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2 **CARIBBEAN FISHERY MANAGEMENT COUNCIL**
3 **148TH REGULAR COUNCIL MEETING**
4 **Wyndham Sugar Bay Resort**
5 **St. Thomas, USVI**
6

7 DECEMBER 11-12, 2013

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9 DECEMBER 11, 2013

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11 The Caribbean Fishery Management Council convened at the Wyndham
12 Sugar Bay Resort, St. Thomas, USVI, Wednesday morning, December
13 11, 2013, and was called to order at 9:00 o'clock a.m. by
14 Chairman Carlos Farchette.

15
16 **CARLOS FARCHETTE:** Good morning. I want to welcome everyone to
17 the 148th Caribbean Council Meeting held in the Sugar Bay Resort
18 in St. Thomas, U.S. Virgin Islands. It's December 11, 2013. I
19 will call us to order and so we're going to start with a role
20 call on my left.

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

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

25
26 **NELSON CRESPO:** Nelson Crespo, council member.

27
28 **TONY BLANCHARD:** Tony Blanchard, council member.

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

31
32 **ROY PEMBERTON:** Roy Pemberton, Jr., council member.

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

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

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

39
40 **ROY CRABTREE:** Roy Crabtree, council member.

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

44
45 **BONNIE PONWITH:** Bonnie Ponwith, NOAA Fisheries.

46
47 **MORGAN FOWLER:** Morgan Fowler, U.S. Coast Guard.
48

1 **BILL ARNOLD:** Bill Arnold, Southeast Regional Office.
2
3 **GRACIELA GARCIA-MOLINER:** Graciela Garcia-Moliner, council
4 staff.
5
6 **KATE QUIGLEY:** Kate Quigley, council staff.
7
8 **ALIDA ORTIZ:** Alida Ortiz, O&E AP chairperson.
9
10 **EDWARD SCHUSTER:** Edward Schuster, AP chair.
11
12 **RICHARD APPELDOORN:** Rich Appeldoorn, SSC chair.
13
14 **RON MESSA:** Ron Messa, enforcement.
15
16 **PHIL STEELE:** Phil Steele, NOAA Fisheries.
17
18 **HELENA ANTOUN:** Helena Antoun, contractor.
19
20 **TOM DOLAN:** Tom Dolan, DPNR, fisheries.
21
22 **HOWARD FORBES:** Howard Forbes, Director of Environmental
23 Enforcement, DPNR.
24
25 **HOLLY BINNS:** Holly Binns, Pew Charitable Trust.
26
27 **RAY CAMPBELL:** Ray Campbell, St. Thomas FAC.
28
29 **MAXIMO VIVAS:** Maximo Vivas, presenter.
30
31 **ROY ARMSTRONG:** Roy Armstrong, University of Puerto Rico.
32
33 **WILL HEYMAN:** Will Heyman, LGL Ecological Research Associates
34 and invited speaker.
35
36 **THIERRY LEDEE:** Thierry Ledee, STFA.
37
38 **DAVID OLSEN:** David Olsen, STFA.
39
40 **TONY IAROCCI:** Tony Iarocci, commercial fisherman.
41
42 **DIANA MARTINO:** Diana Martino, council staff.
43
44 **CARLOS FARCHETTE:** Thank you. Before we move forward to the
45 Adoption of the Agenda, I want to make some congratulatory
46 remarks. First, I want to congratulate Genio Piñeiro, who has
47 been appointed by the White House as Commissioner of ICCAT and
48 Dr. Graciela Garcia-Moliner, who has been appointed as Chair of

1 the GCFI, Gulf and Caribbean Fisheries Institute. The former
2 Chair of GCFI, Virdin Brown, has been appointed as a Civilian
3 Aide to the Secretary of the Army and so kudos to everybody.
4 Now for the Adoption of the Agenda.

5
6 **ADOPTION OF AGENDA**

7
8 **MIGUEL ROLON:** We would like to add a presentation by Dr. David
9 Olsen on the yellowtail project and the lobster project first
10 thing in the morning tomorrow.

11
12 **CARLOS FARCHETTE:** Any more additions to the agenda?

13
14 **EUGENIO PIÑEIRO:** I move to adopt the agenda as amended.

15
16 **CARLOS FARCHETTE:** Do we have a second?

17
18 **MIGUEL GARCIA:** Second.

19
20 **CARLOS FARCHETTE:** It's seconded by Miguel Garcia. All in favor
21 say aye. Thank you. Consideration of the 147th Council Meeting
22 Verbatim Transcriptions, does anybody notice any irregularities?
23 Any comments or changes or corrections?

24
25 **CONSIDERATION OF 147TH COUNCIL MEETING VERBATIM TRANSCRIPTIONS**

26
27 **EUGENIO PIÑEIRO:** Being none, I move that we adopt the verbatim
28 transcriptions.

29
30 **CARLOS FARCHETTE:** Do we have a second?

31
32 **NELSON CRESPO:** Second.

33
34 **CARLOS FARCHETTE:** Second by Nelson Crespo. Moving forward, the
35 Executive Director's Report.

36
37 **EXECUTIVE DIRECTOR'S REPORT**

38
39 **MIGUEL ROLON:** Thank you, Mr. Chairman. I have some issues here
40 that I wanted to convey to you, but the first thing is that we
41 want to remind every council member that you are supposed to
42 submit your financial disclosure form to Bill and Phil Steele at
43 the Regional Office and nobody has done it yet.

44
45 Remember that without the financial disclosure, you are not
46 supposed to vote and there is a requirement and so please do it
47 as soon as you can and send it.

1 **SHEPHERD GRIMES:** I guess they haven't submitted their update
2 for the coming year or --
3
4 **MIGUEL ROLON:** Yes, the update.
5
6 **SHEPHERD GRIMES:** That means they have submitted one now and you
7 can vote at this meeting, but if you want to vote at the next
8 meeting, you had better submit your form.
9
10 **MIGUEL ROLON:** Exactly.
11
12 **CARLOS FARCHETTE:** Let me ask a question on that, because I know
13 I was with Tony Blanchard in D.C. when we mailed his out and so
14 I was wondering, Bill, did you get anything for Tony?
15
16 **BILL ARNOLD:** I have nothing from anybody.
17
18 **MIGUEL ROLON:** Well, good news, sort of. It seems that the
19 budget will be in by next year and so that means that we don't
20 have to close the shop. However, we are going to discuss today
21 the fiscal matter issues in the agenda and the situation for the
22 funds for 2014 and the next five-year cycle, 2015 through 2019.
23
24 The only thing of concern here is whether we will have the door
25 open or not and yes, we will have the door open and we will
26 continue some of the work that we started in 2013 and so we are
27 okay for now. At the March or April meeting, we will inform you
28 of any changes or modifications to the budget.
29
30 The other part that we want to discuss at this time is the MRIP,
31 the Marine Recreational Information Program. That's in charge
32 of collecting recreational fishery data across the nation and in
33 the case of the Caribbean, we have some problems and
34 difficulties in the past.
35
36 What we are trying to do is to create a committee similar to
37 what they have at the Western Pacific Council and they have an
38 agreement among the local governments and the federal government
39 to collect that information and so the intent here is to do the
40 same in the Caribbean area.
41
42 We will have a committee that the key participants are the two
43 local governments and without the active participation of the
44 two local governments, we would not be able to meet the
45 objectives of the Marine Recreational Information Program.
46
47 The idea is that if the council agrees, then we will have a
48 committee established for 2014 composed of the Regional Office,

1 the Southeast Fisheries Science Center, Puerto Rico DNR, U.S.
2 Virgin Islands DPNR, and some key experts that we need for the
3 project or the program.

4
5 The idea is to have two meetings a year and the first meeting
6 will be to prepare a plan for collecting the information for the
7 next five years and the second meeting will be to update on the
8 project being conducted by scientists and the local government
9 here for the collection and analysis of that data.

10
11 Remember for the ACLs that we need information from the
12 recreational sector as well as the commercial sector, as you all
13 know, but we are lacking that information and for some reason,
14 Puerto Rico is losing \$187,000 and probably more that was
15 allocated for this program.

16
17 The idea of the Executive Committee of MRIP is to implement the
18 process by which we will be able to secure the funding and we
19 will be able to get the information on time for the Marine
20 Recreational Program.

21
22 This program collects information, but the information that is
23 collected is used by everybody, by the council, by NMFS, by
24 universities, and local states and so it's important that we
25 implement that program as soon as possible to make it more
26 effective.

27
28 Mr. Chairman, at this time, probably we can inform and with your
29 authority, we can have the committee formed and then we can send
30 the appropriate communications to Alicia Barnes, the
31 Commissioner, and the Department of DNR in Puerto Rico. If
32 there's no objection to that, can we proceed then to the
33 committee?

34
35 **CARLOS FARCHETTE:** There's no objections, I don't think. Unless
36 anybody has any objections, I am ready to move forward.

37
38 **MIGUEL ROLON:** The agenda is busy with a lot of topics, but I
39 want to present to you a little bit of good news, too. We are
40 working on an application for IOS and that means that you can
41 use it in your iPhone and tablets and Android system.

42
43 The application will inform the public about regulations and
44 important aspects of the fishery management of the U.S.
45 Caribbean. This idea, Diana came one day to my office and said
46 they have a good system in the South Atlantic and she went to an
47 outreach and education meeting there.

48

1 I said it's a good idea and so she downloaded the application
2 from the Gulf Council and it worked. At that time, also Marcos
3 had an idea to have the recreational fishing data in an
4 application and so we did that and it's supposed to be ready for
5 next year, but also we're working with the Department of
6 Agriculture in Puerto Rico on another application and the idea
7 is to educate the public as to the importance of consuming fish
8 that come from well-managed or sustainable fisheries.

9
10 The way to attract the public is by showing them where the fish
11 are and the fishermen are working together with the Department
12 of Agriculture and our technician to have this application
13 running for 2014. Helena is the contact person and she will be
14 working in Puerto Rico with the experts and the fishers.

15
16 She is also the liaison between the fishers and the Department
17 of Natural Resources and the council. She is working with us
18 because it was recommended by Miguel Garcia sometime ago. She
19 was working with the Department of Natural Resources on a
20 similar task and she has a project called PEPCO.

21
22 She meets with fishers from around Puerto Rico and the idea is
23 to bring the fishers, more fishers, to the table to discuss
24 issues relevant to fishery management and have a session that
25 they exchange ideas on the situation they have particular to
26 each area.

27
28 It's working and it's a success story and we want to copy that
29 in years to come, because the fishermen are enthusiastic. They
30 do not trust the government that well and for a reason. We
31 failed to convey the message and we failed to sit down with
32 fishers through the years in many areas, but the last ten years,
33 we have been able to attract more fishers to the table, more
34 people who are knowledgeable about the fishery, and now they are
35 beginning to be knowledgeable also about the system, the laws
36 and regulations and the effective way to interact with
37 government agencies.

38
39 We believe that we should push for more of these activities. In
40 the Virgin Islands, Lia and Roy are working together to also do
41 the same and right now, Roy, do you have the -- At the time that
42 they have their license renewed, they receive an orientation
43 regarding the regulations and can you explain to the group what
44 they do?

45
46 **ROY PEMBERTON:** Lia Ortiz came to us with a few great ideas
47 regarding getting the fishermen more engaged and it was to be
48 centered around the registration period when we know all the

1 fishers had to come in and see me.

2
3 One of the aspects of it was to make sure that they had the
4 opportunity to learn about any new regulations or any new
5 programs or any new additions to the fisheries data work that
6 we're doing throughout the territory.

7
8 One of the things that also has evolved out of that has been a
9 secondary program to it, which is more of a fishermen's
10 appreciation type of workshop or fishermen's appreciation day
11 type of event and that's being developed to be done on both
12 islands.

13
14 I think the first one is going to be done on St. Croix and then
15 the second one is going to be done on St. Thomas, but this has
16 come from a long list of interaction events that we've had with
17 the fishers. Lia has been really instrumental in a lot of this
18 work and she has pushed very hard.

19
20 I know some of the fishermen have really appreciated her go-get-
21 them kind of attitude. She doesn't sit back and take a whole
22 lot of flack from any of them. She doesn't take any flack from
23 me, of course, but she moves forward very diligently in pressing
24 the issues and making sure that they're well informed about the
25 situations that are going on with regards to fisheries
26 management.

27
28 **MIGUEL ROLON:** Roy, can you introduce your new staff member?

29
30 **ROY PEMBERTON:** Yes and by the way, we do have a new Fisheries
31 Chief for the U.S. Virgin Islands and his name is Dr. Thomas
32 Dolan. He just started about three weeks ago and so he is going
33 through his baptism by fire right now, but he hails to us from
34 Virginia, Old Dominion, and has a good background in fisheries
35 management, particularly with regard to lobster and lobster
36 management.

37
38 **MIGUEL ROLON:** The next item in the agenda is I would like to
39 present to you three distinguished scientists from Puerto Rico.
40 One of them, you know her for a long time, Graciela Garcia-
41 Moliner. What you don't know about Graciela is when she worked
42 for her Bachelor's Degree, she did it on History of Medieval
43 Ages and Genetics. If you all wonder what is the connection
44 between Robin Hood and genetics, ask her, because I don't know.

45
46 Then she went and got a Master's Degree from the University of
47 Puerto Rico and recently, as we all know, she got her PhD from
48 the University of Puerto Rico Marine Sciences Department.

1
2 She is one of the authors of the book "Essential Fish Habitat of
3 the Deep" and you know in order for us to make people aware that
4 there are resources to protect, resources to know about, you
5 have to convey the right message and use the right tools. We
6 believe that this book will do so.

7
8 In addition, we were fortunate enough to have the research
9 vessel -- Actually, it's not a research vessel and it's
10 something else, but anyway, a research vessel come into the
11 Caribbean and Graciela and Dr. Roy Armstrong from Puerto Rico
12 participated in two legs of the tour for Puerto Rico and the
13 U.S. Virgin Islands and they are going to give us a presentation
14 on that first.

15
16 Dr. Roy Armstrong, also from the Department of Marine Sciences,
17 he has a Boston University BA and Master's Degree and PhD from
18 the University of Puerto Rico. He has published extensively on
19 optical biological studies. I don't understand really what that
20 means, but I know he really works on remote sensing and he is an
21 expert on using tools that are on satellites to detect activity
22 in the water that will give some light as to the behavior of the
23 seas, the behavior of the animals, the behavior of the reef.

24
25 He has more than fifty publications, peer-reviewed publications.
26 Right now, he is working at the Marine Science Department as a
27 professor and also as a researcher.

28
29 The third person that is going to address you today is Dr.
30 Maximo Cerame Vivas. He has a BS degree in Natural Science from
31 the University of Puerto Rico and a Master's Degree from Duke
32 University and a PhD degree also from the University at Duke in
33 1964.

34
35 I call him the Renaissance Man, because he is also a painter and
36 a journalist and he has published more than 1,000 columns in
37 newspapers and magazines. He has been a professor at different
38 universities in Chile and Europe and the States and he is the
39 founder of the Marine Sciences Department of Puerto Rico.

40
41 Today, we will like to allow the trio to give the presentation
42 in tandem. They will give us a presentation about their
43 experience and secondly, they are going to present the book,
44 "Essential Fish Habitat of the Deep".

45
46 The schedule is that the book will be finished by this year and
47 that it will be published next year and it will be a publication
48 of the Caribbean Fishery Management Council and we will use it

1 for outreach and education purposes and in addition, we will
2 have it on our web page. We believe that this tool will allow
3 us to convey the message and get more people aware and more
4 people to understand what the marine deepwater realm is and they
5 will be able to give us more support for the management actions
6 that we may have in the future.

7
8 The deepwater is unknown for many people, but fishermen around
9 Puerto Rico do know part of it, especially the deepwater snapper
10 grouper fisheries, and you have two members here, Nelson and
11 Genio. With that, I believe that, Graciela, you will be first,
12 followed by Roy, and then Dr. Cerame Vivas.

13
14 **CARLOS FARCHETTE:** Are we on Go to Meeting?

15
16 **MIGUEL ROLON:** No, we have technical difficulties with the
17 internet. This is probably the last time we come to this hotel.
18 By the way, we are trying to institute here a system by which
19 you will have ten minutes or fifteen minutes for your
20 presentation, so people from the north won't get bored by us.
21 The Chairman will call your time and they will start the people
22 on time, but I believe that Graciela, Roy, and Dr. Cerame Vivas
23 have been able to distribute the time accordingly and so go
24 ahead, Graciela.

25
26 **"EFH OF THE DEEP" BOOK UPDATE PRESENTATION**

27
28 **GRACIELA GARCIA-MOLINER:** We have sent messages to the different
29 people at the Regional Office and the Science Center that we
30 don't have internet and so we apologize for that. What we're
31 going to do, as Miguel said, we're going to have three
32 presentations.

33
34 I will start by stating that it is the law that we look at
35 essential fish habitat and that we describe it. What you are
36 seeing on the screen is a recent picture by the Argus, which is
37 the ROV that's over this other ROV that's the Hercules. They
38 are tethered from the exploratory vessel, the Nautilus, from the
39 Ocean Exploration Trust. It was here this summer.

40
41 The shark that you see here, it's about fifteen feet long, we
42 calculate. It's a blunt nose, six gill. It is a shark that is
43 used for fisheries and so it is in this area, but there is no
44 record of this fish really in this area and so one of the things
45 that we set out to do, from the biological point of view, was to
46 see if in this exploration we were able to also come up with
47 either new records or new species.

48

1 As I said, it is the law. The law states that we have to define
2 essential fish habitat and it means that we have to define it
3 for each life history stage and so one of the things that
4 happens is that in most of the -- When this started in 1998, the
5 first thing that we were able to do was to go out and get aerial
6 photographs and get the first almost complete, but not quite --
7 We covered about 35 to 40 percent of all the shallow-water areas
8 and that's what these were about.

9
10 I think you all have seen them in quite numerous presentations
11 and they've been used quite frequently in environmental impact
12 statements, et cetera, and so we have that and we have -- That
13 set has been renewed continuously by the visit of the NOAA
14 Research Vessel the Nancy Foster. That's all in the website.

15
16 The other very important thing that has happened in the past few
17 years is that through the Coral Reef Conservation Program,
18 NOAA's Coral Reef Conservation Program, in order to improve our
19 FMPs, we've been able to have divers in the water that look at
20 the mesophotic reefs. These are reefs that are deeper than
21 thirty meters and the shelf edge, which are basically quite
22 unknown, but that's where most of our habitat areas of
23 particular concern, those areas that are specific, that have a
24 functionality in the fisheries, are found.

25
26 We've been able to, through the years, get through Desecheo,
27 Bajo de Sico, Tourmaline, Abril la Sierra, El Seco in Vieques,
28 the MCD in Grammanik Bank.

29
30 This year, this isn't a new photo, because you've seen this
31 before, from Lang Bank. We are basically describing and having
32 the first characterization of any of these areas. These
33 deepwater reefs are surveyed using rebreathers and so this is
34 not scuba diving.

35
36 These are fairly deep areas and this is a very time consuming
37 effort and so we've done the mutton snapper area also. In the
38 past ten years or so, we've been able to cover one area per
39 year.

40
41 These are all the grants that we've had and this year, we are
42 going to try to, and this is what Roy Armstrong is going to talk
43 to you about, to set the autonomous underwater vehicle -- These
44 are vehicles that are not tethered and they go on their own, but
45 to go characterize the area of the queen snappers. These are
46 deeper than human diving depths and so we'll see if we can get
47 down to about 600 to 700 meters.

48

1 This is a bathymetry maps. These are the depths that we have
2 been able to map in the area and so that's Puerto Rico and these
3 are the Virgin Islands, St. Thomas and St. John. Everything
4 that you see in yellow and reds, those are areas that are
5 shallower than fifty meters and so they could be -- The yellow
6 is thirty meters and the red is fifty meters and beyond.

7
8 Up to fifty or seventy or eighty meters, maybe, you can have
9 divers in the water using rebreathing equipment, but beyond
10 that, it's really the realm of remote-operated vehicles or
11 autonomous underwater vehicles.

12
13 What you notice here is that most of the EEZ is much deeper than
14 700 meters and so we have very little information for most of
15 these areas around Puerto Rico and the Virgin Islands,
16 especially the Virgin Island Basin. It is very deep and most of
17 the Mona Passage to the north.

18
19 One thing that we were extremely fortunate to participate in is
20 that in 2012, there was a call for white papers by the Ocean
21 Exploration, NOAA Ocean Exploration group, and the Ocean Trust.
22 We submitted two papers. Each of Roy and myself submitted
23 papers to look at the deepwater areas around Puerto Rico and the
24 Virgin Islands.

25
26 Most of the work that was really under the auspices of the U.S.
27 Geological Survey had to do with exploring areas where
28 earthquakes had occurred that had caused tsunamis and so that
29 was the main thrust of the exploration, but they also wanted to
30 characterize the biological biodiversity and the communities
31 that exist at these depths.

32
33 Issues with the ROVs prevented us from going deeper than 3,000
34 meters, but 3,000 meters is pretty deep and so that was good for
35 us, because then we were able to come all the way to about 100
36 meters in the shallower areas.

37
38 The exploration of October 4 through the 18th took place in
39 around the Mona -- North of the Mona Passage, the Mona Reef, and
40 in the Anegada Passage. Those were the target areas. That is
41 Roy and you will meet him very shortly and that's me. We were
42 not onboard at the same time. We had to take turns and so Roy
43 was doing the first week, from the 4th to the 10th, and I was at
44 the vessel from the 11th to the 18th.

