourage you to go
27 back and revisit this presentation if you need a refresher on
28 some of the Endangered Species Act requirements that we went
29 through and particularly if you need a refresher on some of the
30 key facts about listed Acropora and their designated critical
31 habitat.

32
33 The purpose of this presentation, why I'm here today, is
34 basically at the last council meeting we received feedback from
35 your SSC and from select council members and staff that
36 basically our effects analysis and our literature review was too
37 narrowly focused on parrotfish and the role it plays in critical
38 habitat and that we needed to expand our literature review to
39 incorporate other sources of impacts affecting Acropora and
40 Acropora critical habitat.

41
42 We listened to you and since that last meeting, we've been doing
43 just that and so today really it's not so much focused on
44 preliminary consultation information, but I want to just update
45 you on the information that's been compiled since your last
46 meeting and then I will also just briefly lay out what the next
47 steps are in the consultation process.

48

1 As I just noted, since the last consultation we've been
2 expanding our literature review to encompass a broader range of
3 factors adversely affecting Acroporids. We've now reviewed over
4 a hundred peer-reviewed publications and we've been synthesizing
5 the relative effects and their importance to recovery of some of
6 the factors that affect threatened Acropora and their designated
7 critical habitat in the Caribbean region.

8
9 The factors that we've been focusing in on -- As you know,
10 Caribbean coral reefs have been experiencing a multidecadal long
11 decline in coral cover, while simultaneously experiencing
12 unprecedented macroalgae blooms. For our focus, we looked at
13 benthic phase shifts on Caribbean reefs and some of the
14 information documenting that, as well as why.

15
16 We also looked at hurricanes, nutrient enrichment, diadema,
17 overfishing, and herbivorous fish and tried to see how some of
18 this information related to each other. Certainly these are not
19 the only factors that affect threatened coral and critical
20 habitat, but we were really trying to look at the relationship
21 of the macroalgae shift and so that's why this has been our main
22 focus.

23
24 First, benthic phase shifts on Caribbean reefs, you may recall
25 us talking about how Acropora recruits require hard,
26 consolidated substrate devoid of fleshy macroalgae to attach and
27 grow. Essentially, corals and macroalgae compete for space.

28
29 Caribbean-wide Acropora kills led to vast expanses of open space
30 and macroalgae abundance increased enormously. There was
31 documented phase shift from coral-dominated to macroalgae-
32 dominated benthos in the Caribbean region and one thing I wanted
33 to point out to you is that as coral cover declines, the level
34 of grazing needed to reverse that decline basically increases
35 and so the fewer the coral out there, the more basically
36 herbivory that you would need and grazing to reduce that trend.

37
38 As far as hurricanes, they do serve as an important part of the
39 natural disturbance regime in maintaining diversity in coral
40 reefs. If you think about forest fires, it's kind of similar
41 effects.

42
43 How much hurricanes impact coral depends on a number of factors:
44 storm intensity, reef location, depth and topography, past
45 disturbance history. You'll note I'm putting some of the
46 references that we have in our literature review and not all, of
47 course, but I tried to pull out a few just so that you have
48 those references.

1
2 Basically, recovery from hurricanes is impeded if your substrate
3 from settlement is altered, if grazing is reduced, or
4 disturbance recurs or continues. All of those things can
5 impact.

6
7 Nutrient enrichment, here it was kind of interesting. Studies
8 demonstrate that nutrient levels mainly play a secondary role
9 compared to herbivore levels and this was different than some of
10 the very early work where they were looking at this and thought
11 basically that the primary production was more of the factor,
12 but algal biomass is regulated by consumption rates, research
13 shows now more, rather than production growth rates.

14
15 Consumption rates often respond to absorb any changes in
16 production and risk of nutrient enrichment preventing algal
17 overgrowth of corals is most significant under low herbivory
18 regimes.

19
20 Basically, Miller et al. in 1999 did some cage work and when you
21 removed and you didn't have the herbivores there, then you would
22 see the effects of the nutrients, but otherwise, it really was
23 more of a secondary role and there were a few other studies
24 really that showed the same thing, where if you didn't isolate
25 them, it was more of the effects of the level of herbivory than
26 it was the actual nutrient level.

27
28 Diadema, the importance of grazing urchins, is documented in
29 many studies, but they do stem mainly from a limited number of
30 small patch reefs. One particularly interesting thing, when
31 you're looking back at the history, was diadema is much more
32 abundant on overfished reefs and that the high densities were
33 attributed to overfishing of its competitors and predators and
34 so you found why when you have the mass die-off of diadema, then
35 of course the effects on corals, but it was interesting to see
36 that those diadema levels were elevated in the areas.

37
38 Where the relative importance of diadema was elevated, the die-
39 off had a major effect on algal cover, but not where fish could
40 compensate for its absence.

41
42 Exploitation, I could have called this overfishing, but the
43 reason why I didn't is a lot of the literature talks about
44 overfishing, but I just wanted to point out that I know where
45 you as the council are used to dealing with the Magnuson-Stevens
46 Act definitions that I wouldn't get bogged down in that. I
47 don't think they're the same and I think they're looking at it
48 from more of a general sense than your specific requirements

1 under the Magnuson-Stevens Act.

2
3 Basically, exploitation affects the ability of reefs to recover
4 from disturbance and can lead to degradation via reduced grazing
5 pressure. Paddock et al. in 2009 talks about overall reef fish
6 density declining significantly at rates consistent across all
7 Caribbean-based subregions and groups and three trophic groups,
8 including herbivores.

9
10 A comparative analysis reveals fish biomass, live coral, and
11 coral to macroalgae ratio all significantly higher in Buck
12 Island Reef National Monument than in outside unprotected areas.

13
14 Herbivorous fish affect coral indirectly by removing algal
15 competitors and facilitating coral recruitment. There's an
16 inverse relationship. Increased fish biomass leads to decreased
17 fleshy algal abundance on reefs across large geographic scales
18 and the role in promoting reef recovery and resilience likely
19 depends on numerical abundance and their biomass and not just
20 feeding preferences and so there's a number of relatively new
21 studies that have looked at what's needed there in terms of
22 whether it's just a few large species or how the whole
23 communities affects macroalgae.

24
25 Again, the literature does focus on parrotfish and
26 surgeonfishes. Last time, we talked more about parrotfish.
27 Most grazing thresholds lie near the upper level observed for
28 parrotfish, indicating reefs are highly susceptible for
29 parrotfish exploitation.

30
31 Again, species relative importance in controlling algal
32 succession and growth may vary between reefs, emphasizing the
33 importance of maintaining diverse, intact herbivorous fish
34 populations.

35
36 Last time, there were some questions about parrotfish and how
37 they can consume coral and what impact that would have.
38 Parrotfish do feed selectively on algae and there are a few
39 species that also consume some live coral as part of their adult
40 diet, just the adults.

41
42 They've done some studies that show it can be anywhere between 1
43 percent to 2 percent of all bites are on live coral. Colonies
44 affected by focused biting rarely experience total mortality and
45 surviving portions continue to grow upward and outward from the
46 affected area and on a healthy system, the effects really are
47 quite negligible. On an unhealthy reef, the impacts would be
48 greater, but coral recruits still have a better chance of

1 survival if parrotfish abundance is increased.

2
3 Just some general conclusions, Caribbean coral reefs are
4 experiencing multidecadal decline in coral cover while
5 simultaneously unprecedented algae blooms. Localized
6 synergistic effects have altered Caribbean reef benthic
7 communities from coral-dominated to macroalgal-dominated
8 benthos. I know I didn't get into, of course, as far as the
9 coral, the white band disease. It devastated Acropora and then
10 you also had the diadema and overfishing and so all of these
11 things played a role.

12
13 A numerically abundant, high biomass, diverse herbivorous
14 population is required to facilitate Acropora reproduction and
15 overfishing or exploitation has resulted in herbivorous fishes
16 not maintaining healthy diverse populations.

17
18 That's where we are in terms of -- Those were basically just
19 some points I pulled out of the literature review and synthesis
20 that we've been working on. We are finishing up with that
21 literature review and then, of course, we're entering the phase
22 where we need to actually draft the biological opinion.

23
24 The biological opinion isn't just on corals. I know that's been
25 the focus here because that's new and it's something we wanted
26 to inform you of, but the biological opinion will look at all
27 species and their effects.

28
29 We are working on preparing the draft biological opinion. Now a
30 biological opinion, as far as the timeline, we have 135 days.
31 It can be extended, but once all the necessary information is
32 received -- By that, I mean the information, in particular,
33 about the proposed action and things like that. We don't wait
34 for new studies and that type of thing. It's just based on the
35 best available information.

36
37 Now that presumably if you take final action now or at least
38 that you have preferred alternatives since the last meeting,
39 when we're doing the biological opinion, we'll be incorporating
40 the effects of your new management. Again, it must be based on
41 the best available information.

42
43 We do, in the absence of information under the ESA, we are
44 compelled to -- Really, it requires us to err on the side of the
45 conservation for the species. As far as questions on kind of
46 the process and where we go from here, once we have the proposed
47 action from your ACL Amendment, we'll be going forward and
48 working on that biological opinion.

1
2 The opinion then is signed, depending on the outcome. When it
3 comes to incidental take of species, we authorize incidental
4 take so long as it's not likely to jeopardize. When it comes to
5 critical habitat, there is no destruction or adverse
6 modification of critical habitat and so if we find that that's
7 the case, then we would have to basically provide reasonable and
8 prudent alternatives that specify something that can be done to
9 alleviate that situation.

10
11 These are things that I know you guys talk about all the time
12 and so I didn't really need to put them on the slide, but
13 obviously in terms of working on the biological opinion, the
14 lack of data and adequate monitoring and reporting and
15 enforcement problems present problems for us as well.

16
17 When you write biological opinions, if you do find that
18 incidental take is permitted, you still have to be able to
19 monitor that incidental take and you have to be able to know
20 when you've exceeded incidental take. There's a lot of -- We
21 need to be able to follow up and make sure that whatever we've
22 anticipated is correct and so that leaves a lot of trouble with
23 the current monitoring in the Caribbean.

24
25 That's really about all I had. Again, we weren't originally on
26 your agenda, but we just thought that it was appropriate to go
27 ahead and update a little bit. You did have a lot of questions
28 at the last meeting and so we just tried to broaden that out a
29 little bit and explain a little more about some of the things
30 that we're looking at and how they relate.

31
32 **EUGENIO PIÑEIRO:** Any questions for Jenny at this time?

33
34 **BARBARA KOJIS:** One of my questions is how does this fit in with
35 the environmental impact statement and the actual final
36 decisions with respect to the species that are undergoing
37 overfishing?

38
39 The other question I have, so you can answer them both, is there
40 is very little harvest, I think, of grazers in Florida waters
41 and how does the algal cover there differ from the algal cover
42 in the Caribbean or U.S. Caribbean?

43
44 **JENNIFER LEE:** Basically, the EIS document is used as our
45 biological assessment, really. We're using that document to --

46
47 (Whereupon, a fire alarm caused a brief recess.)
48

1 **EUGENIO PIÑEIRO:** All right, Jenny.

2
3 **JENNIFER LEE:** We'll try to get through questions before the
4 fire alarm comes again. In responding to Barbara, first she was
5 asking some specifics about how this comes into play with your
6 amendment and so basically the agency needs to complete the
7 biological opinion prior to taking final action on the
8 amendment. I said that wrong. Until we make our decision on it
9 and so prior to that, we have to complete the biological opinion
10 and so we'll be working on that and trying to wrap that up in
11 the next few months.

12
13 When NOAA Fisheries decides whether to approve or disapprove the
14 amendment, prior to that is when we have to have the biological
15 opinion completed, because basically it's part of our decision
16 package, just like meeting some of the other applicable laws.
17 The biological opinion and the ESA is one of the laws that we
18 have to make sure that we're compliant with in order to make
19 that decision and so that's when that is done.

20
21 In terms of your question about Florida and how does that
22 compare a little bit, basically parrotfish in Florida, that's
23 kind of on the northern extent of their range and really it's a
24 different ecosystem.

25
26 All I can say is that the studies on the importance of
27 parrotfish and herbivorous fish, those studies have been in the
28 Caribbean region and so what's going on in Florida I can't speak
29 to, at least myself. Someone else in the room might have some
30 more information, but really, it's a different area with
31 different circumstances and certainly the research that has been
32 done shows that some of this information is specific to
33 geographic areas and particular reefs.

34
35 **ROY CRABTREE:** The bottom line is there's going to be this
36 opinion done and there's an awful lot of science out there that
37 links parrotfish and these herbivorous fish to the health of the
38 reefs and there's also a lot of science out there indicating
39 that reefs aren't doing well these days and so it's something
40 you ought to think about as we go through this amendment today.

41
42 There are a lot of reasons to believe that we ought to be more
43 conservative with parrotfish management than we might otherwise
44 be and then the other thing to keep in your mind is it's
45 possible, depending on the outcome of the biological opinion,
46 that we may have to come back and readdress parrotfish
47 management down the road.

1 **MARCOS HANKE:** There is a slide that I didn't understand very
2 well, but if I understand right, there is more diadema over fish
3 reefs. Did I get that?

4
5 **JENNIFER LEE:** Basically, what that was is it was looking and
6 finding that prior to the diadema die-off that in certain reefs
7 where diadema were believed to be the most important as far as
8 being a grazing species that the diadema was actually elevated.
9 There were basically more already on the reefs than in other
10 areas and so it just kind of -- A lot of the focus has been on
11 that diadema and not that we're saying they're not important at
12 all. They definitely are, but in some reefs it appears that
13 diadema basically had filled the niche, perhaps, where
14 previously there were more other types of grazers that were
15 either competitors or predators and so that's why in particular
16 you saw such a huge effect when diadema then had the mass die-
17 off.

18
19 **GRACIELA GARCIA-MOLINER:** In terms of the other herbivores that
20 occur in the area, since we are looking at the ACLs for 2011 for
21 the surgeonfishes, et cetera, how does the parrotfish compare to
22 these other herbivores in the area in terms of the amount of
23 protection they offer the reef or the amount of removal of
24 macroalgae, et cetera?

25
26 **JENNIFER LEE:** Most of the work has been done on parrotfish. I
27 think there's a little bit on surgeonfish. Obviously in the
28 past there was a lot of looking at diadema. Surgeonfishes are
29 really the only one right now I can think of that there's been
30 some work, I think, on.

31
32 **GRACIELA GARCIA-MOLINER:** I'm just asking because it's a gap
33 that we have in the information, especially when you have to tie
34 it into the other fisheries in the area. I think that probably
35 we need to look at that, but it's true what Jennifer says, that
36 the information is lacking for many of the other herbivore
37 groups.

38
39 **WINSTON LEDEE:** Could you comment on global warming and the
40 consideration of there's no control over that?

41
42 **JENNIFER LEE:** That's why I prefaced that that was not something
43 that was part of what we were looking at here, but that
44 certainly those are problems that exist. This presentation
45 wasn't focused on really what are all the factors that affect
46 Acropora and have led to the current situation. It was more on
47 trying to look at some of the dynamics on macroalgae cover and
48 what some of the key factors are that play into that.

1
2 **EUGENIO PIÑEIRO:** Any more questions?
3

4 **BARBARA KOJIS:** Will the biological opinion be available for
5 review before it's finalized and when?
6

7 **JENNIFER LEE:** It is a NOAA Fisheries document and it will not
8 be reviewed before it goes through our internal review, but it's
9 actually our document and not a public document. Shepherd,
10 perhaps if you want to clarify that. That probably came out
11 wrong.
12

13 **SHEPHERD GRIMES:** You'll get to see it along with the rest of
14 the public once it's finalized, but it is the Secretary of
15 Commerce's opinion as to the effects of whatever proposed action
16 on threatened species and designated critical habitat.
17

18 **EUGENIO PIÑEIRO:** Thank you, Shep. Any more questions for
19 Jennifer? Seeing none, we thank you, Jennifer. Thank you for
20 your presentation. The next presentation will be by Kimberly
21 Gordon and I believe Miguel wants to have a brief introduction
22 for Kimberly.
23

24 **MIGUEL ROLON:** As I mentioned before, the Fisheries Forum
25 conducted this meeting in May in North Carolina and Miguel and
26 Beulah participated, I believe, and Miguel suggested that we
27 could conduct a similar meeting in the area of the U.S. Virgin
28 Islands and Puerto Rico.
29

30 Kim has been working with us on a couple of conference calls and
31 putting together an outline of what could be our schedule and
32 the possibility of having this workshop and so I asked her to
33 come to the meeting and give us a brief presentation on what is
34 it that we're talking about.
35

36 **PRESENTATION ON FISHERIES FORUM**

37

38 **KIMBERLY GORDON:** Thank you all for inviting me here today. Let
39 me just give you a little bit of background about who the
40 Fisheries Forum is. The Fisheries Forum is a partnership
41 between Stanford University, Duke University, and the
42 Environmental Defense Fund.
43

44 We provide professional development, continuing education and
45 networking opportunities for regional council members. Our core
46 programming includes two biannual workshops, which are held on a
47 specific topic. We've covered limited access privilege
48 programs, ecosystem-based management. Our last one was on risk

1 assessment and uncertainty and our workshop later this month is
2 going to be on allocation.

3
4 We also have an ongoing support program where we can provide
5 very tailored, topic-specific workshops to councils, per their
6 request. Within the last year, we've done two regional
7 workshops, one for the New England Council and the other for the
8 Mid-Atlantic Council, and both were on catch shares. The
9 Fisheries Forum is not an advocacy group. We are here to serve
10 as a resource for the councils at your request.

11
12 What is going around in front of you is just a brief two-pager
13 that I put together which highlights some of the points and the
14 concept that we're talking about, which is doing a workshop on
15 data-poor species here in the Caribbean.

16
17 As Miguel mentioned, the idea came about at our workshop in May
18 in North Carolina. Miguel and Beulah were there and as we were
19 talking about how to manage risk and uncertainty, they came to
20 us and said the Caribbean could use a workshop about this and
21 talking about how you deal with risk and uncertainty and data-
22 poor species.

23
24 I've had a couple of conversations with different folks and
25 we've pulled out some preliminary goals that we think would be
26 good to strive for this to achieve.

27
28 Those goals are to communicate the importance of data collection
29 programs and why is robust data so important. The concept here
30 would be to follow data from data collection, fisheries-
31 dependent and fisheries-independent data, and how it's used in
32 stock assessments and how that informs certain management
33 targets and eventually informs management decisions.

34
35 The second goal was to identify avenues for improving data
36 collection. This will be looking at what some of the best
37 approaches might be to instituting new data collection programs
38 here in the region and also looking at what other regions around
39 the U.S. have done to improve their data collection programs.

40
41 The third goal is to explore tools for translating limited data
42 into management actions and again, this would pull off of
43 lessons learned in other regions to help inform potential
44 improvement strategies down here.

45
46 Then last, we talked about identifying data collection programs
47 to support the implementation of catch shares in the future and
48 so how we plan on achieving these goals would be by bringing in

1 speakers from other regions, fishermen and other regional
2 council members, people with expertise in these topics who could
3 share their experiences with you and you could have a dialogue
4 and build a network to help inform some of these topics.

5
6 The format of the workshop could potentially take many different
7 formats. It could be a half-day workshop attached to a regular
8 council meeting or it could be a full-day workshop or it could
9 be a one or two-day standalone workshop. It really just depends
10 upon the goals that you all would like us to address.

11
12 The next step is that if you as a council decide that you would
13 like to move forward with this, we need to hone in on some goals
14 a little bit and a format. We have done surveys in the past for
15 the New England and Mid-Atlantic catch share workshops, to help
16 try to boil down what specific topics you guys would like to
17 talk about.

18
19 I know Miguel and Graciela and myself will be at the data-poor
20 species workshop in Pittsburgh next week. We're going to be
21 talking with some folks and just trying to learn a little bit
22 more about who the best resources are out there. Do you guys
23 have any questions?

24
25 **EUGENIO PIÑEIRO:** So far I don't have any. Any of the council
26 members who did not attend this meeting wish to know more or,
27 Beulah, do you want to make any comments?

28
29 **BEULAH DALMIDA-SMITH:** I would like to thank Kimberly for coming
30 and making this very great presentation. However, I would just
31 like a timeframe as to when we perceive that this may originate,
32 this workshop. As you said, the first step is for the council
33 to make an approval or not, whether or not we think it's
34 legitimate or we move on with the workshop, but what's the
35 timeframe, do you think?

36
37 **KIMBERLY GORDON:** It would probably take a couple months for us
38 to pull this together. It all depends also on how comprehensive
39 of an information base that you would like. If you guys decide
40 that you want just a half-day workshop, that would likely be
41 feasible by your December meeting. If you want a larger scope,
42 say a two-day standalone workshop, I think the first quarter in
43 2011 would be a good target.

44
45 **EUGENIO PIÑEIRO:** Do you contemplate having one for the Virgin
46 Islands and on for Puerto Rico?

47
48 **KIMBERLY GORDON:** I think that really depends on what would suit

1 you guys best and also budget.

2
3 **EUGENIO PIÑEIRO:** Thank you. Any more questions for Kim? Being
4 none, we thank you and today at the Administrative Committee the
5 council will meet and we'll get back to you. Shep, is Denise
6 Johnson onboard? Has she arrived yet? No?

7
8 **ROY CRABTREE:** As I said earlier, I think her plane is supposed
9 to land -- Phil tells me it's at 10:30 and so she's not going to
10 be here until after lunch and so we'll need to plan on having
11 that after lunch.

12
13 **EUGENIO PIÑEIRO:** Thank you. In that case, we'll hear from
14 Eddie Schuster, the AP Chair. He's got a very interesting
15 report for all of us.

16
17 **ADVISORY PANEL MEETING REPORT**

18
19 **EDWARD SCHUSTER:** Good morning. I'm Edward Schuster, the AP
20 Chair, from St. Croix. I have a report here. The Caribbean
21 Fishery Management Council Advisory Panel held a meeting on
22 August 25, 2010 at the Windward Passage Hotel in St. Thomas,
23 USVI, to discuss the proposed management alternatives for the
24 Draft Amendment 2 to the Fishery Management Plan for the Queen
25 Conch Fishery in Puerto Rico and the U.S. Virgin Islands and
26 Amendment 5 to the Reef Fish Fishery Management Plan of Puerto
27 Rico and the U.S. Virgin Islands.

28
29 The AP members agreed on the following general recommendations,
30 that NMFS, the CFMC, and the local government agencies be held
31 accountable for collecting and analyzing the data needed in a
32 responsible and proper manner and not just hold the fishermen
33 accountable for it and this would be done on a monthly basis and
34 not to exceed three months.

35
36 NMFS and the CFMC, USVI DPNR, DFW, and Puerto Rico DNR make it
37 mandatory that every recreational fisher be responsible to
38 submit monthly catch reports on the council-managed species and
39 to provide outreach and education to the recreational fishing
40 community in a more aggressive manner and to include closed
41 areas yield in the calculations for establishing ACLs.

42
43 The AP members recommended the following management
44 alternatives, 4.1, Action 1, amend the stock complexes in the
45 reef fish fishery management units.

46
47 4.1.1, Action 1(a), Grouper Complex, to adopt Alternative 2 as a
48 preferred and separate Grouper Unit 4 into Grouper Unit 4, the

1 yellowfin, red, tiger, plus the black grouper, and Grouper Unit
2 5, yellowedge and misty grouper. Move the creole fish from the
3 Grouper Unit 3 into the data collection only unit and no
4 specific management measures for the specific species.

5
6 4.1.2, Action 1(b), Snapper Complex, to adopt Alternative 2 as
7 the preferred, modify the Snapper FMU by adding cardinal snapper
8 to Snapper Unit 2 and moving wenchman into Snapper Unit 1.

9
10 4.2, Action 2, Management Reference Points, 4.2.1, Action 2(a),
11 Snapper Grouper and Parrotfish Complexes, to adopt Alternative
12 2D, OY would equal ACL, which would equal OFL times 0.85. To
13 adopt Alternative 2A, OY equals ACL equals zero for the Grouper
14 Units 1 and 2, midnight parrotfish, blue parrotfish, rainbow
15 parrotfish, as a preferred for the Grouper Unit 1 and Grouper
16 Unit 2 and for the midnight and the blue and the rainbow
17 parrotfish for the USVI.

18
19 Recreational fishers be allocated a bag limit for the midnight,
20 blue, and the rainbow parrotfish off of Puerto Rico only. These
21 species may not have a commercial value, but they are of an
22 important value to the recreational fishers in Puerto Rico.

23
24 4.2.2, Action 2(b), Queen Conch Complex, to adopt Alternative
25 2B, which would be OFL equals MSY proxy. Overfishing occurs
26 when annual catch limits exceed the OFL unless NMFS Southeast
27 Fisheries Science Center, in consultation with the Caribbean
28 Fishery Management Council and its Scientific and Statistical
29 Committee, determines the overage occurred because data
30 collection and monitoring improved rather than because catches
31 actually increased.

32
33 To adopt Alternative 2G, which is OY equals ACL, which would
34 equal ABC, specified by the Scientific and Statistical
35 Committee. Allowable catch issues in the EEZ and local needs to
36 be clarified.

37
38 4.3, Action 3, Annual Catch Limits and Allocation Management,
39 4.3.1, Action 3(a), Snapper and Grouper Units Allocation
40 Management, to adopt Alternative 4, define aggregate reference
41 points for snapper and grouper in the USVI and define aggregate
42 reference points for grouper and not for snapper in Puerto Rico.

43
44 To adopt Alternative 2, specify separate commercial and
45 recreational annual catch limits based on the preferred
46 management reference points time series.

47
48 4.3.3, Action 3(c), Geographic Allocation Management, to adopt

1 Alternative 2A, use a midpoint or equidistant method for
2 dividing the EEZ among the islands.

3

4 4.4, Action 4, Management Measures, 4.4.1, Action 4(a), Species-
5 Specific Parrotfish Prohibitions, to reject Alternative 2 for
6 Action 4, Section 4.4. The new alternative measure offered is
7 prohibit fishing for possession in the EEZ off the USVI for
8 midnight; b)blue parrotfish; and c)would be rainbow parrotfish.

9

10 4.2.2, Action 4(b), Recreational Bag Limits, Alternative 7 is
11 the preferred, establish an aggregate bag limit for snapper
12 grouper parrotfish of ten fishes, including not more than two
13 parrotfish per fisher or six parrotfish per boat and a thirty
14 aggregate snapper grouper and parrotfish per boat on a fishing
15 day would not apply to fishermen who have a valid commercial
16 fishing license issued by Puerto Rico or the USVI.

17

18 To offer alternative language that would substitute the numbers
19 of ten and thirty for five and fifteen, respectively, in the
20 Preferred Alternative 7.

21

22 4.5, Action 5(a), Accountability Measures, to adopt Preferred
23 Alternative 3C. Action 5(b), to adopt Alternative 2 and when a
24 system is put in place by DNR, DPNR, and NMFS to assess the
25 status of the fishery.

26

27 4.6, Action 6, Framework Measures, 4.6.1, Action 6(a), to
28 establish framework measures for the Reef Fish FMP. To adopt
29 Alternative 3 that is not to amend the framework procedure for
30 the Reef Fish FMP and to provide the council with a mechanism to
31 expeditiously adjust to a subject of management measures
32 outlined in Alternative 2.

33

34 4.6.2, Action 6(b), Establish Framework Measures for the Queen
35 Conch FMP, to adopt Alternative 3 that is to amend the framework
36 procedures for the Queen Conch FMP to provide the council with a
37 mechanism to expeditiously adjust the subset of management
38 measures outlined in Alternative 2. That completes the AP's
39 report.

40

41 **EUGENIO PIÑEIRO:** Thank you very much.

42

43 **SHEPHERD GRIMES:** I was just wondering if there was any
44 discussion why the AP voted to adopt new framework procedures
45 for queen conch, but not for reef fish.

46

47 **EDWARD SCHUSTER:** We saw a need to adopt the new measures for
48 the queen conch. As we know, in St. Croix it's a big fishery

1 and it's a virgin fishery actually in St. Thomas. It's a small
2 area in the EEZ and we felt that the resources there needed some
3 additional protection where as a local or state waters we
4 already did some protective measures and we just wanted it to be
5 piggybacked on upon the federal side.

6
7 As for the reef fish, we feel that there's already harsh enough
8 regulations in place and we just need more information according
9 to where the data was collected and not being utilized.

10
11 **MARCOS HANKE:** At the AP meeting, how many recreational
12 fishermen was present during the discussion?

13
14 **EDWARD SCHUSTER:** To my memory, I recall maybe Julian to help
15 me, but I think there was only two recreational fishermen
16 present, but if I'm wrong, I stand to be corrected. I just
17 heard there was three there present.

18
19 **MARCOS HANKE:** How many members that vote and decide during the
20 discussion? Thank you.

21
22 **EUGENIO PIÑEIRO:** At this time, any more questions for Ed? If
23 there are no questions for Ed at this moment, then, Ed, we thank
24 you for your excellent presentation and your great leadership
25 and we would ask you to please stand by during today's work and
26 deliberations, because are definitely going to need you and have
27 some questions for you.

28
29 We are running incredibly, even though we had the fire alarm, we
30 are running ahead of schedule and I have asked our legal
31 counsel, Shep, if it's possible that we move on with the public
32 comment period thirty minutes ahead of time and the answer has
33 been positive and it's just that we need to listen to our
34 stakeholders.

35
36 At this point, I'm going to -- It's 10:30 and we are going to
37 start with the public comment period. Winston is going to run
38 part of it and how many presentations do you have, Winston?

39
40 **WINSTON LEDEE:** I have three so far.

41
42 **EUGENIO PIÑEIRO:** Just for the record, we have -- Let's take a
43 five-minute break, but first, let me tell you that with us here
44 today is the Honorable Donna Christensen, the Congresswoman for
45 the U.S. Congress for the District of St. Thomas and St. Croix
46 and we would like to hear from her sometime during the morning,
47 but let's take a five-minute break and then we'll start with the
48 public comment period.

1
2 (Whereupon, a brief recess was taken.)

3
4 **WINSTON LEDEE:** Next on the agenda is a public comment period
5 and on that, please do not interrupt the speaker and there will
6 be no personal attacks on anybody. On that note, our first
7 speaker is the Honorable Donna Christensen for the U.S. Congress
8 for the VI.

9
10 **PUBLIC COMMENT PERIOD**

11
12 **DONNA CHRISTENSEN:** Thank you and good morning everyone. I want
13 to thank you for the opportunity to speak and contribute some
14 perspectives of my own on the proposed management alternatives
15 for the Caribbean fisheries.

16
17 As everyone knows, for generations fishing has played a
18 tremendous role in the economy and the culture of the Virgin
19 Islands. We're not a major exporting industry here. To
20 successfully preserve this important resource, however, it's
21 important that we continue to work towards increased
22 collaboration, which is something that you always hear me say,
23 between the fishing community, the council, local and federal
24 regulators, and all of the other stakeholders.

25
26 I hope that, as had happened in the past, I hope that we've
27 begun to move away from the one-size-fits-all approach that
28 appeared to be guiding the decision making process in the past.

29
30 Today, I would like to reiterate the importance of setting
31 individual catch limits for each island district and not a
32 single one for the U.S. Caribbean. I am concerned that while
33 we're all part of the same region, that as we look at the
34 proposed catch limits of the Virgin Islands that it's going to
35 have greater adverse impact than our neighboring Puerto Rico,
36 even though we're in the same region, and I think we ought to
37 look at the fairness and equity and make sure that there's
38 fairness and equity in the process.

39
40 I hope that we can get an update on whether or not the gillnet
41 ban has had an impact and are we basing this on data prior to
42 the gillnet ban or after the gillnet ban and has it made a
43 difference? Has anyone ever looked at that?

44
45 Each island community is unique with different demands for its
46 fisheries. It's my understanding though that some changes have
47 been made to ensure that the St. Croix, St. Thomas, St. John and
48 Puerto Rico are going to be guided by an annual catch limit

1 specific to our needs and I look forward to hearing the details
2 of this approach.

3
4 I would personally -- I know that there are going to be still a
5 lot of differing opinions and conflicts and some emotion
6 involved in the discussion going forward and I hope that we're
7 going to be able to allow for a very exhaustive discussion about
8 the limits set for St. Thomas, St. John and for St. Croix before
9 the council votes on the final decision in December and even if
10 there's a discussion that's required beyond tomorrow to arrive
11 at a fair and reasonable ACL, I hope that accommodations are
12 going to be made to be able to continue those discussions as
13 long as necessary to get there.

14
15 As I understand it, our local associations are supporting an 85
16 percent instead of a 75 percent in setting the ACLs and I think
17 that that's a reasonable compromise, from not wanting any cuts
18 to going from 75 to 85 and I hope that the council is
19 considering that and really taking into consideration all that
20 you've heard during the scoping meetings and the advisory
21 meetings.

22
23 Once the ACLs are enacted, I'm looking forward to a system being
24 in place for holding everyone accountable. Our fishing
25 community cannot be the only one being held accountable. It's
26 critically important that they be able to access data about how
27 close they are to a catch limit at any given time, for example,
28 so that they can be sure that they remain in compliance. I look
29 forward to hearing from DPNR and NMFS and the council to see how
30 a system would be devised to ensure this.

31
32 I also think that our fishing community is going to need a fair
33 amount of technical assistance moving forward on that data
34 collection system, to make sure that we're getting adequate and
35 accurate data going forward. We don't want to find ourselves in
36 the same situation several years from now that we're in today
37 with data that can still be questioned.

38
39 I had an opportunity to go to Reef Jam this weekend and walk
40 around at the different exhibits and so one of those exhibits
41 was the lionfish exhibit and according to the volunteers who are
42 all volunteers out there, there's been no funding coming, either
43 locally or federally, and so I hope that we can find a way to
44 provide some help.

45
46 They stressed to me, and I'm bringing this message to you, that
47 there's not a need for education anymore or awareness.
48 Everybody is aware. What they need is funding to go out and get

1 those lionfish out of the waters and we're probably reaching a
2 critical time.

3
4 Moving forward, I would like to see a designated liaison between
5 NMFS and our fishing community, in an effort to ensure that the
6 future of fishery management in this region is progressive and
7 not regressive.

8
9 I also hope to be able to work when I'm in Washington, probably
10 not by the end of the year, but with the help of the people of
11 the Virgin Islands when I go back, to establish a marine habitat
12 partnership.

13
14 I probably have talked about that before, whether or not we even
15 enact the legislation that's before Congress now, but I think
16 that that is a way to ensure and support a more collaborative
17 process between all of the stakeholders on our island and I
18 think we'll find that we'll come to a better consensus and we
19 won't have the different sectors opposing each other and so I'm
20 looking forward to a marine habitat partnership or something of
21 that sort, supported by legislation, so that we can have that
22 kind of a process.

23
24 Just this past July, President Obama issued an Executive Order
25 that emphasized the need for comprehensive and collaborative
26 efforts for determining management strategies and called for the
27 need to preserve the social, cultural, and historic value of our
28 fisheries and fishing communities.

29
30 In the spirit of this announcement, I encourage all of us to
31 work towards that more collaborative approach to protecting the
32 U.S. Caribbean's marine resources and while I do recognize and
33 appreciate that there's been a greater attempt to collaborate
34 between the Virgin Islands stakeholders and the council and
35 NMFS, we still are looking to see that the management decisions
36 reflect that collaboration more.

37
38 It's my hope that future efforts demonstrate a stronger
39 commitment to balancing stakeholder input with council
40 priorities and I look forward to working together with you all
41 to seek resolution to the issues before us today and tomorrow.
42 Thank you.

43
44 **WINSTON LEDEE:** Thank you, Donna, for that speech.

45
46 **ROY CRABTREE:** If I could just make one comment, because I
47 noticed Delegate Christensen referred to final action in
48 December, but I think the plan and what's on the agenda is to

1 take final action on this document at this meeting, today.
2 That's up to the council, but that's the way it's scheduled on
3 the agenda and in order for us to meet the timeline of
4 implementation in 2010, obviously we couldn't do that if we
5 waited until December. I just wanted to be clear so there are
6 no surprises to anyone.

7
8 **WINSTON LEDEE:** Our next speaker is from the Pew Trust, Holly
9 Binns.

10
11 **HOLLY BINNS:** Good morning. My name is Holly Binns and I work
12 with the Pew Environment Group, which is the conservation arm of
13 the Pew Charitable Trust. I wanted to start by thanking the
14 council and the staff and NOAA Fisheries staff for all the hard
15 work that has gone into developing this amendment.

16
17 It's been a pretty big job and I think there's been a lot of
18 thoughtful deliberation and a real effort to reach out to
19 stakeholders in the region and get their input and figure out
20 how to take that input and make it part of this document.

21
22 As the Representative mentioned, I think having separate catch
23 limit designations for each of the islands is just one example
24 of how that input has been reflected in this document and we're
25 encouraged by that.

26
27 I think it is important, as Dr. Crabtree mentioned, that we move
28 forward with final action today and not just because there's a
29 legal deadline, but because the longer we wait to put measures
30 in place to end overfishing, which at its core is just removing
31 fish faster than they're able to produce, that's a losing
32 proposition.

33
34 The sooner we take action, the sooner that we can get these
35 fisheries back on the road to recovery and that means more fish,
36 more fishing, and healthier reefs and that means a big benefit
37 for the economy here and so it's important to move forward for a
38 whole set of reasons.

39
40 Specifically, we are very supportive of the preferred
41 alternative that the council has chosen in the document as it
42 stands right now, with the 75 percent reduction for uncertainty.
43 I think one thing to keep in mind is that this is the very
44 minimum buffer for uncertainty that the Southeast Fisheries
45 Science Center recommended to the council and I think that it's
46 important to note that the Act and the National Guidelines say
47 that it's imperative for the councils to follow the advice of
48 their scientific advisors and to rely on the best scientific

1 information available.

2
3 The council, over the course of several meetings, has built a
4 record that would support this level of reduction, whereas there
5 really hasn't been a record built that has a scientific
6 justification for a lower level of uncertainty and so it could
7 leave the council open to potentially having lawsuits filed and
8 it could mean that there are -- There's not just a legal record
9 there and that's a real strong consideration, because I think
10 you want to keep control of what's in this amendment here at the
11 council level. You don't want to have something happen and
12 there's potential for things like the Secretary not to approve
13 it or the Science Center not to approve it and so it's just
14 really important, I think, to keep in mind that you guys control
15 your destiny right now.

16
17 If you continue to follow the advice of your scientists, I think
18 you're on pretty solid legal footing and that's just something
19 that I would encourage you to keep in mind as you move forward.

20
21 I think it's also important to keep in mind that you've heard
22 from a lot of folks who aren't necessarily able to be here
23 today. I know you've heard from over 4,100 citizens and
24 hundreds of them from here in the Virgin Islands and Puerto
25 Rico, urging you to follow the science and follow the laws as
26 you develop these catch limits.

27
28 I know that you've also heard from a lot of important business
29 stakeholders here, folks like the manager of the Buccaneer
30 Hotel, from the Cane Bay Dive Shop and Dive Experience and other
31 businesses here who know that healthy fisheries are critical to
32 their success as businesses here in the region and so we
33 strongly urge you to take into account the input that you've
34 gotten from other stakeholders who couldn't necessarily be here
35 today, but who I think have an important voice and an important
36 role to play.

37
38 I also wanted to mention that we are supportive of moving
39 forward with a program of trap reduction that is based on input
40 from local fishermen here who have a vested interest in that
41 program and so we think it's important for this to be a process
42 where the fishermen are a part of the program and part of
43 developing that program and we just wanted to give you that
44 input. Thank you very much for the opportunity to comment and
45 thank you for your hard work.

46
47 **WINSTON LEDEE:** Thank you, Holly Binns. Our next speaker is
48 David Olsen.

1
2 **DAVID OLSEN:** I have a different view. We're here today to
3 discuss the average landings minus 25 percent. All the millions
4 of dollars that have been spent, the tens of thousands of man
5 hours that have been spent and this is the best the council can
6 come up with. I don't think it is.
7
8 You've got three different areas. You have St. Thomas, where
9 the landings have been nearly constant since the early 1980s and
10 where over the last six years they've been extremely constant.
11 The coefficient of variation for this is 8 to 15 percent and so
12 an ACL at 85 percent would be at the lower levels of the
13 historic fishery.
14
15 You have St. Croix, where there's been an enormous expansion in
16 landings. I question whether that's sustainable, but it's a
17 very different picture than there is in St. Thomas.
18
19 Then you have Puerto Rico. There's abundant literature in the
20 scientific literature about overfishing in Puerto Rico.
21 Appeldoorn, Jerry Ault, Valdés-Pizzini, all have published
22 papers about overfishing in Puerto Rico.
23
24 This is for all of the reef fish groups, the landings, since
25 2000. They've been in continuous decline. This is a log scale,
26 so I could put everything on one thing. Individually, that
27 would be an even higher rate of decline. You have increasing in
28 St. Croix, decreasing in Puerto Rico, and constant in St.
29 Thomas. I don't think that one approach works.
30
31 You take the St. Croix ACL at 75 percent and you say there's a
32 big difference. Also, the St. Croix net fishermen that Toby and
33 his little band had to close down had agreed to a quota of
34 200,000. They had agreed to a quota below what you're putting
35 on the table and so you would have had an opportunity to work
36 with fishermen to manage the fishery, but that didn't happen.
37
38 Parrotfish is not a big thing in St. Thomas and the ACL is going
39 to have a significant but small impact. In Puerto Rico, because
40 it's got declining landings, the ACL is going to be above
41 current landings, so that overfishing in Puerto Rico is being
42 addressed by creating an opportunity for them to expand their
43 catch.
44
45 All of the other reef fish species this will hold true for, if
46 you do the calculations. Overfishing in Puerto Rico is not
47 being addressed at all by the council's actions. This is the
48 impact of the three groups that we have right now. There's no

1 decrease being proposed for Puerto Rico.
2
3 The cost of these decreases in the Virgin Islands is like a
4 million-and-a-half dollars to fishermen and the cost in Puerto
5 Rico is zero.
6
7 We constantly raise the point of discrimination against the
8 Virgin Islands and this is the clearest demonstration that the
9 Virgin Islands is being discriminated against and we're not
10 going for it. You cannot do this. This is against the National
11 Standard. You cannot continue this.
12
13 Now, the next thing is the data that you're using. This is from
14 the study we did in 2005 and 2006 where it's paired, the port
15 sampling and the data on the catch reports. You see for the
16 first couple of groups there's pretty good agreement,
17 triggerfish, grouper and snapper. After that, fishermen are
18 reporting more parrotfish than they land, more shellfish than
19 they land. Lobsters is kind of okay and porgies are kind of
20 okay, but there's a big difference and this is only with twelve
21 groups.
22
23 You have people like Daryl, who actually sorts his catch out
24 every night and weighs it now, but most people don't. They
25 estimate it and now you're proposing a data, quote, improvement,
26 unquote, plan that's going to have fifty groups in it, fifty
27 species.
28
29 When I left here in 1982, I left here and I was Chief Operating
30 Officer for Thompson Management Beeline Seafood. I managed a
31 fleet of two hundred-foot calico scallop trawler processors and
32 twelve primarily longliners, sixty-foot longliners, and four
33 thirty-eight-foot sail-assisted longliners.
34
35 When their catch came in to our place, a fisherman and my sales
36 people watched the scale like a hawk. We got absolute
37 measurements, because we didn't want to give away any money and
38 they didn't want to give away any money.
39
40 There was never any more than five or six species at most in the
41 catch and now you're talking about fifty species. It ain't
42 going to happen. Daryl and Julian have tried to fill out the
43 forms, taking their catches and sorting everything out after
44 five hours out in the water.
45
46 They say it took them two to three hours to do this and it ain't
47 going to happen. You're right back to where you were before,
48 except you've got fifty categories of bad data instead of

1 twelve.

2
3 Another thing is talk about the quality of the data. Let's talk
4 about the Science Center's management of data. This is the TIP
5 data for yellowtail snapper in St. Thomas. Sara is always
6 talking about overfishing and I've done consults in Dominica,
7 St. Kitts, Nevis, Anguilla, the BVI, Turks and Caicos. You can
8 always tell when there's overfishing. There are no big fish.
9 It doesn't take much to see overfishing.