45
46 This was in cooperation with personnel from the council staff.
47 This is Katy Croff Bell, the Vice President of the Ocean
48 Exploration Trust, and NOAA and Ocean Exploration are the main

1 funders or founding agencies that go with this.
2
3 This is Roy's lab, the Department of Marine Sciences, and us.
4 As I said, Dr. Uriten Brink from the U.S. Geological Survey and
5 his team were the scientists in charge. Dr. Dwight Coleman from
6 the University of Rhode Island and the Inner Space Center was
7 the expedition leader. He basically took charge of everything
8 during the week that I was there. Reuben Mills not only was in
9 charge of all the equipment and the ROVs, but he was the main
10 pilot of the Argus.
11
12 Basically, every time we set out to do a dive, and I will show
13 you in a second where the dives were, the Hercules is the one
14 that is near the bottom, the one taking pictures and collecting
15 information.
16
17 That you see there is a dumbo squid and so we were able to
18 photograph from the other ROV that's over the Hercules and
19 anything that was happening between the Hercules and the Argus.
20 As I think you can see, the ripples in the sand here -- The
21 bottom looked very different from one place to the other. We
22 found everything from very nice sandy areas to very rocky,
23 volcanic type of structures.
24
25 These were basically the dives that were done. This is the
26 Desecheo Ridge and that's one that was of specific interest to
27 us, because it would be fairly shallow and it would look at some
28 of the species that we were interested in documenting.
29
30 That's part of the magnificent corals that were found in
31 shallower depths and this here is what we actually found in
32 Desecheo and I don't know if you can see it right here, but
33 that's a butterfly fish and these are high-definition
34 photographs taken from the ROV and I will show you some of the
35 deeper ones in a second, but I just wanted to show you what the
36 high-resolution photography that came out from this mission
37 actually showed the complexity of the reef areas at 115 meters.
38
39 That's the shallowest depth that we covered during this
40 expedition. You can see the detail in the fish and you can see
41 the colors. For the deepwater fish, you will see some of the
42 detail that had really never been described and that right there
43 is a coney and that's a butterfly fish and there are some other
44 fish back here.
45
46 From the photographs that we're collecting, we're able to --
47 This is what we're working on right now, from the scientific
48 point of view, to make a recollection of what we saw at what

1 depth and the instruments were also recording temperature, which
2 is extremely important when we're describing the different
3 habitats, especially at depth.

4
5 One of the very interesting sights was in the Anegada Passage.
6 Every day when we were collecting bathymetry data -- We were
7 actually doing this bathymetric map so that the ROVs knew and
8 the pilots knew what to expect. We would create the map and
9 then we would drop the ROV at the deepest point, usually around
10 3,000 meters, and very slowly, because most of these dives took
11 over twenty hours -- The ROVs were in the water for twenty hours
12 and we had three shifts working continuously, both
13 scientifically and the crew.

14
15 It was a continuous operation and then they would bring it up to
16 the shallower depths and so just as an example, that's one of
17 the high-resolution pictures that we took. That's the Caribbean
18 king crab and that's what it is called.

19
20 There's five and we were looking at something the other day that
21 looked like another leg coming out and so, of course, you do
22 have an ROV tethered to another ROV tethered to the vessel and
23 the dynamic positioning system is keeping all of this in place,
24 but you do have the winds and you do have the currents and so to
25 keep them in place, especially in shallower water, it's a little
26 bit trickier.

27
28 The last dive that we were able to do, and specially in the
29 Caribbean Basin, that's the MCD right there. This is Vieques
30 and St. Thomas is up here and so we were able to collect and all
31 these blanks are filled now with the bathymetry that was
32 collected.

33
34 Wherever you see the empty spaces, we were able to fill in those
35 gaps, because that's another issue that we have for the EEZ.
36 There are many gaps in the bathymetry information that we have,
37 but we took a dive from the deeper water here, about 2,700
38 meters or so, all the way up to -- We had to abort deeper than
39 we planned to, because of technical difficulties, but we managed
40 to get up to about 3,500 meters or so.

41
42 That's one of the pictures that we have. This is the only
43 grouper that we have found so far in the database that we have
44 and this database consists of twenty hours times seven times of
45 high-resolution video and as many photographs that could be
46 taken as the ROV was progressing.

47
48 That's a misty grouper and so everyone is very interested in

1 this area. These are the ROVs and that's me doing a photo bomb
2 and so I'm going to show you a couple of the pictures very
3 quickly.

4
5 This is a tripod fish. It stands on its fins. Its fins, when
6 they are not standing up, are very flexible and so when they
7 stand up like that, they are basically holding the fish up. One
8 of the things that we saw was that we could actually see the
9 actual coloration of these fish. In most cases, we've seen only
10 when they've been preserved informally and in alcohol for a
11 while.

12
13 This is a swimming squid against the background of a very rocky
14 area. In some cases, at about 1,000 or 2,000 meters, we saw
15 these kinds of formations and maybe coming up to shallower
16 water. Most of the habitat that we found were sponges like
17 that, but the incredible thing is that these huge things could
18 actually get very close and a get a very close picture into the
19 sponge of that squid right there. That's the eye and we
20 actually saw it moving. There is video of the squid actually
21 moving.

22
23 We did find a couple of lobsters. These are albino lobsters at
24 about 2,000 meters and we were seeing mounds or holes all over
25 the sandy areas and we couldn't figure out what they were until
26 one of the dives that a couple of them showed up. They are
27 blind and when you look at them from the upper side, they look
28 just like the normal lobsters that we have here.

29
30 The amazing thing about this was that this was live-streaming
31 24/7. Anything that was happening on the boat was being live
32 streamed and so one of the things that -- We were the scientists
33 onboard and we do have records of the viewership and we broke
34 all participation records that they've had and they've been
35 doing this since 2003.

36
37 Puerto Rico and the U.S. Virgin Islands really showed their
38 interest in what was happening during this cruise and they
39 haven't been able to come back to these numbers. Specifically,
40 during October 10, what happened was that we were at Desecheo
41 Ridge and so it was very shallow and everyone was looking at it,
42 especially when the lionfish showed up and it was just packed
43 with lionfish.

44
45 The interesting thing is the interactions between the red hind
46 groupers and the lionfish seem to be happening on a normal
47 basis. No one was running away from anyone and so for the
48 duration of the Desecheo Ridge, it was just nonstop viewing and

1 the other thing that happened is that for the first time they
2 also had dual language and so we were able to transmit in both
3 English and Spanish everything that was happening onboard.

4
5 We also had some kids come in to visit the vessel. We had over
6 350 kids come to visit and they are high school kids,
7 intermediate and high school kids, who do robotics and so they
8 do have -- I don't know if you can see it, but their own models
9 of the ROVs and so they do have competitions and they actually
10 have cameras on these little things and so we do have the
11 interest in the area to develop the technology that we need to
12 look at the habitats that we don't know anything about.

13
14 Just a couple of pictures and you can see the shrimp right there
15 and a very nice shell. They were alive and sponges were
16 everywhere. This called everyone's attention and it's a
17 swimming cucumber, a swimming sea cucumber, and so it shows all
18 over the place. That's the close-up of the dumbo squid and
19 these are starfish and these are just wonderful landscapes that
20 we were able to see.

21
22 This is another sponge right here and this is in the Mona
23 Passage. You can see the geologists were just amazed and they
24 took back a lot of information and so we're working on trying to
25 get all the papers out to the scientific journals and this just
26 called also everyone's attention.

27
28 This is the area in Mona and everyone was very interested in
29 finding out where the earthquake that occurred that caused the
30 tsunamis and if they had found them and if they were active
31 faults and everything that people are interested in knowing.

32
33 We finally found -- We were very excited because we thought that
34 we had done some archeological discovery, but as the ROV got
35 closer and put its big arm to get one of the photos of what we
36 thought they were, they were just sponges and they would just
37 dissolve and so that was the incredible adventure of the
38 Nautilus.

39
40 The Nautilus is still in the Caribbean. It is in recess now,
41 but it went down to the two volcanoes, the active volcanoes that
42 we have in the southern Caribbean, and next year the Nautilus
43 will be back in the Caribbean and we don't know exactly where
44 yet. Now I am going to introduce you to Dr. Roy Armstrong and
45 he is going to come a little bit shallower and more closer to
46 shore with the information that he brings us.

47
48 **ROY ARMSTRONG:** Graciela was talking about the deep part of the

1 ocean, from 3,000 meters to maybe 300 or 200 and now I will take
2 you shallower, into what is defined as the twilight zone. This
3 is the area where there is very little light, but still enough
4 for organisms that require light, corals that have zooxanthellae
5 and algae and so forth.

6
7 These are also called mesophotic reefs and this is an example.
8 This is a mosaic of the MCD here south of St. Thomas and we know
9 quite a bit about the shallow area, because of scuba diving and
10 also technical diving, down to maybe a hundred meters or so.

11
12 The deeper part has, in many places, been studied using
13 submersibles, but these are very, very expensive platforms, but
14 there is a gap, which is referred to as the twilight zone, that
15 there is very little information and this is what I will be
16 presenting on today.

17
18 In this area, our mesophotic areas, they have corals and other
19 organisms that require light. The depths start at thirty to
20 maybe forty meters and could extend even over 150 meters in some
21 areas that have very, very clear water and high light
22 penetration.

23
24 They are found throughout tropical and subtropical regions and
25 the dominant communities could be coral or it could be algae or
26 sponges or usually a combination of all of these.

27
28 In terms of light penetration in the ocean, in very clear waters
29 what we get is rapid attenuation of the red wavelengths as
30 divers -- As you know, the red disappears very fast and the
31 other colors, the higher wavelengths, disappear until what's
32 left and at something like 200 meters, it's just blue light in
33 the 480 nanometer range or so. That's why the organisms that
34 live down there have to be utilizing those wavelengths.

35
36 In turbid waters, it's very different. The penetration is much
37 limited and also there's a shift in the maximum wavelengths of
38 light that penetrates. In this case, it's the green region, but
39 as turbidity increases, then it shifts toward the red.

40
41 You have an idea in very clear waters, oligotrophic waters, they
42 are blue and there could be even violet, because there's very
43 little particles in that absorb. In coastal waters, it's
44 greener, more eutrophic, more turbid waters, near rivers and so
45 forth, but the bottom line here is that there's some information
46 here about light penetration, but down to a hundred meters,
47 which is the typical depths of mesophotic reefs, what we get is
48 about half a percent of the light that reaches the surface and

1 so there's very, very little light.
2
3 Down to 200 meters, it's only 0.006 percent of light and beyond
4 that is eternal darkness. Why do we study mesophotic coral
5 reefs? We know that the last thirty years it has been
6 documented a rapid decline of shallow-water corals.
7
8 There is very little information on mesophotic reefs. There is
9 some data in the work that we have been doing and others,
10 especially Dr. Appeldoorn's team and Reni Garcia, using
11 rebreathers, have documented the status of some of these reefs.
12 They could be healthier than the shallow-water ones.
13
14 We know they are habitats of commercially-important fish species
15 and they could be the source of larvae for recruitment and
16 potential recovery and something that is quite interesting and
17 was documented for the Timor Sea, and this is north of
18 Australia, is that there could be several times as much reef
19 habitat deep as there is shallow.
20
21 You saw this slide already from Graciela, which is the
22 bathymetry of the Puerto Rico/Virgin Islands shelf. This is
23 showing the three zones in this light blue. We have the shallow
24 areas up to thirty meters and the yellow is thirty to fifty
25 meters and the red is fifty to a hundred meters.
26
27 As you can see from these numbers, about 43 percent of the
28 insular shelf is deeper than thirty meters and so that's the
29 realm of mesophotic reefs and so this is a potential reef
30 habitat that we know very, very little about.
31
32 Some examples of the geomorphology. They could be very
33 different in different areas. For the Hind Bank MCD, we have
34 high rugosity reefs and structurally-complex reef systems
35 dominated by *Montastraea annularis* complex. These are depths of
36 forty meters, whereas off the western side of Puerto Rico,
37 Desecheo Island, for example, on the right, this is at eighty
38 meters. What we have is mostly lots of sponges and macroalgae
39 and some *Agaricia* corals, but they are pretty flattened.
40
41 I have been using the Seabed Autonomous Underwater Vehicle since
42 2002 in this area to study mesophotic reefs. We started in 2002
43 and then in 2003, we had another cruise with the RV Chapman that
44 we used to have and then 2004 and 2008 aboard the Cape Hatteras.
45
46 Basically, this AUV has two cylinders, the floatation
47 electronics on the top and the instruments on the bottom. There
48 is about seven of these throughout the world and I am lucky to

1 have one at the Department of Marine Sciences that we have been
2 using and we will hopefully continue to use.

3
4 The main sensor that we use is high-dynamic range cameras for
5 imaging the bottom and here, you can see the cameras. We have
6 one that is facing down and one that is facing about thirty
7 degrees forward and these are special because they are high-
8 dynamic range and so they don't saturate, especially if you hit
9 sandy areas.

10
11 We usually run them at three meters off the bottom and the area
12 that it covers is a little more than seven square meters per
13 image and so that's quite large.

14
15 Even at those altitudes, the resolution is quite high, about
16 two-millimeters per pixel, and we use a strobe for illumination,
17 because it's dark down there and also because we usually operate
18 at night.

19
20 So far, we have over 100,000 images of mesophotic areas in this
21 area and this is an example of the forward-looking camera here
22 on the left and it's showing a red hind grouper here and we use
23 the forward-looking camera because it provides a better view
24 angle to identify fish and also some sponges and so forth. By
25 the way, the corresponding downward-facing camera did not detect
26 this fish.

27
28 Some examples of the quantitative data that we get from these
29 images is shown here. This is an area of Hind Bank that you can
30 see the bottom and the altitude of the vehicle is following the
31 bottom at a constant three-meter altitude.

32
33 An example of the image and it's dominated, again, by
34 *Montastraea annularis* complex and it's very low diversity here,
35 because of the dominance of this species, and we can generate
36 quantitative data, such as this, where you have depths and you
37 have these species. In this case, it's different coral species
38 and the percentage, showing that this *Montastraea annularis* is
39 by far the dominant species and so we do that each transect.

40
41 This is an example of the MCD in 2003, showing in this case
42 about 28 percent living coral cover and we can -- These
43 transects from the AUV could be a kilometer or several
44 kilometers in length and we can mosaic these images, because of
45 the high overlap of each image, and produce a mosaic that could
46 be as long as the transect itself.

47
48 In this case, we're just looking at a mosaic of seven images

1 about six meters long and this covers an area of about twenty
2 meters square. It's showing the corals and some other species
3 and some of the other organisms more clearly.

4
5 Moving towards the west of Puerto Rico, there are two areas that
6 we have studied so far with the AUV, Desecheo and Bajo de Sico.
7 The small image of Bajo de Sico shows the transects that we did
8 with the AUV and this is quite a long transect and the other
9 ones are one-kilometer in length. The shallow area of Bajo de
10 Sico is here, thirty meters, but it goes down quickly to ninety
11 or a hundred meters around the edge.

12
13 This is an example of Bajo de Sico at sixty-four meters and we
14 found this reef extending all the way to a hundred meters and so
15 there's quite a large area of this reef right there. You see
16 some fish and you can see plenty of sponges and some macroalgae
17 and, of course, the Agaricia.

18
19 An example from Desecheo, this is at eighty meters depth and it
20 has been referred to as a sponge coral bioherm. There are lots
21 of sponges in Desecheo and quite a bit of coral and even a
22 little deeper than a hundred meters. That was quite surprising
23 and lots of macroalgae.

24
25 In terms of management, it's very important that we look at
26 mesophotic reefs, because they could be an extension of the
27 shallow-water reef ecosystems and the potential role as refugee
28 areas for impacted shallow-water species.

29
30 Some species could be endemic to this depth range and may serve
31 as critical habitat for ecologically and also economically-
32 important species.

33
34 In 2008, we had the opportunity of taking the AUV a little
35 deeper. There was interest in looking at the habitats of the
36 silk snapper and this is in the Mona Passage, where we took the
37 AUV to a depth of around 247 meters.

38
39 These images are around 200 meters and it's showing quite
40 interesting habitats here dominated by sponges and some of these
41 corals. Of course, this is eternal darkness. These are
42 probably *Madracis myriaster* corals.

43
44 Most interestingly is we found a school of silk snappers and
45 this was about six meters off the bottom going down, but also
46 close to the bottom, as you can see here. Hopefully next year,
47 early next year, as Graciela mentioned, we will be taking the
48 AUV back to the Mona Passage to look specifically for the silk

1 snapper habitats and hopefully we will also have some transects
2 at the Desecheo Ridge where the Nautilus found the very
3 interesting mesophotic organisms.

4
5 With this, I end and now, I will leave Dr. Maximo Cerame Vivas
6 will talk about the book that we are preparing on both the
7 deeper organisms and the mesophotic reef zones.

8
9 **MIGUEL ROLON:** Before you start, Dr. Cerame Vivas, I just want
10 to add a little bit of what I said before. We are fortunate to
11 have Dr. Cerame Vivas involved in this project. He has
12 published extensively. He has seven books under his belt and he
13 has published over 1,000 columns.

14
15 Actually, the other facet, as a painter, we have three of his
16 paintings hanging in the conference room on loan to the
17 Caribbean Fishery Management Council and for that, we are
18 grateful, but I just want to also mention that he has worked
19 with the international effort to develop an alternative canal,
20 interoceanic canal, and he was one of the twelve scientists who
21 were assigned by the U.S. government to work on this endeavor.

22
23 On a personal note, I am here because of Cerame gave me the
24 opportunity a long time ago and also, as a student, whenever I
25 went to him and asked him his advice on projects that I was
26 working on, he didn't care who I was or what I was doing, as
27 long as I was a student. For that, I am very grateful and I
28 just wanted to say that for the record.

29
30 **MAXIMO CERAME VIVAS:** Thank you. Maybe I should stop right
31 here, but thank you. I don't remember ever having so much fun
32 writing a book. Dr. Graciela Garcia-Moliner has been moaning
33 about this for quite some time and Dr. Roy Armstrong had been
34 looking at mesophotic corals throughout the region and finally,
35 the time was right for Miguel Rolon to set the wheels in motion,
36 which coincided with the mission of the Nautilus, where both
37 Graciela and Roy were scheduled to participate.

38
39 Besides, the Nautilus has two great devices, two great gadgets,
40 the ROV Hercules and the ROV Argus. For an old timer who has
41 sampled bottom communities with towed dredges fitted with
42 bulldozer blades that yank and tear the living daylights out of
43 the bottom, studying bottom communities by just looking at them
44 and taking high-resolution images, as is being done today, was
45 something out of Harry Potter.

46
47 To have an instrument be cast overboard and seek its programmed
48 depth and maintain its programmed distance from the bottom,

1 course, its own programmed path, and rise again to the surface
2 to be retrieved wasn't even science fiction in my days.

3
4 When I sampled bottom communities, the continental shelf north
5 and south of Cape Hatteras, seeking an ecological boundary
6 between the tropical, subtropical, and temperate water
7 communities, technology did not allow us to sample the bottom
8 without ripping it apart and bringing it to the surface.

9
10 The venture required a crazy young man and to do it north and
11 south of Cape Hatteras, the graveyard of the Atlantic, that
12 young man had to be a crazy Puerto Rican.

13
14 We had some success and all of the species found, one-fourth, or
15 25 percent, were new distribution records for the coast of North
16 Carolina. To mention only one group of organisms of 159 species
17 found, ninety-five were new to science. Yes, ninety-five, or 59
18 percent, of those were new species.

19
20 I cannot even hazard to guess as to how many new distribution
21 records or how many new species, new to science, will show up in
22 the works of Graciela and Roy now that we have gone from
23 severely invasive bottom sampling to careful high-resolution
24 programmed observation.

25
26 The world tropic are only skin deep. Equatorial temperatures
27 are blazing hot, yes, at sea level, but if you climb to
28 mountains at the equator, you will find ice-covered peaks and
29 the Caribbean is no different.

30
31 As you go deep into the Caribbean, you soon abandon our twenty-
32 seven-degree Centigrade warm surface water and eventually you
33 may meet with sargassum sea water at around 325 meters and
34 eighteen degrees Centigrade. Deeper in the Caribbean, you will
35 meet with tropical Atlantic central waters at 700 meters and
36 seven degrees Centigrade.

37
38 Nearer to the bottom, you may meet Antarctic intermediate water
39 at two degrees Centigrade at 8,000 meters. Yes, the Caribbean
40 is a cocktail and not a tropical sea and no, we do not know it
41 well enough to manage it wisely.

42
43 The oceans do not always obey latitudinal definitions. The
44 marine tropics are askew. We are peppered with coral reefs, but
45 the Cape Verde Islands lack reefs. They have corals and only in
46 protected pools and embayments, but no reefs. Yet, they are
47 closer to the equator than we are.

48

1 The Caribbean Fishery Management Council is, in my estimation,
2 the entity most legitimately involved in considering the
3 Caribbean as its place of interest and its research laboratory.

4
5 There are deep vents spewing super critical 400 degrees
6 Centigrade plus hot water in the Cayman Trough. There is a Kick
7 'em Jenny and a Kick 'em Jack that demand study. There are
8 valuable fishery resources to be protected and nurtured and
9 developed and exploited.