10
11 In St. Thomas, the average sized yellowtail snapper in 2006 was
12 at least the same as it was in 1982. There's no trend there.
13 There's nothing to say that there's overfishing. For the queen
14 triggerfish, the same. I have to give Todd credit for this.
15 The one thing I have learned from him is how to find the bubble
16 chart on Excel. White grunt, the same thing.

17
18 Here's another little issue you have that you're ignoring.
19 There's been a Hind Bank closure since 1995. There's been a
20 hind closure since 1995. When I did the Nassau grouper study,
21 the average sized red hind was down here around 270 total
22 length. It has continually increased and shown in the TIP data,
23 which you're totally ignoring. It has continually increased
24 since then.

25
26 Nemeth's study on the Hind Bank from 1986 to 2008 I guess is the
27 last year, the average size has increased to over forty. That's
28 a huge increase in average size.

29
30 In 1997, when he started the study, there were 7,000 fish on the
31 Bank and in 2008, there was 94,000 fish. The Hind Bank is
32 producing more and more bigger and bigger hind. The fishermen
33 are going to catch those hind and you're going to say it's
34 overfishing, because it's going to go over this quota. You need
35 to be able to incorporate this information into this process.

36
37 Here's another little thing. We're all told to respect the
38 Science Center, because they don't make mistakes. In 2005, we
39 did the MRAG study. These are spiny lobsters. We had 569 legal
40 sized lobsters. It was a bycatch study and so we had bycatch
41 and another couple hundred lobsters.

42
43 You can imagine my surprise when I was at Fish and Wildlife and
44 I queried the TIP and found these data. Somehow they had gotten
45 into the TIP database as 26,000 fish and you couldn't find where
46 there was bycatch.

47
48 If you're Todd or something and you're doing length-based

1 analysis, you're going to see in the TIP data one size when in
2 fact the actual size of the landings is completely different. I
3 first noticed this when I was tracking average sizes over time
4 and I knew what the results were for 2005/2006 and it showed a
5 big decline.

6
7 I sent these data in a database to the Science Center. They
8 weren't sent up as little pieces of paper or anything like that.
9 I have no idea how this got in there. The thing is that I'm
10 sure they can find it and fix it, but they didn't. I found it
11 and fixed it and so there's bad data in the Science Center as a
12 result of Science Center actions.

13
14 Another thing is we're doing trap reduction. Our goal in trap
15 reduction was kind of try and show good faith that we're willing
16 to take some action to improve the fishery and reduce the effort
17 and also at the same time if you reduce the number of traps, the
18 catch per unit effort goes up and in fact, with fewer traps, you
19 can catch more fish that have fewer costs and increase the
20 profit.

21
22 We had our own reasons for it. It turned into a massive
23 confused thing, but -- We looked at the trap hauls, because this
24 is how you measure the number of traps out there, and on the CCR
25 reports, there's four-and-a-half million trap hauls.

26
27 Interestingly enough, Daryl was hauling 843 traps a day in this
28 dataset. Julian was hauling 300. Nobody is hauling that.
29 People maybe on a really big day haul 200, but on the average,
30 they haul 125 to 150.

31
32 We went back to every single fishermen we could find in that
33 list and found out what they were actually hauling during that
34 period. There was two-and-a-half million excess trap hauls in
35 the database and for lobster traps, there was almost 800,000.
36 That's a really significant overestimate of the amount of
37 effort.

38
39 Now, that's bad data entry. Nobody is quality controlling the
40 data, not in Fish and Wildlife and not in the Science Center.
41 It's obvious. Nobody is hauling 800 traps. He's a big guy, but
42 he's not that big.

43
44 We're saying you need to think twice about this. The
45 relationship between the fishermen and the council and NMFS is
46 really bad right now. We're not buying into any of this and
47 ramming 75 percent down our throats when the fishery has been in
48 equilibrium and I don't care what the Science Center -- It's

1 been in equilibrium since the 1980s.
2
3 When there's a hurricane, it comes back to that figure. When
4 they change the mesh size, it comes back to that figure. That's
5 equilibrium.
6
7 We think you need to look at each area separately and you need
8 to address this thing in Puerto Rico. You cannot say there's
9 not overfishing. The scientific literature says there's
10 overfishing and the declining catch says there's overfishing.
11 If you've got some other story there, it needs to be discussed
12 and it needs to be worked through the SSC and it needs to be a
13 real, legitimate ACL for Puerto Rico and not something that has
14 zero impact.
15
16 There needs to be a way to use Virgin Islands data. I say the
17 TIP data can supply a lot more information to this process than
18 has been done in the past and most of the problems with the data
19 are problems that have arisen from Southeast Fisheries Science
20 Center lack of oversight and from mistakes made at Fish and
21 Wildlife and lack of quality control in the data.
22
23 Someone was saying that Todd said the port sampling is a bunch
24 of crap and it needs a complete redesign. Well, I agree. The
25 port sampling program needs design. It needs to be -- You need
26 to address the statistics of it, but that does not mean that
27 10,000 port samples can't be used for something and that 500,000
28 catch reports can only be used for total landings.
29
30 The new data program is going to fail. There's no way fishermen
31 are going to sort through fifty species and weigh them and re-
32 ice the fish on a daily basis. It just ain't going to happen.
33
34 They need to sit down and find out -- Fishermen are willing to
35 do -- I'm surprised at what they are willing to do. It's a lot
36 more than I thought they were willing to do, but they are
37 willing to do something. You need to sit down with those
38 fishermen and not in a room with fifty people where everyone is
39 waiting to have a say, but you need to take a better approach in
40 making a list of every single possible species. You've even got
41 oilfish on the list. How many times has anyone seen an oilfish?
42
43 The port sampling needs design. It can really be improved, but
44 there's a lot of port sampling data. Ruth and those guys have
45 been doing a lot of port sampling and it's increased the length
46 of time. There's information there that can be used and should
47 have been used all along.
48

1 You have got to get the data handling up to the point where
2 you're providing in-season notification to the fishermen. If
3 we've got a 50,000-pound quota in St. Thomas and we're at 30,000
4 pounds in three months, we need to know that so we can start
5 letting parrotfish go.

6
7 This is a partnership. Managing these resources is a
8 partnership and you're not letting your partners have any say
9 over anything and I say in order to do that that you've got to
10 reestablish a working relationship with the fishermen.

11
12 **WINSTON LEDEE:** Thank you, David. Our next speaker is Tom Daly,
13 a fisherman from St. Croix.

14
15 **TOM DALEY:** Good day, everybody. I am Tom Daley, member of the
16 Advisory Committee and Chairman of the Trap Reduction. I'm also
17 a member of the Caribbean Advisory whatever it is, but a
18 fisherman.

19
20 You have heard me from time to time and so I don't want to
21 repeat a lot of things. I'm here in support of the 85 percent
22 reduction and I'm going to give you reasons why it should be.

23
24 For St. Croix, we have just -- The point here is where we are
25 today that a lot of people stop and forget to study. I would
26 have liked to have a graph that I could show, but I don't have
27 one and so I'm hoping that you'll understand what I'm saying
28 here.

29
30 We have just come through a major conservative measure, which is
31 the banning of gillnets. That needs time to recuperate, but
32 where we are on St. Croix is we have so many closures and large
33 closures. We have the national monument. We have that large,
34 oversized area on Lang Bank for one species. That is closed for
35 one species.

36
37 We had taken from us without even a public hearing three miles
38 on the south side by the Coast Guard for a buffer zone for the
39 ships that come in. We are not complaining, because we know
40 it's necessary.

41
42 We have our affluent from Cruzan Rum that runs out to the sea
43 and we have the south side. We are limited in fishing because
44 of the oil residue and whatnot that is over there. We have the
45 Salt River area and that is also closed, some areas to some type
46 of fishing.

47
48 What has happened with the rest of our fishery that everybody

1 goes into the same place? You know what that could do.
2 However, eating habits with the rest of the area, which is St.
3 Thomas and Puerto Rico, makes a difference. While Puerto Rico
4 scarcely eat the bluefish, parrotfish, here in St. Croix it's
5 our number one fish.

6
7 If you were to ask what our favorite food is, it would be fish
8 really, but which species of fish? It's got to be the bluefish,
9 parrotfish, because that's the fish that we eat here. All of
10 that has got to be taken into consideration and with all of
11 these closures that we have, I do think that the 85 percent
12 reduction must be used, because we have to know it's a new not
13 reduction, 85 percent whatever. All of you help me out.
14 Whatever it is, a 15 percent reduction would have to be used.

15
16 I'm saying to the council here, as I have said time and time
17 again, look carefully at that and support the 15 percent
18 reduction. Thank you.

19
20 **WINSTON LEDEE:** Thank you, Tom. Our next speaker is Paul
21 Chakroff.

22
23 **PAUL CHAKROFF:** Good morning and thank you for the opportunity
24 to speak. My name is Paul Chakroff and I'm the Director of the
25 VI Conservation Society. The VI Conservation Society, or VICS,
26 thanks our Delegate to Congress, Donna M. Christensen, for
27 calling for increased collaboration between the Caribbean
28 Fishery Management Council, local and federal regulators, and
29 relevant stakeholders in order to successfully protect the U.S.
30 Caribbean's marine resources.

31
32 VICS also thanks Congresswoman Christensen for encouraging using
33 district-specific data to set annual catch limits for St. Croix,
34 St. Thomas/St. John, and Puerto Rico, rather than a blanket U.S.
35 Caribbean limit that ignores the differences inherent in each
36 island's community.

37
38 VICS thanks the CFMC for affording the opportunity for increased
39 collaboration between local and federal regulators and relevant
40 stakeholders in order to successfully protect the U.S.
41 Caribbean's marine resources and for setting district-specific
42 ACLs for St. Croix, St. Thomas/St. John and Puerto Rico
43 compatible with the requests of the Congresswoman.

44
45 In 1968, Garrett Hardin published "The Tragedy of the Commons",
46 a five-page article in the *Journal Science*. As I prepared this
47 testimony, I reread the classic article for the first time in
48 over forty years and was struck by the currency of the thoughts

1 expressed.

2

3 Hardin discusses limiting overharvesting through appeals to
4 consciousness, legislating for temperance versus prohibition,
5 and persuasion or mutually agreed coercion. Writing forty-two
6 years ago, Hardin does not discuss ACLs, but his principles
7 apply well to our current situation.

8

9 The commons, if justifiable at all, is justifiable only under
10 conditions of low population density. As the human population
11 has increased, the commons has had to be abandoned to one aspect
12 or another and he goes into some detail of the history of the
13 last forty years.

14

15 First, we abandon the commons in food gathering and closing
16 farmland and restricting pastures and hunting and fishing areas.
17 These restrictions are still not complete throughout the world,
18 writing in 1968, and every new closure of the commons involves
19 the infringement of somebody's personal liberty. Infringements
20 made in the distant past are acceptable, because of no
21 contemporary complaints of loss.

22

23 It is the newly proposed infringements that we vigorously
24 oppose. Cries of rights and freedom fill the air, Hardin writes
25 in 1968, and what does freedom mean? Individuals locked into
26 the logic of the commons are free only to bring on universal
27 ruin.

28

29 While we are sympathetic to the cries of the fishermen, we have
30 to consider all Virgin Islanders who benefit from the common
31 fishery. The economic benefits of the reef fishery to the USVI
32 tourism industry are substantial and potentially much greater
33 than currently realized.

34

35 A sustainable fishery and healthy living coral reefs are an
36 essential component of that tourism industry. The connection
37 between sustainable fisheries management and our economy,
38 culture, and preservation of marine-dependent commerce and
39 recreation is well understood by the dive shops, the hotels, and
40 general businesses who have signed an appeal to the CFMC to set
41 annual catch limits, which I have a copy of and I will include
42 as part of my testimony. I'll give you a copy.

43

44 Of even greater importance to the USVI fishery and tourism
45 industries is the security of our coastline. Coral reef
46 structure literally protects coastal communities, infrastructure
47 and other resources from impact of wave action and storm surge.

48

1 Continuous rebuilding of the reef structure is dependent upon a
2 healthy hard coral community. That coral community is under
3 threat from elevated sea temperatures and increased acidity,
4 siltation from poorly managed coastal and upland development,
5 industrial and municipal water pollution, and overfishing,
6 especially of herbivorous reef fish such as the parrotfish.

7
8 The Virgin Islands Conservation Society recognizes the serious
9 threat to marine fisheries, coral reefs and associated habitats,
10 our tourism product, and our coastlines and coastal communities.
11 VICS, the St. Croix Environmental Association, Resource
12 Conservation and Development Council, Environmental Association
13 of St. Thomas and St. John, Coral Bay Community Council and many
14 other non-profit organizations and individuals, as well as
15 public organizations, public agencies, are advocating for and
16 working for the coastal zone management non-point source
17 siltation, industrial and municipal waste discharges, and
18 greenhouse gas air emissions control.

19
20 We will continue to work aggressively on these very serious
21 threats, but that does not relieve the need to keep the pressure
22 on overfishing under the Magnuson-Stevens Act. VICS implores
23 the CFMC to utilize the full authority of the MSA to mitigate
24 impacts of overfishing of our marine resources to the full
25 extent possible. Thank you.

26
27 **WINSTON LEDEE:** Thank you, Paul Chakroff. Next we have Kenneth
28 Mapp, who is running for governorship. He's a candidate to be
29 the Governor of the Virgin Islands.

30
31 **KENNETH MAPP:** Good morning and welcome to St. Croix. I am Ken
32 Mapp, a former Senator and Lieutenant Governor and now a
33 candidate for Governor of the U.S. Virgin Islands. I want to
34 welcome all of you here today and I'm sorry we have a little bit
35 of rain, but I'm sure we're going to be all just fine.

36
37 I've attended several of the Caribbean Fishery Management
38 Council meetings and have listened to a number of VI fishermen
39 and others express their concern on the direction and proposed
40 regulation of the VI fishing industry.

41
42 I've taken an opportunity to attend a number of these meetings
43 and to listen because of my interest in learning and ensuring
44 that the interests of the territory is fully protected. I am
45 here today because we think it is important to express our
46 concern over a number of the issues we hear being proposed and
47 provide some indication of where a new administration would
48 stand on the issues facing the local fishing industry.

1
2 First, I believe that most of us can agree that the Caribbean
3 Fishery Management Council was created to ensure that fishery
4 resources are managed in a sustainable manner for the benefit of
5 all citizens and all generations.

6
7 Second, the 2005 reauthorization of the Magnuson-Stevens Act
8 imposes mandatory deadlines for the council and National Marine
9 Fisheries Service. As time progresses, my constituents are
10 deeply concerned that the council and NMFS has used the period
11 from the reauthorization to the present in not an efficient
12 manner and now with deadlines approaching, the council and the
13 Service are simply trying to dictate management measures in a
14 one-size-fits-all approach, an approach that cannot work, an
15 approach that does not fit the different areas under your
16 jurisdiction.

17
18 As a result, and not unexpectedly, the council finds itself at
19 odds and in conflict with the very fishermen who will determine
20 if the proposed management measures succeed or fail.

21
22 It seems clear to me that the council, with its base in Puerto
23 Rico and having no employees from the Virgin Islands, simply
24 does not understand our situation in the territory. This
25 conclusion is drawn from the very measures being proposed and
26 begs the question, have the Virgin Islands represented itself
27 with sufficient force to address these dilemmas or are our
28 government representatives lacking sufficient experience and
29 knowledge to address these issues?

30
31 This is all going to change when I get elected. Our nominees
32 for council positions will be persons who know the issues and
33 who can be forceful but respectful advocates and our government
34 representatives will have to demonstrate that they clearly
35 understand that successful management must address the unique
36 jurisdiction of concern and be palatable to the individuals
37 affected by the actions being imposed.

38
39 I know that the Virgin Islands is capable of managing its own
40 resources. We should not simply follow the council lead by
41 issuing compatible regulations. I will examine all previous
42 fishery regulations which were issued for purposes of
43 compatibility and I will review whether or not these existing
44 regulations are serving the best interests of the people of the
45 Virgin Islands or creating more harm than good.

46
47 Finally, let me address the issues currently before the council.
48 I want to express my deep concern on how you are approaching the

1 current allowable catch levels. From what I am being told, your
2 approach may be flawed and begs for some reconsideration.

3
4 The idea that a single allowable catch level can address St.
5 Croix, St. Thomas, St. John, and Puerto Rico to me seems a bit
6 unimaginable. Each area is separated by vast quantities of
7 ocean and each area employees different fishing techniques and
8 has a different number of fishermen, have differing market
9 emphasis, has landings which are trending in different
10 directions.

11
12 This tells most reasonable persons that the council and NMFS
13 cannot simply take the easy way out, fail to acknowledge these
14 differences and impose a single allowable catch level approach
15 for the region.

16
17 Is it true that the Virgin Islands data have been summarily
18 discarded? I am told for nearly four decades that Virgin
19 Islands fishermen have been providing catch information under
20 the Service's supervision. Has anyone indicated that there are
21 problems with the data? If so, who and what are the failures?

22
23 Is it true that you have decided to simply discard a million
24 catch reports, over half-a-million catch reports, and over
25 10,000 port sample catches? If you discard this quantity of
26 information, what data will be used to establish allowable catch
27 levels within the U.S. Virgin Islands?

28
29 What impact is data from Puerto Rico going to have on imposing
30 limitations on fishing in the U.S. Virgin Islands? Tell us. If
31 our data is being discarded, what data are you relying on to
32 impose new regulations to meet the deadlines required in the
33 Magnuson-Stevens Act?

34
35 In closing, I would like to state clearly that while I am
36 committed to sustainable development of our resources, I am
37 deeply concerned that the council's proposals do not address the
38 strong cultural ties that Virgin Islanders have for local
39 seafood and the fishermen who supply them.

40
41 I am also taken a bit aback that the council seems unwilling to
42 avail itself to the assistance and opportunity offered by local
43 fishing associations who are committed to sustainable
44 development and who, on their own initiative, are undertaking
45 studies and self management.

46
47 My comments clearly reflect my personal view and, of course,
48 those of many Virgin Islanders. We view the future wellbeing of

1 our resources as a national priority. We are willing to accept
2 assistance, but stand fast on the principle that everyone must
3 be held to account for their actions in their jurisdictions and
4 we cannot and will not accept external and unjustified measures
5 being heaped upon us under the guise that we must meet the
6 deadlines under the Act and simply get this done. Thank you
7 very much for listening.

8
9 **WINSTON LEDEE:** Thank you, Kenneth Mapp. Our next speaker is
10 Julian Magras from the St. Thomas Fishermen's Association.

11
12 **JULIAN MAGRAS:** Good morning to all. My name is Julian Magras
13 and I'm the Chairman of the St. Thomas Fishermen's Association.
14 I'm also a member of the Fishery Advisory Committee for St.
15 Thomas/St. John, an AP member to the council, and also a
16 commercial fisherman.

17
18 I just want to highlight a few points here concerning the ACL
19 document before us. I want to ensure that because of the good
20 fishing practices over many years in St. Thomas, St. John, and
21 St. Croix that the 85 percent allowable catch be given to us
22 through the annual catch limit process.

23
24 We have had several closures, seasonal closures of snappers,
25 groupers, to the MCD, to the monument south of St. John, the
26 two-inch mesh for the traps, which was the best thing that ever
27 happened to the St. Thomas/St. John fishery, and that we be
28 credited.

29
30 We're always hearing that we must give something, give
31 something. For the last twenty years I've been a commercial
32 fisherman, all I've been doing is giving to this council and
33 NMFS, the DFW. I think it's time you guys start to give us
34 back.

35
36 When the SFA was before us, you asked for a 30 percent
37 reduction. We gave you guys a 30 percent reduction. All of
38 those rules were put in place and no studies have been done to
39 see where those rules -- What they have done. Have they helped
40 the fishery?

41
42 Here it is before us again and you want us to take further
43 reductions. I totally disagree with that. I think it's been
44 because we've been submitting data for almost forty years and
45 NMFS and DFW has been collecting this data and they realize that
46 there was mistakes and the data was insufficient for that they
47 needed to reach their levels and they should be held accountable
48 and not the fishermen.

1
2 Why should we be held accountable for providing what was asked
3 of us? That's a big problem. If we've been providing and you
4 guys saw there was a mistake, get up here at this mic or sit
5 down and hold a mic and say, look, we have made a mistake. I
6 have not heard that once.

7
8 At the final document hearing over in St. Thomas, Joe Kimmel was
9 there and Bill Arnold was there and they waited until after the
10 meeting to come and tell me they see mistakes in the document.
11 Why not get on the mic and admit to the fishermen in the room
12 that we have made mistakes? You gain respect by admitting you
13 have made mistakes. The fishermen will give you more respect.

14
15 We've been trying to work with you guys for years and more than
16 ever over the last five years and all we get is negative
17 feedback. You talk good to us and make us promises here and
18 there and then you turn around and hand us a slap in our backs
19 again. It's not happening this time.

20
21 It's time that the Southeast Fisheries Science Center and DFW be
22 held accountable for their mistakes and not the fishermen. If
23 we're going to put annual catch limits in place, the fishermen
24 want a report on a monthly basis and no more than three months.
25 They can do it in a month and every three months, we want to see
26 where we're at.

27
28 We're not going to wait a year or two years down the line and
29 then you're going to tell me that we are so-called overfishing
30 or we have gone over the limit and shut the fishery down.

31
32 Every one of you in here are getting paid to be here today. The
33 fishermen are not getting one cent for being here today. It's
34 mandated by Congress that the stakeholders be present at these
35 meetings. We are here and it's time that the council request
36 from Congress that the stakeholders be paid to be part of this
37 process, because we are losing our livelihoods to attend these
38 meetings all the time. Something needs to be done about that.

39
40 The new data collection form, as was stated by Dr. Olsen and
41 other people -- Mr. Daryl Bryan and myself and a couple other
42 fishermen in St. Thomas took a jab at the catch report form. I
43 can read well and I can write well and it took me two-and-a-half
44 hours to fill out one catch report after fishing for six hours.

45
46 I'm not doing it. Either this group is going to sit down with
47 the fishermen and not thirty-two other people inside a room far
48 away, where not everybody in that room is getting paid except

1 for the stakeholders attending, again. Sit down with the
2 fishermen and we can tell you what we can do and what we cannot
3 do.

4
5 There's ways of getting the information that is needed. It
6 doesn't all need to be collected in one day. NMFS needs to give
7 DFW extra funding to make sure that we can get more port
8 sampling done.

9
10 Port sampling is where you're going to get the correct
11 information, not by having fifty different species on a form and
12 telling me after a full day's work that I must fill it out.

13
14 When we come in from fishing, 85 percent of us, our customers
15 are there waiting to buy the fish. We don't bring it to the
16 market. We dump it out and the people start to buy it. We feed
17 the local people of the Virgin Islands. We don't export
18 anything off of our island. It's all consumed on the island and
19 that needs to be taken into account.

20
21 The conch fishery, at that same meeting at the Windward Passage,
22 I heard them say that they was going to cut our conch for the
23 Virgin Islands because we only harvested 2,500 pounds. Well, to
24 let you guys know, that's territorial waters and we have a
25 50,000-pound quota in territorial waters. The EEZ has been
26 closed to zero. You guys are not touching the 50,000 pounds in
27 our territorial waters and if our government decides that
28 they're going to touch it, then the government will have to deal
29 with the fishermen.

30
31 The Southeast Fisheries Science Center and the Department of
32 Fish and Wildlife needs to try once again. We're not meeting
33 them halfway no more. They're going to meet us this halfway to
34 build a relationship to work with the stakeholders. Get out
35 from behind the desk and get hands on.

36
37 Get out there in the field with the fishermen and see what's
38 going on and learn the fishery. Don't sit down behind a desk
39 and assume what's going on. We know what's going on and when
40 it's going on and how it's going on. Just don't sit down and
41 look at paper and assume overfishing is taking place. Come and
42 find out what is going on.

43
44 We have different tides and we have hurricanes and everything,
45 moons. Everything works by moon phases and tide phases and
46 hurricanes and weather. Scale on the market. School just
47 started and scaled us back and fishermen scale back. Not
48 because there are no fish. This is the best time for fishing

1 for us, but we scale back because there's no market and we don't
2 export. We're asking you guys once again to get involved with
3 what's going on and stop assuming. Thank you.

4

5 **WINSTON LEDEE:** Thank you, Julian Magras. Julian, Roy Crabtree
6 wants to ask you a question.

7

8 **ROY CRABTREE:** Julian, I just want to be -- The AP supported the
9 85 percent uncertainty correction factor and you agree with
10 that, 85 percent? Did I hear that correct?

11

12 **JULIAN MAGRAS:** That is correct, 15 percent reduction and 85
13 percent of our total catch.

14

15 **ROY CRABTREE:** You support the separate ACLs for each of the
16 island groups, so that an overrun in one island doesn't affect
17 what happens in the other? Is that correct? Okay. Thank you.

18

19 I've heard comments about the data collection form and I hope at
20 the break that you guys can get with Bonnie and Todd and talk
21 about the time involved with it, because I hope you guys are
22 talking about that. The folks you need to talk to are here at
23 this meeting and they're hearing what you're saying and
24 hopefully you guys can work some of this out.

25

26 **JULIAN MAGRAS:** It's been a long time and so let's see what
27 happens at this meeting.

28

29 **WINSTON LEDEE:** Thank you, Julian. Our next speaker is Gerston
30 Martinez, fisherman from St. Croix. This is our last speaker.

31

32 **GERSTON MARTINEZ:** Good morning, everybody. My name is Gerston
33 Martinez and I will try to speak as good and as well as all the
34 previous persons who spoke before me. My name is, as I said
35 before, Gerston Martinez. I'm an AP member and I'm also the
36 Vice Chair of the St. Croix Fishermen's Association and I'm also
37 a member of the St. Croix FAC.

38

39 I totally support the AP decision on the 85 percent uncertainty
40 correction. The reason we supported this is because we have
41 given so much to these regulations that have been coming down
42 the past years and we as a group, as fishermen and different
43 organizations, dive industries and recreational fishermen, on
44 the committee at the AP meeting, decided it was more unfair
45 because of all that we have given.

46

47 Overfishing has been an issue that has been going on over and
48 over in these meetings and as Julian said before, we are out

1 there every day on the water and seeing how the seas are and how
2 the fish move and I as a fisherman haven't seen any changes and
3 have always been asking that scientists go out with us so we can
4 show them how it looks out there, because it's easy to just look
5 at papers and say this species is being overfished because the
6 fishermen either stopped recording them on the catch report
7 because they don't agree with certain decisions that the
8 government has taken or certain regulations that have been put
9 into effect and they just stop putting them on the catch report
10 and it makes it look like we are having less and less catches.

11
12 I've been discussing with our FAC, Mr. Tobias and other people,
13 that when you want accurate information for annual catch limits
14 that it's important you make the fishermen, the people who is
15 being targeted in this scenario, that you make them feel
16 comfortable in giving the information to you guys.

17
18 If you're going to keep taking away from us, taking away from
19 our table and taking away from our wallets, because we have
20 bills to pay, then the fishermen hold back in giving information
21 that you guys really need and we do need too. I understand that
22 and that's why I fill out my monthly catch report accurately,
23 but other fishermen don't see this, because they don't really
24 come to meetings and listen to how things are really affecting
25 us.

26
27 I ask that you give us something comfortable that we can see and
28 that we can live with this and we can pay our bills with this
29 and you will see how fishermen are going to work with you guys
30 and give you what you guys need.

31
32 Many studies are being made, conch studies. I haven't seen a
33 parrotfish study yet, but when you work in corroboration with
34 fishermen, I believe you will get 100 percent information and
35 you will see how maybe -- I don't say that we are wrong and I
36 don't say you guys are wrong. Only God knows, but just point it
37 at fishermen, because fishermen have to protect themselves and
38 everything is our fault.

39
40 We don't know if it's because of the decline of the diadema in
41 the reef or the decline -- I've seen how they move on the bottom
42 and when the white one, the white sea urchins, move on the
43 bottom, they can eat a foot of sea algae just passing through
44 there.

45
46 You will go there this week and next week you come back and
47 there's nothing. There's just white dead sea urchins and I've
48 noticed that in the deeper waters that these diademas, the white

1 sea urchins, are not present. I don't think it's fair for
2 anybody to sit down behind a table or far away in the States and
3 decide that the reef is in decline because of overfishing.

4
5 As the scientist said before, when overfishing is determined is
6 when you see less and less of the bigger species, the bigger
7 parrotfish, and we have an abundance and a constant size in our
8 parrotfish species. I haven't seen the smaller ones in
9 abundance greater than the bigger ones. We see the same amount
10 of numbers.

11
12 A true fact of knowing what's really going on out there is that
13 species do move from certain areas and maybe when you come to do
14 a story or when the tourists come to dive in the Virgin Islands
15 -- I will speak off of St. Croix and I don't know about St.
16 Thomas, but where tourists are being carried is right in front
17 of -- and they have all those dirty waters that are being pumped
18 there and I've seen it for myself.

19
20 When that water is being pumped out, no species are there. They
21 just move because of probably the chlorine or the junk that's
22 being pumped out. The fish move out, but you cannot keep
23 blaming fishermen for something that the government and these
24 huge industries have been doing to the reefs.

25
26 I think it would be fair that we get an 85 percent uncertainty
27 correction because of how the data have been collected and how
28 it has been managed.

29
30 I've been asking questions and a hundred percent of our forty
31 years of multi-catch reports were not used in these formulas
32 because they didn't understand how we fish. They believe that
33 we go out there and we only target one species and we don't. We
34 target different species and we only fish out of twenty-five-
35 foot vessels and we target whatever we find out there, lobster
36 or conch fish, the same day. We don't just go out and do one
37 type of fishing.

38
39 I don't want to add more just so I don't mess up what I said
40 before, but consider being fair when you make decisions on
41 fishermen, because it's our livelihood and we do pay bills too
42 and we have to do an honest living to support our families and
43 if you keep taking away from us and not giving -- We don't ask
44 anything of you. Just be fair with your decisions and let us
45 continue providing what we produce, the fish that we produce for
46 these islands to feed the community of St. Croix, because this
47 island is an island that mostly eats fish.

48

1 A lot of people here don't like red meat and a lot of people
2 here don't like to eat chicken every day. People just go and
3 choose different fishes because they say each fish has a
4 different taste and every day we see the same people coming over
5 and over and buying fish, just because that's what they like to
6 eat for fish, local-caught fish. Thank you.

7

8 **WINSTON LEDEE:** Thank you, Gerston.

9

10 **EUGENIO PIÑEIRO:** Thank you, Gerston. Thank you, Winston. I
11 want to thank each and every one of the public comments made by
12 all of you before we go to lunch. I want to, on behalf of the
13 council, let you all know that for us we don't want this to be a
14 biological success and a socioeconomic failure.

15

16 The council is very much aware of its responsibilities and for
17 us, we want this to be a biological success and a socioeconomic
18 success. We're with you and we know you're there and please
19 join us at 1:15 so we can continue our work. Thank you so much.

20

21 (Whereupon, the meeting recessed for lunch on September 7,
22 2010.)

23

24

- - -

25

26 September 7, 2010

27

28 TUESDAY AFTERNOON SESSION

29

30

- - -

31

32 The Caribbean Fishery Management Council reconvened at the
33 Carambola Beach Resort & Spa, St. Croix, USVI, Tuesday
34 afternoon, September 7, 2010, and was called to order at 1:15
35 o'clock p.m. by Chairman Eugenio Piñeiro.

36

37 **EUGENIO PIÑEIRO:** Good afternoon. We are waiting for Denise
38 Johnson, but she hasn't arrived yet and so we're going to start
39 with the ACL process. Is Phil prepared to do the presentation?
40 Then let's go for it.

41

42 **PRESENTATION ON U.S. CARIBBEAN AREAS AND POPULATIONS PROFILED**
43 **FOR THE 2010 ACL AMENDMENT**

44

45 **PHIL STEELE:** Thank you, Mr. Chairman. I apologize that our
46 social scientist isn't here yet, but I'll try and wing it as
47 best I can. Also, a lot of the information we have contained in
48 this report is taken right directly from Dr. Kojis's information

1 and so if there are any in-depth questions that I can't answer,
2 which are probably most of them, Dr. Kojis is here and I'm sure
3 she'll be happy to help us out.

4
5 What we're trying to do here today is present you with some
6 background information that you may want to consider if you
7 choose to decide and designate fishing communities.

8
9 The outline of the presentation is we'll have five areas. We'll
10 look at some mandates to consider for determining the affected
11 populations. We'll look at the U.S. Caribbean population as a
12 whole and then we'll look at the three areas: St. Croix, St.
13 Thomas/St. John, and Puerto Rico.

14
15 Some of the mandates we have to look at these under NEPA, the
16 National Environmental Policy Act, looking at racial and ethnic
17 minorities, low income populations and so forth, and also, under
18 the Magnuson-Stevens Act, direct provisions for examining
19 fishing communities.

20
21 Under NEPA and Environmental Justice, and you can read as well
22 as I can, the EPA considers a disproportionately high and
23 adverse effect or impacts to be that and there are 1 and 2. I
24 can go back to this if you care to read it.

25
26 Looking at the U.S. Caribbean population in general -- Again,
27 this is from the census of 2000. Of course, we don't have the
28 2010 data yet. Looking at race, 79 percent are white and 10
29 percent are black or African American. Looking over at our
30 Hispanic or Latino, 95 percent are either Hispanic or Latino.

31
32 The U.S. Caribbean population in poverty and not in poverty,
33 it's 52 to 48. I think there is a monetary designation with
34 this and I don't remember what it is. Dr. Kojis may be able to
35 provide us what it is, what the household level is to decide
36 what the poverty levels are.

37
38 Population affected in the proposed ACL Amendment, you know
39 we're dividing the ACL up into those three areas, St. Croix, St.
40 Thomas/St. John, and Puerto Rico. That's what is being proposed
41 and so we're looking at this, the Caribbean population segments.
42 I've divided that similarly and so we'll have some basis to work
43 with.

44
45 Racial populations of the island areas, we go over and we can
46 look at -- Throughout the presentation, the colors will be the
47 same. St. Thomas/St. John will be in green and St. Croix will
48 be in red and Puerto Rico will be in yellow and you can see the

1 racial distributions here. St. Thomas/St. John, about 42,000
2 and St. Croix it's about 35,000 are black or African-American.
3 Puerto Rico, you come over and it's about almost three million
4 are white.

5
6 On the census form itself, they ask you to designate your race
7 and on the census form, for whatever reason, that's how it comes
8 out, or white. They don't ask you about if you're any other
9 race other than that, black or African-American, or two or more
10 other races.

11
12 Hispanic/Latino populations of the islands, again, St.
13 Thomas/St. John, about 50,000 are not Hispanic or Latino and a
14 smaller population are Latino and, of course, in Puerto Rico, we
15 have almost the entire population of 3.5 million are Hispanic or
16 Latinos.

17
18 Poverty rates on the islands, you can look at those that are in
19 poverty and it's somewhere, for St. Thomas/St. John and St.
20 Croix, we're around the 40 percent for the St. Croix and St.
21 Thomas/St. John are a little bit lower than that and Puerto Rico
22 is a little bit higher, at about 42 percent that are in poverty.

23
24 Annual commercial landings, as can be expected, the highest
25 commercial landings, in 2000 anyway, were with Puerto Rico, with
26 St. Thomas/St. John and St. Croix almost evenly divided for 1990
27 to 2000.

28
29 Per capita annual landings, this is landings per person, pounds
30 are on the left-hand, with St. Croix in 2000 leading it, of
31 course. I think that is distribution of the numbers. The
32 population is smaller in the fishery and so you can give it more
33 per person, followed by St. Thomas/St. John and then Puerto
34 Rico. Because of its very large population, your per capita
35 landings would be smaller.

36
37 Racial/ethnic characteristics of the islands, again, we look at
38 St. Croix and you can see it is Hispanic and St. Thomas/St.
39 John, you can see the divisions there and it's French. These
40 are percent of commercial fishermen. St. Thomas and St. John,
41 of course, is a high percentage of French, black French, white,
42 or East Indian.

43
44 Now some good stuff, U.S. Caribbean commercial fishermen by
45 island. We're led by Puerto Rico, with a little over 800. This
46 is 2008 numbers, by the way. St. Croix is down to about 200 and
47 St. Thomas/St. Johns is around 150 or 160.

48

1 Percent of household income from fishing sources, there's some
2 interesting trends here. St. Thomas/St. John is right there
3 with Puerto Rico, with 51 to 100 percent of the households
4 depending on fishing, where in St. Croix it's about 55 percent
5 of the fishermen get 100 percent of their incomes from fishing.
6 This is Dr. Kojis's work of 2004.

7
8 Targeted species, as you can see, divided up in these big four
9 areas of reef fish, deepwater snapper, conch, and lobster,
10 percent commercial fishermen is on the left. In St. Croix, of
11 course, the reef fish lead and in St. Thomas/St. John being the
12 second. Reef fish seem to be the big capture on those two
13 areas, coming down to deepwater snapper, conch, and lobster.

14
15 We'll go to the individual islands and I'll try to give you a
16 little bit of information on each one. Where do Cruzan
17 commercial fishermen live? There's some interesting information
18 here. I hope you can see this, but basically, the bigger the
19 circle, the more the fishermen.

20
21 The interesting thing here is you can see an arch from the
22 western tip, southwestern tip, all the way across to the
23 northeast tip and see the lack of a lot of fishermen along this
24 coastal area on the south and there's a reason for this.

25
26 Increased tourism results in increased land demand in the 1950s
27 to the 1970s and increased immigration resulted in increased
28 demand for goods and services, which increased the cost of
29 living and property taxes. I think the whole thing here, what
30 it's indicating, is a lot of people moved out from the coast and
31 back inland, for a lot of the reasons, property taxes and so
32 forth.

33
34 This development of fiberglass boats and outboard motors I
35 thought was pretty interesting. What Denise has told me is that
36 it makes it easier to trailer these vessels. You don't have to
37 live right on the coast to have your vessels. I guess that's
38 true and it makes sense to me. You can actually trailer these
39 vessels from an inland area back to the coast, which was very
40 expensive to live on in the first place, and still conduct your
41 fishing activities.

42
43 St. Croix's fishermen targeted species, I don't have to tell you
44 this, reef fish being number one and deepwater snapper number
45 two, all the way down to whelk at 4.7 percent. These change.
46 Keep an eye on these. You will see some changes in these from
47 St. Thomas/St. John to St. Croix and Puerto Rico.

48

1 Just some ancillary information that we had. In 2003, there
2 were 217 licensed commercial fishermen with 225 boats. You can
3 read the landings sites and see there's about four fish markets
4 with fifteen employees.

5
6 Also, the last line, some full-service and eating
7 establishments, there's a lot of them in each of the areas. We
8 didn't really want to try and put a number on them, as they
9 change daily, but the fact of the matter is that the local
10 establishments for cooking and preparing food and serving the
11 public are quite substantial in all the island areas.

12
13 St. Croix recreational fishermen, we don't know where they live.
14 Probably everywhere. There's 566 recreational fishing boats,
15 but strangely enough, only twelve of them have registered for
16 the National Angler Registry.

17
18 St. Thomas/St. John, where do St. Thomas/St. John commercial
19 fishermen live? Again, the bigger the circle, the more the
20 fishermen. As you can see on the north side of the island,
21 there's quite a few fishermen there and coming down to
22 Frenchtown on the south side of the island. There's fishermen
23 there and all the way over on the east end there's some. The
24 west end, not very many. St. John, they're scattered, of
25 course, Cruz Bay and Coral Bay, with none in the central part,
26 as that's a national park.

27
28 St. Thomas/St. John fishermen's targeted species, reef fish,
29 again, lead the list. Coastal pelagics are up there and
30 deepwater snapper are way down on the list as compared to St.
31 Croix.

32
33 Again, the same kind of information for St. Thomas/St. John, the
34 number of licensed fishermen in 2003. It increased in 2008
35 substantially. The landings sites, you well know where they're
36 at. The number of fish markets and employees, there were
37 fifteen in 1998 and the number of dive shops and employees and,
38 again, the same full service and limited service eating
39 establishments that I talked about in the previous slide for St.
40 Croix.

41
42 St. Thomas recreational fishermen, again, we don't know exactly
43 where they live. Mateo suggests there's up to 150 offshore
44 recreational fishing vessels. Again, maybe it's the same twelve
45 guys registered for the National Fishing Registry.

46
47 Puerto Rico, where do Puerto Rico commercial fishermen live?
48 North, south, east, and west, primarily on the west coast. This

1 is the percent of household incomes. The west coast is
2 depending on fishing. The west coast certainly leads it, with
3 61 percent, all the way down to 1.5, but all of them, you can
4 see, a little less on the north coast, but the east, west, and
5 southern coasts certainly are highly dependent upon fishing.

6
7 The targeted species are reef fish, again. Deepwater snapper
8 are back up in there and ornamentals are there and gobies.
9 Here's the same kind of information, just orders of magnitude
10 larger. 875 active commercial fishermen with 690 vessels and a
11 number of fish markets and a number of charterboat industries.
12 There's a lot of dive equipment, a lot of dive shops, and,
13 again, this same number of full service and limited service
14 restaurants exist throughout the islands.

15
16 Puerto Rican fishermen, recreational fishermen, where do they
17 live? We're not sure, but we had 582 out of almost four million
18 people register for the National Angler Registry, which is
19 pretty good.

20
21 Just a brief summary, and I know I've kind of gone over this
22 kind of quickly, but the U.S. Caribbean population and island
23 areas are characterized by a high percentage of racial/ethnic
24 minorities and high poverty rates. We saw that.

25
26 Island area populations and their fishing populations differ
27 racially and ethnically. People catch different things. Puerto
28 Rico has the highest annual commercial landings. St. Croix and
29 St. Thomas/St. John have substantially higher per capita annual
30 commercial landings than Puerto Rico. Population size has a lot
31 to do with that.

32
33 A larger percent of the St. Thomas/St. John and Puerto Rican
34 fishermen are more dependent on fishing for their households,
35 but a larger percentage of St. Croix and St. Thomas/St. John
36 fishermen target reef fish and deepwater snapper than Puerto
37 Rican fishermen and last, but not least, I think the
38 significantly larger percent of St. Croix fishermen target
39 conch. That's it. I know I was kind of quick and I would be
40 happy to answer any questions that I can.

41
42 **MARCOS HANKE:** Thank you for the presentation. Back on the
43 slide for Puerto Rico where you had the list of species there,
44 on the previous slides for St. Croix and for St. Thomas, you had
45 coastal pelagics and I just want to understand the data. Where
46 coastal pelagics are there, a group of each percentage is
47 applied to them? You have pelagics there and does that include
48 coastal pelagic and HMS?

1
2 **PHIL STEELE:** I don't know. To tell you the truth, I don't
3 know. I can find that out, Marcos, and let you know, but I'm
4 not sure.
5
6 **MARCOS HANKE:** For me, that's very important to know and on the
7 next slide, nine establishments in the charter and partyboat
8 industry and is this permits or charter operators? I don't
9 understand what you're referring to.
10
11 **PHIL STEELE:** These are business entities that reported to the
12 county business patterns and that's what they got and so I guess
13 they're established businesses.
14
15 **MARCOS HANKE:** Reported to the Puerto Rican government or to the
16 U.S.?
17
18 **PHIL STEELE:** To the Puerto Rican government, as I understand
19 it. It's 2008 county business patterns. Barbara, does that
20 sound familiar to you?
21
22 **BARBARA KOJIS:** That's not part of my research.
23
24 **MARCOS HANKE:** I need some clarification on that because the
25 numbers don't fit well. You made an observation about how
26 dependable the deepwater snappers are for each community and you
27 say that for Puerto Rico they're less dependent on deepwater
28 snapper?
29
30 **PHIL STEELE:** Yes. The larger percentage of St. Croix and St.
31 Thomas/St. John fishermen target reef fish and deepwater
32 snapper. A larger percentage target them, and that's the
33 information, than Puerto Rico.
34
35 **MARCOS HANKE:** Do you have a table showing that?
36
37 **PHIL STEELE:** Let's go back. Deepwater snappers, 72/4, 72/52.
38 St. Thomas/St. John, deepwater snappers, 4 percent. If that's
39 an error, then I'll ask Dr. Johnson about that. Then we go back
40 to this one and deepwater snapper in St. Croix was 42 percent.
41 I guess it would be nice if we had them all up there, but let me
42 clarify and make sure that we're right on that. It seems like
43 the one in Puerto Rico is an error. Anything else?
44
45 **MARCOS HANKE:** No, I'm finished. Thank you.
46
47 **WINSTON LEDEE:** You said that from 2003 to 2008 that we had an
48 increase in fishing licenses and we had a moratorium for the

1 last eleven years on licenses.