10
11 How we decide to nurture the Caribbean for fishery exploitation
12 should become top priority. There are fishery resources to be
13 cultured and managed wisely. The sea is still the world's
14 greatest natural resource. We can either tap it intelligently
15 or disregard it irresponsibly.

16
17 Without entering into an agriculture or fisheries beauty
18 contest, suffice it to say that there are peoples around the
19 Caribbean that have more sea than land at their disposal for
20 their own survival. It would be best if our sea were viewed
21 more as a resource than as a constraint. Thank you.

22
23 **CARLOS FARCHETTE:** Any questions for the presenters? I think
24 those were some amazing pictures.

25
26 **TONY BLANCHARD:** I have got a question for the second presenter.
27 Did you find any corals from the shallower water to the deeper
28 water, what you call the twilight zone to the shallower water?
29 Did they have the same corals or they didn't overlap each other?

30
31 **ROY ARMSTRONG:** From the shallow water, let's say thirty meters,
32 into the mesophotic, forty or fifty meters, yes, they are the
33 same species, but they change the morphology, because of less
34 light. They are the same, but as you get deeper than let's say
35 a hundred meters or so, maybe 150 meters, where the light is
36 basically gone, then everything changes dramatically. It's a
37 completely different species and a big change. Right now, what
38 we know the least is about that transition between a hundred and
39 200 meters.

40
41 **MIGUEL ROLON:** The next step for the book is the author will
42 finish it and fine tune some of the pages and graphics and
43 pictures and our intention is to publish it by 2014, the early
44 half of 2014.

45
46 We are going to have a couple of events to present the book to
47 the world and right now, there is a couple of people from the
48 media who are interested in this product. In addition, we are

1 going to have a PDF available on our webpage so students from
2 any part of Puerto Rico or the Caribbean, or the world, for that
3 matter, will be able to download at no cost this book.

4
5 Also, it will be for distribution. I have the clearance from
6 the front office and we will be able to distribute this book for
7 free to teachers and professors and grad students and fishers
8 who would like to know more about the surrounding habitat of the
9 species that they go for.

10
11 Hopefully we will be able to get more people, students and
12 fishers and the general public, involved in the protection of
13 the essential fish habitat of the deep, the essential fish
14 habitat that surrounds Puerto Rico and the Virgin Islands and
15 the other islands in the Caribbean.

16
17 With that, Mr. Chairman, we have finished our presentation and I
18 believe that you wanted to have a break. The authors will be
19 here for a while in the morning and so if you want to approach
20 them and ask some questions, please do so and, of course, one of
21 the authors is here, anchored by the council staff, Graciela,
22 and so if you have any questions, please approach Graciela.

23
24 **CARLOS FARCHETTE:** Thank you, Miguel. We'll take a ten-minute
25 coffee break.

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

28
29 **CARLOS FARCHETTE:** We are back online and before we go to our
30 next topic on the agenda, Miguel is going to make a statement
31 here.

32
33 **MIGUEL ROLON:** Guys, those of you who are supposed to produce
34 your update for the financial disclosure, please send it to me
35 this week so I can put them all together and send them to Phil
36 and do that as soon as you can, because we have been after you
37 for the last month.

38
39 **CARLOS FARCHETTE:** Next on the agenda is the Scientific and
40 Statistical Committee and their new Chair, Dr. Richard
41 Appeldoorn.

42
43 **SCIENTIFIC AND STATISTICAL COMMITTEE REPORT**

44
45 **RICHARD APPELDOORN:** Thank you, Carlos. I should emphasize that
46 this should be considered more of a draft report, since the
47 written report is still in progress and has not been vetted by
48 the committee as a whole, but I don't think things are going to

1 change much from what I report.

2

3 I am going to give you a brief overview of the things that we
4 talked about and some of the outputs that the SSC came up with.
5 Probably the most important thing that we were challenged with
6 is looking at the ACL overages for the past year and to assess
7 if these were due to reporting problems or if they are
8 legitimate overages from that perspective.

9

10 There were a number of species that showed overages. In Puerto
11 Rico, this is Snapper Unit 2 and queen conch and wrasses, which
12 is largely just a couple of the bigger wrasse species. In St.
13 Thomas, it's angelfish, squirrelfish, and wrasses and in St.
14 Croix, it's conch, angelfish, squirrelfish, and wrasses.

15

16 I don't know whether you can read this table or not, but it
17 actually gives the amount of overages here in this last column
18 for these species and the ones we're going to look at actually
19 the most is going to be Snapper Unit 2, which was substantially
20 over.

21

22 You will notice, however, things like conch in Puerto Rico,
23 where the EEZ is actually closed. That's the overage, but it's
24 going to come from territorial waters.

25

26 After reviewing all the data that was presented on this and
27 here's an example. This is St. Croix conch, for example, and
28 you see here is the catch from the EEZ and there's a much larger
29 catch coming from the territorial waters. The trends have been
30 going down in response to the ACL.

31

32 What we found, generally speaking, is for conch, both in Puerto
33 Rico and in St. Croix, that the ACLs were exceeded, but the
34 catch comes from the territorial waters and so they're not
35 requiring any action by the council in that regard.

36

37 The ACLs for the non-target fishes, which is what I'm calling
38 the wrasses, et cetera, in the U.S. Virgin Islands were exceeded
39 because these species had not been on the catch report forms
40 when ACLs were determined and so we're now getting data on these
41 species when we did not have that before.

42

43 All those ACL overages in the USVI are a reporting artifact and
44 not necessarily due to an overfishing situation and that's for
45 the Virgin Islands.

46

47 Snapper Unit 2 in Puerto Rico is where we spent most of our time
48 discussing things. There is an overage and I think I have a

1 slide of the trend of that. The catch is variable, but it is
2 showing an increasing trend over time. The reasons for this are
3 potentially many, but some of those focus around potential data
4 problems.

5
6 Here is the trends. The red line is Snapper Unit 2 and the line
7 on top is Snapper Unit 1 and so you can see here that we do have
8 sort of an increasing trend here, although it is variable, and
9 that it is well above what the ACL is for Snapper Unit 2.

10
11 We have the following recommendation and I will just read that.
12 According to the November 1, 2013 update report on ACL landings
13 for the Caribbean reef fishes by NOAA Fisheries Service, only
14 the commercial landings for Puerto Rico Snapper Unit 2 -- Queen
15 conch in St. Croix had exceeded landings for their ACLs and
16 these results were not due to changes in data reporting. As I
17 mentioned before, queen conch already determined to be from
18 territorial waters, however, and not from the EEZ.

19
20 More importantly, relative to Snapper Unit 2, however, in our
21 meeting discussion, the SSC determined that it was necessary to
22 carefully examine, via the Puerto Rico Department of Natural and
23 Environmental Resources, the origin of the Snapper Unit 2
24 overages.

25
26 Discussion among SSC meeting attendees included a number of
27 hypotheses as to why the Snapper Unit 2 ACL was exceeded. These
28 explanations were focused on a limited number of individuals who
29 have allegedly entered the fishery on a one-year commercial test
30 or new license basis and have been reporting landings that are
31 on the order of magnitude greater than what has been reported
32 previously and so those reports are questionable, in our minds.

33
34 However, the SSC noted that the reliability of reporting
35 landings data is a broader issue and not limited to Snapper 2
36 and that ultimately the determination of the validity of the
37 data falls on the shoulders of the DNER.

38
39 In other words, once that data is passed on to the Southeast
40 Center and eventually presented to the SSC, that is the data we
41 are mandated to deal with and so if there are problems in the
42 data because of false reporting, those need to be addressed
43 locally before they are passed on.

44
45 If there is a problem with the data that's causing the overage,
46 the SSC really can't deal with that. All we can say is that's
47 what the data say and it's not due to a data reporting point of
48 view from the way that it was with the Virgin Islands data,

1 where we had new forms that were actually providing new
2 information.

3

4 If there's a problem, and there have certainly been fishermen
5 who have been pointing that out, I think with validity, that
6 problem has to be solved lower down the chain than the SSC. All
7 we can do is say that yes, there's the possibility that that's
8 the case, but you've got to correct it, because this is the data
9 we're mandated to deal with. That's the explanation of that
10 recommendation.

11

12 The next thing that we had was a presentation by Kate Quigley on
13 her economic model for recommending the days for ACL closures.
14 She was basically informing us of the progress toward that and
15 so currently, the closures for species that exceed their ACLs
16 occur at the end of the calendar year.

17

18 This is the start of the peak tourist season, when demand is
19 very high, and so that provides a burden to the local fishermen,
20 where they might be getting a higher price for their catch and
21 so economically, it's like the worst time to do this.

22

23 She is providing a new model that would provide information to
24 the ad hoc committee on recommendations for the dates of
25 fisheries closures when ACLs are exceeded. Is there a better
26 time of the year to do this, where we serve the goal of
27 rebuilding the stock yet do not penalize the fishermen
28 economically in that process?

29

30 We approved the effort and we thought it was very valuable and
31 we made a couple of suggestions to her that perhaps can be
32 accommodated as she develops this work.

33

34 One was to enhance the visualization of the results in graphs of
35 the closures by weeks and months, something that both managers
36 and fishermen can grasp very easily as to what the analysis is
37 saying.

38

39 We also said that it would be interesting to address the
40 tradeoff between days not being fished or fished and the profit
41 you actually get from that, because as the price per pound may
42 vary from different times of the year, one day is not
43 necessarily equal to another day.

44

45 There may be multiple species that are under an ACL closure and
46 if that's the case, they should be examined together to see if
47 things can be done more efficiently on behalf of the fishermen
48 and also to look at biologically significant periods, such as

1 spawning times or when catch per unit effort might be peaking or
2 be at a lull, when these are available.

3
4 We actually had a good example of this that was provided by
5 David Olsen in a subsequent presentation on lobsters. He gave
6 us information about here's the peak season when lobsters are
7 berried, for example, and so you can work these into when would
8 be a good time, the most beneficial time, to have the closure,
9 both from a biological and an economic point of view.

10
11 We did have presentations by David Olsen and also Josh Nowlis on
12 work being done by the St. Thomas Fisheries Association, one on
13 red hind and one on lobster. I am going to go through the one
14 in red hind a little bit and so, Dave, I hope you don't mind,
15 but I lifted some slides from your presentation.

16
17 The one on red hind is looking to see whether we can adjust ACLs
18 actually on an annual basis based on the abundance of fish that
19 show up at the spawning aggregations and this is based largely -
20 - The spawning aggregation work is based largely on the work of
21 Rick Nemeth and this is the amount of fish that he is finding
22 over the years at the aggregation site.

23
24 The circles give you an indication of the number of transects
25 that have gone into that and you can see lately the numbers are
26 really small, because he is doing other things and basically on
27 his way out to do those other things or on the way back, they
28 will drop a few divers and do a few quick transects, but it's
29 not like back here when he actually had funding to do a more
30 detailed analysis of the density structure at the aggregation
31 site on the Hind Bank.

32
33 Then David and Josh were able to make a correlation of the
34 landings relative to those abundances. I don't know if you can
35 see the R squared here. Actually, I can't see it either, but I
36 think it's around 0.4, but it's highly significant.

37
38 We think that this correlation actually can be improved
39 substantially, because Rick is getting out here basically when
40 he can, especially in the latter years.

41
42 We know that red hind -- Sometimes he gets out there once and we
43 know that red hind vary between having one big spawning peak a
44 year to having two equal ones to have two asymmetric ones and so
45 which aggregation, monthly aggregation, you get out on and which
46 day of the aggregation you get out on has a big impact on what
47 your numbers are going to be.

48

1 We're starting to collect data from passive acoustic recordings
2 on these fishes to be able to model what the densities, relative
3 densities, ought to be and be able to probably adjust these
4 values to some standardized date during the aggregation that may
5 reduce a lot of that variability and so some of us are really
6 excited about this.

7
8 This is the idea that was presented. The yellow area is the
9 current ACL, I believe, and the pinkish color would be an
10 example of how we could track the abundance using the density
11 data to modify what the ACL would be. I think this is the
12 current ACL here.

13
14 This proposal generated actually a lot of interest, although not
15 necessarily consensus, within the SSC and so our recommendation,
16 following this presentation, was specifically the proposal calls
17 for more real-time management of the red hind fishery in St.
18 Thomas, in particular the annual settings of ACLs, which would
19 be allowed to vary by year based on an index of red hind
20 population, as determined by annual surveys of the red hind
21 spawning aggregation at the Hind Bank.

22
23 The SSC recommends that this concept be presented further at --
24 Be further evaluated during the upcoming SEDAR, which is this
25 year, and that SEDAR workshop has not occurred yet and we
26 certainly encourage -- We ask Dr. Nowlis to attend, if he could,
27 to help work up the data.

28
29 This sounds like we're kind of punting on this, but I don't
30 think this should be viewed that way. I know myself, Graciela,
31 and hopefully Josh Nowlis will be able to be there and we would
32 like to work on this data specifically at that workshop and just
33 see if we can improve the correlations that would be going into
34 the predictive power of this approach.

35
36 We feel that things like this offer a real potential of more
37 active management and getting us out of ACLs, which a lot of us
38 really have been struggling with since their inception.

39
40 This also points to kind of another problem with the way SEDAR
41 operates and with the way that these kinds of analyses operate,
42 is that in the case of this presentation and this study, this is
43 a project that was a funded project.

44
45 It had a limited duration and I know that Dave and Josh and
46 everybody put in a lot more work than they were actually funded
47 for and for it to be carried -- What they have is a real
48 interesting approach, but for it to be carried forth into a more

1 rigorous -- Either the SEDAR process or some other way that it
2 can be actually implemented requires further work and it
3 requires that somebody has the time to do that work.

4
5 That's why I'm hoping, at least initially, that we can get a
6 group together at the SEDAR process, at the workshop, where we
7 have some dedicated time to do that, but the Southeast Center
8 has their hands full working up the catch data and the length
9 frequencies that have been the basis for them and so it's not
10 really that they have the time to go doing this themselves.

11
12 There really has to be a mechanism in place that not only looks
13 at these kinds of studies, and I will address that later, but
14 actually can move these studies forward, the things that look
15 really promising.

16
17 Right now, otherwise we get them and they look really nice, but
18 there's no follow-up, because the resources aren't there to make
19 that happen.

20
21 The second was Collaborative Assessment of the Virgin Islands
22 Spiny Lobster Fishery. Again, Dave Olsen and Josh Nowlis and
23 there's a third author whose name I can't remember were the
24 principles in putting together the report.

25
26 Again, the analysis and assessment, especially the model that
27 Josh Nowlis put together, they presented it and said this was a
28 preliminary assessment on this, but there were some really
29 interesting things that were coming out of that.

30
31 First of all, there was some really spectacular new data. The
32 tagging study that they have is, I think, unprecedented and is
33 going to be giving us even more results than were presented at
34 the meeting in the future, as that data gets worked up even more
35 and more recaptures are occurring, because that's still going
36 on.

37
38 They were able to go back into history and actually calculate
39 actual trap hauls and not just the number of traps that are
40 owned by the fishermen and new size frequency data for St. Croix
41 also is very exciting.

42
43 I would also point out in that that the most recent data for St.
44 Croix was indicated that things might be troubling and that the
45 size frequencies were low and also the catch rates were very low
46 and so that's something for the council to keep an eye on, is
47 what the immediate future of the St. Croix lobster landings are.

48

1 We also noted that the lobster is scheduled for the following
2 SEDAR process, after red hind, and, first of all, we would like
3 all of this new data to be incorporated into that process, with
4 the adequate quality assurance, et cetera, and that we would
5 like to see, in that process, a further assessment of the model.
6 Again, we would really like to have someone like Josh Nowlis
7 there to see if we can work this thing up further and see if we
8 can really get it to the level where everybody is comfortable
9 accepting what this says.

10
11 I think in all these cases we may not yet be at the state where
12 we're going to be able to dictate changes in ACLs, but
13 hopefully, if we can follow up on these things, that may occur,
14 but we do think that we're getting some really interesting new
15 information and management advice that's going to be useful.

16
17 Again, I, for one, was very impressed by the work and would like
18 to see some of this moved forward and fortunately, with SEDAR
19 coming up for lobster, I think that's a mechanism to do that, if
20 we can get together a group within that process that will
21 dedicate its time to looking at that, along with the other
22 mechanisms that are normally approached in that.

23
24 We think this is really potentially informative and if there's a
25 way for the council to move this forward, we would really
26 appreciate it, which gets us to this topic, which is the SSC
27 peer review process.

28
29 There is obviously a need to establish guidelines for the
30 preparation and review of what we're calling third-party
31 assessments and this is a U.S.-wide action and so we are not the
32 only SSC that's dealing with that and, in fact, the South
33 Atlantic has established guidelines through their SSC and that
34 was presented to us as a model.

35
36 I will say flat out that we did not reach consensus about using
37 those guidelines as a model and I think a lot of the differences
38 revolve around the degree of what we're going to call an
39 assessment relative to ACLs and the need for management advice.

40
41 The types of information that may be presented to the SSC under
42 these scenarios could be a full-blown assessment, as is done in
43 the SEDAR process, which could eventually lead to changes in the
44 recommendations for OFL and ACLs, or they could be something
45 less than that, which would still be informative for the
46 management process and we would like to be able to accommodate
47 hearing those things without burdening those assessments perhaps
48 to the levels that with the funding they have available they

1 would not be able to achieve and we don't want to lose any
2 initiative that might be started that's worth following up.

3
4 We also recognize that there is the need for flexibility in
5 data-poor situations of what's going to constitute an
6 assessment. We requested that the Southeast Fisheries Science
7 Center provide guidance on this issue and in fact, we had a
8 conference call just last week between the Science Center, the
9 Regional Office, and the council and I was also on that call,
10 where we did talk about a timeframe for looking at that guidance
11 and trying to come up with some consensus about how we approach
12 it.

13
14 This is something that is going to be ongoing and we'll address
15 again in the March meeting, but I think one of the things we are
16 going to have to come down with is possibly a hierarchy of
17 studies that might be submitted to that and what the
18 requirements would be in that hierarchy.

19
20 Is it going to be a full-blown assessment? Are they giving us
21 information that might be useful for management, but not
22 necessarily adjusting OFLs or are they going to look at new and
23 novel ways of trying to present those adjustments to OFLs and
24 ACLs?

25
26 Then we looked at -- The rest of our time, we kind of looked at
27 species that do not have ACLs. These species are reported on
28 the catch reports and trip tickets, but there's been no ACL
29 designations for them.

30
31 I will show you some figures on this, but for Puerto Rico, these
32 are running between 20 and 40 percent of the commercial landings
33 and almost 80 percent for the recreational landings. For the
34 USVI, it runs about 15 to 20 percent for the commercial
35 landings. Of course, this depends on your data reporting forms.

36
37 In this, we reviewed the data that was made available to us by
38 the Southeast Fisheries Science Center and just at the bottom,
39 these are the kinds of groups of species we are talking about.

40
41 We have the highly pelagic ones like tunas and billfishes and
42 also sharks. Some of these might be better taken care of or are
43 taken care of by things like ICCAT.

44
45 Then we have things like mackerel, dolphinfish, and wahoo. I
46 put dolphinfish in bold red there because it's one species that
47 we talked about extensively as an example of where action is
48 probably needed.

1
2 It is by far one of the most important species both in the
3 recreational and commercial fisheries and it's not included
4 under what would have been a joint council FMP for I think it
5 was dolphinfish and wahoo that has been reduced to I think just
6 the South Atlantic has that now.

7
8 There is really good evidence now from tagging studies that is
9 showing we're actually dealing with the same fish and so that
10 was probably the premier example of species that really need to
11 be addressed in terms of what effort we're applying to that and
12 how much might be taken on a much more regional basis.

13
14 Then there's other species, snook, octopus, barracuda, the
15 larger jacks, and lots of baitfish, the ballyhoo and the herring
16 and the scad, et cetera.

17
18 Here's some graphs and I know they're hard to read, but you only
19 have to look at the blue bars and the dark bars. The blue bars
20 are either landings up here or percent down here, in this case
21 for Puerto Rico. The blue is what's landed that has an ACL and
22 the reds are the species that don't have ACLs.

23
24 You can see in Puerto Rico, largely I think due to the fact that
25 we have a large recreational database, that we have a fairly
26 high yield of species that are not covered by ACLs and the
27 percentages, as I mentioned before, are running around 20
28 percent and maybe as high as 40 percent in the past.

29
30 This variability may also be variability due to recreational
31 fishing perhaps having dropped down because of economic
32 difficulties, but there is substantial -- Whereas in the Virgin
33 Islands the numbers are lower, that may be due to data reporting
34 and I'm not sure, but, again, the numbers are a lot lower,
35 running around 10 to maybe 20 percent, 15 percent, for St. Croix
36 and St. Thomas/St. John is even a little bit lower.

37
38 These are issues that are obviously going to come up as we move
39 toward independent plans for each of the three islands. These
40 things will have to be looked at individually for that.

41
42 The SSC is charged with providing criteria for adding and
43 eliminating species. We talked a little bit about what the
44 potential criteria for this might be and a combination of
45 landings data availability, their past importance; cultural,
46 ecological, and economic importance; their distribution in terms
47 of whether they are more found in the territorial waters or in
48 the EEZ. That will obviously be different relative to Puerto

1 Rico or the Virgin Islands.

2
3 Then whether there are alternative management forums for some of
4 these, particularly ICCAT for the larger billfish or maybe some
5 joint regional fishery management council plans for something
6 like dolphin and wahoo.