2
3 **PHIL STEELE:** Is that right, 160? Am I in the right place, St.
4 Thomas/St. John? This is the information that we obtained that
5 Dr. Johnson gave me and so if that is in fact in error, we'll
6 check that. I wonder how that did happen if you had a
7 moratorium for eleven years. That's interesting. We'll check
8 it out.

9
10 **WINSTON LEDEE:** While you're still on the same slide, those
11 fifteen fish markets in St. Thomas, are you sure that's not just
12 sites where fishermen sell their catch and actual fish markets?
13 I don't think they have fifteen fish markets.

14
15 **PHIL STEELE:** Again, all I can site is the reference that Dr.
16 Johnson has, the 2007 economic census, and what the definition
17 of a fish market is, I don't know, but I suppose it would be
18 more than just someone selling it on the side of the road. I'll
19 add it to my list.

20
21 **MIGUEL ROLON:** There's a lot of development in the last six or
22 seven years, but this information gives us a trend or some
23 indication, but at least the percentage of the snapper grouper
24 fishery complex is increasing in St. Thomas/St. John. Fishermen
25 are telling me that there are more people dedicated to the
26 snapper fishery and so certainly this is a good start that
27 should be updated whenever possible to get that information, but
28 I believe that the trends are there, at least the difference
29 between the three areas, geographical areas.

30
31 **BARBARA KOJIS:** I would just like to mention that in St. Croix
32 that you need to look at the rationale for why people are not,
33 fishermen are not, based on the south coast of St. Croix. That
34 south coast of St. Croix is an industrial area and so a lot of
35 that area is off limits to people having a house and the
36 southwestern part of the south coast as well is fairly -- The
37 offshore area is fairly shallow, with wave action and so on, and
38 so it's not a practical place to put your boat in, for the most
39 part.

40
41 There are other reasons why people are not located on that
42 southern coast. Some of it is the high prices for some areas,
43 but a lot of the area is just off limits to housing.

44
45 **EUGENIO PIÑEIRO:** No more comments? Thank you, Phil.

46
47 **PHIL STEELE:** Sure and I'll follow up on these other questions
48 and get back to you folks.

1
2 **EUGENIO PIÑEIRO:** Thank you so much. The next item on the
3 agenda is the Final Action on the ACL Amendment.
4

5 **FINAL ACTION ON AMENDMENT 2**
6

7 **MIGUEL ROLON:** What the staff has done, with the help of the
8 Southeast Regional Office, is that we have -- Graciela and Joe
9 have put together a presentation with all the preferred
10 management measures and all the comments received during the
11 public hearings and after the public hearings, those comments
12 that were received in written form at the office.
13

14 Some of the management measures are easy to discuss because
15 everybody agrees with them. Others, we have to discuss it
16 further. I was asked during the coffee break about the final
17 action versus the end of the year and essentially the process
18 calls for final action now, but if we receive anything from the
19 public hearings that merits some discussion, even taking it to
20 public hearings again, the process provides for that to happen.
21

22 The deadline of 2010 is set by Congress and we need to supply
23 the Secretary of Commerce a document with the management
24 alternatives that will be considered by the Secretary and then
25 the Secretary decides whether it's approved or not. Once it's
26 approved, then in 2011 it will be implemented as management
27 measures.
28

29 The other thing, Mr. Chairman, that we recommend is that we go
30 slowly and make sure that we cover all the comments received and
31 if you have any questions regarding the comments, then Graciela
32 and/or Joe can support it.
33

34 We only include the comments that are germane or directed
35 towards the management measures. At the public hearings, there
36 were comments that didn't have anything to do with the public
37 hearing process to address it. Those are included in the CDs
38 that we gave you. Each one of you has some extra copies, but if
39 you need more copies, we can send it you. On the CD, you have
40 all the comments received pertinent to the public hearings or to
41 the management measures and all the other comments that were
42 just comments.
43

44 In addition, you have the documents that are being considered,
45 which is the ACL draft, and in front of you, also you have a
46 draft of the management regulations. This draft is supposed to
47 be in front of you, according to the policies established,
48 before you take final action.

1
2 Anik Clemens from the regional office is here. She's the one
3 who put together these regulations and so the point is that
4 these are not made in concrete. If we need to change it because
5 of your actions today, she's here to illustrate how this would
6 be changed and make sure that the essence of the council
7 directive is included in the language that we are going to have
8 finally submitted to the Secretary for the consideration. Mr.
9 Chairman, now Graciela can open the presentation.

10
11 **GRACIELA GARCIA-MOLINER:** We do have available a complete
12 presentation based on all of the alternatives that are presented
13 in the July 1 public hearing draft. However, we're going to
14 concentrate the presentation on the preferred alternatives that
15 were taken by the council to the public hearings and all the
16 comments received specifically dealing either with the preferred
17 alternatives, new alternatives that were added, or selected
18 alternatives by the public at the public hearings.

19
20 Everything that you're going to see is a citation from the
21 letters, emails, et cetera that we have received at the council
22 office or at SERO and just to remind you at the public hearings,
23 a brief presentation of what annual catch limits are and AMs are
24 was presented to the public in English in the Virgin Islands and
25 in Spanish in Puerto Rico.

26
27 At that meeting, there was a brief presentation of what it meant
28 that the council needed to do and what the alternatives were.
29 This is the turnout that the council had at the public hearings.

30
31 They were held in San Juan; St. Croix; Fajardo; St. Thomas;
32 Ponce; Rincon. As you can see, the range at these was from zero
33 to thirty-three. Please note that the council has forms that
34 people fill out when they come to the public hearings and so
35 that's how many forms were delivered back to the council staff.

36
37 When you see the little stars here, these are the
38 representations of the various fishing associations and so it's
39 not one person that is represented, but it's the complete
40 association, the numbers of which we don't have at the moment,
41 but the Rincon Commercial Fisher Union was represented by its
42 President, Mr. Nelson Crespo. The St. Thomas Fishermen's
43 Association was represented by the chief scientist and
44 President, Julian Magras, and the St. Croix Commercial
45 Fishermen's Association was represented by the President, Mr.
46 Edward Schuster, and Vice President Gerston Martinez.

47
48 We had so many deponents. They are on the right-hand side of

1 the little table and so many written comments delivered at the
2 public hearing and then submitted to the council as of the date
3 when the presentation was made. That's how many we had.

4
5 **JOE KIMMEL:** I just wanted to add too that in addition to the
6 public hearing draft document that we provided at all the public
7 hearings that we also supplied a couple of brochures that tried
8 to simplify what we were trying to do, just so the fishermen or
9 the general public wouldn't have to read the entire amendment to
10 get there.

11
12 We also provided the annual catch limit and accountability
13 measure and this is basically a summary of all the actions and
14 alternatives that were there. The attempt for this extra
15 paperwork was to provide a sort of shorthand approach to
16 understanding what we were going to be dealing with the annual
17 catch limit and accountability measures in the U.S. Caribbean.

18
19 **GRACIELA GARCIA-MOLINER:** The brochures were also mailed and
20 distributed in English and Spanish, including the Federal
21 Register section on what the alternatives were. What we're
22 going to do now is we're going to go through the actions and the
23 preferred alternatives and after each slide, or within the same
24 slide, there are the agreements and disagreements and the
25 reasons why are going to be cited on the screen and there is an
26 empty slide for the council to discuss each of the actions and
27 alternatives separately.

28
29 Action 1, which is to amend the stock complexes in the Reef Fish
30 Management Unit, including the Action 1(a) for the grouper
31 complex -- For the record, Action 1(a), grouper complex, reads
32 Alternative 2, which was the preferred alternative by the
33 council, separate Grouper Unit 4 into Grouper Unit 4, yellowfin,
34 red, tiger plus black grouper, and Grouper Unit 5, yellowedge
35 and misty grouper. Move creole-fish from Grouper Unit 3 into
36 the data collection only unit and no specific management
37 measures for the species.

38
39 Basically, everyone that submitted a specific comment to this
40 action agreed with the preferred alternative of the council. On
41 the screen, you will have the areas where the comments came
42 from. From Rincon, there were two deponents, or two written
43 comments, the St. Croix Commercial Fishermen Association, the
44 AP, and a commercial fisherman from also the west coast of
45 Puerto Rico.

46
47 Action 1(b), the snapper complex, the preferred alternative,
48 Alternative 2, reads modify the Snapper FMU by adding cardinal

1 snapper, *Pristipomoides macrophthalmus*, to Snapper Unit 2, SU2,
2 and moving wenchman, *Pristipomoides aquilonaris*, into Snapper
3 Unit 1.

4
5 Again, all the comments we received were in agreement with the
6 modification. This is what the new FMUs would look like. This
7 is the current and basically what I just read is what you have
8 on the right-hand side.

9
10 **MIGUEL ROLON:** The slide that Graciela mentioned is this one and
11 what we want to hear from the council is whether you reaffirm or
12 not on each one of the actions and so we will need a motion
13 after each section that is presented by Graciela and during
14 that, you make the motion and then you discuss it. You may
15 discuss the comments received before.

16
17 As you will see, some of the other alternatives are not as
18 agreeable as this one and so that's the procedure that we have.
19 You may change it if you want, but we want to make sure that
20 when we get out of here that you will have all the motions that
21 you believe are pertinent.

22
23 In addition, we are going to post this on the webpage. This
24 will be posted on the webpage so anybody from the public or
25 people here want to have a copy, they will have a copy. In
26 addition, we can send a CD with all the documents received to
27 anybody who wants it.

28
29 **MARCOS HANKE:** To keep the process moving, because we're all in
30 agreement with everything, can I start making the motions on the
31 already presented issues? I would like to do so. To make it
32 more simple for my motion, Graciela, will you go over the
33 numbers and actions that I can read and refer to the record?

34
35 **GRACIELA GARCIA-MOLINER:** I'll read them. Action 1, which is
36 Section 4.1, to amend the stock complexes, has two actions,
37 Action 1(a) to amend the grouper complex and Action 1(b) to
38 amend the snapper complex. That constitutes Action 1.

39
40 **MARCOS HANKE:** I so move the language.

41
42 **ROY CRABTREE:** You only need a motion if you're going to change
43 preferreds. If you're not going to change it and you're going
44 to leave the preferred, then you don't need to do anything.

45
46 **MARCOS HANKE:** Then the process is to stay with the preferred
47 alternatives.

48

1 **SHEPHERD GRIMES:** I apologize if this has been in there all
2 along and I've missed it, but the option to move the species
3 into the data collection only category doesn't get you out of
4 the requirement to have an annual catch limit specified for it.

5
6 The guidelines say you have an ecosystem component
7 classification and then you really have everything else.
8 Everything else is considered to be in the fishery and if it's
9 in the fishery, it needs either a species-specific ACL or it
10 needs to be in a complex covered by an ACL.

11
12 My recollection was that before we were just talking about
13 moving some things around and not classifying things as data
14 collection only. By saying this, I don't mean that you have to
15 do something immediately, but down the road, at least, we'll
16 need to address this problem, because you will have species that
17 you designate as data collection only and they will not be
18 covered by an annual catch limit.

19
20 **ROY CRABTREE:** Shepherd, we can fix this or deal with this in
21 the next ACL amendment?

22
23 **SHEPHERD GRIMES:** I think so, yes. These are not overfished
24 species, correct?

25
26 **ROY CRABTREE:** We only have groups classified and not individual
27 species and so we're okay to worry about this in the next
28 amendment?

29
30 **SHEPHERD GRIMES:** I think so, yes.

31
32 **EUGENIO PIÑEIRO:** We are going to adopt and, Roy, correct me if
33 I'm wrong, but Marcos doesn't need to make a motion?

34
35 **ROY CRABTREE:** No. If you want to change preferreds, then you
36 need a motion or if we have actions where we don't have a
37 preferred, then you'll need a motion, but if you're satisfied
38 and want to stay with the preferreds in the document, then you
39 don't need to do anything.

40
41 **EUGENIO PIÑEIRO:** Is the council in agreement that we want to
42 stay the way it is? Shepherd, do you want a roll call vote on
43 this one? No? We don't need to vote then and so the council
44 adopts Action 1.

45
46 **MIGUEL ROLÓN:** No, you have two ways of doing this. We can have
47 a motion on every one of them and that's the way it used to be
48 in the past, but now what Roy and Shepherd are doing, this is

1 easier and faster, because you are already -- From the comments
2 received, you don't have any reason to change your preferred
3 alternative and then you move on and then when we get stuck in
4 one of them, then you have the motion and the discussion.

5
6 **EUGENIO PIÑEIRO:** That's fine and much easier. Okay, Graciela.

7
8 **GRACIELA GARCIA-MOLINER:** Action 2 refers to the management
9 reference points. Action 2(a), Snapper, Grouper, and Parrotfish
10 Complexes, the preferred alternative by the council, Alternative
11 2, reads: Redefine management reference points or proxies for
12 the snapper, grouper and/or parrotfish complexes based on the
13 longest time series of pre-Comprehensive SFA Amendment catch
14 data that is considered to be consistently reliable across all
15 islands.

16
17 This received various degrees of agreement and disagreement,
18 including agreement from Rincon and Puerto Rico, and opposition
19 to Alternative 2(e), which is the scaler. I will put on the
20 screen what the table of the preferred alternatives looks like.
21 That's what you have here.

22
23 This is the alternative that considers the MSY proxy as the
24 average annual commercial catch from 1999 to 2005 for Puerto
25 Rico and St. Croix and from 2000 to 2005 for St. Thomas/St.
26 John. It was the average annual recreational catch from MRFSS
27 during 2000 to 2005.

28
29 In addition to that, you had a preferred Alternative 2(b) which
30 refers to the OFL equals the MSY proxy and overfishing occurs
31 when annual catches exceed the OFL unless NMFS Southeast
32 Fisheries Science Center, in consultation with the Caribbean
33 Fishery Management Council and its Scientific and Statistical
34 Committee, determines the overage occurred because data
35 collection monitoring improved rather than because catches
36 actually increased.

37
38 In addition to that, there is a Preferred Alternative 2(e) which
39 sets the optimum yield equal to the annual catch limit equal to
40 the overfishing limit times a 0.75 scaler. That was the
41 preferred alternative taken to the public hearings for snappers,
42 groupers, and parrotfish and Alternative 2(h), also a preferred
43 alternative, where the optimum yield equals the annual catch
44 limit equals zero for Grouper Units 1 and 2, the Nassau and the
45 goliath groupers, midnight parrotfish, blue parrotfish, and
46 rainbow parrotfish.

47
48 For this, you received quite a number of specific comments to

1 the alternative, including from the St. Thomas Fishermen's
2 Association. There were a series of emails and the deposition
3 that was given at the public hearings, which state that it must
4 be made clear in writing as part of the document that islands
5 will be separated in sectors for setting the ACLs, St.
6 Thomas/St. John, St. Croix, and Puerto Rico.

7
8 Once this has been done, the STFA wants 85 percent of its
9 landings as the ACL, due to the averages running the same over
10 three decades, with very little to no change.

11
12 In this case, their preferred alternative that they're
13 presenting to the council is this one here, Alternative 2(d),
14 the optimum yield equals the annual catch limit equals the
15 overfishing limit times 0.85.

16
17 In addition to that, you heard from the Advisory Panel this
18 morning and they recommended to the council also this
19 alternative, that the optimum yield be equal to the annual catch
20 limit equals the overfishing limit times 0.85 for snappers,
21 groupers, and parrotfish.

22
23 They do support the 2(h), which is the annual catch limit of
24 zero, for the Grouper Unit 1 and 2 and the three larger
25 parrotfish. They had recommended that the recreational fishers
26 -- That is for the Virgin Islands. The three parrotfish would
27 have an ACL equal to zero for the U.S. Virgin Islands. For
28 Puerto Rico, however, they recommended that recreational fishers
29 be allocated a bag limit for the midnight, blue, and rainbow
30 parrotfish for Puerto Rico only. These species may not have
31 commercial value, but they are of important value to the
32 recreational fishers.

33
34 In addition to that, you had a recommendation from the St. Croix
35 Commercial Fishermen Association regarding Alternative 4 under
36 Action 2 and that's the management reference points be redefined
37 for snapper, grouper, or parrotfish complexes based on the most
38 recent five years of data available.

39
40 They do supply the rationale for this suggestion, which is that
41 the existing closures expanded Buck Island Monument and the
42 prohibition of certain fishing gears post-SFA and has added more
43 protection to the resources and less area for harvest by
44 fishers, making the catch data more reliable. That's the
45 Alternative 4 in terms of the same way we represented
46 Alternative 2 and so for the years 2003 to 2007 for Puerto Rico
47 and the U.S. Virgin Islands and the recreational catch of 2003
48 to 2007.

1
2 These calculations are done, as all the other calculations in
3 Action 2, based on the island-specific data that is available
4 for the years presented in each one of the alternatives. This
5 is the alternative that the St. Croix Commercial Fishermen
6 Association is putting forth for the council to consider.

7
8 **MIGUEL ROLON:** Mr. Chairman, I suggest you have a group of
9 preferred alternatives. Some of them are more complex than
10 others, but I believe that the center, in the discussion on the
11 papers received, is the 0.75 versus 0.85. Maybe you should
12 address that first and decide whether your preferred alternative
13 will stay or you will change it.

14
15 The basis for the discussion is also in the last comment that
16 Graciela presented. The St. Croix Fishermen Association
17 believes that the Buck Island Monument should be included there
18 and we need to ask the preparers of the document whether that
19 was included or not and if not, we will have a discussion there.

20
21 You can go back to the beginning of Graciela's presentation and
22 then from the comments received -- Here, you have three
23 preferred alternatives, Alternative 2(a) -- Remember, we are
24 referring to Alternative 2 from the previous page, and then the
25 last block you have two preferred alternatives, one dealing with
26 the OFL times the percentage and the preferred here is you have
27 0.75 and from the comments received, the majority of the
28 comments received point to 0.85 as the alternative that should
29 be the preferred to the council. I believe that should be the
30 first discussion.

31
32 **ROY CRABTREE:** One thing I should probably make you aware of,
33 since I believe Grouper Units 1 and 2 are goliath grouper and
34 Nassau grouper, is we did get a petition today from Wild Earth
35 Guardians, asking us to list goliath grouper and Nassau grouper
36 and speckled hind under the Endangered Species Act.

37
38 **EUGENIO PIÑEIRO:** Let's continue then the discussion.

39
40 **MARCOS HANKE:** From what I understand on this process, what we
41 need to discuss now is the Alternative 2(d) and I would like to
42 make -- Do I need to make a motion to discuss or no?

43
44 **MIGUEL ROLON:** If your intention is to change it. As Roy said
45 before, your motion will be to adopt 2(d) as your preferred
46 alternative and then you need a second and then you discuss why
47 you want to do that.

48

1 **MARCOS HANKE:** I would like to present a motion to adopt
2 **Alternative 2(d) as the preferred alternative.**
3
4 **EUGENIO PIÑEIRO:** I need a second for that motion.
5
6 **CARLOS FARCHETTE:** Second.
7
8 **EUGENIO PIÑEIRO:** Carlos Farchette seconds the motion. Is there
9 discussion then?
10
11 **SHEPHERD GRIMES:** I would just clarify that we're talking about
12 subalternatives under 2. Everything else above is going to stay
13 the same. We're just talking about the relationship between OY,
14 ACL, OFL, and the uncertainty scaler.
15
16 **MARCOS HANKE:** That's my intention.
17
18 **CARLOS FARCHETTE:** I have a question on that. If there's a
19 motion that I wanted to add, should it be different? It's on
20 the same --
21
22 **MIGUEL ROLON:** It's to adopt Alternative (d) in Action 2,
23 Alternative 2 as the preferred option. A point of order here,
24 Marcos. I believe that's the essence of your motion, but would
25 you, for the record, restate the language, the text, of your
26 motion?
27
28 **MARCOS HANKE:** I appreciate the help in transferring the
29 language and I agree with the language and I will read for the
30 record what is stated. It's to adopt Action 2, Alternative 2,
31 Subalternative 2(d) as the preferred alternative for snapper,
32 grouper, and/or parrotfish.
33
34 **SHEPHERD GRIMES:** If I might, I would suggest let's -- We're not
35 really talking about adopting Action 2. There's a lot in Action
36 2 that's not really germane to this motion and so I think what
37 Marcos is looking to do is that in Action 2 you would change the
38 Preferred Alternative 2(e) to 2(d) to be the preferred
39 alternative, which essentially changes that uncertainty scaler
40 from 0.75 to 0.85.
41
42 Then if you want to make other changes within Action 2, we can
43 do that independently and then you'll have Action 2 with all
44 your preferreds that you can deal with in one shot.
45
46 **EUGENIO PIÑEIRO:** Is there discussion?
47
48 **MARCOS HANKE:** Thanks for clarifying the best procedure on this

1 and to be more effective and more clear on the record.
2
3 **MIGUEL ROLON:** Give Graciela a chance to finish, please, just to
4 make it clear that your motion is that language, Marcos. Also,
5 the guy who seconded, do you agree with it, Carlos?
6
7 **EUGENIO PIÑEIRO:** Any council member who wants to discuss the
8 motion?
9
10 **MARCOS HANKE:** I would like to discuss the motion. When we sit
11 here, we have to keep our minds open to all the good
12 presentation and reasons to adopt or to consider something and I
13 think at this point we are all -- All the arguments supporting
14 the 0.85 and also expecting that the data collection will
15 improve in a very quick way.
16
17 We can adopt the 0.85 until we move on and improve the whole
18 system and if it's proven wrong that we need to change the 0.85
19 in the future, then we do it and that's my first comment on
20 this.
21
22 **WINSTON LEDEE:** I concur with what Marcos said and also that we
23 had a unanimous vote where the AP recommended that we go to 0.85
24 and we have seasonal closures and we have area closures. We
25 don't have much stock assessment on these reef fish.
26
27 I know maybe the conch and red hind may have some, but I don't
28 know of any other stock assessment. We need to get new species-
29 specific data forms where we can collect better information in
30 place and we've had a moratorium on licenses for the last eleven
31 years and so we should have a decrease in effort.
32
33 We're also working on the trap reduction program right now and a
34 limited entry in the trap fishery and we hope to get that done
35 within the next six months if the local government cooperates
36 and the fishermen.
37
38 **EUGENIO PIÑEIRO:** Thank you, Winston.
39
40 **MIGUEL ROLON:** The element here is that adopting the 0.85 will
41 not jeopardize the fishery that you're trying to protect, in
42 this case the snapper, grouper and/or parrotfish. If the group
43 believes, with all the comment received, that we can go with the
44 0.85 without jeopardizing that fishery, given all the discussion
45 that you've had before, then you can take the risk of taking
46 that management alternative without putting the fishery at risk.
47
48 This is because all the statistics that you have show that,

1 especially after hearing this morning's presentation, you cannot
2 go over the limits as often as is the case that we require and
3 more stringent management measures.

4
5 The other thing is that everybody, meaning the local governments
6 and the federal government and the council, is gearing towards
7 collecting better information, with the cooperation hopefully of
8 the fishermen, and you will have a better benchmark sometime
9 after you finish that process.

10
11 **EUGENIO PIÑEIRO:** Thank you, Miguel. I have Shepherd and then
12 Beulah and then back to you, Marcos.

13
14 **SHEPHERD GRIMES:** I just wanted to clarify if you're looking at
15 page 61 of this document that's in your briefing materials today
16 that Alternative 2(e) is currently the preferred. If this
17 motion passes, Alternative 2(d) would become the preferred and
18 that parenthetical, it would be the preferred for all snapper,
19 grouper, and parrotfish that aren't otherwise provided for and
20 the otherwise provided for species are those identified in 2(h),
21 for which retention will be prohibited. That would be
22 functionally setting it at zero, your ACL and OY, et cetera, and
23 those are only midnight, blue, and rainbow, as per your SSC
24 recommendation, and Grouper Units 1 and 2.

25
26 **BEULAH DALMIDA-SMITH:** Thanks for that clarification, Shepherd.
27 I am very much inclined to support my council members in
28 establishing the 0.85, because as they all have made it very
29 clear, we have been listening. We have been listening to the
30 people of the Virgin Islands.

31
32 We have been considering the factors that are already in place,
33 such as closed seasons and gear types and so forth and so on,
34 and this is not written in stone. If indeed once we have
35 reached the point and accumulate better data, within the next
36 several years, then we can make the determination if that 0.85
37 is indeed going to be the best uncertainty level for us. I must
38 say that I do agree and I fully support the 85 percent
39 uncertainty.

40
41 **MARCOS HANKE:** One point, just to round up the comment that
42 Miguel said, for me as a council member seeing the fishermen
43 presenting serious arguments and valid arguments and
44 presentations and things that are very clear and very organized,
45 it makes this process of a decision much easier for us in terms
46 of meeting an opinion.

47
48 I thank the fishermen for this cooperation and establishing the

1 0.85 as the preferred alternative, it's just the beginning of
2 the process for the fishing community to participate in this
3 process. In the future, this kind of mechanics or conversation
4 or information exchange has to be on the table and it has to be
5 run like this for the process of fishing management to work
6 better.

7
8 **BEULAH DALMIDA-SMITH:** That is so correct, Marcos. Yes, we have
9 had really good participation from the fishing advisory boards,
10 in addition to the STFA and the St. Croix Fishing Association,
11 but I also wanted to commend Delegate Christensen for her
12 support and she's always been pushing the 85 percent ever since
13 we've been discussing this factor and, again, the Governor of
14 the Virgin Islands for his support in this matter.

15
16 This once again shows that the government is listening to the
17 people and we will do what we can to sit at the table to make
18 sure that we have a win/win situation on both sides.

19
20 **ROY CRABTREE:** I think what you really need here is some sort of
21 explanation of how the uncertainty is less than what you thought
22 it was and one thing that comes to my mind, since certainly I'm
23 hearing that the Virgin Islands government supports switching
24 this to 85 percent -- I haven't heard whether the Puerto Rican
25 government does or not, but it's likely they might.

26
27 If we could get -- I know that neither of you could make
28 promises or commitments, but if we could get some sort of
29 encouraging words from you that you think this would increase
30 the probability of achieving compatible regulations with the
31 territories, then I think that would reduce the overall
32 uncertainty and the success of the management regime and that
33 might give you your best argument for why 85 percent is more
34 workable, because it would enable us to have compatible
35 regulations and that's a huge source of uncertainty in
36 everything we do down here.

37
38 If we could have at least some tentative encouragement from the
39 territories on that, I think that might help you build a
40 stronger record for this.

41
42 **MIGUEL GARCIA:** We've had some local conversation, including our
43 Puerto Rico DNER Secretary, and we were inclined to vote to
44 abstain on any critical issue regarding St. Croix and St.
45 Thomas, but since we are reaching a common ground consensus, we
46 are more inclined to support the 85 percent decision right now.

47
48 **MIGUEL ROLON:** That's okay, but we are not talking about St.

1 Thomas/St. John. We're talking about the EEZ and the question
2 is whether Puerto Rico is willing or not at the 0.85, if you are
3 going to establish a similar level within your area of
4 jurisdiction.

5
6 From previous conversation during the coffee break, it seems
7 that Puerto Rico is inclined to do that, though their
8 alternative will be not to do anything or to have a 50 percent
9 or a 75 percent within their area of jurisdiction of the local
10 government.

11
12 The question is do you believe that 0.85 percent is something
13 that the Puerto Rico government and/or U.S. Virgin Islands will
14 be able to support, from your scientific point of view and your
15 management goals and objectives?

16
17 **MIGUEL GARCIA:** From my scientific point of view, yes. I would
18 like to go back and discuss this with some other people which
19 are not here today for sure, but I will say from my viewpoint as
20 a delegate, yes.

21
22 **BEULAH DALMIDA-SMITH:** Absolutely. In terms of compatibility,
23 yes, the local government would in the near future work very
24 closely in terms of setting the management regimes and anything
25 necessary in order to be compatible with the uncertainty that
26 we're setting here within the federal waters.

27
28 I would have to discuss this further with my superiors, but I
29 can assure you at this moment that that is something that we
30 would be inclined to do.

31
32 **MIGUEL ROLON:** One minor thing, but, Graciela, Shep told us to
33 drop the slash forward for the parrotfish, but in the document,
34 the intention is that it did address grouper, snapper, and
35 parrotfish, except the ones that you have there.

36
37 **GRACIELA GARCIA-MOLINER:** Added to the motion, the (a) after
38 Action 2(a), because that's what corresponds to snapper,
39 grouper, and parrotfish.

40
41 **EUGENIO PIÑEIRO:** Do you think that there's further discussion?

42
43 **ROY CRABTREE:** Just to sort of sum this up, then your rationale
44 -- Obviously you've heard a lot of public comment and you're all
45 acknowledged the issues with the science, but you think that
46 this would help bring more stability to the management regime.

47
48 We've heard from the local governments that they think the

1 likelihoods of compatible regulations down the road are enhanced
2 by this change and that would bring less uncertainty to the
3 overall management regime and presumably increase the likelihood
4 of improving these data collection programs in the near term,
5 reducing the uncertainty there. That's basically your rationale
6 for not going with 0.75 and switching to the 0.85.

7
8 **MARCOS HANKE:** This is a question to Miguel. My perception on
9 the local government, and I'm talking about Puerto Rico now, is
10 that the Puerto Rico government had been doing a big effort in
11 trying to make compatible regulations to the point possible and
12 this has been working that way since the early days now.

13
14 This is the philosophy at least that I perceive and that's a
15 question for Miguel to establish on the record, because I think
16 Puerto Rico has the intention to make this whole system of data
17 collection to work out.

18
19 **MIGUEL GARCIA:** The answer is yes. As a point of information,
20 we are at the same time updating our fishing regulations in
21 Puerto Rico and one of the driving forces to do this is to reach
22 better compatibility between the federal and the state laws and
23 Marcos has been on the Puerto Rico fishing advisory board to the
24 government and it's something that we've been doing at every
25 meeting that we have, to look for compatibility.

26
27 **BONNIE PONWITH:** We have heard a lot of discussion today about
28 the science and about the existing regulations versus the
29 historic regulations and improved data collections.

30
31 From the standpoint of building in a buffer for scientific
32 uncertainty, there is a precedent established for the selection
33 of the 0.75 as the kind of established notion of an acceptable
34 level buffer for scientific uncertainty.

35
36 We're hearing a lot, even in the discussions from the different
37 platforms that we're considering, that there are uncertainties
38 in those data. We're hearing that there's a commitment to
39 improving those data and I applaud that and am willing to push
40 as hard as I can to make those corrections, but the fact that we
41 all recognize that those investments need to be made points to
42 the fact that there's a large amount of uncertainty.

43
44 In a way, it almost becomes a circular argument. There is a
45 concern about reducing the amount of buffer for an action that
46 hasn't been completed with measured benefits yet. Likewise,
47 with the management measures that have been taking place, we all
48 recognize that management measures have been put in place and

1 again, that is laudable, where there's a recognized problem and
2 a measure has been taken to take corrective measures.

3
4 Our ability to detect the benefits and actually measure those
5 benefits of those management actions lags behind in our desire,
6 again, to reduce the buffer accordingly, but all of that said,
7 the notion of compatible regulations, that would -- The benefit
8 for that would be instantaneous and I think would be measureable
9 and that is a very progressive offset in terms of scientific
10 uncertainty in those management measures and I think that's a
11 good thing to have on the table.

12
13 **MARCOS HANKE:** One thing as a fisherman that I feel hearing what
14 we're discussing here is that if we are focusing our effort on
15 compatible regulations, regulations to improve data collection,
16 once the fishermen have to participate in this as fishermen, we
17 need to take that into account, that we are using this strategy
18 or this way of managing this to the overall benefit of the
19 process.

20
21 Once it's required for us to cooperate in this and to have to be
22 very proactive on it -- I invite all the fishing community of
23 the area that we are discussing here to participate and not to
24 forget that this is a key point on this, for now and for the
25 future measures that we approve.

26
27 **EUGENIO PIÑEIRO:** Thank you, Marcos. I believe we have had a
28 fair amount of discussion and let's vote on it. Let's start
29 with Winston Ledee.

30
31 **WINSTON LEDEE:** Yes.

32
33 **BEULAH DALMIDA-SMITH:** Yes.

34
35 **MIGUEL GARCIA:** Yes.

36
37 **CARLOS FARCHETTE:** Yes.

38
39 **MARCOS HANKE:** Yes.

40
41 **ROY CRABTREE:** No.

42
43 **EUGENIO PIÑEIRO:** No. **It's five yes and two no and the motion**
44 **carries.** It's 0.85. Next, Graciela.

45
46 **GRACIELA GARCIA-MOLINER:** Action 2, under Management Reference
47 Points, also has Action 2(b) regarding the queen conch complex.
48 The preferred alternative, Alternative 2, taken to public

1 hearings, reads: Redefine management reference points or proxies
2 for queen conch based on the longest time series --

3
4 **MIGUEL ROLON:** Graciela, in the 2(h), the preferred alternative,
5 did you receive any comments regarding that alternative? I
6 believe that there was some mention, in the case of the AP,
7 about one exception in the case of Puerto Rico. The council
8 needs to decide whether you reaffirm on the preferred
9 alternative or if you do nothing, but if you want to discuss it
10 somehow for the record of why you are not accepting that one,
11 that too.

12
13 The process also is to be responsive to the comments. You don't
14 go to public hearings and then you don't hear what they have to
15 say and so at least for the record say something about that one.

16
17 **GRACIELA GARCIA-MOLINER:** The recommendation of the SSC to the
18 council has been that the midnight, the blue, and the rainbow
19 parrotfish ACL be set to zero. They are the largest of the
20 parrotfish and ecologically probably very significant. At the
21 SSC meetings, it's been from meeting to meeting their
22 recommendation that that should remain at zero.

23
24 **MARCOS HANKE:** I have a comment and the first thing I would like
25 is for the preferred alternative to stay the way it is, but I
26 need to make a comment. I have been reading and evaluating
27 this, because there is some sectors in Puerto Rico that use
28 those fish as a sport, but I found it very difficult to allocate
29 something for this industry after all the record and the
30 discussion that we have been doing on this council about the
31 importance of the parrotfish. That's why my opinion is to stay
32 with the preferred alternative the way it is.

33
34 **EUGENIO PIÑEIRO:** Thank you, Marcos. What I can see from the
35 council is that we wish to stay with the preferred alternative
36 in this one, right? Then let's move on, Graciela.

37
38 **GRACIELA GARCIA-MOLINER:** Give me a second to write it down so
39 that we have the record of that.

40
41 **MIGUEL ROLON:** Graciela, if it didn't change, you don't have to
42 write anything.

43
44 **GRACIELA GARCIA-MOLINER:** Action 2(b), Queen Conch Complex, it
45 reads to redefine management reference points or proxies for the
46 queen conch based on the longest time series of pre-
47 Comprehensive SFA Amendment catch data that is considered to be
48 consistently reliable across the islands.

1
2 In terms of the agreement, you have the AP position from this
3 morning. You also have some comments that came in from the Pew
4 Foundation and others that are coming in during the comment
5 period for the Draft Environmental Impact Statement, but that
6 also applied to all these alternatives and in most cases, those
7 from the NGOs are to accept or adopt the preferred alternatives
8 as they are by the council.

9
10 In terms of the queen conch complex, the Advisory Panel submits
11 that the Preferred Alternative 2(b) of this action also be kept
12 as the preferred alternative and also 2(g), which means that the
13 ACL and ABC are specified by the Scientific and Statistical
14 Committee.

15
16 There was a request for a specification or clarification of the
17 issue of the 50,000 pounds for the EEZ and the state waters. It
18 was presented in writing to the council. That's the same table
19 that you saw for the reef fish, except this is for the queen
20 conch. It shows first the years for which the action is being
21 considered, 1999 to 2005 for Puerto Rico and St. Croix and 2000
22 to 2005 for St. Thomas/St. John, that the OFL equals the MSY
23 proxy.

24
25 The language reads: Overfishing occurs when annual catches
26 exceed the OFL unless NMFS Southeast Fisheries Science Center,
27 in consultation with the Caribbean Fishery Management Council
28 and its Scientific and Statistical Committee, determines the
29 overage occurred because data collection monitoring improved
30 rather than because catches actually increased. Alternative
31 2(g) is the preferred alternative, ABC specified by the
32 Scientific and Statistical Committee.

33
34 The St. Croix Commercial Fishermen Association actually provided
35 a rationale for considering Alternative 4 rather than
36 Alternative 2 and that one reads: Redefine the management
37 reference points or proxies for queen conch based on the most
38 recent five years of available catch data.

39
40 The SCCFA members believe that the emergency closure and quota
41 implemented by the Department of Planning and Natural Resources
42 was not scientifically verified, nor was the study conducted for
43 accuracy. Other than the spike which occurred in 2006, when
44 conch was being exported to Puerto Rico, the St. Croix conch
45 fishery is stable at around 120,000 pounds.

46
47 In addition, the expansion of the Buck Island Reef National
48 Monument, a known habitat for conch, is also protected and the

1 fact that conch is found in waters in depths beyond where divers
2 can go, according self protection.

3
4 Also, the St. Croix Fishery Advisory Committee recommended, and
5 it was approved by the Commissioner of DPNR, to expand the
6 closed season for harvest from three months to six months. The
7 SCCFA recommends that the recent SEAMAP study conducted by the
8 DPNR's Fish and Wildlife be reviewed by the SSC and that further
9 consideration be given to the SSC recommendation. That's the
10 table for Alternative 4 for the years 2003 to 2007, the most
11 recent data.

12
13 The St. Thomas Fishermen's Association also commented on these
14 very specific actions, but there is another problem here, where
15 as in St. Thomas there is a virgin stock conch fishery and so to
16 use our current landings would be a problem. What the STFA
17 would like to see is the 50,000-pound quota that was put in
18 place in 2007 by DFW be the quota. If a fishery develops, then
19 we could request the quota to be revisited. Those are the
20 comments that you have received regarding the queen conch,
21 Action 2(b).

22
23 **ROY CRABTREE:** On the conch, just so we're all clear about how
24 this works with our current preferred, the way the regulations
25 are written for queen conch is that for Puerto Rico it sets an
26 ACL of zero for federal waters.

27
28 For St. Thomas/St. John, it sets an ACL of zero for federal
29 waters and so set aside the territorial waters there and then
30 for St. Croix, it sets a queen conch ACL of 50,000 pounds, which
31 would include St. Croix landings from the EEZ and St. Croix
32 landings from territorial waters.

33
34 **MIGUEL ROLON:** That's what it says there, but they have been
35 discussing this over and over and they say it's 50,000 in the
36 EEZ and keep the 50,000 within the area of jurisdiction. That's
37 the point you have to discuss.

38
39 **ROY CRABTREE:** I don't think we can do that and so the 50,000
40 pounds is the overall ACL for St. Croix and we're going to count
41 territorial waters and EEZ landings towards that. That's the
42 way the regulations -- That's how I've always understood it and
43 I'm not sure how we can go other than that, because then we're
44 exceeding the recommendation from the SSC, which was geared
45 towards St. Croix, at least the way I remember it and understood
46 it.

47
48 **MIGUEL ROLON:** Graciela, do you have the recommendation from the

1 SSC there, exactly what it is?
2
3 **EUGENIO PIÑEIRO:** We're going to take a five-minute break while
4 Graciela finds the SSC recommendations.
5
6 (Whereupon, a brief recess was taken.)
7
8 (There is a gap in the recording.)
9
10 **BEULAH DALMIDA-SMITH:** -- which I think is a very good idea.
11
12 **EUGENIO PIÑEIRO:** Thank you, Beulah. Well I guess then we're
13 going to stick with the preferred and we're going to allow the
14 state to give its presentation and then send it to the SSC and
15 then we'll do the numbers. Is that agreeable with everyone?
16
17 **SHEPHERD GRIMES:** Just to wrap things up, since alternatives
18 aren't going to be changed from the current preferred, at least
19 not at this stage, it is a little unusual that we have a single
20 ACL off of St. Croix, but we have EEZ-only ACLs for the areas
21 off of Puerto Rico and St. Thomas/St. John. I think that just
22 reflects past management practices. The areas off of St.
23 Thomas/St. John and Puerto Rico have been closed to conch
24 harvest for some time now and so the reason for differentiating
25 those areas is just to continue the management regime that
26 you've had in place for a number of years now.
27
28 **EUGENIO PIÑEIRO:** Any further comment?
29
30 **MARCOS HANKE:** Then we're going to table this discussion for the
31 future, correct?
32
33 **ROY CRABTREE:** We're not tabling anything. We're not changing
34 anything in the document. We already have on the agenda to have
35 another discussion of queen conch tomorrow and presentations and
36 we'll resume this at that time.
37
38 **EUGENIO PIÑEIRO:** The next item on the agenda?
39
40 **GRACIELA GARCIA-MOLINER:** Action 3 deals with Annual Catch Limit
41 Allocation and Management. Action 3(a), Snapper and Grouper
42 Unit Allocation and Management, the preferred alternative by the
43 council taken to public hearings was Alternative 4 and it reads
44 as follows: Define aggregate reference points for snapper and
45 grouper in the USVI and define aggregate reference points for
46 grouper, but not snapper, in Puerto Rico.
47
48 It's mostly in agreement with the preferred alternatives.

1 Anything that is missing from the specificity of the people
2 commenting on every actual action, it's in here. There were a
3 number of presentations made in terms of approving all the
4 preferred alternatives that the council had during the public
5 hearing period and so those are also considered, but they are
6 more generic than they are specific.

7
8 The St. Croix Commercial Fishermen Association suggested a new
9 alternative for the council to consider and that is to define
10 the aggregate reference points for snapper and grouper units for
11 island-specific.

12
13 Due to ciguatoxia, harvestable snapper and grouper between the
14 St. Thomas/St. John district and the St. Croix district vary
15 greatly and therefore, aggregate reference points should be
16 specific to each island.

17
18 The reason for the aggregation of the data is because that's the
19 form in which the data are presented and so for the Virgin
20 Islands, they are at the family level. In Puerto Rico, they are
21 species-specific for a number of the species in the commercial
22 fisheries. What's the pleasure of the council?

23
24 **MARCOS HANKE:** I think we should stay with the preferred
25 alternative to comply with all the discussion we had in the past
26 about the data collection and other arguments.

27
28 **EUGENIO PIÑEIRO:** Any further comments from the council members?
29 Any objection to the preferred alternative? Being none, it
30 stays.

31
32 **ROY CRABTREE:** The way the rule is set up, and I think all of
33 you had the rule passed out to you and if you look on page 5 of
34 the rule, for Puerto Rico for snapper, you have an ACL for
35 Snapper Unit 1 and an ACL for Snapper Unit 2 and an ACL for
36 Snapper Unit 3 and an ACL for Snapper Unit 4, but then the way
37 the rule is written now, it has an ACL for unclassified snapper
38 of 80,000 pounds. I don't believe you can have an ACL for
39 unclassified snapper.

40
41 There's no way we can put out a fishery bulletin saying we're
42 closing the unclassified snapper fishery. What does that mean?
43 I think that -- If you want to remain where you are and break
44 snapper down, I think we need to strike that ACL out of the rule
45 and only set the ACLs for the identified units.

46
47 It's about 80,000 pounds and I think it's 6 or 7 percent of the
48 overall catch. Obviously if you closed Snapper Unit 1, 2, 3,

1 and 4, there would be no unclassified snapper landed, because
2 all of those unclassified snapper are included in those units
3 and presumably if you have an accountability measure that
4 affects any one of the units, then it's proportional
5 representation and the unclassified would be reduced.

6
7 I think the simple fix for this is for us just to strike the
8 unclassified snapper ACL out of it and add a few sentences to
9 the document explaining that that's just not a workable thing to
10 do, if everyone is in agreement with that.