7
8 This whole process occurred at the end of our three days and so
9 we didn't really have a lot of time to get into it and so this
10 will be one of the things we will be addressing in the next SSC
11 meeting in the spring and we did request that the Southeast
12 Fisheries Science Center be asked to give us their input on what
13 these criteria might be and the species that would be included
14 on those.

15
16 Lastly, and certainly from a personal note, we expressed our
17 appreciation to outgoing Chair, Dr. Barbara Kojis, for her many
18 years of service to the SSC, the Caribbean Fishery Management
19 Council, and basically marine resource management in the Virgin
20 Islands and U.S. Caribbean as a whole and we wish her well in
21 her future endeavors. I thank you.

22
23 **CARLOS FARCHETTE:** Thank you, Richard. Are there questions?

24
25 **EDWARD SCHUSTER:** I've got a couple of questions and a couple of
26 statements. This slide that you just brought up there for the
27 dolphinfish, could you bring that back up for me, please?
28 Saying that the USVI got 15 to 20 percent from the commercial
29 and so if 15 or 20 percent is from the commercial landings,
30 where is the other 80 percent coming from, because we don't have
31 recreational information.

32
33 **RICHARD APPELDOORN:** This is whether the weight being landed is
34 coming from a species that has an ACL attached to it or not.
35 The number is low for the Virgin Islands because most of the
36 data is coming from the commercial fishery, which does report
37 what they land.

38
39 They are only getting a few things that are not covered under an
40 ACL that are being reported and so you don't have recreational
41 catch statistics, for example. Things that the recreational
42 fishery might get that the commercial fishermen are not worried
43 about, there's no data for it.

44
45 **EDWARD SCHUSTER:** Okay. The other statement that I wanted to
46 bring up was the study with Dave as to Nemeth and him monitoring
47 the Hind Bank. I think you've got a lot of potential, but I see
48 that we could have a problem somewhere along the line.

1
2 For example, like in New England -- I think it was in New
3 England or in New York, but he said that some of the fish stocks
4 moved from one area out of the zone that they were fishing in
5 into somebody else's zone, basically.

6
7 Now, from him monitoring the Hind Bank, if they all of a sudden
8 just disappear, that would send a bad signal. I mean something
9 else needs to come up to indicate exactly what happened before
10 measures are taken.

11
12 The other part of that is I'm pretty sure that Rick only dives
13 on a small portion of that bank. That bank is fourteen square
14 miles long and what is happening on the rest of the bank? Then
15 you also have to determine what's the best time to dive. That's
16 the other part of that scenario. Like I said, you've got a lot
17 of potential, but you've got to be careful about what is showing
18 and what is not showing.

19
20 **RICHARD APPELDOORN:** I think we have a handle on when is the
21 best time to dive and do your surveys, but you're right that
22 he's only looking at a small amount of the bank and the total
23 abundance is going to be dependent upon what's happening on the
24 bank as a whole.

25
26 One of the things that makes working with aggregations difficult
27 is they tend to make things look better than they perhaps really
28 are, because the area under which the population is aggregating
29 can expand or contract depending on the abundance of fish.

30
31 If you're only looking at the core of that, you don't see that
32 expansion and contraction and so that's one of the things that
33 will need to be built into -- If we move forward with this, we
34 will need to expand the amount of monitoring to account for
35 that.

36
37 This is not something I think that you would say, okay, let's go
38 do this and replace whatever we were doing. I think it's
39 something that you would initiate probably for a while to test
40 it and see how it behaves and when everybody is confident that
41 we have something that works, then it might take over the
42 system.

43
44 If we ignore things, opportunities like this, I think we also
45 are doing a disservice to all of us here. If there's something
46 where we could do something better, I think we're obligated to
47 take a look at it and so I think your concerns are exactly right
48 and we will try to certainly remember all of those as we move

1 forward with something like this.

2
3 **EDWARD SCHUSTER:** Can you go back to the slide where you were
4 talking about St. Croix and the lobster and the catch has
5 declined and also the lobsters are smaller? Where did you get
6 the information from? Did this come from Olsen's study or did
7 you get it from port sampling or where did the information come
8 from, in terms of size from St. Croix?

9
10 **RICHARD APPELDOORN:** Those came from the study. The new
11 information that Dave was able to bring to the table, one of
12 those was the size frequency information and the other one was
13 looking at actual trap hauls, which was used then to look at
14 real catch per unit effort, as opposed to catch per number of
15 traps that a fisherman would actually own compared to what he is
16 actually hauling. That makes a big difference and it was only
17 in that last year that that worrisome data showed up.

18
19 **EDWARD SCHUSTER:** I just want to make it clear on the record
20 that to our knowledge, there is about four people on St. Croix
21 that fish for lobster in traps. The majority of the lobster
22 harvested in St. Croix is handpicked by divers. Our lobster
23 fishery is market driven and most of the lobster buyers,
24 restaurants and whatever, they can't sell a lobster that's four,
25 five, and six pounds.

26
27 The lobsters are there, but it's senseless for the divers to
28 actually catch the lobster that cannot be sold and so they leave
29 the lobster within the fishery. In order for you to get a true
30 analysis of what's really happening here, we have to start to do
31 port sampling back on St. Croix.

32
33 **RICHARD APPELDOORN:** I should have been clear that the study
34 collected data and presented data separately for St. Croix and
35 St. Thomas/St. John. The trap stuff was for St. Thomas/St.
36 John. The St. Croix data was based on the diving fishery there
37 and the length frequency data came from that fishery.

38
39 The point you make about the divers being selective according to
40 market demand is exceedingly important for us to know as we go
41 into these analyses. However, I would also note that an
42 exceedingly large percentage -- Maybe, Dave, you can correct me,
43 but something like 40 percent of those lobsters from St. Croix
44 were under the legal size.

45
46 That may be another side of the problem too, but if there are
47 large lobsters, I mean maybe we need to be able to get a program
48 like SEAMAP, which is designed to do non-fisheries surveys, or a

1 project in there that's working with the fishermen to look at
2 those larger lobsters, to document that the population itself is
3 in fact is a much -- Has a much more expanded length frequency
4 and age structure than what the catch is reflecting.

5
6 **EDWARD SCHUSTER:** If I'm hearing correctly, you said 40 percent
7 of the lobster caught was under the legal size? We really need
8 to look into this, because according to what I understand -- Not
9 understand, but we found out on our own, comparing an old scale
10 that was in our position and then a new scale that was goofed up
11 by the Department of Fish and Wildlife, there was a mistake by
12 the manufacturer, the person who they had make these scales or
13 measuring scales.

14
15 Now, I find it very strange that fishermen bring undersized
16 lobster to market and this is sending out an indication that a
17 fishery has declined or is on the rate of declining if you're
18 going to have undersized lobster.

19
20 I find this very hard to believe. I mean we really need to look
21 into this thing on the Department of Fish and Wildlife's behalf
22 and look into this and maybe do some port sampling to contradict
23 this statement.

24
25 I mean it's very hard for me to believe. A restaurant does not
26 -- It's not profitable to them to sell an undersized lobster and
27 so, Director Pemberton, I don't know if you want to comment on
28 that.

29
30 **RICHARD APPELDOORN:** Let me just say that we are responding to
31 the data that Dave Olsen brought to the meeting. We think that
32 the data is -- It looked to us that the data was good. There
33 are obviously issues in interpreting size frequency data and you
34 certainly mentioned a big one, which is if the fishermen are
35 being selective, then the size frequency of the catch does not
36 reflect the size frequency of the population, which is what the
37 assessments are supposed to be made on.

38
39 This will be an important thing, looking forward as we go into
40 the SEDAR process next year, for this species. Also, what's
41 being presented here at the moment is not going to change the
42 management regime at the moment anyway.

43
44 The catch per effort data, on the other hand, is the one that I
45 would be a little bit more concerned about, but that will show
46 up in the data after those data are compiled for this year. If
47 this is an ongoing process, it's going to show up really quickly
48 and we should just be looking for that.

1
2 If it turns out to be an artifact of the sampling of the data
3 that was done and the catch data this year do not support that,
4 then it was an artifact and so all we're saying is there were
5 some interesting things that came out relative to St. Croix that
6 we should keep an eye open, but we can't say whether those
7 trends right now are, first of all, real and, secondly, real
8 reflecting what.

9
10 These are things to -- The point I'm trying to make is as we go
11 down the road, especially as we go into SEDAR, this is something
12 we want to look at to make sure that we don't screw it up,
13 either on the side of misinterpreting the data, as you are
14 cautioning us not to do, or by ignoring something that might be
15 a real problem.

16
17 **EDWARD SCHUSTER:** I just want to make this clear. I was a part
18 of this project and, Dr. Olsen, you can correct me if I'm wrong,
19 but I remember us clearly stating to the fishermen that we're
20 going to tag all marketable lobsters at first and then you
21 wanted to tag a certain number of lobsters even if they were
22 undersized.

23
24 Now, I hope that the undersized lobster was not put into the
25 data that these were marketable sized lobster. By the
26 presentation and the interpretation of what I'm hearing here, it
27 seems like somehow the undersized lobster that were tagged just
28 for your molting rate or whatever and keeping track of them, but
29 that's now come into the data that 40 percent of them were
30 caught as a marketable lobster. We need some clarity to this,
31 please.

32
33 **DAVID OLSEN:** This includes both the port sampling data and data
34 from the project and the results for 2011 were virtually
35 identical and the project data were just from the total samples
36 and none of the tagging of shorts or anything were included in
37 it.

38
39 This is a real thing. We have already tested the difference
40 between diver-caught and trap-caught lobster with approximately
41 4,000 lobster and the size was identical, statistically
42 identical. This keeps being brought up, but when you go and
43 actually look at the data, the difference isn't there.

44
45 **CARLOS FARCHETTE:** Any more questions? I have to agree with
46 Schuster. I spend an exorbitant amount of time at the market
47 and I see all the lobster that are coming in and they're all way
48 over the 3.5-inch carapace length. I have done some

1 measurements of my own and I've come up with 4.2 and 4.75 and
2 4.5 and so I've got to question this thing about undersized
3 lobsters, but we'll so port sampling and see what comes out of
4 that.

5
6 **ROY PEMBERTON:** Again, I have to echo what Carlos is saying.
7 It's very competitive on St. Croix, because they have a limited
8 amount of markets to deliver the lobster to and the last thing
9 that the fisher is going to do is show up to the restaurant and
10 they pull out their gauge and that lobster is not legal size.

11
12 I know on occasion in some of the samples that we have done that
13 we have seen one or two undersized lobsters that have been
14 placed on the side to return to the ocean or something to that
15 effect, but 40 percent, that's -- That's just very odd, but,
16 again, we will endeavor to beef up the port sampling on lobster
17 on St. Croix and see what we can shake out, but I just find that
18 kind of odd.

19
20 **MIGUEL ROLON:** I had this concern, because I remember Daniel
21 Matos gave a presentation one time to this council and at the
22 GCFI and I remember 40 percent of the lobster that was reported
23 was undersized and to me, it's like I go and kill my neighbor
24 and as long as I say it first, the police cannot do anything to
25 me. It's an enforcement issue here.

26
27 How in the world can you report an illegal activity and document
28 the illegal activity and put your name on it and send it to the
29 government and you don't have any consequences?

30
31 **DAVID OLSEN:** The 40 percent, it's not 40 percent. It's much
32 less than 40 percent. That was an unfortunate choice of numbers
33 to pick.

34
35 **CARLOS FARCHETTE:** I still say it's zero percent going to the
36 market as undersized, but I have a question for Dr. Appeldoorn
37 on the overrun on conch for St. Croix. Do you know what
38 percentage was overrun this year from the 50,000-pound quota?

39
40 **RICHARD APPELDOORN:** I am just putting this up on my screen
41 where I can actually read it. For conch in St. Croix, the
42 overage was 7,299 pounds above the 50,000-pound limit. As I
43 said, that was deemed to come from territorial waters.

44
45 **CARLOS FARCHETTE:** Right, but we're still jointly on the 50,000
46 in federal and territorial for St. Croix only.

47
48 **MIGUEL ROLON:** Where are we with the lobster? What are we going

1 to do with that?

2
3 **CARLOS FARCHETTE:** I believe that we need some port sampling
4 done, because without port sampling, I don't think we can get a
5 real picture here. Submitting a CCR with lobster, there is no
6 size request on the CCR and so it's got to be port sampled to
7 find out exactly what is happening out there, but I just don't
8 see any undersized coming in and I know that the officers would
9 be issuing citations and confiscating a lot of lobsters and
10 they're not doing that.

11
12 **ROY PEMBERTON:** There's another added effect to this and that is
13 that the officers on St. Croix, they do a lot of fisheries work
14 in the marketplace and so they're going in and they're
15 confiscating catch and lobster was not something that even made
16 a blip on the radar and so, again, there's something wrong here.

17
18 **MIGUEL ROLON:** Mr. Chairman, David has some clarifications to
19 make and he also asked for five minutes at the end, but probably
20 this is so important that he could talk on this one right now.

21
22 **DAVID OLSEN:** I have in my presentation on the lobster project
23 more detail on this, but those small lobster are in port-sampled
24 Fish and Wildlife data and they were not in there in 2010, 2008,
25 and 2009. In 2011, all of a sudden the average size really
26 dropped and these small lobster, including -- Not 40 percent,
27 but some significant percentage of undersized lobster appeared
28 in the port-sampled data. It's there and there's no disputing
29 that.

30
31 **EDWARD SCHUSTER:** Dr. Olsen, I need you to remember this. 2011
32 is when we found the discrepancy with the scale, the gauge. The
33 gauge was sent to a different manufacturer and they were the
34 aluminum gauges and we're the ones, St. Croix -- Gerson and I
35 are the ones that found out when we took the initiative to go to
36 the restaurants ourselves.

37
38 These gauges were off by -- I will text him and I'll find out,
39 but X amount of centimeters or whatever, but when we compared it
40 to an old gauge, this is where we found the discrepancy. The
41 gauge is just a notch in it and it does not show us inches or
42 whatever, but if you're taking port samples and you're using a
43 caliper, that's where you're going to see the difference. In
44 2011, I clearly remember it and that's not the fault of the
45 fishermen. That's the fault of DPNR changing the manufacturers.

46
47 **DAVID OLSEN:** I am not so concerned about that. If that's why
48 the undersized lobster are there, then that's fine, but the

1 measured lobster in the port sample, measured with a caliper,
2 showed all of these really small lobster appearing in the catch.
3 Whether or not it's -- Barely legal ones were also appearing in
4 the catch.

5
6 In addition, the larger lobsters, in 2011, became very much less
7 abundant, even though those percentages have been nearly
8 constant for thirty years. Something happened in 2011 that's
9 not simply a matter of the gauge.

10
11 **CARLOS FARCHETTE:** I just don't see how a port sampler is not
12 going to report to enforcement that these guys are bringing in a
13 tremendous amount of shorts and nothing is being done about it.

14
15 **ROY PEMBERTON:** I just talked to staff and they had an issue
16 with the gauge in 2011 and when they identified that issue, they
17 went to using a caliper that was set at the three-and-a-half, to
18 make sure that they weren't having any more issues and so that's
19 what the discrepancy is, but they did report and that was what
20 sent the signal, is why are these lobsters -- All of a sudden,
21 guys are coming in with lobsters that are undersized and that's
22 what started this issue with the actual gauge.

23
24 They changed that system and they went to a caliper and so I
25 would like to know what that actual number of lobsters was.
26 Were they thousands or hundreds or what were the numbers, to
27 find out what the situation was.

28
29 **EDWARD SCHUSTER:** Ironically, what happened here is the gauges
30 that were -- If you measured the gauge in between the notch in
31 the aluminum gauge, that was where the fishers were going
32 according to measuring a lobster harvested.

33
34 During the port sample, one of the port samplers brought it to
35 the attention of enforcement and the name of the fisher was
36 Carmelo Rivera and he was cited and that's when we took a
37 measuring tape and got an old gauge and found out, but the
38 ironic thing is it only happened on St. Croix.

39
40 None of those gauges that made an indication of the undersized
41 lobster were distributed within St. Thomas to the St. Thomas
42 fishermen.

43
44 The other question I had here was about the conch and this was
45 under Director Olsen's leadership, when we were within this
46 thing with the threatening of closing the queen conch fishery in
47 the EEZ and the mystery number was 50,000 pounds.

48

1 We were asked several times at different council meetings where
2 did this number come from and we're still at 50,000 pounds and
3 the overrun obviously came from territorial waters this time,
4 correct, which was 7,000 pounds, but are we -- I just need some
5 clarity of are we still jointly at 50,000 pounds between
6 territorial and the EEZ or the EEZ has a separate -- It's joint?
7 I can't remember that. Maybe, Shep, you could clarify that, but
8 is the EEZ -- The 50,000 pounds is joint between territorial and
9 the --

10
11 **CARLOS FARCHETTE:** I have another comment, because I know that -
12 - Roy Pemberton can correct me if I'm wrong, but St. Croix
13 hasn't had port sampling done in at least over a year-and-a-
14 half, from what I've seen, but maybe you can correct me if I'm
15 wrong on that one. We are going to bump up David Olsen's
16 presentation from tomorrow morning and do it now, since this
17 seems to be a hot topic.

18 19 **LOBSTER PRESENTATION**

20
21 **DAVID OLSEN:** This presentation is after the SSC meeting and it
22 includes some issues that were raised at the SSC meeting. I
23 have tried to eliminate a lot of the slides that were in the
24 earlier presentations, just to make it shorter.

25
26 These are the landings up through 2011 of spiny lobster for St.
27 Thomas and St. Croix and in both islands, in 2003 to 2006, St.
28 Thomas had a period of really high landings and in 2006 to 2009,
29 St. Croix had periods of really high landings and those were
30 followed by consistently decreasing landings.

31
32 One of the questions that I asked Josh to look at was were these
33 incidences of overfishing, in that the decrease in landings is
34 the result of that? That's part of the analysis that he did.

35
36 These are the landings by method. Again, St. Thomas is a trap
37 fishery and St. Croix is a diving fishery. In St. Croix, it's -
38 - In St. Croix, the lobster fishery is very much more -- The
39 socioeconomic impact is -- There's a lot more trips being made
40 and there are more fishermen involved.

41
42 These are our tags and recaptures. In the project, in St.
43 Croix, we had data from ninety-two trips and in St. Thomas, it
44 was 210. We tagged 1,500 lobster in St. Croix and 4,700 in St.
45 Thomas. We had forty-six recaptures in St. Croix and 319 with
46 project fishermen and in St. Croix, we had one recapture with a
47 waitress who was taking the lobster to the table and found a tag
48 in it.

1
2 We have had forty-three non-project recaptures in St. Thomas and
3 fishermen kept, i.e., they recaptured, lobster that no longer
4 had eggs or had grown to legal size and they kept them and those
5 are used later.
6
7 This is the percent of lobster by carapace length in our data,
8 in the complete trip data, and this is where this first came out
9 and this arrow is the minimum legal size and these are complete
10 trips. These are all lobster from sixty millimeters to 160 and
11 you see there's a big difference, and this is in 2012, between
12 St. Croix and St. Thomas.
13
14 There was a lot more small lobster being landed in St. Croix,
15 more small lobster being caught that would not necessarily have
16 been in the market in St. Thomas. We had a much older size
17 frequency distribution.
18
19 This is the average lobster size in St. Thomas and St. Croix and
20 in St. Croix, we've had continuous port sampling from back in
21 1975 to the present and we've had this big drop in 2011 in
22 average size. In 2011 and 2012, lobsters were basically a
23 centimeter smaller than the average size through all prior
24 years.
25
26 This question of whether or not the divers were selecting
27 smaller lobsters than the traps were came up and so I took all
28 the port-sampled lobsters and compared them statistically and
29 the average size was virtually identical. Now, you all can have
30 all the opinions you want, but this is what the data say.
31
32 Then the SSC, which I think has a tendency towards inaction,
33 tried to explain that away as there might have been a
34 recruitment pulse, i.e., there might have been a real pulse of
35 these small lobsters coming in.
36
37 Remember the lobster catches were declining and so if there had
38 been a pulse, you would expect to see an increase in landings
39 and there was no increase in landings and so this is -- I've
40 done this in five-year increments, this first part.
41
42 In 2002 to 2007, these are the St. Croix size frequency data.
43 You can see that basically this is the minimum legal size right
44 here and you see a lot of lobsters in this 100 to 105 and you've
45 got big lobsters all the way out here in that.
46
47 Then you add 2012 and all of a sudden, you've got these small
48 lobsters here and these are actual numbers and so here, out of -

1 - You had 110 sublegal lobsters in the port sampling data. This
2 isn't my data, but this is the port sampled data, Fish and
3 Wildlife data.

4
5 You compare that to the prior years and you see that not only
6 was there a lot of these smaller lobsters, but there were fewer
7 and fewer of the larger lobsters.

8
9 If you take -- I am going to beat this horse until it dies. If
10 you take the historic port sampling data and you take the
11 percentage in the different size classes -- These are kind of
12 from the average size to smaller to next bigger and you can see
13 that pretty much it's been the same up until 2011, when the
14 first kind of large-sized lobsters decreased enormously in
15 numbers and these small lobsters increased enormously in numbers
16 and, at the same time, the larger lobsters really decreased in
17 numbers.

18
19 In St. Thomas, you don't get that picture at all. It's pretty
20 much the same and so I say there wasn't a recruitment pulse. I
21 say it's not the difference between diver-caught and trap-caught
22 lobsters, but it's something happening in the resource and now
23 I'm moving on.

24
25 This is the annual cycle of landings in St. Thomas. You can see
26 basically the tourist season, the start of the tourist season
27 here, and then there's a drop in landings.

28
29 I also want to thank Kevin McCarthy. He came down to sort out
30 the trap thing and Kevin got me the more recent data and it was
31 a very easy transaction and I appreciate it and thanks, Bonnie.

32
33 Then if we take the catch per unit effort in St. Thomas traps,
34 you've got basically -- Remember we had this period of low
35 landings in the middle years, but if you take the average wind
36 speed, here are the months with peak wind and these are the
37 number of lobster trips per month and it stays fairly constant
38 except for this period in February when there's a lot of wind.

39
40 The catch per unit effort in our project really didn't vary a
41 whole lot. It was pretty consistent over the whole period.
42 These first two months were just basically project startup and
43 then you have a fairly constant catch per unit effort.

44
45 The number of catch per unit effort for shorts, the green line
46 here, and for the berried females shows real strong peaks, with
47 a peak recruitment of small lobsters in the fall months and the
48 peak reproductive activity in March, April, and May.

1
2 We put lobsters out at Coral World to assess the tag loss and we
3 put forty-five lobsters out at Coral World between July and
4 October and we've had a total of nine molts with no tag loss and
5 we tagged some little tiny ones and six molted and four of them
6 lost their tags.

7
8 We think that basically the tags are being retained by the
9 lobsters. We're not tagging these small lobsters when they come
10 up. We just turn them loose.

11
12 These are the sites where we tagged lobsters in St. Thomas.
13 This is basically Gregory Ledee up here and this grid that
14 you're seeing underlying it is the number of lobster traps in
15 the water from our lost trap study that we did with the bio-geo
16 people and you can see that the places where we're tagging
17 lobsters are the places where the traps are.

18
19 In St. Croix, we've covered pretty much the shelf. There is
20 considerable fishing effort outside in federal waters, but most
21 of it is in territorial waters.

22
23 Now, part of this study is sampling and our fishermen have
24 landed basically between 80 percent and 97 percent of all the
25 lobsters caught and if you remember that table where we had how
26 many non-project fishermen and sport divers caught, we had a lot
27 of participation from non-project fishermen and sport divers and
28 we think we're seeing a very high percentage of all the lobsters
29 caught in this project.

30
31 The number of days at large, the recaptures, we're starting to
32 see recaptures that are almost a year old. There are starting
33 to be quite a few of them that are out quite a while.

34
35 This is a really interesting recapture we had two weeks ago.
36 These are the recaptures and these are the lines showing the
37 recaptures. This guy, who is a British Virgin Islands
38 fisherman, captured a lobster that was tagged at Hans Lollik and
39 it traveled thirty-six miles between April and December of this
40 year.

41
42 In addition, the other thing that's interesting about this is
43 when I asked him the address to send the check to, he gave me a
44 Puerto Real address and so I think that you can start to see
45 that -- We see it in St. Thomas. There is a number of BVI
46 fishermen that fish in the BVI that land in St. Thomas and they
47 are St. Thomas residents and so their catch is showing up on our
48 catch reports and there is at least one fisherman that's

1 probably doing the same thing and it's showing up in the Puerto
2 Rican catch reports.

3

4 Anyway, that's a thirty-six-mile traverse and these in here are
5 about sixteen or seventeen. These things are moving around the
6 shelf. I tried to sort them out by summer and winter and I
7 don't see any pattern.

8

9 Winter, we have heavy ground seas and the fishermen really catch
10 most of the lobsters when they're walking, when the ground seas
11 get them walking, but I don't see it in our recapture pattern.

12

13 This is the mortality calculation I did. You see that mortality
14 is much lower in St. Thomas. The mortality rates were very
15 similar up until about 2005 and then the St. Croix mortality
16 rate stayed fairly high, but in St. Thomas, it dropped.

17

18 We finally got the recaptures to draw a growth curve. The L-
19 infinity is larger than any L-infinity I have seen in the
20 literature. It's nearly 245 millimeters. Usually you see 210
21 is pretty large and the growth rate is very fast.

22

23 The maximum size of that L-infinity is fifteen pounds and there
24 are a number of fishermen who -- Have you heard of people
25 catching fifteen-pound lobsters? Daryl and some of the north-
26 side guys say that they've caught fifteen-pound lobsters and so
27 it looks like the L-infinity is pretty much what the largest
28 size caught is.

29

30 This rapid growth rate is kind of surprising. When I did a
31 study in 1971, I got another really high growth rate. The
32 growth rate with the big Cuban study that we've been using is
33 around 0.2 and so we are probably going to look at this a little
34 bit more, but we finally got a growth curve.

35

36 The yield per recruit in St. Thomas, they're harvesting larger
37 lobsters and lower mortality rates. It's closer to the maximum
38 yield per recruit than St. Croix is.

39

40 This was a bone of contention for quite a while. In the catch
41 reports, the average number of traps that was showing up in the
42 version of the database that I had was much higher, up to 700
43 traps being hauled a day, and I went out and interviewed all of
44 those fishermen that were showing really high rates and found
45 out what they said they were hauling.

46

47 Kevin came down and we worked through this. The white dots are
48 based on the interview data that I have and they're not included

1 in the trend line, but Kevin went back and worked through the
2 Science Center's database and came up with average number of
3 traps hauled per day up through 2012 that are very similar to
4 our interview results. I think that now is a resolved issue.

5
6 The stock health indicators, this is Josh's work. He looked at
7 the trap CPUE and the diver CPUE. It's been fairly constant for
8 a long period of time. The average size is well above the
9 minimum legal size and the size at first maturity.

10
11 We both felt that that period of high landings in St. Thomas,
12 where it was around 130,000 pounds, did not show an effect on
13 size frequency distributions, catch per unit effort, and that
14 may be well -- It may be possible to adjust the overfishing
15 limit for St. Thomas, increase it by about 15,000 pounds.

16
17 In St. Croix, we have this -- There have been big changes
18 recently in St. Croix, since the closure of the net fishery,
19 and, for example, Gerson has gone from being a net fisherman to
20 doing a lot of trap fishing and he is a very effective fisherman
21 and so the catch per unit effort, in both divers and trap
22 fishermen in St. Croix, has gone up, but at the same time, this
23 recent drop in catches has gone down and it's approaching the
24 minimum legal size and the size at 50 percent maturity.

25
26 We think that, although the size is no guarantee of a crisis,
27 that it's something that should be watched closely and during
28 the period of time in St. Croix when they were landing between
29 100,000 to 120,000 pounds and the overfishing limit in St. Croix
30 is I think 119,000 pounds, there was no visible effect on the
31 sizes or the catch per unit effort and that that overfishing
32 limit may be just fine. That's it.

33
34 **CARLOS FARCHETTE:** Any questions for Dr. Olsen on the
35 presentation?

36
37 **RICHARD APPELDOORN:** Very nice. Can you put the slide that has
38 the length frequency distributions, the old and the recent ones,
39 back in the beginning? When you show length frequency
40 distributions, it's really important to know, since you're
41 looking at different years, what the effort was that went into
42 collecting those, because what you see is going to vary by that,
43 because you're looking at the actual number of lobsters here.

44
45 If you had to work twice as hard to get that number, that also
46 tells you whether you have a problem or not and so my first
47 question, for anybody who could answer that, would be what is
48 the level of effort that was used in these three years? Is that

1 roughly the same or would it be markedly different because of
2 personnel available or funding limitations or whatever?

3
4 The second thing that comes up or that would be immediately
5 asked is this is a huge difference, as Dave is pointing out, and
6 if it's not biological, then it's almost guaranteed to be a
7 sampling problem. In other words, somebody new was on the job
8 who was doing something wrong. That could be what happens, they
9 were reading the gauge wrong or something like that.

10
11 If you can't roll it out because of that, that's a really
12 significant change that Dave is pointing out and the effort that
13 you're looking at would change the numbers involved, but it's
14 not going to change the shape of the distribution and it's hard
15 to argue away that kind of change in the distribution unless
16 fishermen are grossly changing their behavior, which everybody
17 here says they are not, the person recording is recording it
18 wrong or -- I can't even think of another reason why this would
19 come up, unless in fact you did have just an incredible
20 recruitment pulse.

21
22 If it was an incredible recruitment pulse, then this peak here
23 would show up with much less sampling effort than what was
24 supplied in the previous years.

25
26 In other words, if the sampling effort was the same all three
27 years and this is a big recruitment peak, the numbers really
28 should be up here some place. The options on how to explain
29 this are very limited.

30
31 **CARLOS FARCHETTE:** You talk about recruitment pulse and I still
32 don't see a fisherman bringing undersized lobsters and taking
33 the chance of putting it in the market and getting caught and so
34 that's where I have my issue and I don't know -- I know that
35 Pemberton's office or his division in the last year or two, he
36 has lost a lot of his staff and I don't even think that in 2012
37 to 2013, or even the whole of 2012, if any port sampling was
38 being done, but I think maybe Roy would have to go back to his
39 office and revisit what's been happening there.

40
41 **RICHARD APPELDOORN:** If there were data for those -- This is
42 2011, I think you said, Dave.

43
44 **DAVID OLSEN:** 2012.

45
46 **RICHARD APPELDOORN:** 2012. If there's new data which show this
47 very easily, if this is a big recruitment pulse, you will see
48 that thing move over to the right very rapidly, because of the

1 rapid growth that David is talking about. If there is data
2 available or if we can get out there and get some more data,
3 this thing can be resolved.

4
5 **BONNIE PONWITH:** I think taking a really close and early look at
6 the data as they come in for this next year, to see if that
7 spike drifts to the right, proportional to its size in this.

8
9 The only thing that would give you this shape is if you told
10 your samplers to go out and sample X number of lobster and no
11 more and you had a really, really high prevalence of those
12 lobster in that ninety size class and you hit your quota for the
13 total number.

14
15 That could explain a disproportionate number of the larger
16 lobster being in there and could at least be explainable as a
17 potential recruitment pulse, but it's like Dr. Appeldoorn said.
18 If you're out there sampling on a consistent basis and you're
19 not given a quota, don't sample any more than X number of
20 lobster, one would have expected the shape of these curves to be
21 a little more similar to the previous years. I think taking an
22 early look at the size patterns coming in in the next year would
23 be a really smart thing.

24
25 **MIGUEL ROLON:** From the council point of view, the non-
26 scientists, the question is are we in a hole or not? Do we have
27 to crawl out of that hole or are we going to manage it? Do we
28 have a problem or not?

29
30 When you look at the information that we have, it seems that we
31 are okay in St. Thomas and St. John and we have some
32 difficulties in St. Croix and so the next step will be what
33 should we do?

34
35 Like Bonnie is saying, the next year, or this year, we need to
36 compare the information that we have and go back to the similar
37 graph and see if anything changes, but I think that the local
38 government has a lot to say here as to what is the next step.
39 Then for the council, we need to decide whether we need to do
40 something or not. I believe, if there isn't any reaction, we
41 should go for lunch.

42
43 **CARLOS FARCHETTE:** Okay. We will break for lunch.

44
45 (Whereupon, the meeting recessed for lunch on December 11,
46 2013.)

47
48 - - -

1
2 December 11, 2013
3

4 WEDNESDAY AFTERNOON SESSION
5

6 - - -
7

8 The Caribbean Fishery Management Council reconvened at the
9 Wyndham Sugar Bay Resort, St. Thomas, USVI, Wednesday afternoon,
10 December 11, 2013, and was called to order at 1:30 o'clock p.m.
11 by Chairman Carlos Farchette.
12

13 **CARLOS FARCHETTE:** We are going to get back to the 148th council
14 meeting. Next, we have Advisory Panel/Ad Hoc Committee Report
15 on Timing Model and that will be Ms. Kate Quigley and as soon as
16 Ed Schuster comes in, we'll work on his report.
17

18 **ADVISORY PANEL/AD HOC COMMITTEE REPORT ON TIMING MODEL**
19

20 **KATE QUIGLEY:** You have seen this model before. In fact, we
21 have four models now: Puerto Rico Snapper Unit 2, St. Croix
22 lobster, St. Croix triggerfish and wrasses, and St. Thomas
23 groupers.
24

25 They have all been updated with the most current data available.
26 The SSC has reviewed these models. The Ad Hoc Committee has had
27 two looks at them, I believe, since the last council meeting and
28 the AP has also taken a look at it twice.
29

30 I just pulled up the Puerto Rico Snapper Unit 2 one right now,
31 in case people have questions, but I just wanted to let people
32 know that I've incorporated the suggestions, which some of them
33 Richard went over from the SSC, and I'm working on incorporating
34 suggestions from the AP, but the core model is pretty much done
35 and pretty much finalized and it's not going to change.
36

37 This can be done for any species pretty easily and so any
38 species for which we think there's going to be a closure, a
39 model can be quickly created and passed on to the AP and they
40 can go over it and run different scenarios, which is what they
41 did yesterday. They ran several different options for Puerto
42 Rico Snapper Unit 2 and I believe for St. Croix lobster.
43

44 This can pretty much be run for any species for which there's a
45 concern and I'm willing to go through the model again if anyone
46 would like, but it's pretty much the same core model that you
47 saw last time. The presentation has been worked on and there's
48 a calendar now within the model.

1
2 I think the fishermen have a pretty good understanding of how it
3 works at this point and so I'm going to leave it there, unless
4 people would like me to go through the model again or unless
5 there are questions.

6
7 **CARLOS FARCHETTE:** Any questions for Ms. Quigley? We went over
8 this pretty extensively yesterday and so it seems like --

9
10 **KATE QUIGLEY:** Based upon what we went over yesterday, the
11 fishermen at the AP meeting -- The AP members made a number of
12 motions based upon this and we informed them that only Puerto
13 Rico Snapper Unit 2 is the only one that it looks like has gone
14 over, for which there is a concern for 2014. That's where most
15 of their efforts were focused and they made a motion based upon
16 that information and taking a look at the model.

17
18 Right now, there is expected to be a September, I think it's
19 September 23, closure for 2014, based upon the data that we have
20 right now. As new data becomes available, the model can be
21 quickly updated and other options become available and a new
22 date will be identified.

23
24 **EUGENIO PIÑEIRO:** I have a question. Billy, do you have any
25 idea when the closure is going to be, if it's going to be the
26 same date?

27
28 **BILL ARNOLD:** We do not yet have 2012 Puerto Rico data and
29 because of that, we used the same 2010/2011 data for this year
30 that we used for last year and so we're basically in exactly the
31 same boat for 2013.

32
33 This fishery closed on September 21 and in 2014, it's scheduled
34 to close on September 23 and there are a lot of reasons for
35 that, Genio, some of which we talked about last night. Also,
36 keep in mind that Kate has developed a really nice set of
37 models, but we can't use those models until we get the
38 rulemaking installed and that's something we need to talk about,
39 because we need to get the go-ahead from the council to start
40 developing the rule that allows us to use this model to set
41 season closures instead of just what we do now, which is start
42 on December 31 and count backwards.

43
44 **EUGENIO PIÑEIRO:** My question is then you are ready right now to
45 announce the closure on September 23 and is there any action by
46 the Puerto Rico DNER that would change that date?

47
48 **BILL ARNOLD:** I would want Bonnie to weigh in on this, but

1 there's a couple of possibilities. One is that you come in with
2 the 2012 data, because what we're supposed to be doing is
3 averaging 2010, 2011, and 2012, but we don't have 2012 to plug
4 into the average.

5
6 I would warn that if 2012 is higher than 2010 and 2011, you
7 actually have a longer closure and if it's lower, then you may
8 have a shorter closure, et cetera, et cetera. We would
9 certainly want to solve this one way or the other as soon as we
10 possibly can.

11
12 Whether we can -- Since the closure actually -- There's only one
13 closure for next year and that's this Snapper Unit 2 closure
14 that we have scheduled and so that's not until September 23 and
15 obviously we have some time that we could potentially get the
16 2012 data factored in and go through the process all over again
17 and determined that there's a different closure date and work on
18 that at the next council meeting and make sure that we have
19 everything in place in time for whenever the closure does take
20 place.

21
22 I think it's a small risk, but a potential risk, is that the
23 landings in 2012 are quadruple what they were before and the
24 closure has to start on March 1 and we would have already passed
25 that time, but like I said, the likelihood of that is extremely
26 small.

27
28 **MIGUEL ROLON:** A couple of points. I believe that we could
29 follow Kate's presentation model-by-model and then allow Eddie
30 to tell us what the AP recommended for each one of the models.

31
32 I received a piece of information. I received an email from
33 Daniel Matos from the DPNR and Daniel is the Chief of the
34 Fisheries Statistics Project. With the new employees that they
35 have, he believes that by the second week of February they
36 should have 2012 and will start on 2013.

37
38 Just to let you know that if everything goes smoothly, the
39 second week of February we will have that information ready. It
40 will be then submitted to the Center the same week or the week
41 after and so you don't have that much of a wiggling space,
42 because in February you only have ten more months and so the
43 question will be if we have that information by February, going
44 back to Bill and Bonnie, will that have a -- Will we have any
45 time to affect in any way the outcome for the Caribbean?

46
47 Again, keep in mind that 2012 is no guarantee that you will go
48 up or down or stay the same level. We don't know that until we

1 have the information.

2
3 **BILL ARNOLD:** Logistically, we would be able to do it probably
4 within a couple of weeks. Now, really, to do this according to
5 the protocol, we would want to bring it back to the SSC, but if
6 they're meeting in late March, we should have time to get
7 everything together and bring it to the SSC and let them review
8 it and take it to the AP, because this is the sort of process
9 we've been following.

10
11 They would have to meet between the SSC meeting and the April
12 council meeting and then bring it in, like we're doing today, to
13 the council and say here's where we are and the stamp of
14 approval and then we get the Federal Register notice published
15 as soon as we can.

16
17 In this case, where we've only got one closure and it's late in
18 the year, we could probably do this. I certainly wouldn't want
19 to make a habit of it, but, again, I would like to get Bonnie's
20 input on that and I would also like to get Shep's input on that,
21 just to make sure that I'm not saying things that simply aren't
22 true. I do that a lot.

23
24 **SHEPHERD GRIMES:** I think Dr. Arnold is correct just in terms of
25 implementing the closures, but I had raised my hand because I
26 wanted to respond to something Mr. Rolon said about we could go
27 through and look at Kate's model and what closure dates were
28 recommended.

29
30 We can't rely on this and until we go through some fishery
31 management plan amendment or fishery management-based action,
32 this is all well and good, but we can't base our -- We can't use
33 it to guide the decisions of when we close.

34
35 Dr. Arnold had talked to me earlier about this and I had said it
36 seems to me if this is what you want to adopt and you want to
37 adopt it across the board, you do a generic fishery management
38 plan amendment that incorporates this into the fishery
39 management plan and then it's something that gets codified in
40 the regulations and dictates when we have ACL-based closures,
41 this is how we determine when that closure is going to occur,
42 but, as you know, that process has yet to even begin.

43
44 **MIGUEL ROLON:** That's exactly why I asked to allow Eddie to
45 bring the AP, because we discussed all that at the AP and Bill
46 Arnold explained it to us, what you just said, and people were
47 of the idea that we could modify 2014 from right now.

48

1 The best that we could do at this time, with the discussion that
2 we had at the Advisory Panel, is to affect 2015, or maybe 2016,
3 because of the length of the process and people heard from Dr.
4 Arnold that the ACL is already set and that you work around the
5 ACL and in order for you to modify the ACL, you have to go
6 through a whole process.

7
8 Thank you for that, Shep, because that's what I wanted. We
9 discussed it at the AP, but the council has to hear that, so you
10 have a schedule in your mind of what is going to happen from now
11 and this whole model could be thrown out the window at public
12 hearings and all that and you have to be mindful of that, too.

13
14 Anyway, Mr. Chairman, my suggestion is at each model you have
15 all these questions to Kate and then allow Eddie to bring the AP
16 recommendations regarding that particular model, because they
17 have about six or seven motions.

18
19 **EUGENIO PIÑEIRO:** Kate, thank you for allowing me to insert
20 myself, and Billy, in your time and thank you.

21
22 **KATE QUIGLEY:** Do you want me to go through this model and then
23 we'll get the --

24
25 **MIGUEL ROLON:** Yes, one at a time and then we get Eddie and that
26 way, we conserve your voice and we will also be more effective
27 in the discussion for the record.

28
29 **KATE QUIGLEY:** I have shrunk this down. I know you can't read
30 that teeny, tiny text. That's not the purpose, but I just want
31 to show you the setup of these models. We have step one, where
32 you select the base year.

33
34 For Puerto Rico for 2012, we're using proxy 2011 and 2010 data.
35 We're doing averages of each month and so we've got 2012 here.
36 When you plug in that data, the model realizes or indicates that
37 of course your ACL is about 146,000 pounds.

38
39 With that data, landings have gone over by almost 73,000 pounds.
40 If you go from the end of year backwards, you get that September
41 23 closure date. The start date of the closure is September 23
42 and the end date is December 31. It's a ninety-nine-day
43 closure.

44
45 Pounds not caught, this looks really nice on my computer and not
46 so nice on this computer, but pounds not caught is 73,000
47 pounds. Revenue lost or revenue foregone, compared to that
48 previous year's data, is \$302,000.