11
12 **WINSTON LEDEE:** I'm not sure if this is the time to say this,
13 but in St. Thomas --

14
15 **SHEPHERD GRIMES:** This is a consequence of breaking it out by
16 species or species unit and this is for Puerto Rico snapper
17 only. Everything else is aggregated.

18
19 **ROY CRABTREE:** If we aggregated all snapper in Puerto Rico, then
20 this wouldn't be an issue. It's only because we're trying to
21 break it out. If you think about it, you can't have an
22 unclassified quota, because every fish that's landed, it's one
23 of the other species.

24
25 **EUGENIO PIÑEIRO:** Do you want to put some language or Shep?

26
27 **ROY CRABTREE:** That's just clarification that we're going to
28 delete that from the rule and then when we get to the point of
29 deeming the rule later, we'll have to acknowledge that it's been
30 changed from what's been provided to you.

31
32 **EUGENIO PIÑEIRO:** Those 80,000 pounds get spread among the other
33 groups?

34
35 **ROY CRABTREE:** No, we're just not going to deal with those
36 80,000 pounds, because as the other group quotas are met,
37 they'll shut down that group on their own. It's just 6 percent
38 that we're not going to deal with.

39
40 If this was grouper and it was 50 percent there, then I think
41 it's a big problem, but in snapper it's a relatively low
42 percentage and so I don't think it's that much of a problem.

43
44 **GRACIELA GARCIA-MOLINER:** In addition to that, because you are
45 redefining the reference points, et cetera, this has changed
46 dramatically from the times of the SFA and so there's no
47 proportionality of the distribution of the total poundage among
48 all the other species and so that's part of the reason why

1 unclassified remain unclassified.

2
3 **EUGENIO PIÑEIRO:** No objection to that? Roy, you'll do the
4 clarification of the language? Okay. Next, Graciela.

5
6 **GRACIELA GARCIA-MOLINER:** Action 3(b), Commercial and
7 Recreational Sector Allocation/Management, Puerto Rico only, the
8 preferred alternative reads: Specify separate commercial and
9 recreational annual catch limits based on the preferred
10 management reference point time series.

11
12 There is agreement on this, especially on the part of the
13 commercial fishermen, who were most of the people who commented
14 on this issue, and especially in Puerto Rico. The reason for
15 this is because there are about 200,000 recreational fishers on
16 the island with 50,000 recreational vessels and a very large
17 potential for development.

18
19 In addition to that, where you have the bag limits, there are a
20 series of other comments that were specific to limiting and
21 setting a separate ACL for recreational fishers.

22
23 **EUGENIO PIÑEIRO:** Comments?

24
25 **MARCOS HANKE:** The percentage that is going to be allocated for
26 recreational versus commercial is further in the document?

27
28 **GRACIELA GARCIA-MOLINER:** You also have your proposed rule.
29 That actually sets the recreational ACLs on page 6. Instead of
30 being aggregated, the commercial and the recreational, as they
31 are in the Virgin Islands, they are separate ACLs, based on the
32 Marine Recreational Fisheries Statistical Survey. That's the
33 only data that's available for recreational landings in Puerto
34 Rico only.

35
36 **MARCOS HANKE:** I would like to make a comment about it. We have
37 been discussing here the issue in Puerto Rico and for one thing
38 that's used as a good argument for other things, but for
39 recreational fishermen, they say that -- A lot of people say
40 that 50 percent of the fishermen, the fishes tracked from the
41 resource, are from the recreational fishermen.

42
43 This is not what MRFSS represents on the data that they show and
44 for me, representing the recreational fishermen, it's very hard
45 for me to have an opinion, because it's very confusing, the
46 arguments and the historical arguments that we have in the past.

47
48 Now we're going to establish an ACL and we're going to assume

1 also that 50 percent of the fish caught in Puerto Rico are
2 caught by the recreational, yes or no? I would like to hear
3 from the other council members about this issue to see where I'm
4 standing on this.

5
6 **SHEPHERD GRIMES:** No. Based on -- Let's look at the rule. Page
7 5 of the rule for Puerto Rico, the commercial ACL for groupers
8 in aggregate is a little over 208,000 pounds. The recreational
9 ACL for groupers in aggregate is a little over 90,000 pounds and
10 so according to this, which is based on the decisions that
11 you've already made in the document relative to the number of
12 the years that you're going to use and time series for data, the
13 recreational catch is less than half of what commercial catch is
14 for grouper.

15
16 Now, you could go down and do a similar review for every other
17 unit there, but it is considerably less than half of what
18 commercial harvest is, based on what we're doing here.

19
20 **GRACIELA GARCIA-MOLINER:** I was going to say there is a little
21 bit of confusion. Some of these fisheries vary between the
22 commercial and the recreational and as Shep was saying, you do
23 have the latest numbers, based on the decisions that you've made
24 as the preferred alternatives for the years that you're looking
25 at and for the grouping of species that you're looking at.

26
27 Based on that, that's in your proposed rule and those are the
28 preferred alternatives as they were taken to public hearings and
29 so there, you can make a comparison and it's anywhere between 30
30 and 40 percent, in some cases, and much, much less than that for
31 the recreational and the commercial comparison.

32
33 When you come to other groups, you might find that the
34 recreational might be harvesting way more than the commercial,
35 but for the case of the species that we're dealing with right
36 now, you have the numbers in front of you.

37
38 **ROY CRABTREE:** While we're not really explicitly setting up an
39 allocation, recreational and commercial allocation, in this
40 document, this sort of is an implicit allocation, since we're
41 saying the recreational ACL is this much and the commercial ACL
42 is this much.

43
44 I guess in the absence of really any other information, we
45 believe this is fair and equitable because this represents the
46 proportion of the catch that each sector has caught over this I
47 think it's 1999 to 2005 for Puerto Rico.

48

1 This should allow the fishery to continue to operate pretty
2 close to where it's been and we're not really changing the
3 overall mix between the two. Obviously if we get significant
4 changes in data collection systems or things like that, we're
5 going to have to come back and revisit this though.

6
7 **MARCOS HANKE:** Addressing exactly that point is that we are
8 creating a new system for data collection for recreational and
9 for commercial fishermen and if we change in the close future or
10 we have a different source of data for the recreational
11 fishermen and this data changes, we need to respond to that.

12
13 If you're basing the same methodology and same everything,
14 effects it has, and you keep doing the same over the years,
15 maybe it's not a big issue, but if you decide to change or if
16 some changes come to improve recreational fishing data
17 collection that we need to do and we have better data and it
18 shows that we have been fishing in the past much more pounds
19 than what is represented in the documents here and the resource
20 is stable, then we should increase the amount of fish and the
21 ACL for the recreational fishermen.

22
23 **JOE KIMMEL:** I just want to remind the council that there is
24 also, for the recreational ACL, an unclassified snapper group
25 that I think we probably want to handle the same way we handle
26 it for the commercial unclassified snapper group.

27
28 **EUGENIO PIÑEIRO:** Thank you, Joe, and thank you, Marcos. Any
29 other discussion regarding Action 4.3.2? If not, let's move on.

30
31 **GRACIELA GARCIA-MOLINER:** Action 3(c), Geographic Allocation and
32 Management, the preferred alternative, which was Alternative 2,
33 reads as follows: Divide and manage annual catch limits by
34 island group (Puerto Rico, St. Thomas/St. John, St. Croix) based
35 on the preferred management reference point series, and it
36 refers to Table 4.3.1 and Action 2, and the subalternative A,
37 which was the preferred, is use a midpoint or equidistant method
38 for dividing the EEZ among islands.

39
40 The St. Thomas Fishermen's Association stated, again, that their
41 preferred alternative would be C. You have on the screen the
42 three subalternatives, the equidistant one, and the one
43 submitted by the St. Thomas Fishermen's Association and the
44 second one is a straight line approach.

45
46 In terms of the comments you received, everyone submitting
47 comments agreed with the preferred alternative except for the
48 St. Thomas Fishermen's Association.

1
2 **JOE KIMMEL:** I don't have a slide showing it, but I think Anik
3 does if we want to look at it later on, but I just wanted to
4 have the council members note under the preferred alternative
5 that we've established -- Our GIS person who does the maps for
6 us has established waypoints, or latitudes and longitudes, for
7 several of these intersections.

8
9 There's one here and I guess this one here and this one down
10 here and we've done this one as well and we also have
11 established these two points, where the two territorial seas
12 merge together, but there's some discrepancy of exactly -- If
13 you look at the nautical chart, the two territorial seas don't
14 meet and so in order to get the points that we got, we sort of
15 extrapolated those lines to get where they are.

16
17 I just wanted to let the council know that once we do further
18 research and find exactly where those points are on the local
19 governments or whoever does these mapping exercise, USGS or I
20 don't know, we'll modify the points to be more exact or more
21 precise than what we might have in the document. I'm asking for
22 editorial license to be more correct.

23
24 **MARCOS HANKE:** I have a question. This preferred alternative is
25 what it is right now, the way it is divided in the chart right
26 now?

27
28 **ROY CRABTREE:** This preferred alternative are the waypoints in
29 the rule that you have.

30
31 **SHEPHERD GRIMES:** I wouldn't get spun up much over this. What
32 we'll end up doing is going in and we've already defined points
33 that are in the rule, but you may actually have different points
34 when we go back in and do our quality control on everything,
35 because then those points are going to be exactly equidistant
36 between these areas and they may vary slightly from what's in
37 your rule, but they are going to follow your preferred rationale
38 or preferred alternative.

39
40 **EUGENIO PIÑEIRO:** Thank you. Are we clear? Is everybody in
41 line?

42
43 **CARLOS FARCHETTE:** There really is no EEZ between east of Puerto
44 Rico and west of St. Thomas, right? That's all between the
45 state? Okay.

46
47 **EUGENIO PIÑEIRO:** Let's move on.

48

1 **MIGUEL ROLON:** We are not messing with Puerto Rico and the
2 Virgin Islands area of jurisdiction. We are just talking about
3 the EEZ. It's just that that created some confusion in some
4 other forums.

5
6 **BEULAH DALMIDA-SMITH:** Just a clarification. Joe, you said you
7 needed some data or some more information at some point that we
8 can assist you with maybe?

9
10 **JOE KIMMEL:** I'm not the best person to talk to about it. I'll
11 talk to our GIS person. She's out on annual leave right now,
12 but when we get back, we'll look at this further. We might want
13 to talk to you and maybe Miguel as well, to find out exactly
14 where the exact boundaries of the territorial seas are and where
15 they meet.

16
17 **CARLOS FARCHETTE:** On that geographical delineation we have
18 there, if a St. Croix fisherman is fishing in the St. Thomas
19 EEZ, his landings have to go to his CCR, which would be a St.
20 Croix ACL report, right?

21
22 **ROY CRABTREE:** No, the landings will count against the ACL
23 wherever they're landed and so if a fishery is closed because
24 the ACL was exceeded -- For example, the ACL for Species A off
25 of St. Croix was hit and so that fishery is closed, then you
26 wouldn't be able to possess Species A in the way we've drawn the
27 St. Croix portion of the EEZ.

28
29 A fisherman could still go into the St. Thomas EEZ or the Puerto
30 Rico EEZ and fish and land his fish there, but he couldn't bring
31 them back into the St. Croix EEZ.

32
33 **CARLOS FARCHETTE:** It's not legal for you to fish, if you're a
34 St. Croix fisherman or St. Thomas fisherman, to fish in Puerto
35 Rico's waters and land the fish in Puerto Rico without being a
36 resident and having a commercial license from there and so
37 that's going to be an issue.

38
39 **ROY CRABTREE:** You could fish in the EEZ and then whatever
40 regulations Puerto Rico has, I guess you would have to sort that
41 out with them. You could, for example, if St. Croix was closed,
42 you could fish in the Puerto Rico EEZ and land your fish in St.
43 Thomas, but I guess you would have to comply with whatever the
44 local regulations are.

45
46 **CARLOS FARCHETTE:** Which would be you cannot land the fish in
47 Puerto Rico waters and sell it anyways, but my concern is if
48 you're not -- Say, for instance, St. Croix hasn't met their ACL,

1 but the fishermen are fishing in both St. Thomas waters, their
2 ACL may be met faster and they shouldn't be held responsible for
3 that, because the fisherman is reporting his catch on his CCR to
4 St. Croix. He's not going to report it to St. Thomas.

5
6 **ROY CRABTREE:** If he fishes in St. Thomas waters and lands in
7 St. Croix, then it will show up as St. Croix landings and be
8 counted against the St. Croix ACL. It's not an easy problem to
9 figure out how to fix is the thing.

10
11 **CARLOS FARCHETTE:** Landing the fish in St. Thomas from St. Croix
12 and selling it doesn't really -- It's not really recorded unless
13 a port sampler meets this guy at the dock and so fishermen may
14 go there and harvest conch and they sell it on St. Thomas, but
15 they write it in their CCR as a St. Croix harvest, because
16 that's where they're coming back to. A port sampler would have
17 to meet them there in order to get it recorded as an ACL.

18
19 **MARCOS HANKE:** Then you're going to have double reporting and I
20 think we have to discuss this and clarify it and try to find
21 ways to solve this problem, because if you're going to establish
22 those ACLs and divide those areas -- We're taking the time to
23 divide the territorial seas for a reason and we have to hear
24 from the local government to see which way they are intending to
25 address this, because in the very close future, this will be the
26 main issue.

27
28 **SHEPHERD GRIMES:** I guess I just wanted to mention that we've
29 talked about all these issues before. We're plowing some old
30 ground here, but if you're going to break up ACLs into
31 geographic sectors, this issue is going to arise.

32
33 The only way to avoid it is to have a single Caribbean-wide ACL
34 and that presents a whole new set of problems in and of itself
35 and I think as we go to implement this, what we've discussed so
36 far is the landings -- These are monitoring zones. Dr. Olsen
37 had given a prior comment that that's really all these are.
38 It's monitoring landings and we have to attribute -- I shouldn't
39 even say landings. I should say catch to each one of these
40 zones and this is the way we've discussed so far doing it.

41
42 Probably one of the most enforceable ways is when you hit land
43 somewhere, the landings or what's on your vessel is attributed
44 to the zone where you are landing it. Now, that's imperfect,
45 but what else are you going to do?

46
47 If you allow the fishermen to report it to another zone, you
48 create an incentive for the fishermen to lie and come to St.

1 Croix and say no, I landed this in Puerto Rico and then Puerto
2 Rico's ACL ends up being reached and that creates a whole new
3 set of problems and this is considered to be much more
4 enforceable and a more straightforward way of dealing with it.
5 I'm not suggesting anybody is going to go lie, but I'm just
6 saying you create the incentive for it.

7
8 **ROY CRABTREE:** Let me just point out this isn't unique to you
9 guys. The jurisdictional boundary between the Gulf of Mexico
10 and the South Atlantic Councils is US1 that runs down the
11 Florida Keys and if fish are caught on one side of the highway,
12 they count against one council's ACL and if they're caught on
13 the other side of the highway, they count against the other
14 council's ACL or quota.

15
16 It's been that way for years and it creates problems and nobody
17 likes it, but it's not straightforward to figure out how to get
18 around it and I think Shepherd is right. When we go to these
19 island-specific ACLs, that creates some problems and this is one
20 of the problems it creates.

21
22 Now, it has a lot of good sides and pluses and we've decided on
23 balance that this is a better way to go, but it's not without
24 its drawbacks and if somebody can think of a way or if we can
25 come up with a way to change the data collection system down the
26 road to improve it or change it, then we can come in and amend
27 the plan, but it's like everything else.

28
29 I just wanted to -- We have these problems at every council's
30 jurisdiction. People are fishing on both sides of the lines and
31 carrying fish back different ways and there's just no way around
32 it. You guys have never had the problem down here because
33 you're too far away from any other council's jurisdiction, but
34 all the other councils have this.

35
36 **EUGENIO PIÑEIRO:** Thank you, Roy. I have Marcos and Winston.

37
38 **MARCOS HANKE:** I don't want this council to have more problems
39 than we have and because of the compatible regulations that we
40 keep talking about, now is the time for the local governments to
41 step in and to require, Puerto Rico for example, to require one
42 year of residency, and you correct me if I'm wrong, Miguel, for
43 a commercial license to be in place.

44
45 If that's a requirement for all the islands and you're also
46 required to land on your island that the commercial license --
47 It's not the simple to cross the border and I think that's a
48 good way to solve it, if all the territories required one year

1 of residency to have the commercial license and then to land on
2 that specific island.

3
4 **MIGUEL ROLON:** You know, guys, you're trying just to have this
5 little line there and don't try to solve everything, because you
6 won't be able to. Number one, you cannot discriminate in the
7 EEZ with any U.S. citizen. Somebody from Alaska can come over
8 here and fish in the EEZ. He may hit it and he may land it in
9 another vessel at sea, but you cannot ask for residency.

10
11 The local governments, similar to the queen conch, and I'm sorry
12 to bring this to queen conch again, but the local governments
13 require that once you reach 50,000 pounds that the fishery is
14 closed. It's the same thing with the ACLs. If you want to
15 account for the ACLs by geographical areas, it's very difficult
16 to implement anything else but what you have now.

17
18 In the case of Puerto Rico, they won't change the law. The law
19 requires residency for a local license and then if you want to
20 fish in the EEZ, you cannot use that license against the
21 fishermen that come from other areas. He or she will have to
22 have an EEZ permit.

23
24 Anyway, the equidistant lines is what you wanted to have here
25 and this is not areas just for monitoring the fishery. It's a
26 little bit more than that, because you have fishermen from
27 Puerto Rico that don't want to change that line and then you
28 have fishermen from St. Thomas who fish in the area of
29 jurisdiction of Puerto Rico and we had an executive meeting in
30 Puerto Rico with Virgin Islands and local government
31 representatives and they are adamant about changing whatever
32 they have now regarding this line.

33
34 This is something for the future maybe. The regulations that
35 you have now just requires this. If you don't do it, your
36 alternative is to have an ACL for everybody and disregard the
37 geographical areas. Then you probably create a bigger problem
38 than the one that you're trying to solve now.

39
40 **CARLOS FARCHETTE:** I have a question. If a fisherman in St.
41 Croix goes out fishing and he catches say 200 pounds of snapper
42 in the EEZ and he goes home and he ices it and everything, but
43 he can't sell it in St. Croix. He leaves St. Croix and comes
44 over to St. Thomas to sell it and what do you call that? Where
45 do you report that?

46
47 **ROY CRABTREE:** Where did he report the fish?
48

1 **CARLOS FARCHETTE:** He's fishing in St. Croix and he caught the
2 fish in the EEZ, but there's no sale in St. Croix and he comes
3 over to St. Thomas to sell it.
4

5 **ROY CRABTREE:** You mean there's no sale because the ACL has been
6 reached?
7

8 **CARLOS FARCHETTE:** No, there's no market. Say he catches it in
9 St. Croix and he goes home and he ices it and when he's ready,
10 he comes over to St. Thomas and sells it and what do you call
11 that? How do you define that?
12

13 **ROY CRABTREE:** I don't know how that would show up. It would
14 depend on how the local --
15

16 **CARLOS FARCHETTE:** It has to be landed in St. Croix, because it
17 was caught in St. Croix waters.
18

19 **ROY CRABTREE:** But how is he reporting that to the government?
20

21 **SHEPHERD GRIMES:** That's where the question is. We're going to
22 have to work this the same as the territorial governments do and
23 if someone harvests these fish -- Is it lawful for someone to
24 harvest fish out of the St. Croix EEZ and come to St. Croix and
25 land the fish and put them in a cooler or whatever and then
26 leave with them again without filling out a report that
27 indicates he landed them in St. Croix. I don't know, but those
28 are the nitty-gritty details that we'll have to iron out.
29

30 **EUGENIO PIÑEIRO:** We have a lot of things that can be addressed
31 in the future and some things that can be addressed today and
32 what we have in front of us is those lines. I understand that
33 there's a lot of room for improvement, but it's not today.
34 There are issues of monitoring citizenship and it's to talk to
35 state managers, which they don't have the authority right here
36 and right now.
37

38 I think we should stick to the question and decide if we agree
39 with the preferred alternative at this point. If that is the
40 case, then let's move on, please.
41

42 **SHEPHERD GRIMES:** I do think it is very important to realize
43 that in creating these zones that your landings, or your catch,
44 is going to be attributed to this zone. We'll have to work with
45 the territories in deciding exactly how best we do that for
46 people who are transiting back and forth from these zones a lot,
47 but in some way, shape, or form, you are going to be required to
48 identify what you hit the beach with in a specific zone and it's

1 going to count against that zone's ACL.

2
3 **EUGENIO PIÑEIRO:** I think we all understand that and we all
4 agree with that. Thank you, Shep. Go ahead, Graciela.

5
6 **GRACIELA GARCIA-MOLINER:** With no changes to 3(c), we move into
7 Management Measures. Action 4, Management Measures, Action 4(a)
8 is Species-Specific Parrotfish Prohibitions. Alternative 2 was
9 the preferred alternative taken to public hearing and reads:
10 Prohibit fishing for or possessing in the EEZ: A)Midnight;
11 B)Blue parrotfish; and C)Rainbow parrotfish.

12
13 There is agreement, mostly because the species are not harvested
14 off the west coast in the EEZ. The St. Croix Commercial Fishing
15 Association agrees with this motion and forwarded it to the FAC
16 to protect the species of parrotfish in territorial waters,
17 making it compatible with what is being proposed for the EEZ.

18
19 Additionally, the Advisory Panel, as you heard this morning,
20 also supports this alternative, except that there is a new
21 alternative offered which prohibits fishing for or possessing in
22 the EEZ of the USVI for these species, but not in Puerto Rico.
23 The change would be that it's not for both Puerto Rico and the
24 Virgin Islands and that it's only for the U.S. Virgin Islands
25 and it allows recreational harvest in Puerto Rico only.

26
27 **EUGENIO PIÑEIRO:** I have a question. Was that alternative, was
28 it -- I believe Ed Schuster might be able to answer this. Was
29 the intention of some fellows in the recreational sector -- Was
30 that just for competitions?

31
32 **EDWARD SCHUSTER:** The representation from the recreational
33 fishers that attended the AP meeting said that there was some
34 sort of value in terms of their recreation. I think he said it
35 was the biggest -- It's a world record for sport spearfishing,
36 but commercial fishing, there was no value for it, the same as
37 St. Croix and St. Thomas.

38
39 **EUGENIO PIÑEIRO:** I would argue in here that we have a situation
40 with the parrotfish all over the Caribbean and we have to be
41 very much conservation minded and it might be true that some
42 people want to use them for tournaments and kill a fish to hang
43 it for the size of it, but I believe that we should not allow
44 the harvesting of that species anywhere in the Caribbean,
45 including Puerto Rico, because it makes no sense. We've got to
46 move towards conservation. They are trophy fish because you
47 don't find them anywhere anymore and so I'm inclined in that
48 line. What do you think Marcos?

1
2 **MARCOS HANKE:** I tend to agree with you and we discussed a
3 little bit about this earlier in the meeting and the ACL should
4 be zero, because of the record we have developed in the past and
5 the importance of those fish.

6
7 In terms of the issue of the allocation, those sport fishermen
8 or persons that use the fishing as a sport, they have to
9 understand that we are protecting the whole environment and
10 we've developed a record recognizing the importance of the
11 parrotfish for the environment and for the fishery in general.
12 That's why I think we should set it at zero.

13
14 **GRACIELA GARCIA-MOLINER:** The reason why they set a record is
15 not because they don't find them, but it's because of the size.
16 You have very large fish and they set a record for the largest
17 of the ones that they can find. These are people who are
18 harvesting with spear and free diving.

19
20 **MIGUEL ROLON:** That's okay, but the reason that they have value
21 is because you cannot find the darned things. If they were like
22 sardines, there is no problem and the value is whether you --
23 You are telling the commercial fishermen not to take the fish
24 because it's a valued fish for the transport of materials into
25 the coral reef, telling everybody not to fish this one and then
26 you allow these guys to get the biggest one and kill it, which
27 is probably the most important one in this whole environment,
28 because those are the ones that produce the most eggs, et
29 cetera, et cetera.

30
31 **MIGUEL GARCIA:** The particular interest comes from this group
32 called --. They claim that the last three world records of
33 midnight parrotfish came from Puerto Rico, the three last world
34 records. That's why they are so interested in keep doing this,
35 because as Genio said as conservation, we think we have data to
36 support not allowing this anymore, for sure.

37
38 **EDWARD SCHUSTER:** For the record and just for some
39 clarification, I don't want it to seem like there's a mixed
40 message being sent that you have commercial fishers on the AP
41 and here we are and we're fighting for a closed species to be
42 set at zero or to set the ACL at zero and then on the other
43 hand, we're offering an alternative to keep it open in a certain
44 area.

45
46 We just respected each other's opinion and the recreational
47 fishers that were on the Advisory Panel asked for this. We took
48 a vote and it went to their favor that they would -- They felt

1 that they were being left out and they wanted an alternative up
2 there. That's just for a point of clarification.

3
4 **EUGENIO PIÑEIRO:** Thank you, Eddie. Council members, are we in
5 agreement with the preferred alternative to prohibit fishing and
6 possession in the EEZ for the three islands? Is that the wish
7 of the group? All right. Then, Graciela, let's move on.

8
9 **GRACIELA GARCIA-MOLINER:** In Action 4, you have Action 4(b),
10 setting recreational bag limits. For this, you have seven
11 alternatives and Number 7 was the preferred taken to the public
12 hearings and it reads: Establish an aggregate bag limit for
13 snapper, grouper and parrotfish FMUs of ten per fisher,
14 including not more than two parrotfish per fisher or six
15 parrotfish per boat, and thirty aggregate snapper, grouper, and
16 parrotfish per boat on a fishing day. It would not apply to a
17 fisherman who has a valid commercial fishing license issued by
18 Puerto Rico or the USVI.

19
20 St. Croix Commercial Fishing Association agreed and the St.
21 Thomas Fishermen's Association established that there is a
22 problem here because a charterboat can take ten people out and
23 everyone would be able to catch ten of each reef fish and they
24 should only be allowed ten total fish per angler, since it's for
25 personal consumption.

26
27 The commercial fishermen from the west coast of Puerto Rico
28 strongly disagree with such a large bag limit. The Advisory
29 Panel, as you heard this morning, suggested to the council these
30 alternative management measure and it reads: Establish an
31 aggregate bag limit for snapper, grouper and parrotfish FMUs of
32 five per fisher, including not more than two parrotfish per
33 fisher or six parrotfish per boat, and fifteen aggregate
34 snapper, grouper and parrotfish per boat on a fishing day. It
35 would not apply to a fisherman who has a valid commercial
36 fishing license issued by Puerto Rico or the USVI.

37
38 In addition to that, another alternative offered to the council
39 by the Rincon Commercial Fishermen's Union is establish a bag
40 limit, an ACL, of zero for the recreational fishers for
41 snappers, groupers, and parrotfish in the federal waters of the
42 Caribbean and for all the species that are subject to
43 overfishing and are overfished until these species are removed
44 from the overfished list and once reestablished, no more than
45 five fish per boat for a period of five years, or until the
46 abundance studies are completed.

47
48 In addition to that, there was one specific comment regarding

1 Alternative 4 that reads as follows: "Specify a two fish
2 aggregate bag limit per person. It would not apply to a
3 fisherman who has a valid commercial fishing license issued by
4 Puerto Rico or the USVI for species in the snapper FMU, species
5 in the grouper FMU, species in the parrotfish FMU.

6
7 You do have this in your document and there are reasons why a
8 much more restrictive bag limit is being offered as an
9 alternative for the recreational harvest. These are quotes
10 directly from the papers that you have.

11
12 In Puerto Rico, we have a situation that has been developing for
13 quite some years now. There is no recreational fishing license
14 for the recreational sector and so what is happening, due to the
15 economic situations on land, is more and more recreational
16 fishers are turning to the ocean to provide other financial
17 means. This causes problems in several ways.

18
19 One, recreational fishers do not get stopped and checked like
20 commercial fishers like myself, being there is no license or bag
21 limit required for them to fish. Two, recreational fishers take
22 their products to market for a cheaper price, causing market
23 collapse and financial burdens for the commercial fisher, mainly
24 for the reason that recreational fishers are using the money
25 they make on the weekends as fun money, if you will. Not to
26 mention they possess larger vessels than most average commercial
27 fishers do. In parentheses, I personally I have had
28 recreational fishers come to my fish market attempting to sell
29 their product, only to turn them away.

30
31 Three, recreational fishers do not file tax returns or fill out
32 statistical stat sheets for the local government agencies. Now
33 put all three of those reasons together with the Preferred
34 Alternative 7 and you get an unlicensed commercial fishing fleet
35 that outnumbers the licensed commercial fleet, 239,000
36 recreational fishers to only 1,000 licensed fishers.

37
38 If anyone can explain to me the legal justice in these numbers,
39 I would love to hear it. Logic alone suggests that an
40 unlicensed fleet of this size in Puerto Rico could cause total
41 collapse of most fisheries in a matter of a few seasons.

42
43 In addition to that, with all that I have stated above, I come
44 to my next recommendation. I would like to there to be a text
45 addition to Action 4(b), Alternatives 2 through 7, to read as
46 follows: Example, Alternative 4, specify a two fish aggregate
47 bag limit for a person having a valid recreational license. IT
48 would not apply to a fisherman who has a valid commercial

1 fishing license issued by Puerto Rico or the U.S. Virgin
2 Islands.

3
4 The reason for this request is to finally force the Puerto Rican
5 government to issue a recreational fishing license.
6 Recreational fishers could not fish for their quotas in federal
7 waters until issued said licenses. This would put less fishing
8 pressure on the snapper, grouper, and parrotfish FMUs in the
9 short term, allowing the opportunity to test the ACL program
10 without fear from recreational interference.

11
12 This might provide us with some much needed commercial fishing
13 data that we could use in the future for adjusting the quotas
14 for the different ACL groups."

15
16 **EUGENIO PIÑEIRO:** Wow. We've got to talk, guys.

17
18 **MARCOS HANKE:** First of all, one of the things they stated there
19 is a big issue and it's that ten anglers on a boat can catch ten
20 fish. In Puerto Rico, that doesn't happen. We don't have party
21 boats. I want to know if somebody here can tell me, for my
22 knowledge, if in St. Thomas or St. Croix you have party boats.

23
24 **CARLOS FARCHETTE:** Not in St. Croix.

25
26 **WINSTON LEDEE:** Not that I know of.

27
28 **MARCOS HANKE:** Then this statement is not a valid statement,
29 because we don't have that taking place. The maximum occupancy
30 of a boat usually on the fleet in Puerto Rico are six packs, six
31 anglers. It's not ten, in terms of the volume possible to be
32 captured.

33
34 **ROY CRABTREE:** In our preferred alternative, there's a thirty
35 fish aggregate per boat.

36
37 **MARCOS HANKE:** I understand, Roy. The thing is the way -- There
38 is other people here seeing the arguments and everything and I
39 just want to clarify, to put the arguments in a just perspective
40 for everybody to follow. I'm very clear what is going on. I
41 just want to make sure I'm on the record.

42
43 Another thing, and this is something over the years has been
44 dragging with me and arguing with everybody, and to the
45 recreational sector, because the government, state government
46 and federal government, didn't -- They haven't been effective at
47 applying the regulations in place, like no sale for recreational
48 fishermen is the way it is right now for Puerto Rico.

1
2 We keep setting quotas for recreational fishermen and not to say
3 it's already legal. Then we are overdoing. We are adding
4 quotas and not to sell and not to keep catching, but there is no
5 law enforcement and the regulation for no sale is there already.

6
7 For me, that should be a non-issue, because it's already there.
8 To keep creating a monster based on the same argument for me is
9 not valid. For me, what is really valid is to manage this
10 resource in a very responsible way to keep the resource working
11 and the users, the fishermen, that use it as a recreational with
12 the industry healthy and with the main importance, economic
13 importance, that it has and let's not lose the perspective of
14 that.

15
16 **EUGENIO PIÑEIRO:** Thank you. Let me listen to Beulah before she
17 leaves.

18
19 **BEULAH DALMIDA-SMITH:** Just quickly, this might be -- There's an
20 AP report and Mr. Schuster, you did say that you wanted to offer
21 an alternative language that would substitutes numbers both ten
22 and thirty for five and fifteen. Now, the U.S. Virgin Islands,
23 we're in the process of creating our own recreational licensing
24 program and based on compatibility, I want to ensure that
25 actually the facts are in agreement and the Fishing Advisory
26 Committees with the five and the fifteen, because what it is
27 that we said here within the EEZ, I'm sure we would want to see
28 compatibility with the territorial waters. Do you understand?
29 Can you clarify where that five and fifteen came to substitute
30 for the ten and thirty?

31
32 **EDWARD SCHUSTER:** The five and fifteen came from exactly, more
33 or less, I guess, what Beulah was talking about. Since we have
34 members on the Advisory Panel that both sit on our Fish Advisory
35 Committee, we came up with this based on where we're revamping
36 or creating rather our recreational regulations in territorial
37 waters.

38
39 For it to become compatible, in terms of enforcement, we decided
40 to just piggyback on what we have created in our territorial
41 waters, which was five and fifteen instead of ten and thirty for
42 FMUs, species that are on the overfished list.

43
44 **GRACIELA GARCIA-MOLINER:** The language that you have on the
45 screen is what the AP had recommended and I have a point of
46 clarification. The aggregate bag limit that was the preferred
47 alternative of the council came from the FAC's discussions on a
48 grant in developing recreational fishing regulations for the

1 U.S. Virgin Islands specifically.
2
3 The FAC that was present at the AP have come to determine that
4 this is a better alternative than what was originally set of ten
5 and thirty. It's more restrictive than it was before.
6
7 **MIGUEL ROLON:** That's really a compromise they made. The AP
8 discussed zero allocation for the recreational sector, based on
9 --
10
11 (There is a break in the audio recording.)
12
13 **ROY CRABTREE:** -- five fish per person is a reasonable amount of
14 snapper and grouper to bring in. I think that's the rationale.
15
16 **EUGENIO PIÑEIRO:** That's the rationale behind it.
17
18 **MARCOS HANKE:** I would like to direct my question to Roy. Just
19 for the record, on those ACLs that we are discussing now, where
20 do charters tend in relation to?
21
22 **ROY CRABTREE:** The way I've read this is that the -- If the
23 charterboats are being surveyed by MRFSS, which they are, in
24 Puerto Rico and those are the catch estimates that are being
25 used, then they're going to count against the recreational ACL.
26
27 Now, one thing you've got in here that's a little weird, and I
28 can't verify this, but I'm told that charterboats in Puerto Rico
29 have to have a commercial fishing permit and the way the
30 regulations are written on the bag limits, they apply to vessels
31 that don't have a commercial fishing permit issued by either
32 Puerto Rico or the Virgin Islands.
33
34 It seems to me that the charterboats would be exempted from
35 these bag limits, providing they have a commercial fishing
36 permit, but because their catches are included in the MRFSS
37 estimate, they're going to be counted against the recreational
38 ACL. That's my read on it, they way it's written.
39
40 **EUGENIO PIÑEIRO:** My question is if in Puerto Rico you are legal
41 -- We are having in Puerto Rico another issue that we have a lot
42 of illegal charter operators who I'm pretty sure that they don't
43 have the commercial license.
44
45 The people who have the commercial permits wouldn't be in
46 agreement with -- They would be legal, but the guys who don't
47 have a commercial license, they would be considered illegal
48 operations.

1
2 **ROY CRABTREE:** I think one of the problems you have here is if
3 charterboat operators have commercial licenses and if they're
4 fishing on charter trips and they're selling their catch,
5 there's the potential for some double counting, because if
6 they're interviewed by the MRFSS survey and then they go and
7 sell their catch and fill out a trip ticket, I think there could
8 be some double counting. I don't know how extensive that would
9 be or not, but it seems to me it's possible.

10
11 **EUGENIO PIÑEIRO:** It would be a legal operation for some folks.
12 Say Marcos has a commercial fishing license and he's a charter
13 and so he would be legal, but someone that has an illegal
14 charter and he hasn't complied with all the exercises, he would
15 not have the commercial license and then he would be legal, but
16 not the guy who isn't licensed.

17
18 **ROY CRABTREE:** If a charterboat didn't have a commercial
19 license, he would be subject to these bag limits. Now, I guess
20 he would be in violation of Puerto Rican regulations, but he
21 would not be in violation of any federal regulations, because we
22 don't have any requirement for a permit to run charter trips.
23 That would be up to the Puerto Rican authorities to sort out.

24
25 If he's boarded and he doesn't have a commercial fishing
26 license, then he's going to have to comply with the bag limits.
27 If he does have the commercial fishing license, then he wouldn't
28 have to comply with the bag limits.

29
30 **EUGENIO PIÑEIRO:** I've got you. I understand.

31
32 **MARCOS HANKE:** I understand what he says, even though I think
33 it's very problematic and for me to inform opinion about the
34 vote on this or the discussion and so on, this issue, it's very
35 important, because you add some other interest to the table
36 besides just the pure recreational fishermen.

37
38 The other question I have to Roy is this. The number not per
39 fishermen, but the number of fishes, the maximum number, ten or
40 thirty or whatever, the maximum number by the boat, that's, in
41 terms of fishing management, that's the most important number,
42 because that's the cap. That's the maximum that you can extract
43 from the ocean or from the resource.

44
45 Is there any difference in terms of environmental impact or
46 fishery management if you have the same fifteen individuals and
47 a higher number per angler, but the maximum is -- Is it still
48 fifteen? Is there any difference in terms of fishing impact,

1 the adverse impact to the resource?
2

3 **ROY CRABTREE:** I wouldn't have any way to evaluate that, I don't
4 think.
5

6 **MARCOS HANKE:** The way I see it as a charter, even though we're
7 going to disagree with you and some people are going to argue
8 about the process and the way it should be, but I have to take
9 this out of my chest and I'm sorry, guys.

10
11 I don't agree with it personally and by my experience with some
12 of the opinions made by other groups, including the AP, and some
13 stands and for me to make my vote, I need a clarification or a
14 single system in which you're going to judge the charter and the
15 recreational and so on.
16

17 **ROY CRABTREE:** I'm sorry, but I don't understand the question.
18 The regulations exempt you if you have a commercial fishing
19 license from the bag limits. There's a potential for double
20 counting, the way it's set up, because you've got charterboats
21 going out, I guess, that can sell their catch.
22

23 If they can't sell their catch, then there's not going to be any
24 double counting, but I don't know what the Puerto Rico
25 regulations are on all this and so what this is going to be is
26 this is an issue the territories are going to deal with, unless
27 you want to put some additional regulations in place as a
28 council.
29

30 Now, we haven't envisioned doing that in this amendment. I can
31 tell you in the Gulf of Mexico and South Atlantic regions that
32 we have very specific regulations about charterboats. We define
33 that a charterboat is recreational and even if it has a
34 commercial permit on it, if it is under charter, it is subject
35 to the recreational bag limits and they can't sell their catch
36 and they have to have federal charterboat permits.
37

38 There are limitations on how many crew members they can have
39 onboard on commercial trips and a whole bunch of other things,
40 but we don't have anything like that. All we have in the
41 regulations right now are the exemption that if you have a
42 commercial permit that you're exempt from the bag limits and
43 right now, that's all there is. If you want to do some other
44 things, then we would have to look at how to do that, but I'm
45 not sure exactly what more we want to do with this.
46

47 **MIGUEL ROLON:** A couple of things. I receive an email from the
48 Pew Commission that we want to accept for the record. For

1 Marcos, there's always, when a council member doesn't agree with
2 anything, you can always write a minority report that would
3 accompany the record if you want it to.

4
5 Personally, I believe that your issue is mostly a local issue
6 with the folks in Puerto Rico or you can change it, but it's
7 part of the discussion.

8
9 **ROY CRABTREE:** At this stage, I would recommend if you don't
10 agree with something to make a motion to change it somehow.

11
12 **EUGENIO PIÑEIRO:** What we have to look into is that Marcos --
13 You're legal because you have a commercial fishing license and
14 so you are basically advocating for people who are charters, but
15 they don't have the licensing permit and therefore they are
16 illegal. If they don't have the complete licensing, they're
17 illegal.

18
19 **MARCOS HANKE:** Charters don't have the intention of selling
20 their catch.

21
22 **EUGENIO PIÑEIRO:** I'm talking about the permits. Do they have
23 the commercial permits?

24
25 **MARCOS HANKE:** You don't need to have that. You cannot -- I
26 don't think we need to do something in terms of the regulations
27 that's going to force them to have another license.

28
29 **EUGENIO PIÑEIRO:** I agree with what Miguel says. That's a local
30 issue that you have to discuss with them, but it is not for
31 here.

32
33 **MARCOS HANKE:** Just one last thing that I want to say. I really
34 respect the opinion of the AP and all the people that are
35 interested in this in terms of protecting the resource and
36 everything. I'm just going to state what I think will be fair
37 right now. It's not a motion, but just for you guys to know.

38
39 Ten per fishermen and a fifteen maximum cap, excluding
40 parrotfish. This is, I think, a much better number in terms of
41 overall mechanics of the fisher, but even though the
42 recommendations of the people interested in this are another
43 one, I will respect that, even though I don't agree with it.
44 That's the discussion and let's move on.

45
46 **EUGENIO PIÑEIRO:** I understand your point.

47
48 **ROY CRABTREE:** A point of order here. We have a motion on the

1 board right now, which is to go to five per person and a fifteen
2 aggregate. If you wanted to, Marcos, you could make a
3 substitute motion to go to ten per person and an aggregate of
4 fifteen and we can vote it up and see if it passes or not. It's
5 up to you.

6
7 **EUGENIO PIÑEIRO:** We have to vote on the first motion. We have
8 the first motion on here. We have one motion on the board and
9 we'll vote on it and then we can go on to Marcos if you want.

10
11 **WINSTON LEDEE:** Yes.

12
13 **MIGUEL GARCIA:** Yes.

14
15 **CARLOS FARCHETTE:** Yes.

16
17 **MARCOS HANKE:** No.

18
19 **ROY CRABTREE:** Yes.

20
21 **EUGENIO PIÑEIRO:** Yes. The motion carries and it's five to one
22 and Beulah Dalmida-Smith is absent. Thank you.

23
24 **CARLOS FARCHETTE:** Roy, you were talking about the Gulf defining
25 something for charterboats. Is there any way that I can get
26 that information, because our FAC is working on charters for
27 recreational. We would like to have some type of template that
28 we can review.

29
30 **ROY CRABTREE:** Yes, it's in the regulations and I believe Joe
31 Kimmel could pull that out and distribute it to the council
32 members. There's language in both the Gulf and in the South
33 Atlantic that affects those sorts of things.

34
35 **GRACIELA GARCIA-MOLINER:** Action 5, Accountability Measures --

36
37 **EUGENIO PIÑEIRO:** I'm so sorry, but I have to read a statement
38 for the record. This comes from the Pew Environmental Group:
39 "For those of you with your laptop handy, I thought it might be
40 useful to clarify that we support the suite of preferred
41 alternatives in the ACL/AM Amendment when it was sent out to the
42 public hearing, as this information isn't included in the
43 presentation summarizing public comments on the actions in the
44 amendment.

45
46 We have stated our support for the current alternatives both in
47 our testimony and at the public hearings in St. Thomas in July
48 and in our letter to the council as part of the public comment

1 period, which was submitted last week. Holly Binns." Thank
2 you, Holly. Graciela, you may go on.

3
4 **GRACIELA GARCIA-MOLINER:** Action 5, Accountability Measures,
5 Action 5(a) is Triggering Accountability Measures. The
6 preferred alternative taken to public hearings was Alternative
7 3, which reads: Trigger AMS if the annual catch limit is
8 exceeded as defined below and NMFS Southeast Fisheries Science
9 Center, in consultation with the Caribbean Fishery Management
10 Council and its Scientific and Statistical Committee, determines
11 the overage occurred because catches increased versus data
12 collection/monitoring improved. The subalternative C was the
13 preferred, using a single year of landings, effective beginning
14 2010, a two-year average of landings, effective 2011, and then a
15 three-year average of landings, effective 2012 and thereafter,
16 i.e., 2010, 2010-2011, 2010-2012, 2011-2013, et cetera.