1
2 The challenge is to find a date when a closure could occur that
3 will have less of a revenue impact and that will potentially be
4 shorter and so here, we see just plugged in June 1 and if you
5 plug in June 1, you can have a closure that lasts from June 1 to
6 September 3, ninety-four days.

7
8 It's not a big difference, but it's a different time of the year
9 and that means that you don't have to fish during the fall, a
10 very valuable time of the year to be fishing, and then your
11 revenue loss is a little bit lower.

12
13 I have also incorporated in here a calendar, so that whatever
14 date the fishermen put in -- The fishermen were calling out all
15 sorts of dates yesterday. We could put it in and if people want
16 to see it visually, this is what it looks like for the dates
17 that were punched in.

18
19 In addition to choosing your own date, of course the model
20 identifies closure options that have a minimal revenue impact.
21 The same information appears here, fifty different options.
22 What you see is that for Puerto Rico Snapper Unit 2, it
23 identifies that the most profit-maximizing or revenue-maximizing
24 time of the year to close is May and June and it's going to be
25 about ninety-four to ninety-seven days.

26
27 Down here, this background information, the SSC suggested it
28 would be good to incorporate landings across the years compared
29 to the ACL, which is the green dotted line.

30
31 Also, price information, nominal and real prices over time and I
32 will also be incorporating in monthly landings over the years,
33 to see if the data that we're using is significantly different
34 from past data and so we know are those good years to use or
35 not.

36
37 That's just an overview of the model setup and so this is what
38 the AP looked at yesterday and, seeing the potential end-of-the-
39 year closure, they made a motion to identify a different date
40 and so I'm going to pass it over to Ed right now.

41
42 **EDWARD SCHUSTER:** First of all, we had AP members from all three
43 islands and it was a very productive meeting. The first motion
44 that was made was to establish a closure, if needed, for Puerto
45 Rico Snapper Unit 2 and start at May 1 for the 2015 and extend
46 it for the length of the time necessary and this motion passed
47 unanimously.

48

1 Just the little notes that I took on this by the AP member
2 representative from Puerto Rico, he said the bite is actually
3 better in colder waters during that proposed month of the
4 closure and the fish are more together.

5
6 In May, the weather is better, but the bites are scattered and
7 that's just little notes that I took during the meeting, but
8 that's the motion that was passed according to this model.

9
10 **KATE QUIGLEY:** Before I close this model and go on to the next
11 one, are there any questions?

12
13 **NELSON CRESPO:** I think that a better month to implement a
14 future closure has to be between the months of April, May, June,
15 and July. That's the best months that we can -- During this
16 month and not the four months, but between those dates.

17
18 **MIGUEL ROLON:** For a moment, you guys were talking and we don't
19 know where we are and so you have a recommendation from the
20 Advisory Panel and the Advisory Panel was advised by Dr. Arnold
21 that the best we could hope would be to affect the year 2015.

22
23 What they are saying is if we need to close -- They are not
24 saying to close it, but if we need to close, given all the
25 things that we discussed before, they would prefer to have a
26 starting date of May 1, as per the model presented to them.

27
28 You may just table the discussion until some other time or you
29 can say, well, we take that into consideration or you can go
30 ahead and if we ever need to close, then the council agrees with
31 May 1, but there are a lot of hoops that you need to go through
32 if we change any of this and that's what Shep was saying before.

33
34 **SHEPHERD GRIMES:** Just to reiterate what I said before, there's
35 a lot of process between now and implementing this and if you
36 put it in an FMP amendment, it's not like the choice is do
37 nothing or do this.

38
39 You will have to develop a reasonable range of alternatives and
40 you will have to analyze those alternatives in compliance with
41 the National Environmental Policy Act and the Regulatory
42 Flexibility Act, all the usual stuff we do, and then make a
43 decision based on that analysis.

44
45 **MIGUEL ROLON:** Can we start that now?

46
47 **SHEPHERD GRIMES:** Yes, absolutely and I think you have this
48 today and you can start doing it. I would have some discussion

1 -- It seems to me the most appropriate thing to do, given -- You
2 have a little more discussion of this, but direct staff to go
3 back and begin to develop the FMP amendment that implements this
4 for all FMPs, for a subset of FMPs, but that's up to you.

5
6 I was suggesting in the beginning that it seems, to me, to be
7 premature to go through all of this in terms of -- No offense to
8 Kate and the model and all that, but this will be one of the
9 alternatives that feeds into the amendment and your decision
10 process and you have a lot of process to go and so it isn't like
11 you're going to be able to make any decisions today.

12
13 **MIGUEL ROLON:** I agree with that, but let me see if I am correct
14 or understand what you're saying. We can start today to
15 instruct the staff to prepare the documentation for adopting
16 this model, let's say, but also you have to have alternatives to
17 this model for the process of setting the dates, if needed, for
18 the seasons that you are going to implement in that year to
19 accommodate the overage of the ACL.

20
21 **SHEPHERD GRIMES:** That's correct and I would approach it more in
22 the way you just described. Your purpose and need isn't to
23 implement this model. Your purpose and need is to look at
24 approaches and add some flexibility to the process of
25 implementing seasonal closures in response to exceeding the ACL
26 and that would give you a number of alternatives.

27
28 Now, it may well end up that this is what you end up doing, but
29 this isn't the -- It isn't just to implement this. Miguel, I
30 think what you're getting at in terms of agenda and notice of
31 all of it, that's final action and approval and you will have,
32 at a minimum, one more meeting to look at things before you can
33 take final action on it.

34
35 When you decide you want to take final action and approve it for
36 submission to the Secretary of Commerce for review, approval,
37 and implementation, that will have to be clearly noticed on the
38 published agenda.

39
40 **MIGUEL ROLON:** Anyway, if everyone understood what we're talking
41 about, then what we need from the council is some direction for
42 the staff to follow, because that way, if we start the process
43 now, we might be able to -- We will be able to use it at the
44 time that we need it, rather than spinning our wheels.

45
46 Probably one of you guys will write something and give it to
47 Shep and make sure that it's legal and all that before we start
48 on the wrong motion and the other aspect of this is that even at

1 the AP level, there was some confusion as to the model, because
2 people tend to think that this is it.

3
4 The thing is that this is a tool that we are using, because we
5 cannot arbitrarily say I want to close this month or I want to
6 close this other month, but somebody can come up with a
7 different model or a different approach.

8
9 Germane to the discussion is that it was discussed at that time
10 that in order to attract fishermen to give us the right
11 information, they would like to remove, as the USVI did some
12 years ago, the requirement of reporting the ex-vessel price of
13 the fish. The economists can have a sampling survey and do the
14 same thing, come up with the numbers that you need.

15
16 Anyway, the first part is just to see if the council would like
17 to start this process and then have a motion, not right now, but
18 talk it over with Shep of what will be the best way.

19
20 **EUGENIO PIÑEIRO:** That was my concern and so during the course
21 of the meeting, we can talk to Shep and then move on with it.
22 Thank you.

23
24 **MIGUEL ROLON:** Right now, we need to finish the presentation of
25 all the models and then hear what the Advisory Panel said
26 regarding each part of the model.

27
28 **SHEPHERD GRIMES:** Again, Mr. Chairman, if I might, I had
29 suggested that it's good to have this information. You had the
30 Advisory Panel and it's part of the written record and the
31 transcript of everything that has occurred, but what you're
32 going to hear from her today relates to the substance of it and
33 which ones they liked and would this be something that's good.

34
35 You want and you need that information when you are actually
36 making a decision and you are weighing options and then you
37 might have Mr. Crespo saying no, I don't like the outcome of
38 that one and I think it should just be a fixed springtime
39 closure versus the AP, who looked at it and liked it in this
40 unit, but not in the other unit.

41
42 Those kinds of discussions need to occur in support of your
43 final decision. If you want to have it now, that's certainly up
44 to you and you're free to do that, but it seems a little
45 premature, to me. You're going to want to revisit it all when
46 you're actually making the decision.

47
48 **MIGUEL ROLON:** Yes, but we spent a lot of time and money doing

1 this and so it's like the old cowboys and Indians. You have
2 your hat and if it's full of arrows, that's what the Indians are
3 and so here we are the same thing. Let's look at the model.
4

5 You know that you are not going to do anything with it until we
6 have the process in place and see how it goes. Probably at the
7 end you will say I hate the model. I don't hate Kate, but I
8 hate the model. Then we will go with something else. What
9 would you like to do? Should we stop it and go into something
10 else or just hear the model?

11
12 **TONY BLANCHARD:** I think we should look at the whole model and
13 hear what the AP has to say about it.
14

15 **KATE QUIGLEY:** With that, I have called up the St. Croix spiny
16 lobster closure options model and the AP was made aware that
17 there will not be a closure in 2014, but this model was built on
18 the expectation that there could be and so this is just another
19 example of a species, island-specific species.
20

21 For this one, we have the data and the data indicates that
22 lobster closures, it's most beneficial to have a lobster
23 closure, if you're looking at just the economics, but not loss
24 of market, during the first half of the year. The second half
25 of the year is very valuable.
26

27 Given that information, the AP considered that you would only
28 need to cut out 2,400 pounds and that the closure occurred this
29 year on December 19 for thirteen days. They took a look at a
30 number of different options and even though they knew they
31 didn't have to make a motion on this, they did make a motion. I
32 can't remember the exact date that they chose, but I will punch
33 it in here once Eddie tells us what it is.
34

35 **MIGUEL ROLON:** I have the motions here and I can say it for the
36 record. We are looking now at the St. Croix lobster. Their
37 motion was to establish a closure, if needed, for St. Croix
38 lobster to start on May 1 for 2015 and so it's similar to the
39 other one.
40

41 **KATE QUIGLEY:** A May 1 closure shows a nine-day closure instead
42 of thirteen days and a revenue loss of \$18,000 instead of
43 \$21,000, but most of all, that wasn't the primary data or
44 information that they were basing it upon. It was more making
45 sure they don't lose a market.
46

47 This is pretty much exactly the same as the other model, except
48 there's different data. What we see is that for this one,

1 there's a lot of seasonality and so you've got higher landings
2 during the winter months and lower landings during the summer.
3 Unless there's any questions, I am going to move on to the next
4 model.

5
6 Now we have St. Croix triggerfish and filefish. This shows that
7 we've got, this year, on November 21, a closure date for forty-
8 two days and there's a number of different alternatives, but the
9 alternatives identified by the model for revenue-maximizing
10 options are pretty much all over the place, because you don't
11 have as strong a tourist season demand.

12
13 You've got closure options in January, March, June, May, mostly
14 the first half of the year. What we see is that if you put in a
15 date pretty much any time the beginning of year, you get a much
16 shorter closure with less of a revenue loss and so June 1, it
17 shows June 1 you get a seventeen-day closure instead of a forty-
18 two-day closure and a revenue loss of about \$6,000 instead of
19 \$7,500. Are there any questions on this model?

20
21 **EDWARD SCHUSTER:** Do you want me to read what the AP
22 recommended?

23
24 **MIGUEL ROLON:** Please.

25
26 **EDWARD SCHUSTER:** For this specific model, there was a motion
27 that says: Forego identifying a preferred closure date for St.
28 Croix triggerfish and filefish at this time. That motion was
29 also passed unanimously.

30
31 **KATE QUIGLEY:** Then here's the last model. There are four
32 models, but this can be developed for any species and island or
33 island grouping. This is the last model, St. Thomas grouper.

34
35 I have got to take a look at this model again. It's showing the
36 wrong closure date, I believe, December 17, but we looked at a
37 number of different options and the grouper, again, is pretty
38 much all over the place as far as the revenue-maximizing closure
39 options.

40
41 Some are in December and November and May and April and August
42 and July and January. It's pretty much all over the place and
43 so there's not a strong seasonality. The same type of motion
44 went along with this model as it did for the last one.

45
46 **EDWARD SCHUSTER:** For this model, a motion was made that says:
47 Forego identifying a preferred closure date for St. Thomas
48 grouper at this time.

1
2 **KATE QUIGLEY:** That wraps up all four models. There are other
3 motions that were made, but they just didn't have to do directly
4 in response to the models.

5
6 **MIGUEL ROLON:** Now you can rest your voice, I believe, until
7 2014. Thank you, Kate. That was excellent work. There are
8 other items that the AP would like to recommend to the council
9 and so at this time, we would like to call on the Chair and can
10 you go ahead and tell us what some of the recommendations, or
11 all of the recommendations, that you have?

12
13 **EDWARD SCHUSTER:** There were some other recommendations made and
14 we will start at this one. One was pertaining to -- I will read
15 the motion and then I will explain it to you. It says:
16 Recommend that the council consider from the recreational
17 sector, charter, and headboat be required to cut part of the
18 tail, to be defined in detail, on the boat, not at the dock, in
19 order to retain the fish. This would apply to the council-
20 managed species.

21
22 This was recommended by a fisher that they would have to do it
23 out at sea and when it comes in for trade or barter or whatever,
24 it can be identified that it was a recreationally-caught fish
25 and therefore, if DNER came by, it would be -- It would be
26 easily identified that it was a recreational fish caught and
27 it's being sold illegally.

28
29 **MIGUEL ROLON:** This is probably one of the motions that makes
30 sense and the fisherman who presented this to us was at the
31 scoping meeting that we held in Mayaguez some time ago and he
32 had traveled extensively fishing recreationally.

33
34 He said in other parts of the world where he had been fishing
35 and in other parts of the United States also, they have this
36 requirement and they would like to see it done as you land the
37 fish in the boat and not when you land the fish at the dock.

38
39 There is a big difference there, because of the way we operate.
40 I don't know how you can fit this into FMPs or usually it's
41 through amendments, but what we would like to do is to hear from
42 the council members what is your pleasure and whether you
43 support or not this recommendation.

44
45 **TONY BLANCHARD:** I think from the standpoint of enforcement --
46 The only way that would be enforced is if as they pull up to the
47 dock the fish is snipped or not snipped. If they bring it to
48 the processor or whoever cleans the fish, whoever the case is,

1 they could always say that's the first thing I do is I chop the
2 tail off or I snip the wings off or whatever. I mean I
3 understand what it's supposed to do. I just ain't sure how good
4 it's going to work.

5
6 **MIGUEL ROLON:** If somebody was selling fish and they chop the
7 fin off of the fish, only it's a fish that will -- This has been
8 done in other places and it works. This is one of the answers
9 to the issue that commercial fishermen bring to the table all
10 the time, is I cannot compete with the illegally-caught fish
11 that flood my market and I cannot sell my fish and I have a
12 reason to be out there, to feed my family.

13
14 This is not the answer, but it could be one of the tools that
15 you can use and, of course, anything that you put on paper, any
16 regulation, there are always -- Other people are thinking about
17 how to go around it and how to defeat the -- At least the
18 discussion that we wanted to hear is exactly what you just said,
19 to start the discussion.

20
21 If that's the case, then how can we stop that? Enforcement
22 agents can tell us, well, this is impossible to do, because
23 that's one of the reasons why enforcement agents are represented
24 at these meetings.

25
26 When we have a management measure, a possible management
27 measure, we need to discuss the scientific background, the
28 practicality of it, and the enforceability of the management
29 measures, so we don't start creating management measures that
30 nobody would pay attention or are impossible to enforce.

31
32 That's the recommendation that you have and you may just table
33 it or forget about it or you can adopt it. It's up to you, but
34 we need better discussion than just adopting it one way or the
35 other.

36
37 **EUGENIO PIÑEIRO:** I think, Mr. Chair, that this motion by the AP
38 has its merits, not only from the commercial standpoint, but
39 also as a conservation measure. You know that that fish -- It's
40 a self-evident statement to say that that fish has not been
41 legally harvested by a commercial fisherman and that would solve
42 a lot of issues, especially at the marketplace.

43
44 **SHEPHERD GRIMES:** This is just an observation, but it seems to
45 me that something like this -- I understand what you're trying
46 to do and it makes sense, but something like this is going to be
47 pretty easily thwarted.

48

1 If I go out on my recreational vessel or my charterboat and I
2 put some fish in the cooler, if I intend to sell them illegally,
3 it's not going to bother me much that I don't cut the tail on
4 them and I am coming in and unless I see cops on the water --
5 When I do, I will reach in the cooler and cut the tails real
6 quick. Understanding that there are always enforcement
7 complications, but this one in particular seems easily thwarted,
8 to me.

9
10 **EUGENIO PIÑEIRO:** On the other hand, people in the islands
11 really know fish and here they know fish and they know when it's
12 a fish that has been kept longer than what it has to be kept.

13
14 **TONY BLANCHARD:** Just like Shep is saying, if you do something
15 illegal -- Looking at it from the standpoint of a consumer, if
16 you're trying to save money, it don't matter who sells me the
17 fish. What matters is the price. Nine out of ten people will
18 look at the price and not who is selling it to them.

19
20 **MIGUEL ROLON:** Then again -- You can do whatever you want, but I
21 am tired of hearing for thirty-five years that the fishermen
22 that are recreationally illegal are competing with me and my
23 fish.

24
25 I can go back and tell them, well, tough luck and there's
26 nothing we can do to stop flooding the market by illegally-
27 caught fish and as I said, people were talking about also about
28 giving a tag and the same discussion came up.

29
30 They said if you give me a tag, then I can put the tag in if I
31 see an enforcement agent and I will not put a tag if I don't see
32 it, so I can sell it. That's why these types of discussions are
33 healthy, so we -- If at the end of the day you want to discard
34 this and forget about it, fine, but anything that is brought to
35 your attention is not something that you have to adopt it
36 blindly. If you think it's impractical, so be it.

37
38 Then the other part is the local government. People who are
39 going to enforce this are mostly government people from the
40 local government. The National Marine Fisheries Service is
41 mostly at sea and they don't have the capacity to stop many
42 people out there. We only have one enforcement agent and we
43 have a task force in Puerto Rico and sometimes they get wet and
44 sometimes they don't, but this is something that also can be
45 enforced even at the dealership site.

46
47 If you have so many fish with a cut tail on the market, you will
48 have to explain to me where you got it and don't tell me that

1 you caught it, because it works against you and somebody asked
2 me this, but anyway, you have to be sure.

3
4 They said how about the ones that are discarded and don't cut
5 it, because then the fish will swim in circles or just keep
6 going down, but anyway, I am just the messenger and you can do
7 whatever you want with the motion.

8
9 **EUGENIO PIÑEIRO:** Miguel, would you say that you think that we
10 should vote on these motions one-by-one, in this case?

11
12 **MIGUEL ROLON:** No, no, no. This is a motion from the AP. You
13 can just forget about it or you can put it in some -- It's part
14 of the process.

15
16 **ROY CRABTREE:** If this is something you want to look at to try
17 and address, I guess the problem is recreational sale, then you
18 could ask your staff to develop alternatives to look at that.
19 The problem is we don't have any way to know who is recreational
20 and who is not in federal waters, because we don't have permits.

21
22 If a guy doesn't cut the tail of his fish and the Coast Guard
23 boards his vessel, how is it a violation? Who knows if he's
24 recreational? If he says I'm planning to sell the fish, then --
25 It's a more complicated problem that at the end of the day has
26 to do with the fact that we don't have any permits.

27
28 In the Gulf and South Atlantic, every commercial fisherman has
29 to have a permit to fish in the EEZ and so if you have a federal
30 permit, you can sell your fish and you're exempted from the bag
31 limits.

32
33 If you don't have it, you're recreational and you can't sell
34 your fish, by and large, but we've never required any permits
35 and I don't know that we can just simply adopt the territorial
36 permits, because we would have to look at the whole basis of the
37 territorial permits and how they're issued and all of that to
38 figure out how to do it. I suspect this becomes more
39 complicated than just cutting the tail of the fish if you really
40 want to get at it.

41
42 **EUGENIO PIÑEIRO:** Vessels have permits in here. The vessels
43 have either commercial or recreational.

44
45 **ROY CRABTREE:** We don't have any federal permits.

46
47 **MIGUEL ROLON:** We have discussed this before, actually a couple
48 of times. It was presented by Roy the last time and people

1 said, well, we're going to look into it, but they never looked
2 into it.

3
4 We need to have a federal permit in the EEZ, period, to do many
5 of the things that we are supposed to do. Until we move in that
6 direction and make up our minds to it, we won't be able to do it
7 and so one thing is when we tried this several years ago, the
8 Puerto Rico commercial fishing license cannot be adopted,
9 because Puerto Rico requires a residency of one year and that
10 will discriminate among U.S. fishermen that would like to come
11 here and fish recreationally in the EEZ.

12
13 That's why the lawyers at that time told us we cannot use Puerto
14 Rico as a proxy for the federal government permit and the
15 alternative to that is Puerto Rico deleting that part of the
16 requirement, which they are not going to do or at least that's -
17 - The people who were there at that time told us that they're
18 not going to do it.

19
20 The alternative will be how can we establish a federal permit
21 issued by the National Marine Fisheries Service. In the case of
22 the Virgin Islands, it's different, because your permit does not
23 -- I don't remember if you had a permit at that time, but you do
24 have a commercial fishing license and it will be a matter of
25 then deciding if the permit for commercial fishing in the U.S.
26 Virgin Islands can be adopted by the federal government.

27
28 At the time that we discussed that, the lawyers told us that we
29 could adopt the one in the Virgin Islands, because you don't
30 have a requirement of residency, but in Puerto Rico we had that
31 problem.

32
33 The question to the council is do you want to pursue this and
34 have a permit in the EEZ, so you can be able to enforce some of
35 the present or future management measures that you may come up
36 with?

37
38 **CARLOS FARCHETTE:** I heard about the federal permit in the EEZ,
39 but you do have a recreational license requirement to fish in
40 the EEZ right now.

41
42 **MIGUEL ROLON:** No.

43
44 **CARLOS FARCHETTE:** Yes, you do.

45
46 **MIGUEL ROLON:** Just the registration.

47
48 **SHEPHERD GRIMES:** There is a recreational registration

1 requirement, but that is different from a permit.

2
3 **ROY CRABTREE:** I think the registration is only in the Virgin
4 Islands. Don't you have a recreational license in Puerto Rico
5 or is it in both?

6
7 **MIGUEL ROLON:** No, poor Miguel here has been telling us for the
8 last three years or five years and because of one reason or the
9 other, they issue -- They have the law, but we're still waiting
10 for that implementation and they do not have any requirement.
11 That's why Puerto Rico is out of the federal registration group,
12 the MRIP thing.

13
14 **ROY CRABTREE:** I don't think that gets at it anyway, because I
15 don't think you could write this in a way that says if you have
16 the registration you can't sell the fish. If a commercial
17 fisherman wants to go out and go recreational fishing, he would
18 have to have the registration and so I don't know how you solve
19 this problem without commercial permits.

20
21 I don't know that you need recreational permits. What you need,
22 really, are commercial permits that allow you to sell fish and
23 then you're going to have to get into all the questions about
24 who is eligible for them and are they limited entry or open and
25 how we're going to do that and so it will be a complicated thing
26 that's going to take a lot of time to do.

27
28 You'll have to decide are you going to have one commercial
29 permit that covers all your fisheries or are you going to have
30 different permits for lobster and reef fish? There is a lot to
31 permitting.

32
33 **MIGUEL ROLON:** I personally would be happy to have a requirement
34 of a commercial fishing license in the EEZ. Then we can go to
35 other details. For example, in the case of Puerto Rico, you
36 have to have a commercial fishing license to sell the fish and
37 to catch the fish commercially.

38
39 You have a special permit for some of the species, like the
40 queen conch and others, and I don't remember, Miguel, which
41 others. Actually, they are moving into a limited entry system
42 for the deepwater snapper grouper and they have one year.

43
44 What we really need to do is to decide once and for all whether
45 you want to have a federal permit or not. Start with the
46 easiest one, which is a federal permit to fish commercially in
47 the EEZ, period.

48

1 Then I 100 percent agree with what Roy is saying right now, Dr.
2 Crabtree, that it's easier to establish a commercial fishing
3 license because then if you don't have a commercial fishing
4 license, you are in violation of something.

5
6 **BONNIE PONWITH:** I can see how establishing a federal commercial
7 permit would be complicated. There are a lot of decisions that
8 would have to be made and a lot of very elaborate steps that
9 would have to be taken to put that in place.

10
11 Speaking strictly from a science standpoint, having a federal
12 commercial permit will enhance our ability to monitor data.
13 Understanding exactly what that population of active fishers
14 looks like and being able to know who they are and where they're
15 distributed has a lot of value from a science standpoint.

16
17 **CARLOS FARCHETTE:** Maybe I misunderstood from before, but you're
18 saying that to be recreationally fishing in the EEZ that you
19 need to register with NMFS, but you do not get any documentation
20 or a permit saying that you are a recreational fisherman fishing
21 in the EEZ?

22
23 **BONNIE PONWITH:** I think what we're confusing is the
24 Recreational Saltwater Registry for a permit, basically
25 permission to fish legally in EEZ waters. The Saltwater
26 Recreational Registry is exclusively designed as a data
27 collection tool and what we used to do is random digit dialing
28 to understand who was out fishing recreationally.

29
30 The feedback that we got from the 2006 review was that that was
31 inefficient and you would be better having a phone book of
32 people who saltwater fish and you call only the people in that
33 phonebook rather than everybody who lives on a coastline.

34
35 It's logical. That would obviously be more efficient and so our
36 solution to creating the phonebook was if a state or a
37 commonwealth or a territory had a recreational license
38 requirement that met the minimum data requirements of the
39 federal registry, that did the job and there was no reason to
40 duplicate it.

41
42 If a license did not exist, then we needed to establish the
43 federal registry and, again, that's not a permit to go fishing
44 recreationally. It's exclusively a registry to identify this
45 person as a recreational saltwater fisher for the purposes of
46 collecting those data and it doesn't mean it can't be an actual
47 fishing license that serves, but it isn't required that it's a
48 fishing license.

1
2 **CARLOS FARCHETTE:** Thanks for that.
3
4 **ROY CRABTREE:** Think of it this way. I don't think where you
5 want to go is to try and identify the people who can't sell.
6 What you need to do is better identify the people who can sell
7 and make it a federal violation if you sell without being one of
8 those and so what you really are trying to get here is not a
9 recreational license, but what you need is a commercial fishing
10 license and so those are the only people who are allowed to sell
11 fish that are caught from the EEZ.
12
13 Then you've got to go through all the complexities of who gets
14 one and are they transferable and all of those kinds of things,
15 but if that's where you want to go and if you really want to try
16 and address this issue, then I think that's where we need to get
17 to.
18
19 **CARLOS FARCHETTE:** I do know that this is really a state issue,
20 because you're in the EEZ or on the border and you're fishing,
21 you have to come in to state waters to land your fish and I know
22 about the fin clippings or tagging of recreationally-harvested
23 fish has occurred before and our problem is with coastal
24 pelagics being sold to restaurants and if there's some method --
25 I think the state is where this is going to come in, because
26 they're going to be at the dock coming in or being boarded in
27 territorial waters or in the EEZ and to have that fin clip or
28 have whatever.
29
30 If it gets to the restaurant and an officer checks the
31 restaurant for the catch and there's a fin clip or a tag or
32 whatever implementation is used, they can work with that.
33
34 **MIGUEL ROLON:** Can we say one step at a time? It seems that a
35 permit is more important than just -- If you want to do this,
36 you need a motion to establish a permit in the commercial EEZ
37 and let the staff figure this out and then you will see it, but
38 if you don't start now, we will go back to three years ago when
39 we were discussing exactly the same thing and nothing happened.
40 Move it and get something going.
41
42 **EUGENIO PIÑEIRO:** So I move, Miguel, that the staff starts
43 working on a commercial fishing license in the EEZ.
44
45 **NELSON CRESPO:** Second.
46
47 **CARLOS FARCHETTE:** Second by Crespo.
48

1 **EDWARD SCHUSTER:** Since we are going to island specific,
2 wouldn't this be a time to do that then?

3
4 **MIGUEL ROLON:** No, you can do this whenever you want, actually.
5 By the time you get to the island specific, I probably won't
6 have any hair, but anyway, I believe that if the council wants
7 to move in the direction of a commercial fishing license in the
8 EEZ, this is the time to start. Then when we get to have the
9 three island FMP, you can adopt whatever you want, but you will
10 have that tool to use in the EEZ.

11
12 **CARLOS FARCHETTE:** I've got another question, because I remember
13 that the USVI commercial fishing license is allowed or
14 authorized to be used to fish in the EEZ and so now we are going
15 to have two license requirements? They have to apply for the
16 federal and have a local?

17
18 **MIGUEL ROLON:** No, if we establish a commercial fishing license
19 in the EEZ, and this is what we discussed some time ago and if
20 you go back, you can see it. The U.S. Virgin Islands commercial
21 fishing license is compatible in the requirements with that of
22 the EEZ commercial fishing license. It can be used as the proxy
23 for whatever they call it.

24
25 At that time, we were going to adopt the commercial fishing
26 license in the EEZ, but we were stopped in the process because
27 Puerto Rico required to have that one year and then the lawyers
28 told us that we cannot use Puerto Rico and therefore, everything
29 stopped there and because it would be kind of cumbersome to have
30 a fishing license in the U.S. Virgin Islands to fish in the EEZ,
31 but in the case of Puerto Rico, you can use that fishing license
32 by the U.S. Virgin Islands to fish all around the Puerto Rico
33 EEZ or Alaska, for that matter. That was the issue that they
34 were discussing at that time.

35
36 **ROY CRABTREE:** The way it's done in the Gulf and the South
37 Atlantic is if you want to sell fish caught from the EEZ, you
38 have to have the federal permit and you have to have whatever
39 state permit there is that's required for you to sell it.

40
41 Yes, you have to have both permits and the federal permit will
42 not be free. You will have to pay a fee, which is usually in
43 the neighborhood of \$25 to \$50, and it has to be renewed on an
44 annual basis. That's aside from if this is limited entry. Then
45 you're probably going to want to have transfers and things like
46 that done, but yes, you have to have both permits, in most
47 cases.

48

1 **CARLOS FARCHETTE:** That's like the tuna permit that's presently
2 in place.

3

4 **ROY CRABTREE:** Yes.

5

6 **EDWARD SCHUSTER:** You would also need your additional HMS and
7 all that other stuff too, correct?

8

9 **ROY CRABTREE:** That's set by HMS rules and so that wouldn't be
10 changed by anything we do here.

11

12 **EDWARD SCHUSTER:** I am kind of confused and I just need some
13 clarity to it, because -- You would need a federal permit to
14 commercially harvest species managed by the council within the
15 EEZ, but if you don't have a state -- My question would be can
16 someone apply for a federal permit and not have a state permit?

17

18 **ROY CRABTREE:** All that would have to be figured out and all
19 we're talking about now is looking into possibly doing this, but
20 the details of all those things would have to be figured out.
21 For example, in the Florida spiny lobster fishery, if you have a
22 State of Florida permit, then you're allowed to fish in the EEZ
23 without a federal permit, but if you don't have the Florida one,
24 you have to then get a federal permit, but I don't believe
25 Florida will allow you to land the fish there.

26

27 There might be cases where we could recognize the territorial
28 permit and say if you have that, then you're good to go and you
29 don't have to have an EEZ permit, but that would depend on the
30 specifics and the details, as Miguel pointed out, of the
31 territorial permit.

32

33 In most of the fisheries in the states, you have to have a
34 separate permit for the federal fishery and they're usually
35 specific permits. For example, in the Gulf of Mexico, there's a
36 commercial reef fish permit and there's a commercial king
37 mackerel permit and there's a commercial Spanish mackerel permit
38 and there's a shrimp permit. There's assorted permits.

39

40 Now, you don't have to do it that way. You could probably have
41 just one commercial permit that applied to all of your
42 fisheries, but there's going to be a long list of different ways
43 to do it and different alternatives and those would have to all
44 be fleshed out and then we would have to go through the process,
45 which would include, Eddie, public hearings and AP input, and
46 figure out what's the best way to do it before we made a
47 decision.

48

1 This is something that would not happen quickly. It would take
2 a fair amount of time to do this and then usually when we
3 implement these permits it takes months to do it, particularly
4 if you have to figure out who qualifies and all those kinds of
5 things. This is a long-term project.

6
7 **CARLOS FARCHETTE:** Okay, because I know the Virgin Islands is
8 moving towards, in their revision of Act 3330, which is a
9 commercial and recreational fishing license program, is specific
10 licenses for specific methods and if you want to do lobster, you
11 get a lobster stamp or a conch stamp. We're probably on the
12 same page.

13
14 **SHEPHERD GRIMES:** I think Dr. Crabtree covered everything pretty
15 well and the only thing I would add to it, I guess, is that
16 we're not infringing or telling the territories what they have
17 to have and the territories could not, in turn, dictate the
18 activities that occurred in the EEZ and so all of this stuff
19 would have to work in conjunction with each other.

20
21 As he was mentioning, you might have a state that doesn't
22 necessarily have a permit for you to commercially fish, but you
23 would -- Like in Florida, it's a saltwater products license. To
24 sell any product harvested commercially from saltwater in
25 Florida, regardless of whether it was harvested in the EEZ or in
26 territorial waters, you would have to have this type of permit.
27 It gets very convoluted or can get very convoluted and once you
28 have proposals, we would look at it and make sure everything
29 meshed together.

30
31 Just in terms of, as he mentioned, recognizing territorial
32 permits or state permits, we've done that in a couple of
33 instances, but it does get very complicated, because at the
34 federal level, we can't charge fees that are in excess of the
35 administrative costs of issuing the permit. I know we've
36 mentioned that around the table before.

37
38 If we're going to recognize the territorial permit, then it's
39 going to have to meet that standard and also there can't be
40 residency requirements associated with it, because federal
41 permits are not allowed to discriminate based on residency.
42 It's oftentimes very hard to just recognize a state or
43 territorial permit and not at least offer a federal alternative
44 that applies just to federal waters.

45
46 **MIGUEL ROLON:** The beauty of this is that you don't have to
47 reinvent the wheel. Just by looking at what you have in the
48 Gulf and the South Atlantic area, you can copy whatever you can

1 adopt here, but at least you're going to be moving or forget
2 about it, but say something or do something.
3
4 **BILL ARNOLD:** Based on advice from Phil Steele, I suggest you
5 guys pass a motion to have staff develop a white paper providing
6 a complete comprehensive overview of the issues and options.
7
8 **MIGUEL ROLON:** Bill, can you say that slowly, so she can write
9 it and that language can substitute what you have here? If the
10 owner of the motion accepts the new language, Genio, there will
11 be substitute language and so it's not a motion, but it's just -
12 - It's the same intent, but it's just that this is more
13 acceptable, bureaucratically speaking.
14
15 **BILL ARNOLD:** Write a comprehensive white paper analyzing the
16 issues and alternatives involved in developing a federal
17 commercial fishing permit. You can customize that as you wish.
18
19 **MIGUEL ROLON:** Genio, as the owner of the motion, do you agree
20 with the new language?
21
22 **BILL ARNOLD:** You can add a deadline date if you wish.
23
24 **EUGENIO PIÑEIRO:** I want to move this vote forward.
25
26 **MIGUEL ROLON:** What deadline do you suggest, Bill?
27
28 **BILL ARNOLD:** The August council meeting.
29
30 **MIGUEL ROLON:** By the August council meeting.
31
32 **BILL ARNOLD:** Assuming the council meeting is in August.
33
34 **MIGUEL ROLON:** Yes, unless we have a big hurricane.
35
36 **EUGENIO PIÑEIRO:** I do agree with it. Nelson, you seconded and
37 do you agree with that, too? Thank you.
38
39 **CARLOS FARCHETTE:** Nelson seconded it. The motion is to
40 instruct the staff to write a comprehensive white paper
41 analyzing the issues and alternatives involved in developing
42 federal commercial permits by the August council meeting, 2014.
43
44 **MIGUEL ROLON:** Before voting, we will delete the first language
45 entirely.
46
47 **CARLOS FARCHETTE:** I am going to start with the votes and is
48 there any more discussion? Hearing none, I am going to start

1 the voting on my left with Nelson.
2
3 **NELSON CRESPO:** Yes.
4
5 **TONY BLANCHARD:** Yes.
6
7 **MIGUEL GARCIA:** Yes.
8
9 **ROY PEMBERTON:** Yes.
10
11 **EUGENIO PIÑEIRO:** Yes.
12
13 **ROY CRABTREE:** Yes.
14
15 **CARLOS FARCHETTE:** Yes. **The motion carries unanimously.**
16
17 **MIGUEL ROLON:** Eddie, are you finished with your report?
18
19 **EDWARD SCHUSTER:** No. Other recommendations that were made by
20 the AP panel was recommend that the council permit fishers to be
21 able to fish for lionfish in protected areas with aquarium trade
22 gear, such as Hawaiian sling, and spear guns would also be
23 allowed. Aquarium trade gear, we're talking about nets, those
24 swoop nets, like a small swoop net. It's not a long net, but
25 just a swoop net and that would be for aquarium trade purposes.
26
27 **CARLOS FARCHETTE:** Before we go to that, did we decide what
28 we're going to do with the fin clipping? Nobody wants to follow
29 that or put that on the wayside or --
30
31 **EDWARD SCHUSTER:** I can't make that decision.
32
33 **CARLOS FARCHETTE:** Since no one seems to be interested, I guess
34 we'll table it for now and see what happens. Go ahead on the
35 second motion. It's to recommend to the council that permitted
36 fishers be able to fish for lionfish in protected areas with
37 aquarium trade gear and that Hawaiian sling and spear guns be
38 allowed. I think this permit is presently allowed in Puerto
39 Rico.
40
41 **EDWARD SCHUSTER:** Right and we wanted to go in those marine
42 protected areas to actually remove the lionfish from there.
43
44 **MIGUEL ROLON:** This is something that in the EEZ will be
45 impractical, but it's something that the council can recommend
46 to the local governments. This came from the meeting with the
47 fishers and Daniel Matos from Puerto Rico told us that already
48 the Secretary of the Department of Natural Resources in Puerto

1 Rico can issue a special permit for people to go and catch the
2 lionfish in areas that are reserved or protected.

3
4 They have strict requirements. The person has to contact the
5 Department of Natural Resources and go through the appropriate
6 channels and send a letter and then the Department of Natural
7 Resources reviews the application. If granted -- If that
8 application is granted, then he will have to inform the Rangers
9 when he is going out and when he is coming out and he has to be
10 able to -- Allow the Ranger to be able to inspect the catch and
11 make sure that he or she only caught lionfish.

12
13 **MIGUEL GARCIA:** That special authorization does include derbies,
14 like tournaments, organized tournaments, if necessary.

15
16 **ROY CRABTREE:** I think the territories can do that in
17 territorial waters, but not in closed areas in federal waters,
18 but I think probably a better way than a blanket allowance is we
19 issue what are called exempted fishing permits.

20
21 If a group of fishermen or the territory came to us and asked
22 for an exempted fishing permit for X number of vessels to be
23 allowed to go out and remove lionfish, we could go through that
24 process. There are ways that you could do that.

25
26 I guess you could look at creating some sort of exception for
27 people who are going out there to fish for lionfish, but then
28 you're going to have to really talk to law enforcement about how
29 much that's going to complicate the enforcement of the closed
30 areas, but there is a provision through exempted fishing permits
31 that we could allow that.

32
33 **CARLOS FARCHETTE:** I've got a quick question. The exempted
34 fishing permit would be for an extended period or just for that
35 period that they're going out and then they would have to
36 reapply again?

37
38 **ROY CRABTREE:** We issue them for a year, as much as a year, but
39 I don't know if you would want one for that long or for a
40 shorter period. It would be essentially exemption from the
41 prohibitions on fishing and using the gear.

42
43 **MIGUEL ROLON:** I believe that the mechanism is in place and
44 there's nothing that we need to add to that and in this case,
45 Mr. Chairman, you don't need a motion or anything on this, but
46 if the consensus of the council is this is a good idea, then
47 it's a matter of sending a letter reinforcing what DNER is doing
48 and another letter to Ms. Barnes, the Commissioner of DPNR, so

1 she would follow suit if they don't have that in the Virgin
2 Islands.

3
4 I know that Carlos has informed me a couple of times that the
5 Act 3330 is being reviewed and this is one of the issues they
6 may want to consider.

7
8 The Commissioner has certain authority, the same as Puerto Rico,
9 and so in this case, if we don't hear any people opposed to it,
10 then the Chairman will write a letter, between here and the next
11 meeting, to the appropriate agencies, encouraging them to adopt
12 something like this.

13
14 **CARLOS FARCHETTE:** Our Act 3330 was actually completed and we're
15 just waiting for legal review. However, there's been so many
16 years that have passed since that that we are actually taking
17 our FAC meetings and the only topic on the agenda is updating
18 the review of Act 3330 and so this is something else that we
19 would have to probably add if we want to go for that, but it is
20 a big complaint among the fishermen that you have particularly
21 places like Buck Island, where you have 18,000 or 19,000 acres
22 of water that's a no take and nobody is even doing anything
23 about the lionfish in there. I don't know how the state wants
24 to run with that.

25
26 **EDWARD SCHUSTER:** The other motion that was recommended would be
27 that the AP recommends that the council consider allowing the
28 sale of recreationally-caught lionfish through the potential
29 issuance of a vendor's license for lionfish specifically.

30
31 **ROY CRABTREE:** We don't have any regulations prohibiting the
32 sale of lionfish and so if you sell lionfish, you're not in
33 violation of any federal rules.

34
35 **CARLOS FARCHETTE:** Right, but when you land it in territorial,
36 inland, a license is required, but --

37
38 **ROY CRABTREE:** That's a territorial issue.

39
40 **MIGUEL ROLON:** That's exactly what the AP was thinking and
41 really, they would ask the local government and not the council.
42 If the council believes this is a good idea, then we follow it,
43 again, with a letter to the two local governments about this.
44 It's a recommendation by several recreational fishermen.

45
46 I was talking to some of the representatives from Puerto Rico --
47 Actually, to only one, to Daniel, and that might present a
48 problem for Puerto Rico, but anyway if you think it's a good

1 idea, we will convey the message to the local government.

2
3 **CARLOS FARCHETTE:** I agree. I think so many years has passed
4 with this lionfish invasion and before, everything was just all
5 talk and no action. The only thing I see solving this lionfish
6 issue is marketing that fish and who knows? Maybe in a few
7 years they will apply an ACL to it too, if it becomes important.
8 It's good eating.

9
10 **EDWARD SCHUSTER:** The next motion is the AP recommends to the
11 council to review the data collection system and identify best
12 practices to identify and collect data. In addition, the AP
13 recommends that the ex-vessel price of the fish not be required
14 to be reported.

15
16 This motion was passed unanimously and where this came from was
17 in the case of Puerto Rico there was a price, a dollar figure
18 per pound for specific fish, and this affected some of the
19 fisher's assistance from the government. Miguel, do you want to
20 elaborate on that?