17
18 The written comments that specifically addressed this action
19 agree with the preferred alternative by the council. A comment
20 by the St. Thomas Fishermen's Association is that the problem
21 with this is that the mandates by the reauthorization of the Act
22 doesn't go into effect until January 1, 2011 and so all of these
23 dates in this document referring to any rules must be changed to
24 at least January 1, 2010. If the process is longer than
25 expected, then it needs to be changed then to the effective date
26 of implementation.

27
28 The St. Croix Commercial Fishing Association submitted Subpart
29 D, to use a single year of landings effective beginning -- A
30 two-year running average after implementation of the new
31 commercial catch reports. The SCCFA believes that the new CCRs
32 should be given time to see a truer picture of species-specific
33 data and the amount being harvested. Those are the comments
34 that you received regarding Action 5(a) and additional comments
35 supporting the preferred alternative of the council.

36
37 **EUGENIO PIÑEIRO:** Any comments or any opposition to this one?

38
39 **SHEPHERD GRIMES:** We had some discussion of this at the last
40 meeting and the "and" needs to be an "unless". It should be
41 "trigger accountability measures if the annual catch limit is
42 exceeded as defined below unless NMFS and the Center determine
43 that the overage occurred because catch increased versus data
44 collection improved".

45
46 It's a burden of proof issue. It's not that we know it's
47 exceeded and they make a determination. Otherwise, that renders
48 the accountability mechanism and the catch limit pretty much

1 useless. It's that if we reach it it's automatically triggered
2 unless we go through this review and the review determines for
3 some other reason.

4
5 I don't think you really need to do much, because we talked
6 about this at the last meeting and it should have been changed
7 in this version of the document.

8
9 **ROY CRABTREE:** I agree with what Shepherd said. One other thing
10 that I think needs to be reflected in the regulations, or at
11 least in the document, is right now we're going to use these
12 three-year running averages, but if we come in and amend the ACL
13 and change its value, then I think we're going to want to
14 potentially start over monitoring it maybe. At least we ought
15 to think about that.

16
17 **WINSTON LEDEE:** It's a question for NMFS. The way we report in
18 now and how the information is gathered, it takes several years,
19 it seems, before we get a feedback for what actually the ACLs
20 are or will be. Is that going to change in the future?

21
22 **ROY CRABTREE:** You mean in terms of the timeliness of the
23 reporting?

24
25 **WINSTON LEDEE:** Yes.

26
27 **ROY CRABTREE:** I hope it is, but right now, there's a
28 considerable lag and we're going to have to revamp and improve
29 the program and that's going to take changes with the
30 territorial governments and everyone involved in it. We need to
31 get to a more timely turnaround, but how timely we can get and
32 when we're going to get there, I don't know.

33
34 That's really what I'm getting at with this. If we do make a
35 significant change to the reporting and the data collection
36 system and we're running these three-year averages, it seems to
37 me if we implement a new reporting system that we're going to
38 want to terminate the three-year averages and start again,
39 rather than continuing to average with the previous two years.
40 I guess that's what I'm getting at. I would defer to Bonnie and
41 Todd to comment on the turnaround of what we may get and when.

42
43 **BONNIE PONWITH:** I think there is plenty of opportunity for the
44 Science Center to be working with the territorial governments
45 and improving the refresh rate on those reportings. Right now,
46 my understanding is that people are gathering the data monthly,
47 but reporting it on an annual basis as a requirement for
48 renewing their permits.

1
2 Working with the territorial governments to improve that to as
3 refined a degree as we possibly can would be certainly
4 advantageous. Based on documentation in the Magnuson-Stevens
5 Act, I believe that I as a Science Center Director have the
6 authority to require up to monthly reporting and that would
7 certainly be a very good goal to be looking and so instead of
8 gathering the information monthly but reporting it at the end of
9 the year, actually reporting it monthly would be very beneficial
10 for both us in terms of being able to process those data and put
11 them to the very best use as quickly as possible, but certainly
12 the territorial governments and the industry themselves in terms
13 of being able to reap the benefits of knowing where you are on a
14 quota.

15
16 I can make a commitment to supporting that as a goal and working
17 toward achieving that with both the industry and the territorial
18 governments.

19
20 **EUGENIO PIÑEIRO:** Thank you, Bonnie. Any other comments
21 regarding this? So we'll stick with the preferred? All right,
22 Graciela.

23
24 **GRACIELA GARCIA-MOLINER:** Continuing with Action 5,
25 Accountability Measures, Action 5(b) is Applying Accountability
26 Measures. Alternative 2 was the preferred alternative taken to
27 public hearings. If AMs are triggered, then reduce the length
28 of the fishing season for that species or species group the year
29 following the trigger determination by the amount needed to
30 prevent such an overage from occurring again. The needed
31 changes will remain in effect until modified.

32
33 You had agreement from a number of comments you received. The
34 AP suggested to support this alternative if and when a system is
35 put in place by DNER, DPNR, and NMFS to assess the status of the
36 fishery.

37
38 The St. Thomas Fishermen's Association -- Another problem here
39 is with the wording "season". The STFA will not accept a season
40 reduction for overruns, but would accept a reduction of overruns
41 by poundage. The problem here is that NMFS needs to be held
42 accountable for processing the data on a monthly basis or
43 quarterly basis so the stakeholders can see what's going on and
44 if they need to scale back or if they are on target.

45
46 Fishermen will not accept any more failures from NMFS. This
47 federally-funded department must step up. The fishermen have
48 requirements to turn in their reports by the fifteenth of the

1 following month and then NMFS must be held accountable also.
2 Those were the comments that you received on triggering the AMs.

3

4 **EUGENIO PIÑEIRO:** Any comments?

5

6 **ROY CRABTREE:** I think a lot of this is in terms of when we can
7 get the landings information from the territorial governments
8 and get it all in. I think we can we can work on that. I'm not
9 sure what they mean by they'll accept an adjustment in poundage,
10 but not in closed seasons. That's not clear to me what that
11 means.

12

13 **BONNIE PONWITH:** I would love to be able to do that. I find
14 that language a little bit worrisome in terms of executability
15 and what I'm getting at is if you have a quota and we do get to
16 a point where there's monthly reporting, those data are coming
17 into the Science Center on time on a monthly basis -- Fish that
18 were harvested on the first of the month, you don't even know
19 what those numbers are until the end of the month and then
20 there's processing time.

21

22 In-season quota management is a very, very tall order and again,
23 it's something that's -- It's a noble cause, but it would take a
24 lot of coordination among the territorial governments, the
25 fishing industry, and NOAA to be able to pull that off.

26

27 **ROY CRABTREE:** In the Gulf and South Atlantic, we have state
28 trip ticket systems, which are I guess similar to what we have
29 here where the territories compile the landings and submit them
30 to us.

31

32 We don't use those state trip ticket systems anywhere for
33 tracking quotas, because no one can turn around trip tickets
34 quickly enough to be useful for that. We have better turnaround
35 in the Gulf and South Atlantic than we do down here, but we
36 don't get trip ticket landings in for at least six months into
37 the next year.

38

39 What we have is a quota monitoring program that's set up to
40 track commercial fishing quotas and the way that works is
41 dealers are selected and required to report monthly or every two
42 weeks or whatever and we select some percentage of the dealers
43 that generally are responsible for 80 percent or so of the
44 landings that occur and they're required then to report and then
45 we do a correction factor for the dealers who don't report and
46 then we determine when the closure date is.

47

48 If we had dealers here who we could select and require to submit

1 reports, that might work, but my understanding here is a lot of
2 fishermen sell their own fish and so that's not going to work
3 here, because we don't really have dealers that we can select.

4
5 We're going to have to figure out some other way to do that
6 other than how we do it elsewhere, but I can tell you that
7 nobody's paper trip ticket systems have rapid turnaround.
8 They're all slow and it all takes time to get those landings
9 pulled together.

10
11 Real-time quota monitoring that you guys are talking about and
12 want to, we're going to have to really think outside the box and
13 a whole new way of doing business to make that happen, because
14 just submitting paper reports, it's going to be very difficult
15 to ever get that to turn around quickly enough.

16
17 **JULIAN MAGRAS:** (The comment is not audible on the recording.)

18
19 **ROY CRABTREE:** If they can get all of that done and get it to
20 us, we'll be happy to take a look at that. All I'm saying,
21 Julian, is I haven't seen anybody be able to turn those around
22 quickly enough to make that happen.

23
24 (The comment is not audible on the recording.)

25
26 **ROY CRABTREE:** I understand and we'll try to work through that,
27 but we can't mandate how the territories do things and so this
28 has got to be a cooperative partnership and the territories are
29 going to have to be agreeable to do this.

30
31 (The comment is not audible on the recording.)

32
33 **ROY CRABTREE:** I agree with you 100 percent on that one.

34
35 **EDWARD SCHUSTER:** When we were in Puerto Rico with the revision
36 of the CCR forms, Steve was there and he was talking about
37 creating a model of electronic online data entry for the
38 fishermen who are computer compatible or whatever. That's
39 something that with the fishers, whoever has computers, could go
40 online and enter the data electronically and that would
41 eliminate paper.

42
43 I don't know and I haven't spoken to Steve or anybody from that
44 time of Ponce, but that's an idea and maybe we can work with
45 that, if he could do online monitoring.

46
47 **EUGENIO PIÑEIRO:** I agree with you and I guess that we all wish
48 it could be like that tomorrow morning, but it's not going to

1 happen tomorrow morning and so we have to pull the cart with the
2 horse as we have.

3
4 **BONNIE PONWITH:** On that point, electronic reporting is a really
5 good advancement in terms of shortening the amount of processing
6 time that it takes to deal with those data and get them ready so
7 we can use them to make management decisions.

8
9 Again, the disadvantage is the fact that in other places we've
10 got dealers where you're required to sell your catch with an
11 authorized dealer and that presents sort of a centralized
12 narrowing of the flow of information. By doing those electronic
13 dealer reports, we get a lot of information from many, many
14 trips all from one source.

15
16 I think Dr. Crabtree is exactly right that it's going to take
17 really getting the territorial governments and the industry
18 people and the fisheries together to talk about what are some
19 ways that we can work around some of those challenges to put an
20 electronic reporting system in that actually could hasten the
21 pace of those data being available for making decisions.

22
23 **EUGENIO PIÑEIRO:** Thank you, Bonnie. Guys, in the meantime, we
24 have a preferred alternative. Do we want to move along with
25 that and give time until we get online and fix it? Do we want
26 to accept that? Okay. Graciela, move on.

27
28 **ROY CRABTREE:** This is another place where I think we need to
29 make an edit to the rule, because on page 3 of the rule, with
30 the Accountability Measures, it says if landings are estimated
31 by the Center Director to exceed the ACL then this happens and I
32 think we need to insert the language in the rule that says
33 "unless NMFS SEFSC, in consultation with the SSC, determines the
34 overage occurred because the catches increased versus data
35 collection/monitoring". We need to ask staff to insert that
36 language and I'm sure they'll do that. I just wanted to get it
37 on the record.

38
39 **GRACIELA GARCIA-MOLINER:** Action Number 6 is the last action,
40 Framework Measures. The council actually had not selected when
41 it went to public hearing with the document a preferred
42 alternative for these.

43
44 The comments that you received were to -- Actually, it was half
45 and half. Select Alternative 2 for both 6(a) and (b), which is
46 framework for reef fish and framework for queen conch,
47 respectively, or Alternative 2 for both (a) and (b). Since you
48 didn't take any preferred alternatives, Action 6(a) is establish

1 framework measures for the Reef Fish FMP.

2
3 Alternative 1 is no action. Alternative 2 is amend the
4 framework procedures for the Reef Fish FMP to provide a
5 mechanism to expeditiously adjust the following reference points
6 and management measures through framework action: quota
7 requirements, seasonal closures, area closures, et cetera, from
8 a to s.

9
10 Alternative 3 is to amend the framework procedure for the Reef
11 Fish FMP to provide the council with a mechanism to
12 expeditiously adjust a subset of management measures outlined in
13 Alternative 2.

14
15 It reads about the same for the queen conch amendment. There
16 are some differences in the a to r on alternatives and
17 Alternative 3 is to amend the framework procedure for the Queen
18 Conch FMP to provide the council with a mechanism to
19 expeditiously adjust a subset of management measures outlined in
20 Alternative 2. The recommendations that you have was either 2
21 or 3.

22
23 **ROY CRABTREE:** I would move, Mr. Chairman, that Alternative 2 be
24 our preferred for both Action 6(a) and Action 6(b).

25
26 **EUGENIO PIÑEIRO:** Could I get a second for Roy's motion?

27
28 **CARLOS FARCHETTE:** Second.

29
30 **EUGENIO PIÑEIRO:** Second by Carlos Farchette and let's get into
31 the discussion.

32
33 **SHEPHERD GRIMES:** I apologize, but in looking at the minutes
34 from the last meeting, I was supposed to do some work for you on
35 this action or these actions to be consistent with what we're
36 doing in the Gulf and South Atlantic, but I didn't get to it.
37 Everything has been blowing by at light speed and I apologize.
38 I wouldn't worry about it at this point. There's no need for us
39 to get as detailed as we have with those other two councils and
40 so if it's something we can revisit down the road, then that's
41 fine, but I just wanted to apologize on the record to you.

42
43 **EUGENIO PIÑEIRO:** Apology accepted and please don't make a habit
44 out of breaking promises.

45
46 **JOE KIMMEL:** I would just state that the full-blown framework
47 that's listed there that has elements ranging from a through s
48 for reef fish and a through r for queen conch, they are the

1 shopping list, so to speak, of things that you could change, if
2 need be, during any management that you might want to do for
3 these resources.

4
5 I think to choose a subset at this point in time might be a
6 little premature. I would leave it wide open so that you could
7 take advantage of making whatever changes you might want to make
8 until you find out something more specific.

9
10 **EUGENIO PIÑEIRO:** Thank you, Joe. Any further discussion
11 regarding that motion? No? Then let's vote on it.

12
13 **GRACIELA GARCIA-MOLINER:** Action 6 deals with a framework
14 approach to changing management measures. You already have it
15 in the Reef Fish and the Queen Conch FMP, but it doesn't have
16 the possibility of changing the reference points and some other
17 issues that we've been discussing here. This is an expanded
18 list of what you already have in the two FMPs, to make sure that
19 you can change in an expeditious way these alternatives, so you
20 don't have to go through a full amendment and things like that.

21
22 **SHEPHERD GRIMES:** Ultimately, the only difference between the
23 two is a sixty-day notice of availability of a plan amendment.
24 If you submit a plan amendment to the Secretary of Commerce,
25 there's a sixty-day comment period on that and then a rulemaking
26 that will occur afterwards which has a comment period associated
27 with it as well.

28
29 A framework just eliminates that initial sixty-day comment
30 period. Everything else still applies. You would have the
31 council process and you would have a proposed and final rule, or
32 at least some rulemaking, but the other comment periods and
33 processes associated with it are all the same.

34
35 **EUGENIO PIÑEIRO:** Let's vote on it. Winston.

36
37 **WINSTON LEDEE:** Yes.

38
39 **MIGUEL GARCIA:** Yes.

40
41 **CARLOS FARCHETTE:** Yes.

42
43 **MARCOS HANKE:** Yes.

44
45 **ROY CRABTREE:** Yes.

46
47 **EUGENIO PIÑEIRO:** Yes. It's six yes and one absent and the
48 motion carries.

1
2 **GRACIELA GARCIA-MOLINER:** Additional comments that you received
3 on the ACL document, either directly or indirectly related to
4 it, had to do with the new data collection efforts and you have
5 in your documents all the comments that were specific to this
6 issue.

7
8 Most of the support is for improving the data collection and the
9 monitoring efforts that are taking place. One of the other main
10 issues in most of the comments received had to do with
11 enforcement, specifically because of all of the regulations that
12 are in place in the U.S. Caribbean, both in the state and
13 federal waters, and the lack of enforcement regarding things
14 like the net ban and the seasonal closures in different areas.
15 This is not specific for any one of the areas.

16
17 There is a problem that was commented on regarding the
18 monitoring issue and that there is indeed a three-year lag in
19 terms of the data that's being used. Specifically for the
20 document, we are up to 2007 and we are in 2010.

21
22 There was one additional alternative suggested to the council
23 that had to do with a five-year complete moratorium on all reef
24 fish on the island of St. Croix, which would be easy to enforce
25 and allow fish to recover.

26
27 There were a few comments regarding approve the amendment with
28 all the preferred alternatives as had been taken to public
29 hearings. There was general support for ACL setting, including
30 protecting fisheries, end overfishing, sustaining healthy coral
31 reefs, and increase marine life diversity. These all came and
32 you have a complete set of people commenting, everything from
33 NGOs and the general public and consumers and commercial fishers
34 and some recreational fishers and charters.

35
36 Additional comments had to do with the poorly advertised
37 meetings, poor data to make decisions, other environmental
38 factors adversely affecting fisheries. There was a suggestion
39 by some of the younger students that had to do with fishermen
40 could not fish during the reproductive season of the fish. Are
41 there any comments regarding the comments?

42
43 **JOE KIMMEL:** I just checked with my office in St. Petersburg,
44 because the comment period for this amendment is not over until
45 the end of today. I think that's interpreted to mean midnight
46 or something like that, but as of five o'clock, we got no new
47 comments than what we've already presented.

1 There's one set of comments that we did get that we haven't
2 mentioned yet and that's the U.S. Department of Interior Office
3 of the Secretary. They sent a letter saying they have no
4 comments on this amendment and so they essentially agreed with
5 the actions that the council is getting ready to take. Thank
6 you.

7
8 **EUGENIO PIÑEIRO:** Thank you very much. Graciela, one more?

9
10 **GRACIELA GARCIA-MOLINER:** The next steps, you've already had the
11 discussion and the decision making and offered the rationale for
12 the decisions. We do need editorial license to complete the
13 document and the rule and any additional comments are welcome
14 regarding the editorial changes that need to be made.

15
16 Then you do need to decide whether you are going to submit the
17 document to the Secretary for review. You have a proposed rule
18 on the table. This one has to be edited and published in the
19 Federal Register and then there will be a comment period for
20 that proposed rule and then a final rule and as we're speaking,
21 we're beginning with the amendments for 2011, which include
22 additional FMUs from the Reef Fish and the Spiny Lobster FMP.
23 The species that need to be dealt with quite soon are the rest
24 of the reef fish and the spiny lobster.

25
26 **JOE KIMMEL:** I would just -- I've got a few comments regarding
27 the timing of this new 2011 ACL Amendment that we're supposed to
28 have in place by the end of 2011. We're hoping to have ready
29 for the council -- We meaning NMFS and the council staff, put
30 together a scoping or a document or maybe a position paper
31 indicating the various alternatives that you'll need for the
32 2011 amendment.

33
34 That will be in scoping in December and by March, we hope to be
35 able to present to you a public hearing draft of the amendment.
36 The amendment will be put together much like the current
37 amendment that we've been working on. We'll have the same set
38 of alternatives, for the most part, and we expect that maybe
39 final action could happen in August of 2011.

40
41 That being the case, then it would go into effect sometime
42 towards the end of 2011, which would be on time, as mandated by
43 the Magnuson Act.

44
45 Depending on the complexity of it and controversiality of it,
46 there may be a need for a June meeting in 2011 as well and so I
47 just want to give you some inferences on the timeline.

48

1 **EUGENIO PIÑEIRO:** Thank you, Joe. Thank you all for your hard
2 work. It's five o'clock and tomorrow we start with the public
3 comment on the queen conch.
4
5 **ROY CRABTREE:** I move that we submit the ACL Amendment and the
6 regulations to the Secretary for review.
7
8 **MIGUEL GARCIA:** Second.
9
10 **EUGENIO PIÑEIRO:** It's seconded by Dr. Miguel Garcia.
11
12 **SHEPHERD GRIMES:** I just wanted to briefly mention for the
13 regulation itself that what was distributed and what will be in
14 your briefing materials is not exactly what's going to end up
15 being published and we discussed most of these changes earlier
16 today.
17
18 The unclassified snapper, recreational and commercial for Puerto
19 Rico, is going to be removed from the document. There will be
20 some additional text that goes into the accountability measures
21 section and that will accommodate the Science Center review to
22 see if the ACLs were actually exceeded or if the exceedence was
23 the result of improved data collection.
24
25 Also, the coordinates that are published in the tables may end
26 up being tweaked once we do more to identify the precise
27 boundary between St. Thomas and Puerto Rico.
28
29 My final note would be that the poundages that you see in the
30 draft document before you today may change. For one, they're
31 going to change, because you picked a different alternative for
32 factoring in uncertainty. Every one of these numbers in here,
33 unless it's a zero, is going to change and it will go through
34 the full process and the numbers will be reviewed and scrubbed
35 and they will be consistent with the choices you made today, but
36 don't see this document later and then see what goes into the
37 proposed rule and not understand the difference.
38
39 **EUGENIO PIÑEIRO:** Thanks for the clarification, Shep. Further
40 comments before we vote on this motion? Let's vote.
41
42 **WINSTON LEDEE:** Yes.
43
44 **MIGUEL GARCIA:** Yes.
45
46 **CARLOS FARCHETTE:** Yes.
47
48 **MARCOS HANKE:** Yes.

1
2 **ROY CRABTREE:** Yes.

3
4 **EUGENIO PIÑEIRO:** Yes. **It's six yes and one absent and the**
5 **motion carries. Thank you.** It's five o'clock and at nine
6 o'clock we start with the public comment for the queen conch on
7 St. Croix and at 5:15, those unlucky enough have to be here in
8 this room again for the Administrative Committee and so in ten
9 minutes you've got to be here. We're going to adjourn work for
10 today and see you tomorrow morning.

11
12 (Whereupon, the meeting recessed at 5:00 p.m. on September 7,
13 2010.)

14
15 - - -

16
17 September 8, 2010

18
19 WEDNESDAY MORNING SESSION

20
21 - - -

22
23 The Caribbean Fishery Management Council reconvened at the
24 Carambola Beach Resort & Spa, St. Croix, USVI, Wednesday
25 morning, September 8, 2010, and was called to order at 9:00
26 o'clock a.m. by Chairman Eugenio Piñeiro.

27
28 **EUGENIO PIÑEIRO:** Good morning. Today is Wednesday, September
29 8, 2010 and we are to continue the Caribbean Fishery Management
30 Council's 135th meeting. We are going to start with a roll call.

31
32 (Whereupon, a roll call was conducted.)

33
34 **WINSTON LEDEE:** The floor will be open now for public comment on
35 the queen conch amendment and our first speaker will be Toby
36 Tobias.

37
38 **PUBLIC COMMENT PERIOD ON QUEEN CONCH AMENDMENT**

39
40 **TOBY TOBIAS:** Good morning. I would like to present some
41 results this morning on the spatial and temporal variation in
42 stock abundance of the queen conch in the U.S. Virgin Islands.
43 This work was funded through the Southeast Monitoring and
44 Assessment Program, SEAMAP, a fisheries-independent form of
45 research. The research was conducted in St. Thomas and St. John
46 by Shenell Gordon and on St. Croix by myself and our fisheries
47 staff. Shenell Gordon is the principle investigator on this
48 project.

1
2 This is a little information in regard to the biology of queen
3 conch for everyone. Queen conch reaches sexual maturity in
4 about three to five years and a maximum length of about twelve
5 inches. When the conch is mature, it has a flared lip, such as
6 the individual on the right. The life span of a conch is as
7 long as twenty years.

8
9 A conch mates during the warmer summer months and can spawn at
10 least six times during that period. According to Stoner and Ray
11 in 1996, it requires about fifty conch per hectare for
12 reproduction. More recent information indicates that this
13 number may even be much higher. They produce about 400,000 eggs
14 per spawn.

15
16 Conch starts out in the planktonic stage as a trochophore larvae
17 and then a veliger and it can drift in the water column for two
18 to three weeks or possibly as long as a month if environmental
19 conditions are not favorable for it to set. Upon settling to
20 the bottom, it metamorphosis into the regular conch form that
21 we're familiar with.

22
23 Conch are commonly found in seagrass beds and algal habitats.
24 Actually, they can be found, as seen in this study, in a variety
25 of habitats. They grazed on species of algae and seagrass and
26 are reported to depths of 400 feet. Juvenile conch bury as a
27 protective mechanism against predation.

28
29 Here's some information in regard to territorial regulations.
30 There are harvest size limits. The harvest size limit is a
31 nine-inch shell length, total shell length, or a three-eighths
32 inch lip thickness.

33
34 There's a present closed season in the Virgin Islands that
35 extends from June 1 through October 31 of each year and in 2008,
36 this season was extended two additional months because of
37 overfishing concerns.

38
39 There's a recreational quota and a commercial harvest quota.
40 The recreational harvest quota is six conch per person per day
41 and a maximum of twenty-four per boat and a commercial quota
42 maximum of 200 conch per day per registered commercial fishing
43 vessel.

44
45 This is a change from previous regulation of 150 conch per
46 registered commercial fisher per day. Several commercial
47 fishermen would fish together and as a result, there was an
48 overharvest per boat. There's no sale of undersized conch

1 shell.

2
3 A landing quota was developed in 2008. That landing quota is
4 50,000 pounds annually per district, 50,000 pounds for St.
5 Thomas/St. John and 50,000 pounds for St. Croix. Once that
6 50,000-pound quota is reached, the season is closed until the
7 first of November. All conch must be landed and reported in the
8 district from which they were caught and they must be landed
9 whole within the shell.

10
11 The information presented here shows the commercial conch
12 landings by fishing year from 1995 through 1996 here and up
13 until the 2008 and 2009 fishing year.

14
15 The Y-axis reads in total pounds from zero to 250,000 pounds.
16 From 1995/1996 through 2000, the limit of harvest was within
17 50,000 pounds. After 2000, harvest increased to a maximum of
18 240,000 pounds in 2006.

19
20 The Caribbean Fishery Management Council had determined that the
21 MSY for St. Croix should be 30,000 pounds. Olsen and Wood in
22 1983 determined that this level should be 60,000 pounds and
23 during the year 2007, the Division of Fish and Wildlife
24 established a harvest limit of 50,000 pounds and the season was
25 closed early that year and not opened until January 1 of the
26 following year.

27
28 Federal regulations are similar to territorial regulations, but
29 not exact. The size limit is the same, a nine-inch shell length
30 or a three-eighths lip thickness. The recreational limit is
31 different. In the federal regulations, the recreational limit
32 is three conch per person per day with twelve per boat and the
33 commercial limit is still 150 conch per licensed commercial
34 fisher per day.

35
36 You cannot use hookah gear and conch must be landed whole, in
37 the shell, and there's no harvest in the EEZ except for Lang
38 Bank and that harvest season is from October 1 through June 30.

39
40 The data on conch densities were collected using divers and
41 underwater scooters. There were twenty-two original sites that
42 were established in 1981. These sites were resurveyed this year
43 with an additional ten sites added that were fished
44 commercially.

45
46 Surveys were conducted with divers with underwater scooters.
47 The diver held the position two meters above the bottom and
48 surveyed a transect belt two meters either side of an imaginary

1 line held by a compass bearing. Using pre-established points to
2 start, GPS coordinates, the vessel anchored at the start point
3 and divers entered the water and met at the anchor and took
4 their bearing, compass bearing, that they maintained and then
5 continued surveying conch. The minimum transect time was
6 approximately twenty minutes for deeper sites and shallower
7 sites were quite a bit longer.

8
9 There were a total of fifty-two sites and 114 transects
10 conducted and I should mention that the dives were conducted by
11 a pair of divers and so parallel transects were run within
12 visual range.

13
14 Once a conch was identified by either diver, they signaled and
15 stopped on the bottom and the depth, time, habitat type, conch
16 length, and lip thickness were taken and then they continued.

17
18 There were twelve sites and twenty-eight transects in St. Thomas
19 and twelve sites and twenty-four transects in St. John and in
20 St. Croix, thirty sites and sixty-two transects.

21
22 The sites around St. John are indicated by the blue dots, as
23 well as the sites around St. Thomas. There were two new sites
24 added in St. Thomas of commercially-harvested areas and one is
25 Brewers Bay and the second is around Saba Island and we're going
26 to see some very interesting results from these two locations.

27
28 Conch sites around St. Croix numbered 1 through 22, starting
29 from the northeast corner of the island off of Green Key and
30 around Buck Island and down the head and south side of St. Croix
31 and around the west end. There were four commercially-harvested
32 sites that were added off the southwest corner of St. Croix and
33 an additional four sites added up off of Lang Bank. This line
34 going around St. Croix indicates the territorial three-mile
35 boundary.

36
37 This slide indicates the density of adult and juvenile queen
38 conch surveyed for St. Thomas on scooter transects. The sites
39 are listed across the bottom: Bolongo Bay, Brewers Bay, Fortuna,
40 Inner Water Island, Lindqvist, Magens, Outer Water Island,
41 Perseverance, Pillsbury, Saba, Secret Harbor, and West End.

42
43 The density, as indicated here, is running from zero to 4,000
44 conch per hectare. A hectare is 2.2 acres. Adults are
45 indicated in the dark bar and juveniles in the light bar and
46 this standard coloration will appear throughout the remainder of
47 the slides.

48

1 What's very interesting is that here's an area that hadn't been
2 previously been sampled before and was indicated as a commercial
3 area of harvest off of St. Thomas and indeed, the adult density
4 was near 4,000 conch per hectare.

5
6 1,000 conch per hectare density reported off the west end and in
7 Brewers Bay, a significant amount of juveniles, but very few
8 juveniles appearing anywhere else and also, the numbers of
9 adults also were extremely low.

10
11 This is the same information for St. John. The sites surveyed
12 in St. John were Fish Bay, Francis Bay, Haulover,
13 Johnson/Cinnamon Bay, Lameshur, Leinster, Mingo/Lovango, Reef
14 Bay, Rendezvous Bay, Round Bay, Turner Bay, and Two Brothers.

15
16 Once again, adults are the dark color. Turner Bay in St. John
17 had the highest densities, of about 200 conch per hectare. The
18 highest juvenile densities were found in Fish Bay.

19
20 Once again, similar information for St. Croix. Sites 1 through
21 5 extend from the Green Key/Buck Island area and just east of
22 Buck Island. Sites 6 through 9 are around the east end of St.
23 Croix and 10 through 12 are down to Hovenssa. This area of 12
24 through 18 indicates the southwest coast and 18 through 22 are
25 the west end of St. Croix. C1 through C4 indicate commercial
26 conch harvesting sites off the southwest coast of St. Croix and
27 LB1 through 4 indicate the sites off of Lang Bank.

28
29 We can see up to 600 conch per hectare in the commercially-
30 harvested area off the southwest coast of St. Croix and
31 densities not quite as high elsewhere in St. Croix, but
32 significant densities, over 300 conch per hectare, around the
33 Buck Island area.

34
35 What's interesting to note is the abundance of juveniles at most
36 every one of these areas surveyed. The Lang Bank area, east of
37 St. Croix, had no juveniles whatsoever. This population was
38 comprised of all adult, thick-lipped conch.

39
40 In summary for this table, numbers and densities for St. Thomas,
41 St. John and St. Croix, the areas surveyed for St. Thomas were
42 31,000 meters squared. The average adult density and juvenile
43 densities were very high, based upon those two previously
44 unsurveyed sites, of over 400 adults per hectare and a total
45 density of 583 conch per hectare.

46
47 St. John, 33,000 meters squared area survey and thirty-five
48 adult conch per hectare and thirty-eight juvenile and a total

1 density of seventy-three conch per hectare. In St. Croix,
2 102,000 meters squared were surveyed and twenty-nine adult and
3 thirty-four juvenile, for a total density of sixty-three conch
4 per hectare.

5
6 How do these conch densities compare with other areas? Once
7 again, St. John, St. Thomas and St. Croix, seventy-four conch
8 per hectare, 584 conch per hectare for St. Thomas and St. Croix
9 is sixty-three conch per hectare.

10
11 Puerto Rico, Jimenez in 2007 identified densities of seventeen-
12 and-a-half or eighteen conch per hectare. The Florida Keys is
13 down to half of a conch per hectare. Bahamas, twenty-nine and
14 twenty-one conch per hectare, respectively. This is a very
15 interesting number here with the high densities that were
16 received around Saba Island.

17
18 This slide represents conch density by habitat type for St.
19 Thomas. Once again, adults are in the dark bars and juveniles
20 are in the light bars. Most of the adults were found in
21 seagrass and in algal habitats as well as the juveniles. Very
22 little were found in other habitats, such as coral reef. A few
23 were found in pavement and none in rubble and little in sand.

24
25 It's quite different for conch densities in St. John. Once
26 again, algal habitat, coral reef, pavement, rubble, sand,
27 seagrass. Most adult and juveniles appeared in the seagrass
28 habitats, but significant amounts appeared in all the other
29 habitats, obviously except not the coral reef habitat.

30
31 St. Croix results were very similar to St. John results. Most
32 adults and juveniles were found in seagrass habitats, yet fair
33 amounts also appeared in all the other types of habitats, algal,
34 pavement, rubble, sand, with the exception of coral reef, as you
35 would expect.

36
37 This slide depicts the adult and juvenile conch density by
38 depth. Adults, once again, are the dark bars and the juveniles
39 are the light bars and the total are in the hash bar.

40
41 Most of the juveniles are appearing in the shallower depths.
42 Conch density is on this axis, zero to ninety conch per hectare.
43 Most juveniles are appearing in the shallow depths and most
44 adults are appearing at the deeper depth.

45
46 This is conch density by island by depth, once again. It's zero
47 to six meters, seven to twelve, thirteen to eighteen, nineteen
48 to twenty-four meters, and then twenty-five to thirty meters.

1 Density is zero to 250 conch per hectare. St. Thomas is in the
2 blue, St. John in green, and St. Croix is red.
3
4 Most of the density in St. Thomas is appearing in the shallower
5 range and a more even distribution of adults in the deeper range
6 offshore in St. Croix and St. John is somewhat in the middle,
7 zero to six and thirteen to eighteen meters depth range.
8
9 This is a distribution of shell length for conch found in this
10 study. Juveniles are depicted here in the light bar and adults
11 in the dark bar. We have a peak appearing in shell length of
12 the conch that were measured at about thirteen centimeters and
13 again at about twenty, just before maturity. Most of the conch
14 measured as adults were mature, at twenty-one centimeters shell
15 length or greater in shell length.
16
17 This distribution shows similar results of conch shell length by
18 island. St. Thomas is indicated as the dark purple or blue and
19 St. John is the green and St. Croix is the red triangles. Shell
20 lengths on all three islands appeared the same. This peak in
21 shell length, based upon number of individuals sampled, was
22 greater for St. Croix.
23
24 Obviously it shows a marked number difference here, but
25 basically the peak occurs about the same time, around twenty or
26 twenty-one centimeters, which is when the conch is sexually
27 mature.
28
29 This is the percent frequency of queen conch maturity
30 categories. These maturity categories were established by
31 Appeldoorn and Friedlander, based upon lip thickness. The
32 juveniles have no lip and new adults one to seven millimeter lip
33 thickness and adults, sexually mature, an eight to fifteen
34 millimeter shell lip thickness and the old conch, sixteen to
35 thirty millimeter lip thickness and the very old, thirty-four to
36 fifty-nine millimeters. St. Croix is red, St. John is green,
37 and St. Thomas is blue.
38
39 Most individuals measured were in the juvenile category with no
40 lip thickness. Adults in St. Croix were sexually mature at
41 eight to fifteen millimeters, the most appearing here, while St.
42 John had older individuals present. St. Thomas of adults, new
43 adults, one to seven millimeter lip thickness.
44
45 For St. Thomas, there were ten common sites that were resurveyed
46 over a period of time, 1990, 1996, 2001, and 2008. Densities
47 registered from zero to 250 conch per hectare. Adults, once
48 again, are the dark colored bars and the juveniles are in the

1 light colored bars.

2
3 This shows somewhat of an increase here in conch abundance over
4 time. This is the ten common sites. It excludes the Saba and
5 the Brewers Bay location.

6
7 This is a similar graph for St. John, with nine common sites,
8 starting with surveys that were conducted in 1981, 1985, 1990,
9 1996, 2001, and 2008. In the early survey in 1981, only adults
10 were surveyed. There were no juveniles that were surveyed that
11 year.

12
13 The densities ranged from zero to up to ninety. We can see a
14 decrease in density here in adults and a subsequent increase
15 following 1996. We're looking here though at thirty-eight
16 conch, adult conch, per hectare and forty-nine juvenile conch
17 per hectare.

18
19 The last is a similar figure for St. Croix. Of the twenty-two
20 sites surveyed, three survey periods, 1981, 2001, 2009. In
21 1981, again, only adults were surveyed. In 2001, only sixteen
22 of the twenty-two sites were surveyed. In 2009, all twenty-two
23 sites we surveyed.

24
25 It appears to be somewhat of a general increase in abundance,
26 both in juveniles and in adults. This figure indicates forty-
27 six conch per hectare and this is eighty-nine conch per hectare.

28
29 In summary, the overall conch densities are higher than previous
30 years. Most adult densities are less than fifty conch per
31 hectare. Most juveniles were found in a depth range of zero to
32 six meters, while most adults were found in a twenty-five to
33 thirty-meter depth range.

34
35 Overall for the USVI, the majority of the conch were found in
36 the twenty-five to thirty-meter depth range. Conch densities
37 were greatest in seagrass bed habitats and the majority of conch
38 found on scooter transects were sexually mature in terms of
39 shell length.

40
41 St. Croix had the highest percent frequency of sexually-mature
42 adults and St. John had the highest frequency for very old conch
43 and St. Thomas and St. Croix had the highest percent frequency
44 for juveniles.

45
46 Before I answer any questions, I just wanted to project this
47 extra slide complements of Josh Bennett. I asked him if it was
48 possible to tease out, for St. Croix, the difference in landings

1 from territorial waters versus landings from federal waters and
2 he indicated that it was possible to do it for the years 2000
3 through 2008. These are not fishing years. These are calendar
4 years though.

5
6 The weight ranges from zero to 140,000 pounds. The federal
7 waters are indicated by the purple and the territorial by the
8 blue and an unknown quantity in which the fishers on the
9 commercial catch reports did not report whether they caught the
10 conch in territorial or federal waters indicated on the lower
11 line.

12
13 In all cases, the conch landings were greater indicated from
14 territorial waters than from federal waters. However, as you
15 can see, there's a significant amount of conch this year, in
16 2006, up to 90,000 pounds that were recorded in federal waters,
17 versus 130,000 pounds landed in territorial waters. This is all
18 St. Croix. Are there questions?

19
20 **WINSTON LEDEE:** Have you ever studied how far a conch can
21 travel?

22
23 **TOBY TOBIAS:** No, but I believe it's reported in the literature.
24 They can move considerable distances. If you want to know
25 whether they can move from territorial waters to federal waters,
26 the answer is yes and they can also go from federal waters to
27 territorial waters.

28
29 **EUGENIO PIÑEIRO:** Before we move on here, council members, I'm
30 going to give a ten-minute question period for the council
31 members, because we have two more deponents and I want to secure
32 at least ten minutes for each one of them.

33
34 **CARLOS FARCHETTE:** Toby, can you explain how the FAC, and I know
35 this goes back a lot of years, but how they came up with the
36 recreational harvest limit, because I know at one of the council
37 meetings NOAA didn't know how we came up with those numbers.

38
39 **TOBY TOBIAS:** The recreational harvest limit -- Basically, all
40 the regulations on conch were proposed and came through the
41 Fisheries Advisory Committee through the course of time and
42 these were the appropriate limits that they felt individuals
43 should be able to harvest.

44
45 **CARLOS FARCHETTE:** Is it safe to say that I think we came up
46 with that probably more than twelve or fifteen years ago, to
47 protect the resource on St. Croix?

48

1 **TOBY TOBIAS:** Yes, that is true.
2

3 **CARLOS FARCHETTE:** I've got one more question and I've got to
4 ask this in layman's terms, because I don't have the expertise
5 that the commercial divers have and I surely don't have the
6 science. The only PhD I have is a public high school diploma.
7

8 Would you say, in your scientific opinion, and I know that you
9 need further research, particularly the areas that the fishermen
10 hunt the conch, which I know we discussed that you didn't get to
11 those areas, but would you say because of the amount of
12 juveniles that was found that we do have a healthy conch stock?
13

14 **TOBY TOBIAS:** Based upon one of the slides that I projected for
15 St. Croix, St. Croix had the highest number of juveniles
16 appearing in most of the sites surveyed around the U.S. Virgin
17 Islands.
18

19 We are fortunate that we do have a lot of shallow-water grass
20 bed areas. Actually, some of the best juvenile habitat was not
21 surveyed in this survey. It was not conducted in the back reef
22 embayments, which is also very excellent conch habitat.
23

24 We do have a good seed source. The life history of conch is
25 such that the larval stages is relatively short, all things
26 considered, and although most individuals say that the current
27 runs east to west, fishers obviously know that there are current
28 reversals that occur sometimes more than once a day and so it's
29 quite possible that our conch source is basically being produced
30 here on St. Croix and being reseeded through current reversals
31 and eddies that occur in the area.
32

33 It should be noted that this study did not necessarily target --
34 The objective was to survey commercially-harvested areas, but
35 did we survey many of those? The answer is no. Did we survey
36 the way fishers fish? The answer is no. Fishers are hunters.
37

38 We did a little hunting up on Lang Bank simply because we were
39 told to target the sandy areas, which is what we did. Do we
40 have good numbers for Lang Bank? I certainly don't think so,
41 not with four surveys that were conducted up there, but we have
42 an idea that there are good populations up there and what's
43 interesting is that there are no juveniles there. They're all
44 old, thick-lipped adults and there's no juvenile habitat up
45 there either.
46

47 **BEULAH DALMIDA-SMITH:** Toby, thank you so much for that
48 presentation and I just want the council to be mindful when we

1 discuss the amendment and the quota later on this morning that
2 the survey was done in Lang Bank. Parts of Lang Bank occurs in
3 territorial waters and other parts occur in the federal, in the
4 EEZ, and so when we go through these discussions, I guess based
5 on the information -- Toby, can you tell me if indeed that study
6 was done in the EEZ or was it just the territorial waters of
7 Lang Bank?

8
9 **TOBY TOBIAS:** The four sites on Lang Bank labeled LB1, LB2, LB3,
10 LB4, one of those was on the border of the territorial sea in
11 federal waters. The other three were entirely within federal
12 waters.

13
14 **BEULAH DALMIDA-SMITH:** That's my point right there.

15
16 **TOBY TOBIAS:** This was the study site LB1 that's on the border
17 and these three are within federal waters. This is the
18 territorial sea boundary around St. Croix.

19
20 **BEULAH DALMIDA-SMITH:** Okay. Great and so the studies did
21 incorporate some of the EEZ. To that extent, when we do discuss
22 this issue later on, we can utilize that information in order to
23 help make a determination. If we're not at the point which we
24 can tell by looking at the data, which has to be carried on and
25 sent off to the SSC, and I think when we get to that point we'll
26 make that clear.

27
28 **TOBY TOBIAS:** We did not penetrate Lang Bank entirely. This
29 little area at the top represents the red hind closure area, but
30 as you can see, there's quite a bit of distance to Lang Bank.
31 The outer periphery of this closure area is in fifty fathoms of
32 water and so all this in here is all potential habitat. There's
33 quite a bit of hard bottom there as well.

34
35 As explained to me by fishers, the conch have a tendency to
36 collect on the back side of the reefs there and so they'll
37 target the sandy areas to the interface of the sandy area/hard-
38 bottom reef area and usually the conch will collect at that
39 interface, since they can't penetrate up and over.

40
41 **SHEPHERD GRIMES:** Can you go back to your last slide, please?
42 When did the 50,000-pound territorial quota, when was that quota
43 implemented?

44
45 **TOBY TOBIAS:** In 2007, the conch season was closed and not
46 reopened until January of 2008 and so the quota actually went
47 into effect in 2007 and monitored in 2008.

48

1 **UNIDENTIFIED MALE:** The study was made in a period of three
2 years, right?
3

4 **TOBY TOBIAS:** The survey was conducted in the fishing year
5 2008/2009 in St. Thomas/St. John and the 2009/2010 fishing year
6 on St. Croix.
7

8 **UNIDENTIFIED MALE:** Did you observe any difference in density
9 between seasons, summer and winter?
10

11 **TOBY TOBIAS:** The intent of the survey was to conduct it during
12 the seasonal closure only. However, the St. Thomas/St. John
13 survey ran into the harvesting year. The St. Croix survey was
14 conducted entirely during the closure.
15

16 **WINSTON LEDEE:** Any more questions? Thank you, Toby. Our next
17 speaker is David Olsen.
18

19 **DAVID OLSEN:** I think this is really interesting. The conch,
20 certainly over here in St. Croix, is a species of really
21 considerable concern and the original paper that Wood and I did
22 in 1981, the results of that were reanalyzed by Rich Appeldoorn,
23 who Shenell just told me that that paper that Appeldoorn said
24 that the MSY was 40,000 and so that was the reason for the
25 50,000. I said 60,000 and he said 40,000 and the number was in
26 the middle.
27

28 I think it is time to reevaluate that. We had a proposal with
29 the St. Croix Fishermen's Association to do a major survey and
30 who is the guy at Miami who is like the world's authority on
31 conch? Someone must know that. Ehrhardt. Ehrhardt was going
32 to be involved and Ron Hill was going to be the supervising
33 scientist and it was going to try and create a current picture
34 of what the harvest was and that proposal, for a variety of
35 reasons, didn't take place.
36

37 I think it's time to relook at this issue. I don't want to go
38 down in flames with my 50,000 pound number. I think there's
39 every reason to reconsider that, but I think that it requires
40 some study and I think that the proposal that was on the table
41 beforehand ought to be brought back and the council ought to
42 really push to get some funding for it.
43

44 We have seen in Florida, where they fished the conch down, and
45 they haven't just followed it. They've initiated hatcheries and
46 all kinds of stuff to try and bring the conch back and they have
47 simply not been able to bring it back and there are numerous
48 instances around this region of conch where people have

1 overfished the fishery and it has just been lost.

2
3 I think it looks very much like the St. Croix and St. Thomas
4 conch populations are in fairly good shape. I know Toby is
5 trying not to get pinned down, but I think that picture is
6 fairly optimistic, but I think before any management changes
7 take place that there needs to be a really directed at least
8 analysis of this data.

9
10 How many conch were surveyed this year, total? Was it under
11 1,000 for all three islands? There's a little bit of a sample
12 size issue with numbers like that and for the council to move to
13 a different management regime based on those kinds of numbers is
14 really premature.

15
16 If you make the wrong decision and lose the conch resource as a
17 result of council action, it doesn't look good and so I think
18 there ought to be some real high priority set to a well designed
19 study that involves people like Ehrhardt and in a fairly short
20 time period. I think you ought to try and get Ehrhardt to look
21 at the data that Toby is talking about even and see if he has
22 some recommendations that he is willing to make from that.

23
24 I think the risk with conch resources has been well documented,
25 in that if you don't have a good, firm statistical basis for
26 changing the management regime -- The current management regime
27 has been reviewed. Rich Appeldoorn is a good, strong scientist
28 and he thinks it's even lower than I do.

29
30 I think before changing any management regimes -- I thought the
31 idea of doing this study with the fishermen's association over
32 here was going to accomplish more than just gathering data. It
33 was, for the first time, going to involve a large number of St.
34 Croix fishermen, who are a hard nut to crack, in gathering
35 information and making them see how these decisions are made and
36 that it's not just a bunch of people sitting in a room making
37 this stuff up.

38
39 I would like to recommend as a high priority that the council
40 get a proposal on the table and seek funding for it somewhere
41 and get it on the road and that it should involve St. Croix's
42 fishermen as well as really reputable, high-quality scientists.
43 Thank you.

44
45 **WINSTON LEDEE:** Thank you, David. Next is Edward Schuster.

46
47 **EDWARD SCHUSTER:** Good morning. Just to piggyback on a few of
48 the things that Olsen said, we had this proposal on the table

1 and for whatever reason it didn't come through. I just want to
2 ask Toby how much fishermen involvement took part in your
3 survey.

4

5 (The response is not audible on the recording.)

6

7 **EDWARD SCHUSTER:** I've got a couple of questions with that and
8 things with your graph and I wish you were up here so you could
9 answer some of the questions and can you put it back up?

10

11 **EUGENIO PIÑEIRO:** No, it's a public hearing.

12

13 **EDWARD SCHUSTER:** I wish that a survey could happen or some sort
14 of a study that you could have fisherman involvement. The graph
15 that was put up there, it says some interesting things from
16 sites that were there from 1989 and it shows fishers and it
17 shows also council members that if twenty years later you go
18 back and you revisit the site, it tells you the catastrophe that
19 happened from Hurricane Hugo.

20

21 It shows that the habitat was destroyed and still twenty years
22 later it has not come back to where it was. As far as I can
23 remember from the presentation made here, it shows me other
24 things that you did not really go into the juvenile habitats,
25 the back reef embayment.

26

27 It gives you some sort of picture where our conch fishery is
28 somewhat healthy, but it's not a clear indication where I asked
29 to survey the whole shelf. Since I can't ask any questions to
30 the presentation, I have no further questions.

31

32 **MIGUEL ROLON:** What we are doing here is to have a public
33 hearing and we'll continue the meeting, the public hearing, and
34 then we'll go back and then we'll have a full discussion and you
35 can ask questions. This is important and we need to discuss it
36 totally, including the proposal that Dr. David Olsen mentioned,
37 so the council can discuss this.

38

39 At this time, because it's a public hearing, we have about three
40 or four minutes to close it and then when we open the meeting
41 again, then we will continue with the discussion.

42

43 **EUGENIO PIÑEIRO:** In three minutes, you can ask the questions to
44 Toby. It's just a procedural thing. Any others? Since there
45 is no more public comments at this time, we are going to close
46 the public hearing and now we'll continue with the queen conch
47 works. Ed, do you want to ask -- At this point, you are allowed
48 to ask questions to Toby.

1
2 **FINAL ACTION ON QUEEN CONCH AMENDMENT**
3

4 **EDWARD SCHUSTER:** Can you go back to the slide -- If you go to
5 the last slide and go backwards, I think I can remember that. I
6 just want to put on the record -- I'm not picking at Toby or
7 Fish and Wildlife's presentation, because sometimes my words get
8 twisted after these public hearings and I get accused for
9 certain things.

10
11 Going back to this graph here in the middle, where it says
12 indication of where federal harvest was -- Where it was federal
13 harvest and where Shep questioned it, how was this distance
14 determined? By where the fishers marked on their CCR forms or
15 where it was indicated distance from land?

16
17 **TOBY TOBIAS:** There's a place on the commercial catch report
18 forms where the fishers report distance from shore to the
19 nearest half mile and so this information reflects information
20 the fishers provided, indicating for federal waters that it was
21 all greater than three miles offshore.

22
23 **EDWARD SCHUSTER:** That's my concern. Fishers now are using
24 modern equipment called GPS and what they're doing is they're
25 calculating or they're indicating total distance from where you
26 actually land your vessel or launch your vessel to where you
27 actually go to fish and you would see an indication where some
28 of those guys put on their form fifteen miles. There's no way
29 you can dive fifteen miles offshore. You're in blue water by
30 the time you're outside of that distance.

31
32 I noticed and I saw the look on Shep's face when he saw that
33 indication of where you harvested 90,000 pounds and I'm just
34 hitting on this because when we were in Ponce, I made sure to
35 ask Nancy -- I said we're not going to reveal our credit card
36 number by going to that small grid where you can actually
37 pinpoint a GPS, but you need to have some sort of a grid where
38 we can feel comfortable and put our fishing points where we fish
39 and that would give NOAA and NMFS and DFW a clear indication of
40 you're fishing in territorial waters.

41
42 The other thing with this is I need to know if the duplications
43 from the guys that are vendors were taken out of this survey,
44 because there is duplication within the catch reports.

45
46 **TOBY TOBIAS:** This is directly from CCR, commercial catch
47 report, information. If we have the names of the fishers that
48 are dealers and not harvesting, buying and not harvesting, then

1 that information can also be teased out from this, but this
2 reflects straight information as reported on the commercial
3 catch report forms.

4
5 **EDWARD SCHUSTER:** I've got one more question. Can you go back
6 this way, closer to the beginning? Right there. You said you
7 started from 1991 up to 2008. Those sites surveyed in 1990,
8 which was a year after Hugo, was that GPS coordinates or was it
9 just sites that were surveyed after Hurricane Hugo, because this
10 tells me something here. This is St. Thomas? Okay. So there
11 is no sites surveyed in 1990 in St. Croix? No? Okay. There's
12 one more. Pavement, can you reference what pavement means to
13 the bottom? Is it hard substrate?

14
15 **TOBY TOBIAS:** It's basically hard pavement and maybe covered
16 with a thin filamentous algae as well, but basically it's a
17 pavement bottom, calcium carbonate.

18
19 **SHEPHERD GRIMES:** I would just like to point out you're going to
20 be taking action on a queen conch document later this morning
21 and this is certainly new information that we're going to have
22 to incorporate.

23
24 It's been my understanding that we've never been able to
25 determine whether queen conch harvest was occurring in
26 territorial versus federal waters and I've heard from the
27 Science Center that Eddie Schuster is correct, in that that
28 distance from shore metric that's used is not reliable, because
29 it may include someone -- In many instances, they would list
30 twenty miles offshore and it would mean that's in thousands of
31 feet of water and clearly people aren't diving for conch in
32 thousands of feet of water.

33
34 We're going to have to incorporate this information into your
35 existing document and it's something that we should probably
36 have a little bit of discussion of on the record before you take
37 final action on it at this meeting.

38
39 **ROY CRABTREE:** We can incorporate I guess some of this, but I
40 really think that until this is reviewed by the SSC and looked
41 at -- I don't really think we ought to focus too much on this,
42 because it really hasn't been reviewed by them.

43
44 I think what we ought to do now is refer this to the SSC and
45 have them go through this and get their comments back in terms
46 of what the management implications of this might be, because
47 there are all sorts of questions that obviously come up and
48 without having it reviewed by somebody, I think it would be

1 premature to base much on this.

2
3 **MIGUEL ROLON:** I talked to Shep about this and we could have an
4 SSC meeting through a webinar, provided that we advertise it and
5 everything, and that would speed up that meeting, so they can
6 take a look at this data. Also we can ask them about the
7 proposal that David Olsen mentioned and see if they think it's a
8 good idea and how to proceed with this one.

9
10 **SHEPHERD GRIMES:** I think Dr. Crabtree has clearly a very valid
11 point, but I guess I wouldn't encourage you to delay this
12 document. The queen conch document that's on your agenda at
13 this meeting is merely for compatible closure provisions.

14
15 If you're talking about adjusting the quota, that's something
16 that's going to occur down the road. You have significant work
17 to do before you're going to be able to do that and so I
18 wouldn't necessarily delay action on what you have now to
19 address that issue. That's something that you'll get through
20 the scientific and management process and then come up with
21 whatever recommendations, but it will be a while in the making,
22 I suspect.

23
24 **ROY CRABTREE:** I agree. I think we need to move ahead with the
25 regulatory amendment for the compatible closures. We've been
26 talking about this for a couple of years now and then send this
27 to the SSC and we'll see what comes of that, but I don't think
28 we need to delay action on the framework.

29
30 **BEULAH DALMIDA-SMITH:** Is it my understanding that the existing
31 preferred alternative will remain, until we receive
32 recommendations from the SSC, and then we can go back and
33 readjust that, if that's the case? Then we'll just continue
34 with the regulatory amendment as you just said?

35
36 **ROY CRABTREE:** I think what there's interest in adjusting is the
37 annual catch limit, the 50,000 pounds. That's not really part
38 of the regulatory amendment and so --

39
40 **BEULAH DALMIDA-SMITH:** I understand that. I know they're two
41 separate issues, but since we're not going to deal with the
42 quota or the ACL, we're saying that the council will agree with
43 the 50,000 pounds for the preferred alternative?

44
45 **ROY CRABTREE:** We did that yesterday and we voted. The ACL
46 Amendment passed and was voted up to submit to the Secretary and
47 so that was all done and I think --

48

1 **BEULAH DALMIDA-SMITH:** I was absent and thank you for the
2 clarification.

3
4 **EDWARD SCHUSTER:** I just wanted some clarification. When there
5 was a spike into our conch fishery and Dr. Olsen at the time was
6 the Director of Fisheries, he indicated or he put in place a
7 50,000-pound quota as an emergency measure to save our conch
8 fishery.

9
10 The council then -- Before that, the FAC, to manage our
11 resources better of the conch, we make some changes to our
12 regulations, which we put -- It was 150 per license and we
13 extended our closed season and we put a quota of 200 per boat.
14 You could have twenty fishers onboard and only 200 conch you
15 could harvest.

16
17 That created a problem. We understand the process that goes
18 through where the council cannot make changes and it was
19 indicated to me that it would take two years for us to come or
20 make a change in a regulation in federal waters.

21
22 That created a problem for enforcement and it also created a
23 problem for our fishery, which actually it was a black market.
24 When we had a closed season, it was open in federal waters.

25
26 At the time this 50,000 pounds was implemented, there was no
27 quota in the EEZ. It actually was the only area that the
28 council managed between Puerto Rico, St. Thomas, and St. Croix
29 that was allowed harvest.

30
31 Now I'm hearing, and if I'm wrong, I stand to be corrected, but
32 now I am hearing that this 50,000 pounds is both federal and
33 local when there's no indication from previous council meetings
34 that you guys had the slightest idea what percentage of the
35 conch was harvested in federal waters and I think it's totally
36 unfair to sit here and make a decision or go and guesstimate
37 that you're going to join 50,000 pounds jointly with federal and
38 local waters.

39
40 I think you guys need to find out exactly what your stock is in
41 federal waters and set a quota there and give us a fair share of
42 this pie, because we know exactly what's there as fishermen.
43 There is an area that's there that protects itself.

44
45 I don't know the exact distance and how long it goes, but the
46 center of it is 150 feet. We had three divers that lost their
47 lives there and both sides of it, it goes from forty feet, sixty
48 feet, eighty feet and it goes down until it gets in the middle

1 of the trench.

2
3 That's a protected area in itself and I'm indicating this on the
4 record, that there's depths around these areas in Lang Bank that
5 protect themselves. The divers now are more conscious and they
6 do not go in these depths. They let the conch stay there and as
7 they come up the wall, that's when we harvest them.

8
9 It's unfair for you now, because you're getting information from
10 an independent study, to determine, because it was not
11 accurately and properly surveyed, for you to now join the 50,000
12 pounds that was established as an emergency measure and to now
13 join it.

14
15 I feel like it's for enforcement purposes and that's why you're
16 going it, because we found a loophole in your mistake and we
17 have always gone local to be compatible with federal regulations
18 and I think it's about time that you guys step up to the plate
19 and let's come to our ball field. Come to our ball field.

20
21 We made a proactive step and we went forward and we saw our
22 resources in trouble. The fishers saw the resources in trouble.
23 I'm not going to sit here and take the credit. There was a
24 fisherman that brought it to our FAC and said, listen, during
25 our closed season, I see the conch spawning a month before and a
26 month after. The FAC members in St. Croix made a decision to
27 extend the closed season and add three months additionally onto
28 it while it was still open and you had no idea what was going
29 on.

30
31 Now, you want to come and for us to come compatible. Come to
32 us. Come to the locals. Come to the locals and you come
33 compatible to us, because we made the proactive step. St. Croix
34 made the proactive step because that's the fisher's livelihood
35 and I think that it's about time we draw the line in the sand
36 and come to us.

37
38 We made the step first and now you guys come to us and ask us
39 exactly what's going on. Like Olsen said, find the money and do
40 the survey and do a total analysis of the shelf, especially Lang
41 Bank, where you manage.

42
43 Find out what your total stock is and set your MSY or whatever
44 and give us a quota in the EEZ and it could be monitored by DFW
45 if you put them on an electronic database that you can monitor
46 it during the season and then we'll go from there, but I think
47 it's unfair what you're doing now to try and join the 50,000
48 pounds that was established in an emergency measure as a joint

1 effort and I'm not going to stand for that.

2
3 **EUGENIO PIÑEIRO:** Thank you, Ed. We're going to take a five-
4 minute break and we'll come back with Joe Kimmel and his
5 presentation.

6
7 (Whereupon, a brief recess was taken.)

8
9 **EUGENIO PIÑEIRO:** All right, Joe.

10
11 **JOE KIMMEL:** Good morning, everybody. I'll be talking this
12 morning about the council's regulatory amendment for queen
13 conch. This is an amendment that we planned to take action on
14 at the last meeting, but it was not on the agenda and so we
15 couldn't take final action and so we put it on this meeting's
16 agenda.

17
18 This happens to be an immature queen conch and you can see it's
19 grazing on -- It's in a seagrass bed and it's grazing on some of
20 that hard substrate and that's algae there and so it's an
21 important grazer as well. It had no lip thickness on it at all
22 and so that was a juvenile.

23
24 Now the purpose of this amendment -- Remember back in June of
25 2008, the U.S. Virgin Islands changed its regulations or
26 established regulations to implement a 50,000-pound quota in St.
27 Croix and a 50,000-pound quota for St. Thomas/St. John. They
28 also modified their closed season by two months and so their
29 closed season now goes from June 1 to October 31 and the federal
30 closed season is two months shorter than that and there is no
31 quota in the federal zone.

32
33 The St. Croix quota closure was met a year after they put that
34 regulation into place and so the fishery closed in May of 2009
35 in territorial waters. It remained open in the EEZ, because
36 there were no compatible regulations for that at the time.

37
38 The local government requested the council and NMFS to develop
39 federal regulations to be compatible. Lang Bank, in federal
40 regulations, is open between October 1 and June 30 and they
41 wanted us to have a compatible closed season with theirs and so
42 that open season would be two months shorter once this
43 regulation goes into effect and so this is an attempt to develop
44 compatible regulations.

45
46 Here, you can see the area that's going to be affected, St.
47 Croix, of course, the three-mile territorial sea. Lang Bank
48 technically starts here at 64°34' longitude and extends to the

1 east and the federal zone is everything outside of that
2 territorial sea boundary there and so that's the area where
3 compatible closure regulations will be effective.

4
5 This is a one action regulatory amendment. There was two
6 alternatives, a no action and this is the alternative that the
7 council chose and it's our preferred and that is to establish
8 compatible closure regulations with the U.S. Virgin Islands,
9 both a quota closure and a seasonal closure, so that when the
10 U.S. Virgin Islands meets its quota, and it's currently 50,000
11 pounds, when they meet that quota, they notify the council and
12 National Marine Fisheries Service and the Regional Administrator
13 will have authority to close the federal waters to queen conch
14 off the east coast of St. Croix.

15
16 Also, in addition to that, the regulation will extend the
17 seasonal closure now so that it will be compatible with the
18 local government's closed season and that will be between June 1
19 and October 31.

20
21 This particular amendment has absolutely nothing with
22 establishing a quota. The quota was established through the ACL
23 Amendment, which we just did yesterday, and the SSC's
24 recommendation was for a 50,000-pound quota for St. Croix and
25 that quota will be all area around St. Croix, both the EEZ and
26 territorial waters. That's what the ACL Amendment did
27 yesterday.

28
29 This particular amendment has absolutely nothing to do with
30 setting a quota. If the council wanted to at some later time
31 consider a different quota for St. Croix in the EEZ, then they
32 would have to provide information, such as Toby's study that he
33 presented this morning and other information, to the SSC and
34 have them offer a recommendation to you for that.

35
36 I would recommend if you wanted to do that that you do that in a
37 subsequent amendment. The ACL Amendment will be reviewed by the
38 Secretary and eventually it will be implemented and become
39 effective and at that point in time, you'll have a framework
40 robust enough so that you can address changing quotas for queen
41 conch.

42
43 Nonetheless, this is what a mature queen conch looks like after
44 it's been harvested and you turn the shell upside down and I'll
45 be glad to answer any questions you might have.

46
47 **MIGUEL ROLON:** Joe, what happens if the Virgin Islands increases
48 their quota within the area of jurisdiction in relation to this

1 alternative?

2
3 **JOE KIMMEL:** The way this amendment works is once the quota,
4 whatever it is, is reached, the local government notifies
5 National Marine Fisheries Service and the council and we will
6 close the EEZ. The exact number of the quota I don't think is
7 germane at this particular time.

8
9 **ROY CRABTREE:** We've got some complications here, because you
10 have this rule with the regulatory amendment, but then we also
11 have the ACL Amendment that we put in place yesterday and so if
12 there were just this framework action, if the territory raised
13 their quota, then we wouldn't close until they closed with that
14 new quota.

15
16 When the ACL Amendment goes in place, we're going to have an
17 annual catch limit of 50,000 pounds for the St. Croix region and
18 we will close that fishery down when we think the 50,000 pounds
19 is caught. Now, if the territory stays with 50,000 pounds,
20 they're monitoring the quota and so we will then close federal
21 waters when they say the quota is caught and close territorial
22 waters.

23
24 If the territory was to unilaterally increase the quota, we
25 would still have an ACL of 50,000 pounds and we would be
26 obligated to close the fishery down when we thought the 50,000
27 pound was caught, even if the territory had increased that.
28 Shep, I don't know if you want to comment on it, but I think the
29 point is that this rule will probably go in place before the ACL
30 Amendment goes in place, but once the ACL Amendment goes in
31 place, it will change this requirement by establishing the
32 50,000-pound ACL.

33
34 **SHEPHERD GRIMES:** That's really the key and what I wanted to
35 focus on, but right now, we don't have any kind of quota
36 management in queen conch, at least not for our fishery
37 management plan.

38
39 We have a very small open area, in the grand scheme of things,
40 and there's a certain open season. This regulation will create
41 compatibility between federal and territorial waters, but based
42 on decisions that were made yesterday and the requirement now to
43 shift to annual catch limits and actually have hard targets or
44 catch limits, if you will, we're going to implement that and
45 it's going to affect whatever action you take here.

46
47 If you guys approve this and submit this, it will result in a
48 regulation that I believe has been distributed to you at this

1 meeting that talks about compatible territorial closures and
2 that's a compatible seasonal closure and a compatible quota
3 closure, but as soon as we implement the regulations for the ACL
4 Amendment, that is going to change, because then it will be a
5 compatible 50,000-pound quota and we'll only be compatible with
6 the territories, so long as you do not change what you have on
7 the books now.

8
9 Also, I would note that the regulations you saw yesterday
10 included accountability measures that were specific -- They
11 weren't specific, but they were general to everything that was
12 covered under the ACL Amendment, which includes queen conch.
13 That text is going to be adjusted, because if we create this
14 compatible closure requirement, the closure will itself be the
15 accountability mechanism and so we'll tweak the regulations that
16 you saw yesterday because the accountability measures you looked
17 at yesterday said if there's an overage, then we're going to
18 shorten the following season enough to prevent that overage from
19 occurring again. That doesn't make any sense in a quota-
20 monitored and managed fishery such as this will be and we won't
21 need that provision. The accountability mechanism will be the
22 closure that results from harvesting the quota and so those
23 regulations will change as well, but I just wanted you all to be
24 aware of that.

25
26 **CARLOS FARCHETTE:** You don't plan to also look at the harvesting
27 limits for commercial, like the territory did, as a more
28 conservative method, to do the 200 per boat? From Toby's study,
29 it shows that not many juveniles are found in the Lang Bank area
30 and so I think if you allow divers to go out and harvest 600
31 conch, with enough licensed fishermen onboard, it's not as
32 conservative and it may be detrimental to the stock at Lang
33 Bank.

34
35 **JOE KIMMEL:** We're not really considering that in this
36 amendment. This amendment has gone through an evolution since
37 its beginning. At one point, it was called Queen Conch
38 Amendment 3, I think, or maybe 4, but at that time, we had a
39 very robust change to the regulations to be totally compatible
40 with the local government, but the council, at a previous
41 meeting, recommended that we get rid of everything except for
42 the seasonal closure and the quota closure and so those other
43 elements were dropped out of it at that time. What we have is a
44 one-action amendment that deals with closures and that's the
45 quota closure and the seasonal closure.

46
47 **BEULAH DALMIDA-SMITH:** Shep, a point of clarification based on
48 what you just said. Yesterday, we determined an 85 percent

1 uncertainty factor and you're saying that that does not apply to
2 the queen conch quota of 50,000? In actuality, what will happen
3 is you will adjust and implement a seasonal -- Let me think
4 about this.

5
6 You will add two months onto what is already the existing closed
7 season and so, for instance, instead of from July 1 to September
8 30, the compatibility would be such that it would be now from
9 June 1 to October 31 as the closed season instead of applying
10 that 15 percent reduction in the existing quota?

11
12 **SHEPHERD GRIMES:** We will have the same closed season as St.
13 Croix, the Territory of the U.S. Virgin Islands. We're going to
14 enact the same fixed closed season. In addition to that, you
15 have a quota. The Territory of the U.S. Virgin Islands has a
16 quota.

17
18 After we implement the ACL provisions, we will, in effect, have
19 the same 50,000-pound quota as on the books for the territories
20 and that quota will have to be harvested within the fixed open
21 season. There are separate regulatory requirements.

22
23 During the closed season, it doesn't matter whether you caught
24 the quota or not, but you can't go out and harvest conch.
25 During the open season, you have that time period during which
26 you may harvest up to the 50,000-pound ACL of queen conch.

27
28 If we wanted to revisit that number or implement other
29 restrictions, then that's something that you could take up down
30 the road. All it takes is a motion to start the amendment or
31 framework action or whatever, but that's a separate process and
32 trying to include that in the document you have before you today
33 is going to slow it down considerably and I don't really think
34 that's something you want to do at this point.

35
36 **BEULAH DALMIDA-SMITH:** I just wanted to say it and to put it on
37 the record, because I think some people are confused that
38 because we made a determination of a 15 percent reduction or an
39 85 percent uncertainty factor for the finfish that this does not
40 apply to the queen conch.

41
42 **SHEPHERD GRIMES:** No and I think you got a recommendation from
43 your SSC that was just a number, a flat number. The stuff
44 you've done for reef fish is based over, and somebody please
45 correct me if I get this wrong, one of the NMFS folks, but it's
46 a series, time series, of average landings and you're reducing
47 that by some amount to account for uncertainty, but that didn't
48 come into play for conch, because the only recommendation was

1 50,000 pounds and for the St. Croix area.

2
3 **WINSTON LEDEE:** I have a question. What about all the other
4 regulations like the number of conch per boat and per person and
5 all that? Are they going to be compatible?

6
7 **JOE KIMMEL:** As I told Carlos -- He had the same question.
8 Those elements were dropped out of the amendment at a previous
9 council meeting and so all we retained in the regulatory
10 amendment are seasonal and quota closure elements of the local
11 government regulations.

12
13 **ROY CRABTREE:** This is your amendment. That stuff is not in
14 there because you decided at other council meetings not to do
15 it. If you want to put that stuff in there -- I wouldn't put it
16 in this one now. I would go ahead and submit this one and then
17 start on another amendment if you want to do it, but we've
18 talked about this at past council meetings. We've been working
19 on this now for three years almost.

20
21 If you want to change these things, you can change them, but
22 somebody needs to make a motion of what you want to do and ask
23 staff to develop an amendment to do it, but it seems to me what
24 you ought to do right now is send this new information you've
25 seen back to the SSC and have them review it and have them come
26 up with recommendations and then when we get those, we can
27 decide do we want to come in and what do we want to change.

28
29 **EUGENIO PIÑEIRO:** Joe, go ahead.

30
31 **JOE KIMMEL:** Mr. Chairman, also we have the proposed rule. If
32 you didn't pass that among the council members, we can project
33 it, if you would like us to do that.

34
35 **BEULAH DALMIDA-SMITH:** Mr. Chair, based on our previous
36 discussions, I think at this time what we'll do is just allow
37 those discussions to pass and we'll focus on the regulatory
38 amendment and the compatibility and as we receive information
39 from the SSC, we can further determine additional compatibility
40 as to the commercial harvest between the federal and local
41 government and so I don't see a need to make a motion at this
42 time.

43
44 **JOE KIMMEL:** Anik, maybe you could describe the codified text
45 better than I could, since you wrote it. This is Anik Clemens,
46 our regulation writer.

47
48 **ANIK CLEMENS:** Hi, everyone. I'm Anik Clemens. What you see

1 here is 622.32, Prohibited and Limited Harvest Species. I'll
2 just read through this with you. No person may fish for or
3 possess onboard a fishing vessel a Caribbean queen conch in or
4 from the Caribbean EEZ, except during November 1 through May 31.
5 This is the Lang Bank area.

6
7 Then in 622.33, which is the Caribbean EEZ Seasonal and Area
8 Closures, the queen conch closure in the Caribbean EEZ --
9 Pursuant to the procedures and criteria established in the FMP
10 for queen conch, when the U.S. Virgin Islands closes territorial
11 waters off of St. Croix to the harvest and possession of queen
12 conch, the Regional Administrator will concurrently close the
13 Caribbean EEZ in the Lang Bank area by filing a notification of
14 the closure with the Office of the Federal Register. Closure of
15 the adjacent EEZ will be effective until the next fishing season
16 for territorial waters opens, November 1.

17
18 During the closure, no person may fish for or possess onboard a
19 fishing vessel a Caribbean queen conch in or from the Caribbean
20 EEZ, which is the Lang Bank area of the EEZ.

21
22 **JOE KIMMEL:** If the quota is reached, as it says, as Anik
23 pointed out, a notice will be published in the Federal Register
24 and we'll send out Fisheries Bulletins to notify the council and
25 fishermen, too.

26
27 **SHEPHERD GRIMES:** Again, I wanted to go back over what I
28 mentioned earlier and that is this regulation will precede
29 implementation of the ACL Amendment that you voted on yesterday,
30 but because this regulatory text does not exist yet, we don't
31 have any changes to it in the rule that you viewed yesterday.

32
33 Having said that, since that rule is going to come later, it
34 will make changes to this to include a specific reference to the
35 ACL and so it will no longer be at territorial quota, but it
36 will be the ACL that triggers the quota closure provision. If
37 you have any questions about that or don't get it, now is the
38 time to --

39
40 **MIGUEL ROLON:** Shep, let's have this as an area and we approve
41 this quicker than the ACL and then the government of the Virgin
42 Islands has to have a 100,000 quota within the area of
43 jurisdiction. You will have, until you approve the ACL, 100,000
44 for the entire region, 50,000 or zero in the EEZ?

45
46 **SHEPHERD GRIMES:** I guess it would be 100,000 until the ACL
47 Amendment is implemented and the ACL Amendment, because it is a
48 full-blown plan amendment, requires a little bit more process.

1 It is necessarily going to take longer to implement than just
2 these regulatory changes.

3
4 This is all about compatible territorial and federal
5 regulations, which if the territory changed would be at that
6 higher level for a matter of months though, the difference in
7 implementation. It's not like it's going to be a year or two
8 years or anything like that. It will just be hopefully a matter
9 of months and maybe as little as a matter of weeks.

10
11 **MIGUEL ROLON:** The people that want more conch will be happy for
12 a couple of months or something like that. Then the other issue
13 is that we talk about compatibility as a one-way street, but
14 it's not a one-way street. There's always room for adopting the
15 federal government -- Usually, local governments adopt the
16 federal government's regulations and that's what the law says,
17 in order to have this management regime you have the same common
18 goal. I believe that's the confusion here, is that people are
19 mixing the two issues.

20
21 **ROY CRABTREE:** I think that's exactly right and so we want to be
22 compatible and we want to have compatible regulations, but we
23 can only be compatible with the territorial regulations if the
24 territorial regulations comply with the Magnuson Act.

25
26 If the territory decides to do something that they can do,
27 because they don't have to comply with the Magnuson Act -- It
28 doesn't apply to them. If they decide they're going to do
29 something that we can't do, then we're not going to have
30 compatible regulations.

31
32 The one thing the Act is clear about is that we cannot exceed
33 the fishing level recommendations that come out of the SSC or
34 the science. Right now, that's 50,000 pounds. We can't go over
35 that and so in order for us to be compatible, the territories
36 are going to have to stay within that ceiling as well. We can
37 go back to the scientists and ask them to relook at this.

38
39 I agree with David that it's time to relook at this and I'm all
40 for bringing a group of people together to do that and if they
41 give us some more room here to adjust things, that's great, but
42 for right now, this is where we are.

43
44 I think what's key here to be compatible is that all of us work
45 together and consult with each other before we start making
46 changes, so that we fully understand what the other party that's
47 involved can and cannot do.

48

1 I think it's important that the territories, when they decide
2 they want to make a change, come to the council and lay out that
3 here's what we want to do, so that the council has a chance to
4 look at it and we have a chance to consult with our scientists
5 and the attorneys to see if we can or can't do it. To the
6 extent we can do that, I think we can maintain consistent
7 regulations.

8
9 **BEULAH DALMIDA-SMITH:** On the same note, the territory will not
10 make any changes that are arbitrary and capricious. Actually,
11 we will based on studies, which we intend to implement locally
12 also. The fishers figure that we do have a healthy conch
13 fishery within the Territory of the Virgin Islands and so if
14 indeed we see a need to increase that amount of quota, conch
15 quota, in the waters of the Virgin Islands, we will ensure that
16 we have the data to support that and absolutely we will bring it
17 to the council and express that to the council and ask for
18 compatibility within the EEZ. I appreciate your answer and I
19 totally agree with it and thank you.

20
21 **JOE KIMMEL:** Mr. Chairman, the staff has provided the council
22 with this regulatory amendment and the codified text so that you
23 can continue your discussion to take final action and to deem
24 the rule.

25
26 **BEULAH DALMIDA-SMITH:** I would like to make a motion that the
27 council accepts Alternative 2, establish a compatibility closure
28 within the U.S. Virgin Islands, as the preferred alternative.

29
30 **EUGENIO PIÑEIRO:** Is there a second for that motion?

31
32 **CARLOS FARCHETTE:** Second.

33
34 **SHEPHERD GRIMES:** I believe it's already your preferred
35 alternative in the document. If you want to move this forward,
36 all you need is a motion to submit the regulations to the
37 Secretary of Commerce for implementation.

38
39 **EUGENIO PIÑEIRO:** Are you sure of that?

40
41 **SHEPHERD GRIMES:** I was told it's --

42
43 **ROY CRABTREE:** It doesn't say and so we do need to establish a
44 preferred.

45
46 **EUGENIO PIÑEIRO:** Okay. Do we need further discussion of that?
47 Do we want to vote then on that?

48

1 WINSTON LEDEE: Yes.
2
3 BEULAH DALMIDA-SMITH: Yes.
4
5 MIGUEL GARCIA: Yes.
6
7 CARLOS FARCHETTE: Yes.
8
9 ROY CRABTREE: Yes.
10
11 MARCOS HANKE: Yes.
12
13 EUGENIO PIÑEIRO: Yes. It's unanimous and the motion carries.
14
15 BEULAH DALMIDA-SMITH: Mr. Chair, I wish to make a motion to
16 submit the regulatory amendment to the Secretary of Commerce.
17
18 EUGENIO PIÑEIRO: Is there a second for that?
19
20 CARLOS FARCHETTE: Second.
21
22 EUGENIO PIÑEIRO: Farchette seconds. Any discussion? Let's
23 vote on that.
24
25 SHEPHERD GRIMES: Just for the record, the regulatory amendment
26 includes the regulations that you've reviewed here at the
27 meeting today.
28
29 WINSTON LEDEE: Yes.
30
31 BEULAH DALMIDA-SMITH: Yes.
32
33 MIGUEL GARCIA: Yes.
34
35 CARLOS FARCHETTE: Yes.
36
37 MARCOS HANKE: Yes.
38
39 ROY CRABTREE: Yes.
40
41 EUGENIO PIÑEIRO: Yes. The motion carries. Thank you, Joe.
42 The next item on the agenda is a Report on the Status of Setting
43 a Federal Permit Program with Carolyn Sramek.
44

45 REPORT ON STATUS OF SETTING A FEDERAL PERMIT PROGRAM

46

47 CAROLYN SRAMEK: It's my understanding there has been some
48 conversations and dialogues about having a federal permit

1 program and so I wanted to contribute to that discussion by
2 sharing a little bit about what the federal program for permits
3 is like in the Gulf of Mexico and the South Atlantic. Sharing
4 what we have up there might foster some ideas for a Caribbean
5 program, if that's something you all want.

6
7 First, a little on the benefits of having a permit program. If
8 you have a federal permit program for the Caribbean waters of
9 the EEZ, you will gain some insights into fishing effort. A
10 program can tell you who is fishing. Depending on how the
11 permit is issued, you may know something about the vessels that
12 are being used or what gear is being used.

13
14 If you can associate catch or landing data with the level of
15 effort data, you can make some estimates of fish abundance,
16 which, of course, is important for good fishery management.

17
18 An open access permit program can be a first step towards a more
19 limited program, if that's something you're interested in, or a
20 quota share program catch share program. Pretty much any permit
21 program tends to professionalize the industry. A catch share or
22 a limited entry program can be a valid and useful tool for stock
23 revitalization.

24
25 It is possible that you could have a program that's associated
26 with the annual catch limits, associated with a geographic zone.
27 We've done with some of our programs and so if you wanted to
28 have island-by-island fishery management for permits, that could
29 be possible.

30
31 In the Gulf of Mexico and the South Atlantic, we have a lot of
32 different programs. Most recently, we've implemented a database
33 system which we call PIMS, which stands for Permit Information
34 Management System. We have lots of different products. I just
35 wanted to show a couple here.

36
37 This is just an example of what our permit -- That's just to
38 show what our permits look like. There's the piece of paper
39 which has the information on it and here's the front page of our
40 application. We do have some permits which are issued to people
41 as opposed to a vessel and a person and so that's a little
42 operator card and we actually have information about the person
43 and their picture. It looks not unlike the USVI permit that I
44 saw a little while ago.

45
46 For some permit programs, we actually have a decal with
47 information printed on it and it's stuck to the side of the
48 vessel so that enforcement or other fishers can tell from a

1 distance if that vessel is permitted.
2
3 Our PIMS system collects data. We have found that it's useful
4 and beneficial to have our programs as similar to each other as
5 possible so that we can reuse the infrastructure, reuse our
6 system. In most instances, we can reuse the same application.
7
8 Generally speaking, the data that we collect is information on
9 entities. That is the people or businesses to which the permit
10 is issued. We collect information on business relationships, on
11 vessels, on vessel relationships, that is the entities that own
12 the vessel, and, of course, on the gear or traps that are used.
13
14 A little more specifically on our entities, we typically collect
15 name, mailing address, telephone number, date of birth or if the
16 entity is a business, we collect the date a corporation was
17 formed, and the tax identification number.
18
19 By collecting all that information, we're able to usually tell
20 uniquely who one person is, so that when they apply from year to
21 year or for multiple permits for multiple vessels, we're able to
22 know who those people are and when they have more than one
23 permit.
24
25 We collect information about who owns or is an officer or a
26 shareholder or a company. We'll know when they started to be
27 the officer or owner of a company, what their relationship was,
28 when it ended.
29
30 We collect vessel data, name and Coast Guard documentation or
31 state registration information, as well as vessel
32 characteristics, like the hull identification number, crew size,
33 length, tonnage, physical characteristics.
34
35 We collect data about who owns the vessel, who leases the vessel
36 and for some fisheries, we collect information about the gear
37 that's used, the number of traps, the size of the traps, buoys,
38 tags, that kind of information.
39
40 By collecting all this data at this level of detail, it allows
41 us to uniquely track the person, vessel, and permit over time.
42 We can tell -- If a permit was a moratorium permit and it's
43 transferable, we can know from which vessels it transferred and
44 to which people it transferred, so you can then attribute
45 landings to a permit over time. You can attribute landings to a
46 vessel over time and you can attribute landings to a person over
47 time. Any combination of that becomes available as long as you
48 collect that full suite of data.

1
2 Just a little bit about the mechanics of what we do in the Gulf
3 and the South Atlantic, just to kind of give you a sense of how
4 it all works. Our permits are distributed throughout the
5 calendar year. We'll have them expire on the last day of the
6 month of the permit holder's birth month or if it's a company,
7 the month the company was formed, so that we can spread our
8 workload out over the whole year.

9
10 Our transferable or moratorium permits are all uniquely
11 numbered. Right there, it says SPGM-2009. Regardless of to
12 which vessels that permit is issued or to whom it's issued, that
13 particular unique permit will always have that number and so
14 that's how we can trace it over time and ownership.

15
16 For our permits that have traps or tags, the tags themselves are
17 produced by a company called Floy Incorporated and those orders
18 are funneled through us or channeled through us. That way, we
19 know which tags are being ordered and we know what the sequence
20 is and we know what their numbers are and what their colors are,
21 so that we know which vessels or which permits are associated
22 with how many traps and what types.

23
24 Where our system was put online in 2006 and it's been steadily
25 improving -- It started out good and it's getting even better.
26 At this point I almost hesitate to say it's great, but we are
27 able to keep track not only of the permits, but also of the
28 process, of when the applications were received, of when the
29 permits were issued, and if the application is incomplete or if
30 there's problems or deficiencies, we're able to keep track of
31 exactly what was wrong and what correspondence was sent back.

32
33 The system generates automatically customized letters
34 dynamically to the applicant explaining any deficiencies. We
35 send out automatic reminders telling people when their permits
36 are due for renewal. We're working routinely to improve our
37 constituent correspondence and it's getting pretty robust at
38 this point.

39
40 Magnuson-Stevens require that we charge a cost to cover the
41 administrative costs of issuing the permits. It has been
42 calculated at this time to be \$25.00 for one permit and \$10.00
43 for each thereafter.

44
45 Our applicants can apply for more than one permit on a single
46 application and most do. If, for example, somebody wanted three
47 permits, they would get \$25.00 for the first one and \$10.00 for
48 each thereafter and so your cost of applying for three permits

1 would be \$45.00.

2
3 These programs have been successful in the Southeast, the Gulf
4 of Mexico and the South Atlantic. They have been used
5 successfully to determine eligibility for catch share programs
6 and these permits -- Some of the reef permits, for example, are
7 required for participation in the reef fish IFQ and so they are
8 required for continued participation.

9
10 Open access permits, the data from open access permit programs
11 has been used successfully to implement moratorium and limited-
12 entry programs. Limited-entry and moratorium programs have been
13 used to professionalize the industry.

14
15 In the Southeast Region, we presently have catch share programs
16 for the Gulf of Mexico reef fish permits, South Atlantic snapper
17 grouper and wreckfish fisheries. We have thirteen limited-entry
18 programs and twelve open-access programs and so we have a fair
19 bit of experience with managing these kinds of permit programs.

20
21 In terms of what kinds of permit program would be appropriate
22 for the Caribbean, that really depends on what you want to do
23 with the data, what management you intend to manage. How you
24 plan to use the data really dictates what kind of data you would
25 want to collect and therefore, that would reflect how your
26 permit program should work.

27
28 Just very abstractly, that said, there really are three choices.
29 If you wanted to have a program, you could just jump onboard
30 with what we already have and implement a Caribbean program
31 using all the same protocols and business practices that I just
32 described and, of course, can go over in more detail.

33
34 If your fishery management needs can be accomplished solely with
35 whatever permit programs you already have in the local
36 territories, then there may not be a need for a federal permit
37 at all, if what you need to do can be accomplished with what you
38 have and, of course, we can come up with something new, some
39 hybrid between those.

40
41 I've had some fun brainstorming with various people about what
42 something new might be. This is by no means an exclusive list
43 of ideas, but just to kind of get our wheels spinning a little.
44 We could offer some sort of a federal endorsement to the local
45 licenses.

46
47 What that might look like, it could be something as small as a
48 sticker that could be applied to an existing endorsement or

1 license. It might be its own independent piece of paper. It
2 could be something that we issue automatically if we were to
3 learn of who had a local license. They could send us the data
4 from the local dataset and we then turn around and automatically
5 send out a federal permit to those fishers.

6
7 It could be something where we send down to the local offices a
8 bunch of stickers or endorsements to give out and then the local
9 office would sort of issue the federal endorsement and then send
10 us the data afterwards.

11
12 It could be that if we could restrict the time that these
13 federal permits are issued to a couple of weeks, I could come
14 down to the Virgin Islands every year and issue them myself.
15 During holiday vacations would be a good time.

16
17 I'm sure there's all kinds of other ideas. Those are just ones
18 that we came up with after a few conversations. It really
19 depends on what you all want to accomplish, but if there's a
20 need for a permit program, I'm very eager and willing to work
21 with you all and the local territorial permit offices to see
22 what we can come up with. That's pretty much the end of my
23 formal presentation and there's my contact information if
24 anybody wants to talk to me after this meeting.

25
26 **GRACIELA GARCIA-MOLINER:** What are the reporting requirements
27 that you have for the permits in the EEZ?

28
29 **CAROLYN SRAMEK:** What are they?

30
31 **GRACIELA GARCIA-MOLINER:** Are they specific reporting
32 requirements?

33
34 **CAROLYN SRAMEK:** Yes, there's lots of different ones for
35 different programs. Some of the permit programs have logbook
36 requirements. Many of them have landing reporting requirements.
37 There's a variety of telephone surveys and different economic
38 reports.

39
40 There's a whole bunch of different kinds of reporting
41 requirements for the various programs and so your reporting
42 requirements that you might have could be pretty much anything
43 you want.

44
45 We, as much as we can, try and enforce that reporting
46 requirement compliance at the time of renewal. If for our
47 federal programs we know that somebody hasn't been filling out
48 their logbooks, we'll withhold their permit until they send them

1 in.

2
3 **SHEPHERD GRIMES:** Just to clarify on that, the reporting
4 requirements are not necessarily part of the permits. They're
5 separate regulatory requirements. Permits have been required
6 with and without reporting and so you have all the options you
7 can dream up for those. Don't automatically associate a permit
8 with some sort of mandatory reporting.

9
10 **CAROLYN SRAMEK:** Thanks, Shep. That's true.

11
12 **JOE KIMMEL:** I want to thank Carolyn for putting this
13 presentation together. I went to her and said we need to have
14 permits in the Caribbean or I would like to have permits in the
15 Caribbean and she asked me many times what do they need and what
16 do they want and I frankly couldn't tell her.

17
18 I said we have to get up with the people here, the permit people
19 of the U.S. Virgin Islands and the permit people in Puerto Rico,
20 and just get together. She needs to spend time with those folks
21 to find out what their permit systems look like and then the
22 council has to decide whether they want permits and if they do,
23 exactly what they want them to do, but I want to thank her for
24 putting together this very good presentation. I do have a
25 question, too. I know the answer, but permits are renewable
26 annually, correct?

27
28 **CAROLYN SRAMEK:** Yes.

29
30 **JOE KIMMEL:** If somebody has not filled out their data
31 requirements for renewal, what happens to them?

32
33 **CAROLYN SRAMEK:** If they have an open-access permit, nothing.
34 They just don't have a permit to fish when their permit is
35 expired and then when they want to fish again, they can apply
36 and get a new one.

37
38 If they have a limited-access permit, it, again, depends. Most
39 of our limited-access permits stipulate that they have to be
40 renewed within a certain amount of time, typically a year. If
41 they fail to do so, then the permit is gone forever.

42
43 There is at least one limited-access permit that does not have a
44 renewal window requirement and so for that one, if it expires,
45 they just can't fish on it and they can come back four years
46 later and renew it again. That depends on how you guys want it
47 set up.

48

1 We could handle it where they have to renew within a certain
2 amount of time or we could handle it where they have an infinite
3 of time to renew or whatever you guys want, we can do it.

4
5 **GRACIELA GARCIA-MOLINER:** The permitting system for the EEZ
6 would actually answer the question of how many fishermen we have
7 fishing in the EEZ commercially, right? That would be the first
8 question to be answered?

9
10 **CAROLYN SRAMEK:** It would answer the question of how many people
11 who fish in the EEZ have permits, yes.

12
13 **GRACIELA GARCIA-MOLINER:** But by having the permit, the
14 enforcement agents then can intervene with the people that don't
15 have the permits and so the decal for the vessel that you can
16 see from a distance or being a fishing permit given to the
17 person, once the enforcement takes place, then we'll also know
18 who is fishing illegally in the EEZ when they submit their
19 reports.

20
21 **CAROLYN SRAMEK:** Yes.

22
23 **BEULAH DALMIDA-SMITH:** Thanks, Carolyn. This presentation
24 brought a lot of questions to mind, but we do look forward to
25 meeting with you at a different level and especially with
26 enforcement to discuss this a little more in depth, because we
27 do have a permitting system.

28
29 Maybe we're not where we should be actually in terms of doing
30 that, but actually sitting with you and determining what else we
31 need to do to increase the capacity in our local permitting
32 system will be something that we can discuss or to deem whether
33 it's necessary, by the council, if we should have a separate
34 permitting for the EEZ versus what the territory already has in
35 place.

36
37 As I said, we do have plenty of questions, but I would like to
38 sit with you in another arena with local enforcement and discuss
39 this a little further.

40
41 **CAROLYN SRAMEK:** Absolutely. I look forward to that.

42
43 **SHEPHERD GRIMES:** I just wanted to elaborate. In my experience
44 and from my perspective, permits aid in enforcement, but if
45 there are a bunch of people out there who are fishing without
46 permits, that requires at-sea enforcement.

47
48 What the permit does, in terms of enforcement, is it -- It's

1 sort of the first step in identifying everybody who is in the
2 fishery. Here's everybody who is licensed to be in the fishery
3 and here's their name and address information and if they are
4 found to have a violation, it gives you something that you can
5 take away.

6
7 Otherwise, if it's just a completely open fishery and there's no
8 permit, people can go out and they violate and you come after
9 them and you sanction them and you try to fine them and they
10 just don't pay the fine and it just drags on forever and there's
11 really -- There's no real hook to get them in. For us, permits
12 have been something that if you can't fish without your permit,
13 it's one other thing that the enforcement branch can go after,
14 in the event that they catch you.

15
16 Again, with what Graciela said, just because you have permits,
17 that doesn't mean, for one, that you know everybody that's
18 fishing out there and it certainly doesn't mean that you know
19 everybody who is fishing out there illegally. The only thing
20 you do know is who is fishing out there legally.

21
22 **WINSTON LEDEE:** I have a question. Is there a process right now
23 where you can get an EEZ permit in the Caribbean?

24
25 **CAROLYN SRAMEK:** No. I stand corrected. HMS permits, some of
26 those are valid for federal waters.

27
28 **SHEPHERD GRIMES:** Again, that's the point of talking about this.
29 If you want to have a permit requirement, you must first make
30 that recommendation and develop a plan amendment and submit it
31 to the Secretary of Commerce. That's the whole point of having
32 this here. There are no council-managed fisheries that are
33 subject to permits, as far as I know.

34
35 **WINSTON LEDEE:** Can somebody come from Florida and fish in our
36 EEZ and go back to Florida and land the catch?

37
38 **CAROLYN SRAMEK:** Tell me if I'm wrong here, Shep, but I would
39 say yes, they can, because there's no requirement to have a
40 permit. If there was a requirement to have a permit, they could
41 only do that if they had a permit.

42
43 **SHEPHERD GRIMES:** Right now, absolutely that's correct. Again,
44 keep in mind that for federal waters we can't discriminate based
45 on state of residency and so you would have real problems
46 creating an area and saying nobody from Puerto Rico can come
47 fish over here or nobody from St. Thomas is allowed to fish
48 here.

1
2 There are other options. You could create zones where if you
3 had this type of permit you had to declare the zone you were
4 going to fish in that year and you got to choose, but National
5 Standard 4 would prohibit us from discriminating on the basis of
6 state residency.

7
8 **MIGUEL ROLON:** We need to know from the council what will be the
9 next step for you. We've been discussing permits for a long
10 time and we decided the last time to continue with the ACL
11 process and parallel to that, we discussed the permits.

12
13 Usually, when you need a permit, you just want to know -- This
14 came actually from a question that Roy made some years ago of do
15 we know how many people are fishing in the EEZ with X gear?
16 Then we started talking about the permitting system.

17
18 Automatically, the permitting system is not a limited-entry
19 ticket. You cannot discriminate in the EEZ. Any U.S. citizen
20 with a valid commercial license can fish here. However, you can
21 have management regimes where you can set the number of people
22 that can fish in the EEZ and then you have to advertise it and
23 everything. That's the issue we've been discussing with catch
24 shares that we're discussing now with the west coast fishermen.

25
26 In due time, we will have to knock on your door if that catch
27 shares in the EEZ and as well as the local government area of
28 jurisdiction -- Certainly we need to talk about the permitting
29 system for that catch share program.

30
31 I believe that in your presentation that you have the right kind
32 of attitude. If you don't need something, don't ask for it, but
33 if you need it, you're there and we can start talking about ways
34 to implement the permitting system.

35
36 The other issue about the permitting system is that we can't use
37 Puerto Rico, as well as the Virgin Islands, as the validated
38 permit in the EEZ because the point of the federal, because
39 Puerto Rico requires a residency of one year and that's now
40 allowed in the EEZ as we speak.

41
42 We need to know what direction you want the staff to continue
43 with this permitting issue here. At least for the catch share
44 programs on the west coast of Puerto Rico, we will need the
45 permitting system, both local and federal, and the rest of the
46 EEZ, I don't know. It will be up to you of what would you like
47 to do with this tool that you have in your hand now.

48

1 **GRACIELA GARCIA-MOLINER:** During the scoping meetings for the
2 ACL determinations, some of the comments that the council
3 received had to do with the advantages of having a federal
4 permit and so most of the comments that you received during the
5 scoping period of time were positive. People even mentioned the
6 fact that they would be willing to pay for a fishing permit in
7 the EEZ.

8
9 Thinking more in terms of basically having access to the fishery
10 when other people don't was the kind of discussion that we had
11 at the time.

12
13 **SHEPHERD GRIMES:** We should be clear about -- What I hear
14 Graciela saying, that's a limited-access permit. You can limit
15 access to fisheries, but the first step -- Let me say I've never
16 seen the first step be implementation of a limited-access
17 permit.

18
19 The first step is to permit people and you get some idea of who
20 is in the fishery and you monitor their landings or somehow
21 associate landings with those permits and then what I've always
22 seen done is in the future you limit access to people who met
23 some landings qualification in the past, but the first step is
24 identifying who is there before you get to the point of
25 excluding people unless they have that permit. It seems to me
26 that's a little ways down the road for you guys.

27
28 **CARLOS FARCHETTE:** Shep, you were talking about National
29 Standard 4 would not allow, because of residency, to deny
30 anybody fishing in the EEZ from Florida or whatever, but can the
31 council prohibit a method of fishing in the Caribbean EEZ, such
32 as longlining? Is it possible to do something like that?

33
34 **SHEPHERD GRIMES:** Absolutely and you could do that independently
35 from a permit. You could just prohibit all longlines or
36 prohibit all of whatever type of gear. This is all presuming
37 that you had facts to support doing so.

38
39 I guess I would clarify too that National Standard 4 prevents
40 discriminating based on residency, but -- I'm not suggesting
41 this as being a means to get around National Standard 4, but
42 let's look at programs, limited-access programs, in the South
43 Atlantic or programs in the Gulf of Mexico and some of the
44 limited-access programs they have in the Western Pacific and
45 probably all over the United States. They're based on past
46 landings history.

47
48 They would say in order for you -- Let's say you put a permit in

1 place and you said in order to land Caribbean reef fish that you
2 must have this Caribbean reef fish permit to land reef fish from
3 the EEZ.

4
5 Then two years down the road, you would come in and say we're
6 limiting access to this and we're only going to allow people who
7 have more than 500 pounds of reef fish landings harvested in or
8 from the EEZ to qualify for this permit.

9
10 Unless the guy from Florida who you asked about before -- He
11 would have had to have been down here catching and landing those
12 reef fish in the Caribbean EEZ in order to qualify for that
13 permit and thereby, you would let that type of person in.
14 You're not directly discriminating on him based on his state of
15 residency, but the fact is that he lived in Florida or he lived
16 in Oregon or Maine and he wasn't down here fishing and then he's
17 not going to qualify for the permit.

18
19 Those are ways that the permits can lawfully restrict,
20 eventually restrict, access to the fishery to those persons who
21 are vested and have some past history in the fishery.

22
23 **MARCOS HANKE:** I would like to have some more guidelines and
24 ideas of how we can address the longlining issue as soon as
25 possible and to work on that and how we can start the process on
26 that as soon as possible, because this is a voice from the
27 people that I represent and the people that I know in the
28 industry.

29
30 Due to the artisanal way of catching the fishes in the
31 Caribbean, like the commercial fishermen do, and because of the
32 big value for the sportfishing activity in the Caribbean, it's
33 very compatible to the idea of not allowing longlining in our
34 waters. I would like some instructions of how to deal with
35 that.

36
37 **SHEPHERD GRIMES:** I think the easiest way would be to request
38 staff to begin preparation of an options paper or a scoping
39 document, whatever you would want to term it, that would look at
40 the potential for restricting the use of longlines in the EEZ,
41 but keep in mind here that you don't have legal jurisdiction
42 over highly migratory species and so billfish and most tuna
43 species and the like are not going to be something that you
44 could restrict the use of longline gear in harvesting.

45
46 **MARCOS HANKE:** But the gear, yes. We cannot say that we are
47 restricting capture of HMS, but the gear.

48

1 **SHEPHERD GRIMES:** You could say that you cannot use longline
2 gear to fish for or harvest council-managed species, but that
3 would not prevent somebody from setting a longline to harvest
4 tuna, because you don't manage tuna.

5
6 I think if you can make certain habitat type arguments, then
7 there are many of us who think it's reasonable to do that, but
8 you'll never -- There are jurisdictional problems within the
9 Fisheries Service that would prevent you from using that as a
10 means of regulating the harvest of highly migratory species.

11
12 **ROY CRABTREE:** I think the only longlining that goes on down
13 here is for highly migratory species, right?

14
15 **MARCOS HANKE:** As far as I know, yes, and this is what --

16
17 **ROY CRABTREE:** You could as a council write a letter to HMS and
18 ask them to look at this and explain to them why, but that's
19 probably about all you could really do.

20
21 **MARCOS HANKE:** I want the council to be informed and be mindful
22 that we are presently in the process of Amendment 4 for HMS and
23 in Amendment 4, they are creating a new set of regulations like
24 customizing for the Caribbean, because of the issues of the
25 illegal fishery that we have, not having the dealers throughout
26 the Caribbean and all the issues that we've discussed in the
27 past.

28
29 On the Amendment 4, we have a reauthorization about gear and
30 through that, during those meetings and in some of them that I
31 participated, it was very clear that they classify the
32 commercial fishing in Puerto Rico as an artisanal approach to
33 the fishery.

34
35 In order to protect that, once we limit the gear there, this is
36 what I propose, consulting with some fishermen, is not to allow
37 the -- Restricting in some way like any industrial gear that
38 includes longlining.

39
40 One extra reason to support that, besides protecting the
41 artisanal livelihood of the commercial fishermen in Puerto Rico,
42 is that having the opportunity to use any kind of industrial
43 gear, nets and things, to capture HMS, if you have FADS, which
44 is the buoys that we have around especially on these areas here,
45 you have the potential of catching a lot of juveniles of HMS
46 around them with nets and those gears.

47
48 In order to prevent that, it's not a bad idea to restrict those

1 gears and to protect the livelihood of the artisanal way of
2 fishing and deal with the gears for those fishermen in order for
3 the commercial fishing for HMS in Puerto Rico to be healthy and
4 to be the way it is and that's more or less what is going on
5 right now and that's why all my questions and I want to be very
6 well instructed which way we can address that.

7
8 **MIGUEL ROLON:** One thing is whether you have a problem or not
9 and we discussed this for twenty years in the 1980s, when the
10 longliners came here. Puerto Rico approved a prohibition of
11 using longline within their area of jurisdiction. I don't know
12 if it's still on the books. It was kind of funny. They
13 approved the draft and then they approved the final thing, but
14 they have it and they were supposed to have it in the
15 regulations.

16
17 Through that exercise, we found, after 1990, that the Secretary
18 took HMS activity. Number one, the majority of the longliners
19 left the Caribbean because they depleted the stocks that made
20 them profitable. The swordfish fishermen are now in the Pacific
21 and the Japanese went to Argentina and so they moved out of the
22 area.

23
24 The interactions with the local fishery were very small at that
25 time, but there was an incident with a trap, a buoy, that got
26 entangled on a longline and it was a kind of funny thing that
27 happened. We found that it was not a problem at that time and
28 that we couldn't do anything about it, but that's one of the
29 reasons that you are a member of that committee of HMS.

30
31 I believe that what you just said is enough, at least for the
32 time being, to contribute, based on our realities in the U.S.
33 Caribbean. I wouldn't stress that too much, the artisanal
34 fishermen, because the artisanal fisherman definition is not
35 really the people who catch pelagics. Mostly it's small-scale
36 fishermen, both commercial and recreational, and I believe that
37 contribution could be very important in you as a member of that
38 committee.

39
40 If something that happened that we need to discuss a little bit
41 more, especially anything that is related to coastal pelagics,
42 it's within our realm of authority.

43
44 The bycatch of the longliners were mostly turtles, sharks, and
45 it was on billfish. They did catch a lot of dolphins during the
46 season, because when they are deploying the gear and retrieving
47 the gear is when the hooks enter the shallow area and that's
48 when they get the bycatch and they were catching dolphin, wahoo,

1 and sharks, mostly, and a turtle or two.

2
3 My recommendation to the council is leave it as is and be sure
4 that Marcos keeps us informed of anything else that we can do
5 and council members should be mindful that when we get these
6 regulations for public comments that they should send their
7 opinion to them.

8
9 **GRACIELA GARCIA-MOLINER:** I'm going to change the topic a little
10 bit to spiny lobster and reef fish, which is two of the FMPs
11 that you have in place in both the state and EEZ areas. You do
12 have on the books the regulations for lobster traps to be
13 marked, et cetera, in a certain way in both the state and the
14 EEZ.

15
16 The council has been discussing permitting for the EEZ and
17 number one, to find out if we have compatibility between the
18 permitting system in the state and the EEZ and Carolyn presented
19 a series of pilot program ideas and one of the things here is to
20 actually come in and look at what is available locally.

21
22 We just got copies of the permits that you use in the Virgin
23 Islands and to make the burden less on the people who will be
24 filling out all these forms, et cetera, and to see if the
25 information that the council can use in terms of, for example,
26 distance from shore, which we already saw for the queen conch
27 that it's not working the way that it should be.

28
29 This kind of information can give us the information that we
30 need for the council. There might be other ideas that come up,
31 but probably meeting the people and getting together with the
32 people locally is a very good step to look in reality at what we
33 have.

34
35 **BEULAH DALMIDA-SMITH:** Graciela, I think you answered my
36 question, because I did want to bring to the attention of the
37 council of how is this going to affect the local permitting
38 process and how can we work together or piggyback on each other
39 to make sure that we don't have dual application processes to
40 fill out for the permitting of the fishers and making it more
41 cumbersome.

42
43 Carolyn, you do have a list of things that we can do to
44 incorporate the existing systems and as Graciela said, we can
45 share that information with you and ensure that we can make a
46 process that would be viable for both the EEZ and the
47 territorial waters.

48

1 What's the next step, Mr. Chair, in terms of the council? Do we
2 decide whether or not we would like to have the permitting
3 within the EEZ at this meeting or is it something that we're
4 going to consider a little further or what is the next step,
5 please?
6

7 **EUGENIO PIÑEIRO:** It's whatever the council decides, whatever
8 you want. If you want, you can instruct staff to look further
9 into it or just simply wait to see how the whole process rolls
10 and then start a process of permitting.
11

12 **MIGUEL ROLON:** Beulah, what triggered this activity was when we
13 were discussing some people wanted to ban traps from the EEZ
14 altogether and the council opinion at that time was we don't
15 know how many traps are in the EEZ and we're not going to ban
16 anything that we don't know about.
17

18 One way of collecting that information was using the permitting
19 program as a tool to collect that information and then also
20 because -- Everything that Carolyn mentioned here, you can use
21 that tool to collect information if you need to and that would
22 be it. That would be the only use of the permitting system.
23

24 Later in the future, if you implement any other management
25 regime or any other set of management alternatives or
26 regulations that require permits, then you can do so.
27

28 The other issue is whether we are going to require the fishermen
29 to have stickers just to fish the same thing that they have been
30 fishing forever and one of the alternatives there is that we can
31 work with the local authorities and at least recognize that
32 permitting, whenever possible. What we need to know is whether
33 you would like to pursue this a bit further.
34

35 The next thing would be sort of an options paper and a little
36 bit on the back burner, because we have the ACL that hasn't been
37 finished yet and we need to start the ACL process for the other
38 species not suffering overfishing or that are overfished, but it
39 will be up to you what you want to do.
40

41 **EUGENIO PIÑEIRO:** What does the council choose to do now?
42

43 **BEULAH DALMIDA-SMITH:** We're just discussing here that we would
44 like definitely to implement this in the near future and so we
45 would like more continual discussions and maybe, as Miguel said,
46 a white paper created based on the information pertaining to
47 this and we can proceed, but the ACLs are our top priority right
48 now.

1
2 **EUGENIO PIÑEIRO:** Thank you. Thank you, Carolyn. I think it's
3 been a great discussion and a great presentation and we thank
4 you for it and you'll be hearing from us pretty soon. Let's do
5 lunch and be back here at 1:30. Please. Thank you.

6
7 (Whereupon, the meeting recessed for lunch on September 8,
8 2010.)

9
10 - - -

11
12 September 8, 2010

13
14 WEDNESDAY AFTERNOON SESSION

15
16 - - -

17
18 The Caribbean Fishery Management Council reconvened at the
19 Carambola Beach Resort & Spa, St. Croix, USVI, Wednesday
20 afternoon, September 8, 2010, and was called to order at 1:30
21 o'clock p.m. by Chairman Eugenio Piñeiro.

22
23 **EUGENIO PIÑEIRO:** Next is a presentation on lionfish by William
24 Coles. Go ahead, William.

25
26 **PRESENTATION ON LIONFISH**

27
28 **WILLIAM COLES:** I've got show and tell here. We'll pass these
29 around. This is a Cruzan lionfish. It's actually a scorpion
30 fish. This is one of the problems we've got with lionfish, is
31 that nomenclature.

32
33 I just talked to someone yesterday and he said, I keep hearing
34 you on the radio and it's the funniest thing, because you keep
35 talking about lionfish and we've had lionfish forever and so
36 that's why I always bring along one of our local scorpion fish,
37 which our local fishermen often call lionfish or stonefish.
38 Thankfully we don't have stonefish.

39
40 Here's the second lionfish that we've caught and so we're going
41 to pass that around. It's easy to tell the two apart. This one
42 has the Number 2 on the top. This is the Indo-Pacific lionfish.

43
44 We've also got some very, very high-tech instruments here that
45 we developed on St. Croix. These are lionfish markers. If you
46 look at the lionfish, it doesn't swim very well, not like a tuna
47 or something like that, and so what we've found is even after
48 five days, you mark the lionfish and five days later, you come

1 back and guess what? It's only a foot from where the marker is
2 and so that's all of a sudden made it very easy for us to
3 contact either commercial fishermen or dive shops to go back and
4 recover these fish out of the water.

5
6 While those are getting passed around, we'll continue on with
7 the presentation. I just want to let you guys know who I am and
8 where I came from and stuff and a lot of you know all of this.
9 I've done way too much school for my age. Anyway, next slide.

10
11 A couple of high points here that we need to think about with
12 lionfish. They're at higher densities and larger densities in
13 the Atlantic than they are in the Pacific and by higher, we're
14 talking about nearly orders of magnitude higher.

15
16 They have growth rates of about twenty centimeters a year,
17 faster than most of our local fish. They reach maturity, sexual
18 maturity, in less than a year. It seems to be that the maturity
19 rates or maturity varies depending on the population density.

20
21 I've had immature fish that are twelve inches long and I've also
22 had mature fish at eight inches long, but it's always been fish
23 that were mature were caught where there was other fish adjacent
24 to it and so there needs to be two in order to mate and it looks
25 like they're saving their energy for reproduction to whenever
26 there's other lionfish around.

27
28 They eat everything. A lot of our lionfish are caught by our
29 lobster fishermen. You reach into a lobster and the lionfish is
30 often in that hold too, with its spines down, which is not
31 something our local fishermen look for and so one of the things
32 is to get the awareness out so that when you are fishing, to do
33 it safely.

34
35 They eat our native prey faster than the prey can recover, half
36 its body size and they have year-round reproduction. We have
37 found reproductive lionfish every month of the year. We know
38 that lionfish can reproduce up to every four days and now,
39 whether a lionfish is going to reproduce every four days all
40 year round, we don't know that.

41
42 An adult lionfish can have 30,000 eggs every four days. We're
43 still trying to figure out what's going on here, but this is
44 bad. This is really, really bad and if we're not careful, we're
45 going to lose our fishery, like what's happening in the Bahamas
46 and other places.

47
48 They have venomous spines and no natural predators in the

1 Atlantic. We have had groupers, very large groupers, the
2 goliath grouper and the Nassau grouper, that have had lionfish
3 spines in their stomachs. However, taking large groupers and
4 putting them in a tank and throwing lionfish at them and not
5 feeding the groupers, the groupers will be on one side of the
6 tank and that's the opposite side of the tank as the lionfish.

7
8 The venom in the lionfish apparently will prevent the groupers -
9 - Well, we don't know what's going on. Again, this is a new
10 thing. It's only been going on for a number of years.

11
12 We do know in the Bahamas if you take a lionfish and you wave it
13 around that a shark will bit it and he'll mouth it and he'll
14 spit it back out. If you cut the spines off the lionfish, the
15 shark will eat it. However, if you've caught the lionfish to
16 cut the spines off to feed to a shark, you might as well just
17 kill it, right?

18
19 Here's the problem, a twelve-inch lionfish with twenty-one two-
20 inch grunts in its stomach. You fishermen would know better
21 than I. Have you ever seen that, a twelve-inch fish, any one of
22 our local fish, with that many fish in its stomach? These
23 things will gorge like you can't believe.

24
25 That's fat. These guys are incredible. I have a two-inch
26 lionfish sitting on my desk now and it was in a one-gallon glass
27 jar for a week and it just hung out there with no aeration and
28 no nothing. It was just as happy as a clam. These guys are
29 very, very, very robust. I have not found a reproductive
30 lionfish that did not have a large fat store in it, either male
31 or female.

32
33 Our first nine lionfish, notice there's no juveniles. It looks
34 like there was a single introduction of lionfish back here
35 somewhere and boom, they started growing and then we have a six-
36 month period where no lionfish were caught.

37
38 This doesn't mean that people weren't looking, as a lot of our
39 local fishermen can tell you that after November of 2008, I was
40 everywhere talking to our local fishermen, getting the awareness
41 out of hey, watch out for this.

42
43 Growth, nothing. What happened here? A dive boat left the
44 territory. The dive boat came back and this is a classic case
45 of ballast water exchange bringing in these animals. Every
46 lionfish, at least every lionfish in St. Croix, from this date
47 to this big line here is directly correlated with the presence
48 of this boat. That is, we only found lionfish in the places

1 that the boat had been just prior to finding the lionfish.
2
3 This date here is the first time in eleven years that we had a
4 five-day storm blowing wind, strong wind, day and night,
5 essentially from the northeast, or from northwest of us,
6 straight in. Guess what's northwest of us? Puerto Rico.
7
8 Puerto Rico, we know, has been inundated with lionfish and has a
9 lot of lionfish issues. All of a sudden, boom, we get hit with
10 lionfish of all age classes and then it started to die off and
11 then we get another wind event and so what we're doing is
12 getting lionfish that are blowing across from the territory.
13
14 This two-inch lionfish, while it was in a one-gallon jar, at
15 night it will float on the surface upside down, about two inches
16 below the surface of the water. As soon as you walk in and it
17 starts seeing movement, it sinks to the bottom and then flips
18 over and then starts swimming around on the bottom of the jar.
19 If you turn the lights back off and let it calm down, it floats
20 back upside down. It's very interesting behavior.
21
22 If I was a lionfish and I was in a place where there was no
23 habitat and no structure and I don't swim very well, I would
24 blow in the surface currents until I saw movement, which would
25 suggest that the bottom is close to you, and go back down and
26 see whether or not you find food and habitat. It's just a
27 hypothesis at this time, but I think Craig Lilyestrom had
28 mentioned it and that's when I started thinking about and this
29 is what this two-inch lionfish is doing.
30
31 When you put structure in it, in the tank, it goes and hides in
32 the structure and doesn't move, but as long as there's not
33 structure there, it's looking for structure to hide in.
34
35 This is our first invasion. You can see it's fairly consistent
36 here and this is where they were. One of the things I'm trying
37 to work, and I've got an email into the Coast Guard, is to get
38 the logbooks for these two vessels that we think were
39 responsible for this, because if we can figure out where they
40 went and correlate that with the presence of where these
41 lionfish were being captured, that would be a fairly good
42 indication of we need to be a lot more aware and a lot more
43 careful of what's going inter-island.
44
45 What happened is when the boats first arrived, they toured St.
46 Croix looking for good dive spots to bring their passengers to
47 and then they hung out on the west end. That seems to be where
48 the lionfish were captured.

1
2 Lionfish Number 1 was actually reported by one of their dive
3 masters as coming out of the ballast water plume from their
4 vessel and so the vessel has actually a passive ballast water
5 system. It has three ballast water tanks. The fore and aft
6 tank is actually pumped in and the middle tank is passive and it
7 is just whatever the boat is filling out and so that provides
8 the stability for this vessel and it was this middle tank where
9 the lionfish had come out of.

10
11 This is the second lionfish. Each one of these dates was
12 directly correlated to where the boat was. In one case,
13 actually the second one here, which was the 19th of January, we
14 had a cruise ship the day before, the 18th.

15
16 Two dive shops dove a certain wreck the day after the Nekton
17 dove that wreck. The following day, this day here, a dive boat,
18 a local dive shop, dove the wreck and there was a lionfish right
19 at the mooring pin of the wreck. It's a fairly good indication
20 that it was coming from something right there.

21
22 These are sites that are dove very regularly and so it's not
23 something that we could miss over a period of weeks or something
24 and everyone is looking for them. We're all aware of this.
25 These are where other lionfish have been found. Again, with the
26 exception of Number 23, all places that this boat has been.

27
28 That's what it looks like now, sort of March to June. These
29 really long ones are actually multiple lionfish caught in a day.
30 There's three lionfish caught here and two here and two here.
31 You can see that there's a big size frequency that we're getting
32 here.

33
34 This is the end of April and the beginning of May where lionfish
35 have been caught. This is June and July. You can sort of see
36 that there's some clumping occurring here. There's some
37 clumping that's occurring right here and very, very, very
38 importantly, trap fishermen caught three lionfish in one trap.
39 One was fourteen inches long, an adult male. Two others were
40 twelve inches, adult females, reproducing.

41
42 His adjacent trap caught another lionfish and so this
43 particularly, this area, is where there's a turning point, some
44 place that we need to concentrate on to try and get rid of
45 these.

46
47 It's 150 feet of water and so it's not some place we're going to
48 recreationally dive, or even encourage our commercial fishermen

1 to dive, but they are being caught in fish pots. That's
2 important and so we need to try and think of ways now that we
3 can assist our fishermen with assisting us to manage this.

4
5 This is what we've got so far, 110 fish on St. Croix, plus.
6 These are just the ones that have been reported to me and I know
7 the fishermen are going, we're seeing too many and I'm just
8 catching them and killing them because why should I be messing
9 around with a poisonous fish or a venomous fish.

10
11 St. Thomas, I've got thirty and St. John, four. We've got over
12 144 fish caught in the Virgin Islands and it's probably a lot
13 more than that. Commercial fishermen accounted for half of the
14 reported fish. Commercial fishermen actually, if I guess right,
15 have accounted for more than three-quarters of the lionfish that
16 have been removed from our waters and so it's very, very
17 important that we continue to work with them and provide them
18 with the tools to help us with this problem.

19
20 How did they get here? Toby had mentioned that we do have
21 varying currents, but the primary currents and wind tend to blow
22 in this direction and so how do you get to an isolated island
23 like St. Croix?

24
25 The blue and red here is where the lionfish traditionally has
26 been. It got to Florida by a hurricane or
27 accidental/intentional introduction via a fish tank and then it
28 spread and if we've got time at the very end, I'll show you how
29 it spread.

30
31 It spread from Florida to the Bahamas somehow. It could have
32 been via a vessel and it could have been via an accidental
33 introduction via someone in the Bahamas as well, but once it got
34 to the Bahamas, now you're looking at all these eddies and
35 currents that allowed it to go down.

36
37 It took about two-and-a-half years to get from the Bahamas to
38 the Turks and Caicos Islands. We're going into two-and-a-half
39 years, two years, now and it hasn't completely inundated St.
40 Croix yet and so I think we're going something right.

41
42 Ballast water is something that we know about for the Caribbean
43 and pet trade is another one and I know Miguel was at the
44 lionfish meeting and one of the complaints was we know it's bad
45 and let's stop the pet trade in it, because we can't afford to
46 keep losing things like this. It's not just the ocean, but
47 terrestrial as well.

48

1 Before lionfish, lots of juvenile fish and after lionfish, there
2 are no juveniles there and there's seven lionfish in that
3 picture. They will take over everything as near as we can tell.
4 What we're expecting is them to take over everything and more
5 algae and stuff growing and less coral. It's going to have an
6 enormous impact on us. This is the Bahamas and this is only
7 2004 that they got the first lionfish. It's not that long ago.

8
9 We came up with a USVI lionfish management plan. Barbara Kojis
10 assisted us with this. EPSCoR from USVI funded it, because it
11 was something that needed to be done yesterday and not next
12 month or next year. These are the goals and objectives and you
13 can read those.

14
15 We've done a lot of opportunistic, which looks like it's the
16 best method of finding lionfish, give everyone a tool. It
17 doesn't matter what you're doing. You've got a tool and you
18 don't have to identify it as a lionfish. You mark it and you
19 call an expert to come and deal with it. Let us deal with the
20 spines and the venom and stuff like that.

21
22 They are edible. I ate the ninth one, just so that I could tell
23 the fishermen that hey, you can eat these and I did, but watch
24 out for the spines.

25
26 Education, outreach, and training, we're working on getting
27 grants to do that. We're working on grants so that we can tell
28 the fishermen that hey, we've got five lionfish in this area and
29 what do you need to go out and recover those, because I can't do
30 it all.

31
32 Lastly is reporting and data analysis. A lot of the pictures
33 and stuff you see or hear are on our website and so we want to
34 make sure that it's as transparent as possible to fishermen and
35 everyone knows what's going on and when it's going on and how
36 it's going on.

37
38 What can we do? Well, we know if we follow the existing
39 recommendations that we're going to lose and what does lose
40 mean? Lose means like the Bahamas and you jump in the water and
41 you have a lionfish rodeo and you catch 10,000 lionfish in a
42 weekend. We're not there yet.

43
44 We're at out of the two years, I've found one lionfish. I've
45 caught and killed twenty, but I've only found one. That's good
46 and if we can keep it that way, where a fisherman goes out and
47 they catch one lionfish every time they go out -- The fisherman
48 Ricardo Felix, I don't know what he's doing. Every time he goes

1 out fishing, he catches one and calls me and brings it in, but
2 he's the only one that's been that consistent. Everyone else I
3 think is catching them, but not necessarily bringing them in.

4
5 Without positive action, and we need to be proactive, it's very
6 easy to get behind and when we get behind, we lose. It's a big
7 problem.

8
9 One of the things I've been spending a lot of time about is that
10 our fisheries management has fundamentally changed with the
11 introduction of lionfish, because now, not only are we worried
12 about taking out the adults, but we have to worry about
13 something that's taking out all the juveniles.

14
15 The problem is that you can wipe out the juveniles and it will
16 be a year or two or three before those juveniles get to adult
17 size that we would harvest, but after that, there's nothing.
18 There's going to be a very, very sudden drop if we're not
19 careful and so we need to watch out for that.

20
21 Commercial fishermen are an integral component to this effort
22 and we need to reduce the fisheries bycatch, and I'll explain
23 that in a second, and not the fishing effort. We need to
24 increase the effort so that our fishermen can get these fish out
25 of the water, but reduce the bycatch. Now let me explain that.

26
27 This is taken from our commercial and recreational fisheries
28 manual, the federal regulations as they stand right now. The
29 red are months that you may not take the animals in federal
30 waters. My proposal -- This is an option, but we need to create
31 something so that there's always something that the fishermen
32 can catch. We need them fishing twelve months out of the year.

33
34 We need something that we have rules that apply for everyone,
35 commercial, recreational, restaurants, et cetera, because we
36 need to remove the need or the desire by the restaurants to buy
37 these fish that should be out of season.

38
39 Unfortunately, we need to eliminate the lionfish nurseries, the
40 closure areas, because if you're not having -- I know what's
41 happening at Buck Island. They have one boat a month that will
42 go out and look for lionfish in one area and they've found zero
43 lionfish.

44
45 I've had reports from other people of lots of lionfish being in
46 the area and we need to find a way that we can work together and
47 do this. The thing is if we have all of the fish on our
48 commercial fishing reports and months of the year, let the

1 fishermen -- Work with the fishermen and figure out what months
2 can we work with and close every breeding season, plus a little
3 bit.
4
5 Decide whether you want three months, four months, five months
6 or whatever, but make sure that there's always something the
7 fishermen can catch, because only by doing that can we make sure
8 that we've got people fishing for lionfish at the same time.
9
10 What else can we do? Lionfish markers, these are really simple,
11 wine corks. The first one was really expensive, because it
12 involved my wife's chemistry set from her school. I had to buy
13 the corks, but then I found out wine corks were free. Flagging
14 tape and a washer, so our kids can get community service hours
15 making these and handing them out at the hotels, at the bars,
16 whatever, anywhere that people are out on the water.
17
18 Getting rid of the lionfish as fast as possible and reporting
19 them so that we know where they are and what's going on and
20 what's happening.
21
22 Encourage the public to mark and not take. These fish down here
23 -- Again, here's the spotted scorpion fish that's called the
24 lionfish and every one of these fish I've gone out to and
25 responded to and said, okay, there's a lionfish and let's go out
26 and find it and they point at it and I can't see it and maybe I
27 need a different prescription or something.
28
29 I've also had a lot of these killed and brought into my office
30 and hey, I just killed a school of juvenile lionfish and they're
31 all high-hats. Just mark them. If you mark them, then we can
32 go out and get an expert, a fisherman or someone, to go out and
33 remove these fish and we're not taking the fish that we want to
34 keep.
35
36 People want to help and that's what I've found here and this has
37 been one of our problems with invasive species throughout the
38 United States. We've never given them a tool to allow the
39 people to be part of the solution and this, I think, is
40 something that's cheap enough that we can actually allow that.
41
42 Small and easy to make. You're not looking for the lionfish
43 that's on the backside of that rock. You're looking for the
44 marker that's sticking out. This lionfish here, Number 2, took
45 six divers thirty minutes to find and we knew where it was. We
46 knew exactly where it was.
47
48 It takes, on average, five minutes from the time you see the

1 marker to get you back on the boat with your lionfish, depending
2 on whether you have to decompress or not. Contact information
3 for people here on the island that's about it, in a nutshell.
4 Any questions, ideas, thoughts, comments?

5
6 **MARCOS HANKE:** Is there any report or any recommendation about
7 tarpon eating those guys?

8
9 **WILLIAM COLES:** I have not heard any information about tarpon
10 eating them. The only animals or fish that I know that have
11 been reported, and these are just with the spines in their
12 stomachs, are the big groupers. We're talking adult-sized
13 groupers.

14
15 Now, we could start farming of groupers, but we're talking
16 another five or ten years before we could get them to that adult
17 size to start eating lionfish.

18
19 **MARCOS HANKE:** I will make a compromise with you. If you find
20 me some lionfish, we can feed them into the marina, because I
21 think if there is some fish that could deal with them, it would
22 be a tarpon and just to have the information. Tarpon eat
23 squirrelfish and they are very spiky and they ate a rockfish,
24 the one that you showed.

25
26 **WILLIAM COLES:** The scorpion fish, yes.

27
28 **MARCOS HANKE:** Actually, I used, in the past, many different
29 things just to mess up with them, and they deal with it. I
30 think the tarpon could deal with them and it's a good report and
31 I'm willing to test that.

32
33 **WILLIAM COLES:** Where are you located?

34
35 **MARCOS HANKE:** In Fajardo. I did a report about that before the
36 meeting and two days after I came, two days in a row, the people
37 that rent the little dingys, the guy studied marine biology too
38 and he removed like ten between the two trips and he saw about
39 twenty more in the drop-off south of the capital.

40
41 **WILLIAM COLES:** I can get you in contact with someone that works
42 in Fajardo, one of the dive shops there, that would be more than
43 willing to help try and figure that out.

44
45 **MARCOS HANKE:** What I need is a few of them alive to test.

46
47 **WILLIAM COLES:** I've caught them with pole spears and I've
48 caught them with nets. The thing is that when I keep telling

1 people you want to do this so that you catch them on the first
2 go-around, because if you try and get them the second time, it's
3 not like you're shooting a parrotfish. You're sniping an
4 individual animal.

5
6 You can come up with your spear and nudge the lionfish out of
7 the way slowly so that you get a better shot and then shoot it.
8 You're shooting it from two inches away, but you just come up
9 slowly and shoot it. There is no way to miss. I know that --
10 Gerston, I imagine you've caught them and they just sit there.
11 They stick their fins out and they'll actually come up to you.

12
13 What's happening is people are not understanding that and
14 they're taking a five or six-foot shot and winging it and now
15 the next shot is going to be harder and the next. Remember,
16 you're not catching a parrotfish. You're catching an individual
17 and you're hunting that individual and that's a lot more
18 difficult.

19
20 We're trying to get together and create some lionfish training
21 and provide the tools to the people so that they can go out and
22 do it. This is Tool Number 1. Unless you're a really good
23 swimmer, like a commercial fisherman and you're confident in the
24 water, don't mess with the lionfish. We don't want you
25 envenomated.

26
27 We've had one person stung. The end of his finger is pretty
28 much dissolving off. He said that the pain is not quite as bad
29 as a scorpion fish, but, again, I don't want to get stung by
30 that.

31
32 **GRACIELA GARCIA-MOLINER:** Of all the lionfish that you've
33 harvested, the 144, have you looked at the stomach contents and
34 can you tell us what the --

35
36 **WILLIAM COLES:** I have looked at the stomach contents. I
37 haven't got all that analyzed or anything, but most of what
38 we've seen in the stomachs has been damselfish. Some of them
39 Toby and I have identified as deepwater damselfish, but most of
40 them have been damselfish and gobies, the little ones you see
41 growing on the brain corals and stuff like that.

42
43 Either that or you've got digested mush and all you can tell is
44 an eye and so you just count the eyes and that's about it, but
45 we are looking at that and trying to figure out what the is. We
46 look at sex, male or female, and what's it been eating and then
47 a length is the primary data we're taking right now. If anyone
48 wants, I have about forty pounds of frozen lionfish of my

1 freezer.

2

3 (The question is not audible on the recording.)

4

5 **WILLIAM COLES:** I've heard some reports, but yes, from what I've
6 heard, they will cannibalize themselves if there's nothing else
7 left. The breeding is different than anything else we've got
8 here.

9

10 The male and female will rise in the water column and the female
11 will release an egg sack pretty much, an egg cluster, which is
12 fertilized and then blows in the surface currents. Again,
13 normally -- This is what is so important. We need to do
14 something here to protect Puerto Rico.

15

16 We need to be working with St. Kitts and Nevis and everyone up
17 island to protect ourselves and this is really a regional issue
18 that we need to start like I said, yesterday, because it's not
19 an exponential growth. It's way worse than that. We're talking
20 30,000 -- If a tenth of 1 percent are successful for each one of
21 those 30,000, we're still talking about a lot of lionfish
22 surviving.

23

24 **TOM DALEY:** I know you mentioned going into the Monument and
25 doing some research in there. What about the other closed areas
26 that we have? Has anybody gone into them to see what we have?

27

28 **WILLIAM COLES:** The other closed areas are seasonal and so like
29 the mutton snapper area off the south shore. It's a seasonal
30 closure and so I'm hoping that people are looking at it while
31 it's open, but during the closed season --

32

33 **TOM DALEY:** What about Lang Bank?

34

35 **WILLIAM COLES:** Lang Bank, no, we have not had anyone out. All
36 I know is anecdotal reports not from you, but by you to other
37 fishermen that you've seen lionfish out there. There is someone
38 who has caught a lionfish out here. One has been caught at the
39 tip of Lang Bank.

40

41 **BEULAH DALMIDA-SMITH:** Just to continue what Dr. Coles was
42 saying, we need money. I just wanted to thank the council for
43 the funding that they have contributed to the Virgin Islands to
44 assist with this lionfish study and eradication process, but
45 it's just a minor amount and so if anyone listening at the realm
46 of my voice has extra funds that they can share, NOAA or NMFS or
47 Dr. Ponwith or Dr. Crabtree, we would truly appreciate that
48 excess monies to assist with the further eradication and studies

1 with the lionfish.

2
3 We have done a yeoman's job and actually Dr. Coles, and I highly
4 commend him. Much of his outreach and education has been on his
5 own time, because Fish and Wildlife is 100 percent federally
6 funded and we operate by grants only and no local funds and so
7 in actuality, when this came up, we had to take action and it
8 meant manipulating grants and doing whatever necessary and we
9 cannot continue to do so and so I just wanted to make that plea
10 for more funding in the near future, if possible.

11
12 Once again, thank you, Dr. Coles, and I want to thank William
13 Tobias also for his presentation this morning. Between these
14 two individuals, we have about almost fifty years of expertise
15 and knowledge within the Division of Fish and Wildlife and so I
16 thank you very much, both of you.

17
18 **WILLIAM COLES:** Thank you. Any other question?

19
20 **EUGENIO PIÑEIRO:** Thank you so much, Dr. Coles. Our next
21 presentation is going to be the Trap Reduction Program Update by
22 Tony Iarocci.

23
24 **TRAP REDUCTION PROGRAM UPDATE**

25
26 **TONY IAROCCI:** Thank you, Mr. Chairman. First off, I would like
27 to thank the council staff for all the help they've given me on
28 logistics and getting here and also, I would like to acknowledge
29 the commercial fishermen for the work they've done as part of
30 this and Nicky especially today for that lobster salad this
31 morning. As Bonnie said, she would never be able to look a bowl
32 of Wheaties in the face again after having lobster for
33 breakfast.

34
35 Also, I would like acknowledge the Vice Chairman of the St.
36 Thomas Steering Committee. Today is his twenty-first birthday
37 and so legally he can drink tonight and so I tell everybody to
38 buy him a cocktail tonight to celebrate his birthday.

39
40 This process with the fish traps, it's been interesting, to say
41 the least. I've dealt with a lot of limited entry programs in
42 different places. It got a little heated at times, but things
43 are moving along.

44
45 Things started here, I think, in 2008, when the St. Thomas
46 Fishermen's Association started meeting and started talking
47 about limited entry and a trap reduction program to preserve the
48 resource and make sure things didn't get out of hand.

1
2 They talked about different ways and looked at how things are
3 going to go and it's come to this now where we've put together
4 two steering committees, one on St. Thomas and one on St. Croix.
5 The St. Thomas fishery is made up of bigger boats. They fish
6 more traps and do work a little differently. St. Croix has
7 smaller boats and less numbers.

8
9 The committees are made up of the fishermen. Some fish larger
10 boats, larger numbers, like I said, but also the committee is
11 made up of big number boats that fish big numbers of traps and
12 small and so all the fishing industry is represented.

13
14 Things that were discussed so far in St. Thomas, things to date,
15 have been limited entry, a phase-out plan for existing traps,
16 types of tags, enforcement, a tier system for reduction, and a
17 separation of fish traps and lobster traps.

18
19 Another thing that was discussed at a lot of the meetings was
20 funding for travel for bringing fishermen where they do come,
21 because it is hard and I know and I've been there and done that.
22 It's hard for the fishermen to take the time to come to these
23 meetings and they were wondering if there was some funding and
24 stuff available to help with that.

25
26 The last two meetings were cancelled. We are looking and I'm
27 waiting to talk to the chairman, Tony Blanchard. He's on St.
28 Thomas right now and to schedule the next meeting, which will be
29 around the 23rd of this month, which is on the full moon.

30
31 With that said on St. Thomas, there's Winston and Vice Chairman
32 Daryl and the Secretary, Julian. If you guys have anything to
33 add to that -- Winston, are you -- Would you like to say
34 anything on behalf of the committee? Thank you too for all your
35 help keeping records of all that stuff.

36
37 The same thing and the last meeting on St. Croix was cancelled.
38 The steering committee discussed trap definitions and wire size.
39 A set of alternatives right now are being hashed out, but they
40 haven't really been finalized on stuff and they're not ready to
41 present it to the council.

42
43 We look at having chairman's reports at the December council
44 meeting to move forward with this stuff. A lot of discussion
45 was made on the definitions of lobster traps and fish traps and
46 different funnel sizes and escape gaps and how they wanted to do
47 that, but like I said, that was tabled until the next meeting.

48

1 We do have Chairman Daley and Nicky and Eddie Schuster that's
2 here and if anybody would like to make any extra comments or add
3 to this. Everybody is fine until the next meeting? Eddie, are
4 you all right? Do you need to say anything on this? All set?
5 Okay.

6
7 Also, I do want to say and I want to add to what I've heard on
8 this. I do see a very proactive approach. I see the council
9 and Fish and Wildlife and I do see the fishermen really stepping
10 up right now and coming to the table and not only on behalf of
11 the steering committee, but on behalf of the amendments on the
12 table.

13
14 I do see a closer relationship. I see more respect right now.
15 I see a lot of toned-down things that were being said, but I
16 also want to stress the fact -- I look at this right now and I'm
17 looking at the Science Center big time right now.

18
19 Funding needs to be put into these associations for cooperative
20 research. You've just seen a lionfish presentation, but there's
21 a lot of issues dealing with parrotfish and types of traps and
22 where these guys fish and information. I know best available
23 science and I've argued this point as a council member for years
24 in dealing with the ACLs and dealing with fisheries management.

25
26 Nobody knows better than the commercial fishermen that are on
27 the water every day. You've got some of the best minds in this
28 room right now and we need to take advantage of that. How do we
29 do that? I think it's through cooperative research and by more
30 meetings like this.

31
32 This fish trap steering committee is the way to start, but
33 you're going to be dealing with other issues too and you do have
34 associations on both of these islands and you have an
35 association in Puerto Rico right now on the west coast that's
36 looking at catch shares in the deepwater snapper fishery.

37
38 There's alternatives out there for these guys and things need to
39 be looked at and researched and I don't want to go on and on. I
40 know we've got timing, but if there's any questions on the
41 steering committee, I'll be more than happy to answer them.
42 Thank you.

43
44 **EUGENIO PIÑEIRO:** Any questions for Tony at this point?

45
46 **MIGUEL ROLON:** Tony, the two committees, what will be the
47 schedule to finish anything that can be presented by the
48 government to the council?

1
2 **TONY IAROCCI:** From talking to the two chairmen and the
3 committee members present and on the phone this week, we hope to
4 -- Like I said, the next meeting will be hopefully the full moon
5 this month, depending on weather, if things aren't cancelled and
6 everything.

7
8 By the December council meeting, I think you'll have two very
9 sufficient chairmen's reports covering both St. Thomas and St.
10 Croix. Anything else?

11
12 **EUGENIO PIÑEIRO:** No? Thank you very much, Tony. Next is the
13 Administrative Committee Report.

14
15 **ADMINISTRATIVE COMMITTEE REPORT**

16
17 **MIGUEL ROLON:** Mr. Chairman, the only motion that the
18 Administrative Committee made for consideration is the
19 reappointment of Gary Wayne Rogers to the AP.

20
21 **CARLOS FARCHETTE:** I so move.

22
23 **MARCOS HANKE:** I second the motion.

24
25 **EUGENIO PIÑEIRO:** Marcos seconds the motion. Let's vote on it,
26 on the appointment of Gary Wayne Rogers.

27
28 **WINSTON LEDEE:** Yes.

29
30 **BEULAH DALMIDA-SMITH:** Yes.

31
32 **CARLOS FARCHETTE:** Yes.

33
34 **MARCOS HANKE:** Yes.

35
36 **ROY CRABTREE:** Yes.

37
38 **EUGENIO PIÑEIRO:** Yes. **The motion carries with six yes and one**
39 **absent, being Puerto Rico DNR.** Go ahead, Miguel.

40
41 **MIGUEL ROLON:** The others were not motions, but the
42 Administrative Committee discussed some issues that they want to
43 have more information, so that they can report to the council at
44 the next meeting in December, or whenever that occurs.

45
46 We are going to be reviewing the SOPPs for certain items and we
47 asked Miguel Garcia to consult with his superiors on whether any
48 liaison funds not used in Puerto Rico can be transferred to the

1 USVI in due time. He is not here and maybe we can say yes.
2 Anyway, he is going to consult with his superiors and he will
3 report back to us in December.

4
5 We also discussed the possibility of using some funding to
6 assist in a proposal that is being put together by Dr. Ron Hill
7 and he was dodging Hurricane Earl, but he sent me a note here
8 that basically what he is preparing is a proposal through the
9 Southeast Fisheries Science Center to develop an Ecopath model
10 to be used by the CFMC in the ecosystem-based management
11 approach to fisheries management that is required now by policy.

12
13 He is asking that this could be done during the next three
14 years, preferably by some post-doc that can be assigned to work
15 on the Ecopath model and he is asking the council to consider
16 assisting with about \$35,000 to \$45,000 per year on this
17 proposal.

18
19 The person that will be working on this project, if approved,
20 will be in Galveston in a laboratory and he will be dedicating
21 the time to develop the modeling of the Ecopath model, using the
22 data of the U.S. Caribbean.

23
24 He said that the starting point is our current model, based on
25 southwest Puerto, and it could be used as the basis for the
26 model and this model, once it's developed and enhanced, could be
27 used to apply in other areas and not necessarily the U.S.
28 Caribbean, but it can be also exported to other areas of the
29 nation and other countries that may need it.

30
31 He wants to stress that this request is undergoing approval
32 through the Center, but they were aware it was in the mix of
33 other proposals being submitted. In other words, it's just a
34 proposal and it doesn't mean that it's going to get funded,
35 because the Center is working now with a myriad of other
36 proposals and they have to assign priorities, et cetera, but he
37 wanted to have what he called a verbal placeholder for the
38 council to consider this assistance. Yesterday at the
39 Administrative Committee, we were informed that we may have the
40 money next year to assist.

41
42 The other two issues that they discussed regarding money is the
43 possibility of working together with the local authorities on
44 the issue of the survey of the queen conch that we discussed
45 this morning and we will pursue that. Then for the December
46 meeting, the Administrative Committee will have some other
47 recommendations to the council to consider regarding the issues
48 that they discuss.

1
2 **EUGENIO PIÑEIRO:** Thank you, Miguel, for that report.

3
4 **MIGUEL ROLON:** We have the author of the paper that was
5 presented yesterday regarding socioeconomic information here
6 with us and our suggestion is to open the floor so that those of
7 you who had questions yesterday, and if you remember which
8 questions those were, you can ask her now and yesterday, I
9 remember that we wanted to know the basis for some of the
10 conclusions in the study and also we wanted to know whether
11 there would be similar studies to update the data that was
12 presented yesterday.

13
14 **DENISE JOHNSON:** I'm sorry I couldn't be here yesterday. I was
15 flying in. I was in Massachusetts for ten days and I was flying
16 back on Monday and although it would have made sense flying from
17 Boston to San Juan to here, I couldn't do that. I had to fly to
18 Tampa first. That's U.S. government regulations and so that
19 compromised getting here on time and so I have to thank Phil for
20 making my presentation. I understand there were some questions
21 and so I'm here to answer any questions you may have. If you
22 want, I can just do a quick rehash or just tell me where you had
23 a question.

24
25 (The question is not audible on the recording.)

26
27 **DENISE JOHNSON:** That's Puerto Rico, which dominates the U.S.
28 Virgin Islands and what's interesting is if you look at the
29 history of the census of Puerto Rico, Puerto Rico became
30 increasingly white and sociologists were asking why did Puerto
31 Rico become white? They found that the census definitions of
32 what white was changed and so in 1910, if you had any amount of
33 black blood in you, you were black.

34
35 Then in 1920 they added molato and then has time has gone on,
36 they got rid of that and more Puerto Ricans were identifying
37 themselves as white, yet if you ask your typical Puerto Rican,
38 they'll say I'm not just one race and I'm multiracial and I'm
39 multiethnic.

40
41 (The question is not audible on the recording.)

42
43 **DENISE JOHNSON:** The census differentiates race and ethnicity
44 and Hispanic is considered an ethnicity and again, because the
45 Puerto Rican population will self identify as Hispanic, Latino
46 is there because there are some people in Puerto Rico who came
47 from Mexico or some places in Latin America.

1 It's an interesting history in terms of how they've identified
2 themselves. I believe a University of Puerto geneticist
3 recently did a study, an island-wide study in Puerto Rico, DNA
4 research, and found that 6 percent of the population had Tino
5 blood and so in the 2010 census, there may be a large number of
6 Puerto Ricans who will now self-identify as native Caribbean and
7 Native American and so it will be interesting to see how those
8 figures change.

9
10 (The question is not audible on the recording.)
11

12 **DENISE JOHNSON:** Poverty means that your income is such that you
13 can't meet basic human needs, such as shelter, such as
14 nutrition, such as clean water. Puerto Rico, again,
15 unfortunately, they tried a privatization scheme in the 1990s,
16 selling what had been public water to a French company, which
17 was disastrous.

18
19 Unfortunately, good water did -- The resorts got good water and
20 the U.S. military base got good water and unfortunately, the
21 people in the lower income municipalities did not and so that
22 privatization scheme ended.

23
24 (The question is not audible on the recording.)
25

26 **DENISE JOHNSON:** The poverty threshold, the U.S. Census comes up
27 with a poverty income threshold and I could always find exactly
28 the dollar figure if you need to do that, but they do factor in
29 cost of living differences and here in the U.S. Caribbean, you
30 have some of the highest cost of living. The cost of living is
31 higher here than it is in New York, but the incomes aren't and
32 so that's why you have so many people living in poverty.

33
34 **WINSTON LEDEE:** In one of the slides there where you showed that
35 St. Thomas had fifteen fish markets, I don't know if you
36 identified them as fish markets or just areas where fishermen
37 sell their catch, because I know they don't have fifteen fish
38 markets.

39
40 **DENISE JOHNSON:** Again, the U.S. Census Bureau, those are
41 business establishments and they have broad categories and fish
42 markets is just one subcategory of that broader category and so
43 that's why it says up to, because it may include things that are
44 not fishing markets. A lot of this information is from the U.S.
45 Census Bureau.

46
47 (The question is not audible on the recording.)
48

1 **DENISE JOHNSON:** Actually, in terms of the number of fishermen,
2 that came from Puerto Rico's 2008 census and the U.S. Virgin
3 Islands, the 2004 census on the fishermen.
4
5 (The question is not audible on the recording.)
6
7 **DENISE JOHNSON:** In terms of the number of licensed fishermen,
8 that's figures that obviously come from the council staff.
9
10 (The question is not audible on the recording.)
11
12 **DENISE JOHNSON:** That 160 figure, again, was from the council
13 staff if you're talking about St. Thomas.
14
15 **DAVID OLSEN:** That's an error. It's more around 140 there.
16
17 **DENISE JOHNSON:** Certainly that's something that can be
18 corrected.
19
20 **DAVID OLSEN:** I just thought there were a number of points there
21 that whatever your source was, they had given you wrong
22 information.
23
24 **DENISE JOHNSON:** Whether 160 or 140, in terms of fishermen as a
25 percent of the populations, it's less than 1 percent and in
26 terms of those who identify themselves as fishermen as an
27 occupation -- Certainly the number of fishermen who are
28 employees of a fishing company, you don't find it here either.
29
30 **DAVID OLSEN:** There are no fishing companies.
31
32 **DENISE JOHNSON:** No and so if you look at a significant
33 population, just in terms of fishermen, they're not a large
34 percent. It doesn't mean what they catch is insignificant
35 though.
36
37 **DAVID OLSEN:** Also, since emancipation, when slaves were freed
38 to go out on boats and fish and stuff like that, the production
39 of seafood here has been a really integral part not only of the
40 diet and the economy, but of the culture. To me, and I've
41 traveled a lot, I think there's a disproportionate involvement
42 of the community in fish, fishing, and the fishermen.
43
44 **DENISE JOHNSON:** In fact, that's why I had the one slide which
45 talks about per capita production of fish and if you look at
46 landings in and of themselves, Puerto Rico's are way up here and
47 St. Thomas and St. Croix are there, but then when you divide by
48 the population, then all of a sudden you see a very different --

1 You get a very different picture.

2
3 Here's Puerto Rico down here and there's St. Thomas and there's
4 St. Croix and so per capita production in the U.S. Virgin
5 Islands dwarfs that of Puerto Rico.

6
7 **DAVID OLSEN:** You don't have -- You're waiting for the 2010
8 census?

9
10 **DENISE JOHNSON:** Right and so that gives you some sense of how
11 significant fishing is to the U.S. Virgin Islanders.

12
13 **DAVID OLSEN:** What's the U.S. per capita? It's around eleven
14 pounds, isn't it?

15
16 **DENISE JOHNSON:** It would have been a good thing to put here by
17 comparison, but also when you look at a comparison in terms of
18 household income or personal income, when you look at the U.S.,
19 it's here and then you go to the U.S. Caribbean and household
20 incomes or personal incomes are down here and so that also gives
21 a suggestion of the importance of fishing.

22
23 **DAVID OLSEN:** It's a protein source here. If people are buying
24 seafood, it's because of preference rather than necessity.

25
26 **DENISE JOHNSON:** When you think of poverty, there it's access to
27 food and a Nobel prize winning economist, Amartya Sen, had
28 studied famines and he found that there wasn't a lack of
29 production of food, but it was a lack of access to food and it
30 was the poorer that could not afford to buy the food. It
31 happened during the U.S. Great Depression. They were burning
32 and they were getting rid of food, even though there were people
33 starving, because they weren't able to sell it.

34
35 When it comes to poverty, those who are living in poverty, you
36 can have a relatively small increase in the price of something
37 like fish and yet for some it can reduce their access.
38 Certainly recreational subsistence fishing helps a lot.

39
40 **JOE KIMMEL:** I think it was in the presentation, but do you
41 recall the amount of fish that's consumed per island that is
42 imported? What percentage of the consumed fish is imported
43 rather than local?

44
45 **DENISE JOHNSON:** Puerto Rico imports a large -- I'm trying to
46 think of the slide, but Puerto Rico typically has imported much
47 more fish than it has produced and cod, for some reason --
48 Historically, and when I first learned that, I was rather

1 perplexed by it and I have to admit I still am a little bit.
2
3 (The question is not audible on the recording.)
4
5 **DAVID OLSEN:** -- parrotfish and things like that and codfish,
6 because they needed to feed protein to the slaves. They
7 wouldn't let them go fishing and so there was a lot of cod. The
8 archeologists in the park in St. John told that to a group of
9 us.
10
11 **DENISE JOHNSON:** Thank you for that information. Then in the
12 Virgin Islands, typically all the fish that is caught is not
13 exported and imports, it's going to be higher priced fish.
14 They're not going to be importing potfish.
15
16 **DAVID OLSEN:** A lot of the hotels and things import fishes,
17 because they don't want to carry the liability problems
18 associated with ciguatera.
19
20 **DENISE JOHNSON:** That makes sense. Joe, did that answer your
21 question?
22
23 **JOE KIMMEL:** I can look it up.
24
25 **DENISE JOHNSON:** Certainly both islands are heavily reliant on
26 imports. One thing I had been asked was about the number of
27 Puerto Rican fishermen on the coasts. Those figures were where
28 they live and it wasn't where they fish. It was where they
29 live.
30
31 (The question is not audible on the recording.)
32
33 **DENISE JOHNSON:** In terms of how they fish or where they fish?
34
35 (The question is not audible on the recording.)
36
37 **DENISE JOHNSON:** Again, this came from that Virgin Islands
38 study. I'm not saying anything that's new here.
39
40 **GRACIELA GARCIA-MOLINER:** The last slide, where all the
41 comparison is made, it appears that --
42
43 **DENISE JOHNSON:** In fact, I revised that and you would have seen
44 it in the new and improved one, because I found, when I was
45 reviewing the presentation before I got here, that this part
46 right here, it was actually -- It's not St. Thomas/St. John
47 fishermen that target deepwater snapper and Puerto Rican
48 fishermen.

1
2 In fact, there are coastal differences among Puerto Ricans and
3 it should be that smaller percent of St. Thomas/St. John
4 fishermen target deepwater snapper than Puerto Rican and St.
5 Croix fishermen do. In fact, I caught it when I was reviewing
6 it when I was coming here yesterday and so I thought -- Sorry,
7 Phil, that you had to deal with that mistake, but that was not
8 Phil's. That was entirely my mistake.

9
10 **MIGUEL ROLON:** Part of the questions that we had surrounding
11 this study, it was another paper and I believe that it was
12 Honorable Christensen that was interested also in discussing the
13 idea of declaring St. Croix a fishing community.

14
15 I don't know if you are involved in this, but the question is if
16 St. Croix is declared a fishing community, what is the meaning
17 of that?

18
19 **DENISE JOHNSON:** Actually, it really doesn't give the fishermen
20 any particular protections. In fact, Shep would have a better
21 sense of what the legal ramifications are of that and so I would
22 please ask him to answer that.

23
24 **MIGUEL ROLON:** Before Shep goes, some people believe that if you
25 declare an area a fishing community that money will fall from
26 the sky and that you will be protected under certain laws and
27 regulations. I know that that's extreme, but there are some
28 benefits of that designation and I just wanted to know whether
29 there's any implication that would benefit the commercial
30 fishermen.

31
32 **DENISE JOHNSON:** Again, Shep, correct me if I'm wrong, but it
33 doesn't give you any exceptions in terms of the National
34 Standards. Actually, Environmental Justice concerns may be even
35 better for you in terms of at least considering the implications
36 of proposed actions.

37
38 **SHEPHERD GRIMES:** There is some discussion of this reflected in
39 the minutes from the last meeting, as you will recall. Not to
40 downplay the significance of being designated a fishing
41 community, but legally speaking, it does very little, if
42 anything.

43
44 I guess it requires that analysis be tailored to considering the
45 impacts on that community or that size entity versus some other
46 delineation of affected entity, but realistically, it doesn't
47 change any of the burdens or regulatory requirements that are
48 otherwise associated with managing fisheries.

1
2 **EUGENIO PIÑEIRO:** Any more questions for Denise? Thank you very
3 much for your clarification and for stepping up the plate and we
4 are thankful for your information.
5

6 **DENISE JOHNSON:** Thank you. Actually, one thing I wanted to say
7 that there was a Nobel prize winning economist, William Baumol
8 from Yale, and he won the Nobel prize for a theory called
9 capital flight, in which it was about airlines that if they
10 wanted to take off for less costly areas that they could just
11 fly the planes off to another state, but there never was a
12 really good real-life example of it until I looked at St. Croix
13 fishermen.
14

15 Here you have fiberglass boats and trailers and they're leaving
16 shoreline areas because it's more costly to live there in terms
17 of property taxes, cost of land, and other reasons. Then
18 they're going inland and yet, they can still trailer their boats
19 and have access to the water and so it was like, wow, I actually
20 came across a real-life example of capital flight and so that's
21 pretty cool and thanks.
22

23 **MEETINGS ATTENDED BY COUNCIL MEMBERS AND STAFF**

24
25 **EUGENIO PIÑEIRO:** Thank you. Thank you very much. The next
26 item on the agenda is Meetings Attended by Council Members and
27 Staff. The only one is me. I attended the International
28 Fisheries Forum in Taipei.
29

30 There's a new coastal marine spatial planning initiative. In
31 the mackerel, it works that you want to divide the areas for
32 fishing, areas for shipping, and areas for oil and for the
33 industry and so the bottom line is there's already twelve
34 countries involved in this effort and a bunch of other countries
35 in the region, like Central America and South America are
36 engaging themselves in this activity and the project seems to be
37 gaining strength every year, with more countries adding up.
38 That's my report from that trip.
39

40 **MIGUEL ROLON:** Let me read the list. In May, Miguel Rolon,
41 Winston Ledee, and Eugenio Piñeiro and María Irizarry went to
42 the CCC meeting. Winston, do you want to start with your
43 report?
44

45 **WINSTON LEDEE:** It was my first time to Alaska. I went to the
46 CCC meeting and I think we talked mainly about catch shares a
47 lot of time, where they're pushing catch shares for all the
48 councils to look at. Also the budgets and the way that they

1 want the councils to operate and how other councils do their
2 business.

3
4 **MIGUEL ROLON:** The other person who attended the meeting was
5 Genio Piñeiro and do you want to say anything about the CCC or
6 Angie?

7
8 **MARIA IRIZARRY:** The Administrative Officers of the eight
9 fishery management councils met in Anchorage, Alaska on May 19
10 through 21. At that time, we discussed our experiences as
11 council with the recent five-year application process. We
12 compared each other's SOPPs, personal benefits, like retirement,
13 health, life, and disability insurance. We talked about travel
14 regulations for investigations and other administrative matters.

15
16 **MIGUEL ROLON:** Out of that meeting that Angie went to, came a
17 lot of suggestions for each council to look at the SOPPs, and
18 the idea is to have compatible SOPPs in terms of the ways that
19 we operate with the staff and the way that we operate with the
20 council.

21
22 Some of them are very interesting, because people do things in
23 different ways in each one of the councils and one of the issues
24 actually was discussed yesterday in the Administrative Committee
25 and so we are going to discuss it in December.

26
27 The CCC also -- As you all know, the chairmen and the executive
28 directors, they meet twice year, once with the National Marine
29 Fisheries Service, usually in January, to discuss issues related
30 to budget and other matters. These meetings are becoming bigger
31 and bigger every year and this time around, what we decided to
32 do also at the Alaska meeting, was to discuss what to do in
33 January at this meeting, to discuss budget only or do we want to
34 discuss other matters.

35
36 This meeting is also an opportunity for the chairs and the vice
37 chairs to discuss issues directly with now Director Eric
38 Schwaab. He's the NOAA Director now and it was a very good
39 exchange of information with him. He just came into this
40 position recently and he addressed every one of the issues
41 presented to him and he told us that he plans to visit each
42 council as much as possible. Of course, he was beginning and
43 now he probably won't have much time and especially with the oil
44 crisis.

45
46 When we met in Alaska, everybody was embedded in oil issues,
47 including Roy. He couldn't make it to the meeting and it was
48 important for him to tell us that he will try to have a liaison

1 with each council to make sure that all the issues that are
2 presented to him by each council will be addressed accordingly
3 in the best way possible. The other meeting that we have here
4 is the HMS AP Meeting. It was attended by Genio Piñeiro.

5
6 **EUGENIO PIÑEIRO:** This meeting, the Amendment 4 was suspended
7 until the new data trip ticket affecting Puerto Rico until 2011
8 and so that was the decision made that impact us. We will have
9 to wait until 2011 to deal with the new data trip ticket that
10 includes specifically HMS and coastal pelagics.

11
12 **MIGUEL ROLON:** The next meeting was addressed during this
13 meeting and it was attended by Carlos Farchette, Winston Ledee,
14 Marcos Hanke, Edward Schuster, and Barbara Kojis and it was the
15 U.S. Caribbean Data Improvement Meeting that was held in Ponce
16 and put together by the Southeast Fisheries Science Center.

17
18 **MARCOS HANKE:** It was a very interesting meeting in the sense
19 that being a council member you see where the things come from
20 and all the procedures behind it and I think for what I saw in
21 those meetings that the council members -- We could have some
22 input on the process and I think it was a very important
23 exercise on the process and I look forward to keep doing so.

24
25 **CARLOS FARCHETTE:** I do agree with what Marcos had. We did have
26 a very productive meeting and the Ponce Hilton. We discussed
27 the proposed system for an optimal data collection system. Some
28 of the following topics were discussed: trip counts using aerial
29 and ground surveys. Aerial surveys identify what sectors fish
30 are used more often by vessel count. This would encompass over
31 flights by the day fishers and also by the night fishers.
32 Ground surveys would be conducted by port samplers. Fishing
33 times were identified by DPNR and DFW and DNER from Puerto Rico.

34
35 They also, like I said before, they discussed early hours for
36 daytime and night hours for the nighttime fishers, afternoon
37 hours for the nighttime fishers.

38
39 They discussed the feasibility of covering landings sites for
40 catch validation and catch per trip collection and how many port
41 samplers would be required to cover all landings sites. Also
42 discussed were recommendations for database and IT, the ACL
43 monitoring software and personnel needs and maintenance costs.

44
45 Catch validation was discussed. It was determined that 500
46 samples by species were needed annually for each region. Cost
47 associated per sample and annually was also determined. There
48 was a question as to whether to hire full time or contract

1 employees, but that was not answered.

2
3 Length sampling was also discussed. Number of length samples
4 were not determined. That should be finalized by summer of
5 2010. Compatible USVI versus PR was questioned, because the
6 USVI may not be able to handle the type of sampling activity
7 suggested for PR, since fishing effort is lower in the USVI.

8
9 Maturity samples was also discussed. The USVI will gather the
10 data with a monthly goal of five fish per species, for a total
11 of 480 samples per year distributed around each island was set
12 and an associated costs spreadsheet was developed for port
13 samplers, related equipment required, enforcement personnel, and
14 associated maintenance costs, such as fuel for patrol boats and
15 preventative maintenance.

16
17 On the aerial surveys, ground surveys, catch, length, maturity
18 sampling, database, and IT, all those costs were discussed in
19 the meeting. I've still got to follow up on getting Nancy
20 Cummins and some over flight costs, because I do know a pilot
21 that owns two planes on St. Croix and for some reason I just
22 haven't been able to find this guy, but I will.

23
24 **WINSTON LEDEE:** I don't have much to add to that. We talked a
25 little bit about the trap ticket forms and also the whole budget
26 and what it would cost to get this program going and how much
27 people, port samplers, they would have to hire and the expensive
28 scales they would buy and all that stuff and the budget became
29 way blown out and so I'm not sure what's going to happen now.

30
31 **MARCOS HANKE:** On my very brief resume, what I tried to do is to
32 highlight the importance of us being there, because the way the
33 council members helped during the discussion, when they were
34 seeing how much it was going to cost and so on, we gave ideas
35 and told how the industry operated and the hours that the
36 fishermen get in and out and without the help of the council
37 members, that would be very difficult to do so and that's why
38 the importance of the council members participating in those
39 processes. Then we have the budget and without us there, it
40 would be much more difficult to do it in a reasonable and
41 realistic way.

42
43 **EUGENIO PIÑEIRO:** Barbara, you were there.

44
45 **BARBARA KOJIS:** Carlos clearly covered a lot of points and he
46 even reminded me what the meeting was about. It's been a while
47 and I'm getting older. The other people made good points as
48 well.

1
2 One of the things is that, and this was mentioned, but it looked
3 like the budget for this would be hugely expensive, maybe like
4 10 percent of the cost of the amount of fish that's landed. At
5 the same time, the idea was to do a very comprehensive survey or
6 study or what have you initially and then be able to, after we
7 look at all the data and so on that's gathered, to find out how
8 you could reduce that to reduce the costs.

9
10 The initial was up like a blown-out pilot that would eventually
11 be able to go and say, okay, what can we do to reduce the costs
12 and still get the data that we need in order to keep track of
13 what the status of the stock is?

14
15 I don't know and everybody was kind of concerned about the cost
16 of this, because it was well over a million dollars is what it
17 looked like it was coming up there -- \$4 million. It was \$4
18 million. It varied from time to time, depending upon what you
19 did.

20
21 One of the problems, of course, with the fisheries that we have
22 down here is that we have very scattered fisheries and we don't
23 have dealers.

24
25 We have people landing their fish all over the islands and so on
26 and there is not like one location that people come to and with
27 a lot of people coming in at the same time and so keeping track
28 of what actually happens and checking and validating catches and
29 all that sort of thing is very difficult and very costly.

30
31 **EUGENIO PIÑEIRO:** Thank you, Barbara. Ed?

32
33 **EDWARD SCHUSTER:** Just to talk about what happened in Ponce
34 there, what's really important I think that needs to be focused
35 on is having the correct amount of port samplers here on St.
36 Croix.

37
38 To my memory, I think we're down to about one-and-a-half and I
39 say one-and-a-half port samplers because there's one full time
40 at that time and I don't know if it has changed now, but when
41 that meeting occurred, it was one-and-a-half port samplers and
42 that means you had one full-time employee with a retired
43 employee that was doing port sampling and his hours was limited.

44
45 One of the things that I think needs to be focused on is putting
46 the information that DFW receives on an electronic database. I
47 don't know exactly how it's done right now, but according to
48 what I understand, my belief, it's done by one person looking at

1 hard copies and entering it on a database.

2
3 **MIGUEL ROLON:** We have four more, but I have two. One is the
4 Capital Hill Ocean Week. As we have been informed before, this
5 is the time every year that the -- There's a group of people
6 that meet in Washington and exchange ideas with NOAA about
7 everything that NOAA does related to weather, fisheries, and
8 oceans in general.

9
10 Part of that week, aside from presentations by experts and
11 discussions by the public in general that goes to this meeting -
12 - This public is kind of an interesting public. It's not
13 everybody who decides to go there. It's mostly by invitation
14 and the staffers, the people that belong to the staff of the
15 people in the House and the Senate that have the decision making
16 powers, usually attend this meeting.

17
18 It's a very interesting forum for discussing issues related to
19 the policies, plans, and projects of NOAA regarding the areas
20 that NOAA attends and works on.

21
22 In addition, they have what they call a fish fry. We were
23 invited by the Western Pacific Council two years ago and the
24 fish fry is attended by around 2,000 people. Anyway, it's an
25 event where in the Department of Commerce they have just all
26 over the United States where people can go and taste tuna from
27 Hawaii and snapper from Puerto Rico and all over and it's well
28 attended.

29
30 Surprisingly to me, I was wearing a -- Diana asked me to help
31 her with something and so I was in the middle of the room at the
32 top floor and people came to me and asked where is this fish fry
33 and so I asked her and I said, why are they talking to me and it
34 was because I looked like a walking sign of the fish fry.

35
36 I met senators and I met people from the general public and they
37 were all interested in what NOAA and NMFS was doing regarding
38 our fisheries. I met people from NGOs, powerful NGOs that were
39 interested in the U.S. Caribbean.

40
41 Some of them didn't even know that the U.S. Caribbean had a
42 council and they were really amazed by all the things that goes
43 around the United States regarding fisheries, because one of
44 them told me that most of the time when he receives complaints
45 of things that are going wrong and he didn't know there were
46 other things that were happening at a national level that are
47 going well.

48

1 NMFS now is going to assist the councils every year with some
2 money, and that was the decision made at the last meeting -- It
3 was not a decision, but a petition and Dr. Schwaab will look
4 into this matter, but he promised that as part of the new
5 impetus of outreach and education that they would like to have
6 this activity as part of our events that we use for outreach and
7 education.

8
9 By the way, in the case of outreach and education, they were
10 talking about assigning more money to all the regions, National
11 Marine Fisheries Service and the councils, to go back and be
12 more in contact with the constituents and also facilitate the
13 way that we operate so the constituents will have always an open
14 door to interact with the councils and they also were looking at
15 the issues of using the new electronics way of communicating.

16
17 Some councils are using Twitter, Facebook, emails, of course,
18 and webinars. Every council meeting they have a camera and
19 actually, we offered that here, but you guys didn't like it that
20 much.

21
22 They're using the internet to be able to convey the message of
23 what we're doing better and have the feedback from the public.
24 That meeting also was attended by Genio Piñeiro and Diana
25 Martino. Diana, do you want to say something?

26
27 **DIANA MARTINO:** Out of the eight councils, three of them
28 participated at the fish fry, the Western Pacific, the South
29 Atlantic, and the Caribbean Council. We brought one chef and
30 two sous chefs and we had conch and fruit salad, Caribbean spiny
31 lobster stew, and queen snapper. Also thank you to Genio. He
32 helped a lot with the cooking and Miguel, too. Also, we were
33 the best booth and the best food at the fish fry.

34
35 **EUGENIO PIÑEIRO:** I would like to add that it was a unique
36 opportunity to spend some time talking to council people and the
37 environmental community and we should do that more often and the
38 National Fish and Wildlife Foundation and its Chairman, Tony
39 Chadwin, gave five awards totaling \$600,000 that went from the
40 range of projects in the Western Pacific with humpback whales to
41 the New England area and obviously the Gulf of Mexico.

42
43 It was a very good opportunity to spend time with the
44 environmental community and the leaders, the national leaders,
45 of Congress and to mingle and exchange some of our ideas. Thank
46 you.

47
48 **MIGUEL ROLON:** The other meeting that I attended is the Expert

1 Consultation on Operationalization at the CSC. The CSC is the
2 Caribbean Sea Commission. It's a commission created by the
3 United Nations and it has been around for three years. They
4 call it the best kept secret in the Caribbean because most
5 people didn't know that they were working and staffing the
6 commission.

7
8 It will serve as a big umbrella. They have an ambitious agenda.
9 They would like to address tourism, oil and gas, aquaculture,
10 fisheries, general environmental issues, and agriculture.

11
12 The part that I was supposed to be responsible was to give a
13 presentation and participate on the panels on the international
14 issues related to fisheries that are important to the U.S.
15 Caribbean and also, because we have very little participation
16 from outside, I was able to also convey the message about the
17 U.S. in general.

18
19 The meeting was very successful. The meeting was attended by
20 mostly scientists and managers from different agencies and as
21 you know, we have more than a hundred organizations working in
22 the Caribbean and some of them working for more than fifty
23 years. We had representation from the FAO and the organization
24 wants to -- The first thing is they don't want to have any
25 double effort.

26
27 Any activity of this kind, when you're trying to harmonize, at
28 least in the private fishery, harmonize management measures is
29 very expensive and very difficult to do.

30
31 The big issue here was how can the organization be effective in
32 involving the local governments? In the Caribbean, we have
33 twenty-eight states and ten territories. The greater Caribbean
34 goes all the way from Bermuda to Brazil and, of course, you have
35 Central America and the islands that we belong to.

36
37 It's a very complex area and it's comparable to the
38 Mediterranean Sea and because of that, the Executive Director of
39 the Mediterranean Sea and the Baltic Sea that deals with
40 management issues related to fisheries, tourism, and oceans was
41 present to give us an idea of how they work.

42
43 The first thing they told us is these are the things we did that
44 didn't work and these are the things that we did that might
45 work. We found also that -- have been working together and the
46 Central American countries, and there are about nine of them,
47 have been able to develop a common strategy for the management
48 of lobster and for the first time, they have a common management

1 regime for lobster.

2
3 We participated in the 1970s in these studies and these meetings
4 and so for us it was a success story, what they have done. We
5 also discussed issues like the queen conch, because the problem
6 with the queen conch is that it's unique to the Caribbean. It
7 has been overfished in many areas and now it's underfished and
8 we have been able to put together manuals and manuals on how to
9 manage the queen conch.

10
11 Dr. Earhart put together a manual on how to study and survey
12 queen conch and still we have problems, because the majority of
13 the countries that come to the meetings say yes, we're going to
14 do it, but then usually there's no action.

15
16 We have the issue of the new organization trying to address all
17 the agenda items and they will rely on the international offices
18 of fisheries of the United States and even Canada, the council,
19 FAO, and other institutions that have some things to bring to
20 the table as a contribution to the discussion.

21
22 The meeting was by Finland and I asked why Finland and the
23 answer to that, the ambassador told us, is those big ships that
24 go around the Caribbean, they're in Finland and Nokia, the cell
25 phone company, is one of the biggest ones in the world and
26 that's why they came here. The government of Finland wants to
27 give back to the community and so they are supporting this
28 international effort.

29
30 The United States also is interested in participating and the
31 ambassador was not present, but he sent a message that he would
32 be interested in seeing which areas he can contribute to this
33 effort. The last two meetings on our list are Graciela Garcia-
34 Moliner and the National Stock and Habitat Assessment.

35
36 **GRACIELA GARCIA-MOLINER:** There was, in May, a joint meeting
37 between the Habitat and the Stock Assessment and one of the main
38 objectives of the meeting was to actually find out how to use
39 habitat information on stock assessments.

40
41 We also had the opportunity to meet with different people and
42 had a data-poor gathering or session during the meetings, where
43 the situation with the data that we have available for stock
44 assessments in the area was discussed and in terms of the
45 habitat, it had to do with the revision of the five years that
46 is coming up this year and also with the national habitat plan.
47 In terms of the needs for the habitat assessment for the area,
48 that's part of the information that we took to the meeting, I

1 took to the meeting.

2
3 **MIGUEL ROLON:** Then we have Genio Piñeiro with a meeting that he
4 attended, Commercial and Recreational Fishers, Fishery Managers,
5 and Environmental Groups. Also, Genio attended the Fishery
6 Forum in Taipei and that meeting was attended by Genio and some
7 other members of other councils, the Pacific Council.

8
9 The meeting was to discuss the spatial planning for that area.
10 It was paid for by the Western Pacific and the Caribbean
11 Council. It was a joint venture between Kitty and I to send our
12 chairmen over there and then the last one you have is -- Do you
13 want to say anything about the Commercial and Recreational
14 Fishers in Orlando?

15
16 **EUGENIO PIÑEIRO:** Of course. That was another thing Tony
17 Iarocci forgot. That meeting was a one-day meeting in Orlando
18 where we had people from NMFS and Bonnie was there and Roy and I
19 believe Holly Binns was there too and it was a roundtable, where
20 we got to answer some questions from some fishers that had a
21 council meeting there and so although it was immediately after
22 the oil spill, the focus of attendance was very much into the
23 data needs and the different interests that every group has and
24 it was a very successful meeting, where we had all sorts of
25 different backgrounds of people going there.

26
27 **MIGUEL ROLON:** Regarding this report, a council member asked me
28 why we did this and it's a requirement that you go -- If you go
29 under a travel order paid by the council, you have to report to
30 us. In the past, we used to have a written report. Some
31 councils do have a written report, but this council decided to
32 have this one, but if people get kind of bored with this -- I
33 don't care and it's up to you guys.

34
35 If you want, you can go back and people can send me a report,
36 three or four pages of a report on a trip, and then if you have
37 to say something, you say it as you will at the council or if
38 you want, we'll keep the present system that we have. Should we
39 keep it or -- The next one in the agenda, Mr. Chairman, is
40 Other Business.

41
42 **OTHER BUSINESS**

43
44 **EUGENIO PIÑEIRO:** No other business.

45
46 **NEXT COUNCIL MEETING**

47
48 **MIGUEL ROLON:** Then the next meeting, the next meeting will be

1 in Puerto Rico, probably the second week of December, but if we
2 need to meet before that because of anything that happens
3 between here and there regarding ACLs or any other topic that we
4 have discussed, we will do that.

5
6 The last thing is that the permits -- We didn't say anything
7 about the permits and how about a white paper that you ask a
8 staff to prepare so that at the December meeting we can look at
9 it again?

10
11 **EUGENIO PIÑEIRO:** We can do that.

12
13 **MIGUEL ROLON:** The meeting will be December 7 and 8 and it will
14 be in Puerto Rico somewhere, probably on the west coast.

15
16 **EUGENIO PIÑEIRO:** Joe and Graciela, we are going to ask you for
17 a white paper on the permits. All right? Okay. Beyond this, I
18 think this has been a very productive meeting. It's been a lot
19 of hard work for the past year or year-and-a-half and a lot of
20 passion involved, but I think we did our job and I thank you all
21 for your strong commitment and support. Thank you very much and
22 the meeting is adjourned.

23
24 (Whereupon, the meeting adjourned on September 8, 2010.)

25
26 - - -
27