21
22 **MIGUEL ROLON:** There are two parts to this motion and the first
23 one is something that we're going to discuss anyway and that's
24 that all members of the Advisory Panel believe that the present
25 system that we have for data collection and analysis is not
26 working.

27
28 Daniel informed us that in the case of the trip ticket system,
29 they are submitting the information online, meaning that when
30 they get the information and put it into the computer, it goes
31 directly to the Center and so we are okay on that one.

32
33 The issue with the Snapper Grouper Unit 2, meaning the deepwater
34 snappers, the queen snapper, is causing a big issue in Puerto
35 Rico, as you all know, and so what the AP is suggesting is that
36 we put together some kind of mechanism. I suggested a committee
37 to work on this one and that committee could consider the
38 elimination of the -- That will be a Puerto Rico action
39 actually, to eliminate the requirement for them to report the
40 ex-vessel price of the fish.

41
42 They believe that the issue here is that most fishermen would
43 like to give the information because they are mindful about the
44 resource, but they also get affected by incorporating the price
45 of the vessel -- I can say this on the record.

46
47 Many of the fishermen, small-scale fishermen, here, they get
48 more money than you and me together. However, they still get

1 food stamps and Plan 8 and other help from the federal
2 government and they don't want to lose that.

3
4 Whether you agree with that or not is beside the point, but it's
5 just a fact of life. If you are after the statistics, the AP
6 discussed this at length and they came up with this
7 recommendation.

8
9 **ROY CRABTREE:** I am not aware of any requirement we have of
10 anyone to report ex-vessel price. That's territorial and that's
11 not a federal requirement and so if they want that, they need to
12 go to the territorial government, but I will tell you that I'm
13 not very sympathetic to fishermen who don't want to report
14 things in order to get aid that they don't legitimately deserve
15 to get, but these are territorial requirements and not council
16 requirements.

17
18 Now, if we put a permit in place, then we can talk about federal
19 reporting requirements, but at this point, these sorts of things
20 need to be redirected toward the territories.

21
22 **SHEPHERD GRIMES:** I would just also add that one of the
23 mandatory elements of all fishery management plans is a
24 discussion of information that's needed in order to effectively
25 implement the plan.

26
27 One of the things that we're all supposed to do in analyzing
28 these plans is understand the social and economic impact on
29 fishing communities and refusing to collect any economic
30 information certainly does not seem consistent with an effective
31 analysis of it. I would also add, in my experience, a lot of
32 those fishermen would be the first ones to complain that we
33 didn't adequately value the cost of fish when we reduce quotas
34 and such.

35
36 **ROY CRABTREE:** I think Shepherd is right about that and so my
37 hope would be that the territories would continue to request ex-
38 vessel prices, because we need that information to do the
39 economic analysis and it will be our own AP and these same
40 fishermen who will be the first ones in complaining at us that
41 we don't do sufficient economic analysis, because we're heard
42 that on any number of occasions from folks.

43
44 **MIGUEL ROLON:** To that point, we don't need that, actually. We
45 can have a sample or a survey that will be better than the
46 information they are giving us, because they are lying anyway.
47 I did that for many years and I followed five fishermen in
48 Puerto Rico in 1974, 1975, and 1976 and five of them never went

1 down below \$100,000 net profit, five fishermen. Four of them
2 were getting food stamps and Plan 8.

3
4 In the case of the ex-vessel price that the Laboratory receives,
5 when you look at the average, it's \$1.50 for a first-class fish.
6 When you go to the market, it's \$6.00 or \$4.00. If we are going
7 to talk very honestly about this, what we have is a lot of BS in
8 the numbers that we have and here, what the AP is saying is we
9 want to attract people to the table and you can eliminate that
10 and even the economist told me that yes, I can get a survey and
11 get that information better than what we have right now.

12
13 An example of that was with the famous catch shares. We had a
14 little table there that I call the lie detector, because the
15 fishermen were giving information to the Laboratory for X many
16 years.

17
18 We sent a nice lady with shorts and a nice romantic accent from
19 Brazil and they gave all the information to her and she put it
20 in a table and she found that out of the fifteen members of my
21 board, who swore to God that they were really honest fishermen,
22 four of them never reported what they were catching and the
23 majority of them were reporting 40 percent less. That 40
24 percent is following us today, but 40 percent less than what
25 they were supposed to be catching.

26
27 One guy told us that he caught more than all the information
28 Daniel has for the entire year for all the fishermen and so
29 that's why I say divide the question and I believe that Nelson
30 and Genio have something else regarding this and get the ball
31 rolling.

32
33 **ROY PEMBERTON:** I just want to make it clear that the territory
34 is not going to disallow looking at the price survey and the
35 price index. We're not talking about that. I think at the AP,
36 really what we were trying to get around was the upfront
37 questioning by say a NOAA staff member or something to that
38 effect, but we do price surveys periodically throughout the
39 fishery.

40
41 I know we do it here and I'm pretty sure you guys do it at DNER.
42 It's a regular thing. One of the issues with that though is you
43 do it in a more inconspicuous way than sitting there with a big
44 table and tablet and jotting down information and so we can
45 still get at that information without actively getting into all
46 the morass of whether we believe in social or economic
47 assistance to the fishermen. We can get that information either
48 way.

1
2 **CARLOS FARCHETTE:** Okay. Next motion? I know that our price of
3 fish does not fluctuate by season and so it's pretty easy to
4 determine what the price of fish is.

5
6 **MIGUEL ROLON:** Sometimes if we divide the question that we have
7 before us and talk about improving the data collection system
8 and the model that we have -- Our suggestion for the meeting
9 that occurred in Mayaguez was to establish a committee that will
10 have key members present at that committee, participants.

11
12 We have a schedule of when we're going to meet and what we're
13 going to do and then the product is supposed to be brought to
14 the council's attention.

15
16 They suggested this for Puerto Rico, because that's where the
17 problem is at this time. Then we can move to the Virgin Islands
18 if the Virgin Islands requests us to do something like that. If
19 it's not broken, we don't have to fix it. At this time, Mr.
20 Chairman, I pose the question to you and probably allow Nelson
21 to -- Are you ready for the statistical thing, Genio and Nelson?

22
23 To bring to the table a discussion of whether you would like to
24 have a system or this committee that we talked about to improve
25 the way that we collect the information in Puerto Rico.

26
27 For example, in the case of the snapper grouper unit, the
28 Secretary of DNR had a de facto limited entry via Executive
29 Order for a year and all of the people in that group -- By the
30 way, they have an appeals board, similar to the trap reduction
31 program, and they are all of them swearing that they will --
32 They swear that they will submit the data as accurate as
33 possible.

34
35 Daniel prepared a special form and we are working towards having
36 an electronic format of that same form so the fishery in that
37 unit will report directly via the web, online, to the
38 Laboratory. That way, we will have the information right on
39 time, especially for the ACLs.

40
41 The committee that they are suggesting is a committee of the
42 local governments, the Southeast Fisheries Science Center, Bill
43 Arnold, a member of the staff -- I can send all of my scientists
44 and Graciela will be there and key participants from Puerto Rico
45 commercial fishing for snapper grouper, like Nelson and some
46 other people who were present there, and two delegates from the
47 recreational group.

1 If that happens, we can have the meetings at the council office
2 so we can use Go to Meeting and so especially in the case of
3 Bill Arnold and the Southeast Fisheries Science Center people,
4 they don't have to invest money in traveling here and they can
5 use the web.

6
7 Personally, I believe that could be the first step to solving
8 this issue of the data collection system that we have.
9 Otherwise, we're going to be sitting here talking about the next
10 closed season next year until 2025.

11
12 **EUGENIO PIÑEIRO:** I certainly support your words, Miguel. You
13 are absolutely right. I think it's time to move on and settle
14 this once and for all. As you said, the Secretary of DNER has a
15 limited entry of fishermen with five years of experience and
16 historical data.

17
18 I think by the numbers, by what we have seen in 2010 and 2011,
19 all those guys have been reporting thoroughly. What we had was
20 -- Things happen. In 2006, I remember when there were close to
21 2,000 commercial fishermen in Puerto Rico and that was way too
22 much.

23
24 The DNR decided to add the tax returns as a component for you to
25 have the commercial license. The downside was that they
26 dismissed the port agents and that's when all hell broke loose.
27 When they dismissed the port agents, they didn't do it by that
28 time, but eventually, two years afterwards, the numbers went
29 down to 848.

30
31 In 2010, they eliminated the tax returns and then the numbers
32 went up. They swelled up to 3,400, 2,560 more fishermen. In
33 fact, as we speak now, there is an investigation by the Senate,
34 Internal Revenue, and Agriculture, because they brought their
35 boats with them. Some of these guys brought their recreational
36 vessels with them. They destroyed the fishery and the
37 credibility.

38
39 We know that it's not -- We don't have anyone to blame. There's
40 not a criminal intent or negligence, but it's just that it
41 happens. We understand that NMFS is doing its job and the
42 Science Center is doing its job and the council is doing its job
43 and we are confident, as we just got that message from Daniel
44 and what Dr. Garcia has told us, that there's five new people
45 getting involved in the process of getting the 2012 data up to
46 date. We are not talking 2013 data, but we're talking about
47 2012 and we are confident that is going to happen.

48

1 At the same time, even though we are asking for a committee of
2 the council, I have asked Dr. Garcia to address the Secretary of
3 some formal things we have to have in here. For example, if the
4 DNR is -- We should close all the new entries, the limited entry
5 for all fishing and no more new fishing licenses in Puerto Rico
6 until the DNR lab is working properly.

7
8 Secondly, data from people without a license should not be
9 allowed and third, in order to -- We know that the ACL, the
10 number, it's in the range, but we should have three or maybe
11 five more years with this limited entry group to validate that
12 number, but the first and most important step is to start a
13 committee in the council and move on and make sure that this
14 doesn't happen again, because we have been hurting the wrong
15 people and that is not the objective of this council or anyone
16 in this room.

17
18 **MIGUEL ROLON:** Okay, Mr. Chairman, and remember the committee is
19 to help Puerto Rico clear all this up and it's not something
20 that will have to have a motion or something like that. You
21 have the authority to have this committee, but unless there is
22 any big objection, we will proceed with this and so we will
23 report back to you at the next meeting the outcome of this
24 committee.

25
26 **BONNIE PONWITH:** Since we're on the topic and we're on the topic
27 of the Puerto Rico data, is this an okay time to circle back to
28 the question about the arrival time of those data in the second
29 week of February?

30
31 **MIGUEL ROLON:** Absolutely.

32
33 **BONNIE PONWITH:** I have had an opportunity to consult with my
34 colleagues back at the Center. If the data show up the second
35 week of February and if they're accompanied by the expansion
36 factors, they will be able to process those data in time to get
37 them to the SSC for their review.

38
39 If the data come late, later than that, the arrival of those
40 data bump into other obligations that they've got. They've got
41 SEDARs scheduled and if they have trouble getting the expansion
42 factors, then they won't be able to modify those data to prepare
43 them for the SSC.

44
45 If that happens, they would be able to use the expansion factors
46 from the previous years, but the SSC would have to understand
47 that once they got the current expansion factors, those numbers
48 could all change. The bottom line is if they show up on the

1 second week of February and they come with the expansion
2 factors, we're good.

3
4 **ROY CRABTREE:** Just something to think about is prior to the
5 reauthorization of the Magnuson Act, we didn't have quotas and
6 annual catch limits and we really managed these fisheries
7 through closed areas, which we have a number of, and remember we
8 put in place seasonal closures to protect spawning fish and
9 things.

10
11 Our management system wasn't built around tracking quotas and
12 annual catch limits. Congress reauthorized the statutes and
13 changed the management paradigm such that now we have to have
14 annual catch limits.

15
16 The problem we have is we put in place annual catch limits, but
17 we didn't put in place any of the data collection system needed
18 to manage them. We essentially defer all of that to the
19 territories at this point, right? The territories correct the
20 landings and they give it to the Science Center.

21
22 Maybe that's a good way to do it, but in the Gulf and in the
23 South Atlantic, the councils have been managing with quotas for
24 many, many years. They were doing it before the
25 reauthorization.

26
27 In almost all of our fisheries, we have permitting requirements
28 for fishermen and we have logbook requirements. We have dealer
29 permits. Dealers are required to have a permit and the dealers
30 can only buy fish from a federally-permitted fishermen and the
31 dealers have specific requirements to report and things like
32 that.

33
34 In most cases up there, the states require that you have those
35 federal permits to fish in state waters for the federally-
36 managed species as well.

37
38 Now, I don't know and I'm not suggesting that's what we need to
39 do here in the Caribbean, but it is very different down here,
40 because we really don't have any kind of federal permitting or
41 data collection program in place. It's all relying on the
42 territories.

43
44 A different way to go with that would be to put in place a
45 federal requirement and a federal system and go down that path.
46 Now, I don't know if the territories would have any interest in
47 that or the council would and I don't know if that, culturally
48 in the way the fisheries are set up -- I know in the Virgin

1 Islands we really don't have dealers and folks pull their fish
2 out and drive down the street and sell them out of a cooler and
3 things and so there may be very good reasons for why we do it
4 differently down here.

5
6 One of the consequences we're going to continue to bump in
7 against, because we're relying on the territories, is we may not
8 always be in agreement with decisions that the territories make
9 in terms of permitting and data collection kinds of things, but
10 unless we're willing to put in place our own requirements,
11 that's kind of where we are.

12
13 It's almost like we put the ACLs in place, but we haven't gotten
14 around to putting in the data collection framework that's really
15 needed to make it work well.

16
17 **EUGENIO PIÑEIRO:** Roy, we've been having some discussions about
18 data and, Miguel, what's his name, Dr. Gonzalez? He has a
19 project that we believe we can submit electronic data to both
20 the Science Center and the DNR.

21
22 **MIGUEL ROLON:** What Roy is saying goes way beyond that and
23 actually, that's something that I didn't think about at this
24 time, but that's for this committee to consider.

25
26 The committee is going to look at all these possibilities and
27 then out of that committee, you will have specific
28 recommendations to the local government and then you will be
29 able also to look at other possibilities, just like Dr. Roy
30 Crabtree is mentioning now.

31
32 As I said before, we are starting with Puerto Rico and we may be
33 joined by the Virgin Islands and actually, my idea was to have
34 an observer from the Virgin Islands participate at these
35 meetings, so you can bring your experience and/or offer some
36 alternatives and at the same time, you can tell us whether you
37 will have something out of this committee that you would like to
38 pursue in the U.S. Virgin Islands.

39
40 **EUGENIO PIÑEIRO:** I just want to do things -- Spend our time
41 wisely in things that are doable in the short and the long range
42 and I believe that the most important thing at this time for us
43 is good data and the DNR is going to put five new folks doing it
44 and we have some electronic reporting projects going on.

45
46 I know what you meant, Roy. I know the mention of what you're
47 saying, but I would go to first base first and I would forget
48 about the double.

1
2 **ROY PEMBERTON:** I understand where you're going, Roy, and part
3 of the issue is at least most of those stocks, if not all, have
4 had at least one stock assessment done in the U.S. and in the
5 Gulf. We don't have too much of any down here and before -- We
6 kind of need to -- Instead of swinging for that home run, we
7 kind of need to backtrack a little bit and make sure we at least
8 start in that direction.

9
10 Again, we're dealing with what the fishermen bring in and we've
11 had a lot of discussion about what's left out there and without
12 really getting a good handle on that, it would be hard to start
13 doing quotas, because we may be going in completely the opposite
14 direction, even if you do some kind of other management scheme.

15
16 **TONY BLANCHARD:** I would just like to touch base on what Roy
17 just said here, Roy Pemberton, as well as Mr. Crabtree. Like he
18 said how things are done in the states is different than how
19 they're done here and that don't mean we all have to follow the
20 same rule. We're all shooting for the same thing, but that
21 don't mean we need to go down the same road.

22
23 Just like Roy stated about the stock assessments, in order to
24 get the ACLs raised on any of these fish species, we need a
25 stock assessment. The problem with a stock assessment is we
26 need money for the stock assessment and who decides who is going
27 to get the stock assessment before who?

28
29 Once again, we'll be sitting on the back burner waiting for a
30 stock assessment until somebody comes up with the money and
31 somebody decides we're important enough to take a look at this
32 stock assessment, but once again, the one that is being
33 penalized is the user groups, especially the commercial
34 fishermen that that's how they make their money.

35
36 I see a problem with how some of the stocks is managed to begin
37 with or let me rephrase that, some of the species. I will give
38 you a prime example. I had this conversation with Graciela
39 earlier about what we call the redmon and you call the
40 squirrelfish.

41
42 Because of the two-inch mesh in our traps, it's only the largest
43 of that grouper fish that stay inside the pot and so what has
44 actually happened is you're getting the biggest of the big of
45 that species. All of the rest of the smaller guys are getting
46 out.

47
48 Now we have an ACL on the largest fish in the stock and we're

1 taking a reduction off of that to get the ACL. You catch them
2 on line, yes, but really, the bulk of the redmon that's coming
3 in is caught of traps, because of just the type of fishing
4 that's being done.

5
6 Let's say that the redmon stocks is going through the roof, but
7 we're keeping it in check by only being able to catch the
8 biggest of that stock. In my opinion, that ACL should be raised
9 higher, which it really ain't going to make a difference, except
10 that the numbers that are set in place, no matter how strong the
11 stock gets, because the fish are going to keep getting bigger
12 and bigger, to a certain extent, and we will be catching more
13 and more.

14
15 That, in itself, should keep that stock in check and healthy and
16 I don't see why we need an ACL on the redmon, as an example,
17 just because of the mere fact that they're dictating what we
18 take, but I understand how the law is set up that they need an
19 ACL on them.

20
21 Really, we are not dipping into that let's say species of fish
22 the way we should, because we are kept in check by the ACLs,
23 which in order for them to be raised, we don't need a stock
24 assessment, but somebody needs to decide where we're going to
25 come up with this money and these guys are important enough to
26 look at. That's where I find the problem.

27
28 **BONNIE PONWITH:** You're exactly right.

29
30 **TONY BLANCHARD:** I know.

31
32 **BONNIE PONWITH:** Don't you love that? Isn't that music to your
33 ears? Making decisions about what stocks get assessed is a hard
34 choice, because the list of stocks we want to assess is always
35 longer than the list of stocks we've got the resources to
36 assess.

37
38 That is a very, very, very important discussion and the place
39 that it starts is right here at the council and the council has
40 the prerogative to discuss among themselves, from their
41 perspective as a fishery management council, what stocks they
42 believe deserve to be assessed and why.

43
44 Also, it's imperative that they consult their SSC, because just
45 as there are management reasons for assessing a stock or
46 increasing the urgency in where you would put them on a ranked
47 list, the scientists would have some views on that as well.

48

1 Then that information is carried to the SEDAR Steering Committee
2 by the Council Chair and Executive Director and those views are
3 augmented by my presence there as well, to set those priorities.
4

5 If you have views on which stocks deserve to be floated up to
6 the top of that list, this is the perfect forum to do that.
7 Now, the flip side of that is, again, the list is always longer
8 than the resources we have and you have to conduct an assessment
9 using a tool that matches the quality and volume of the data
10 that you've got available.

11
12 Again, those are decisions and discussions that we can have that
13 will be fruitful and productive to make sure that we're using
14 those resources the absolute best way possible.

15
16 **TONY BLANCHARD:** This question would be better for Shepherd
17 Grimes, since he's an attorney. I'm going to put you on the
18 spot, Shep. Is there any way around getting -- Going around the
19 ACL process to raise the ACL higher that we have now?

20
21 In other words, is there any other way to get around the stock
22 assessment and to raise the ACL on let's say the redmon, per se,
23 other than taking the stock assessment route?

24
25 **SHEPHERD GRIMES:** The law requires that we establish annual
26 catch limits in the fishery management plan, in all of our
27 fishery management plans for all of our managed fisheries. If
28 we have made the decision that it's something that is in need of
29 conservation and management, then we have to have an ACL for it.

30
31 That ACL recommendation is based on an ABC, allowable biological
32 catch, and that comes from the scientific body and our catch
33 level is constrained by that recommendation and so ultimately,
34 there has to be a scientific basis for setting that ACL or that
35 ABC level.

36
37 Having said that though, as far as I know, we don't -- We
38 haven't based an ACL down here or an ABC recommendation on a
39 single stock assessment and so it isn't the stock assessment
40 process that's constraining ACLs. We have defined them all
41 based on historical landings.

42
43 As I was just discussing with Dr. Crabtree, I understand
44 completely the notion of wanting better stock assessments and
45 needing stock assessments down here, but in my experience, and
46 Dr. Crabtree and I think Dr. Ponwith would confirm this, out of
47 every council in the entire southeast, out of every stock that
48 we manage, not one of those stock assessments is based

1 predominantly on fishery-independent information.

2
3 It's fishery-dependent data. What have you caught in the past?
4 What are you catching now? How old are they? How big are they?
5 That information is coming from the fishing industry and without
6 that, we can talk about stock assessments all we want, but I
7 think they will tell you that we need data for stock
8 assessments. Where does most of that data come from? The
9 fishing industry.

10
11 **ROY CRABTREE:** You are right that the fisheries up in the Gulf
12 and South Atlantic are different from down here, but don't think
13 for a minute that they have stock assessments for all of their
14 species. They don't.

15
16 Most of the snapper grouper managed -- I think the South
17 Atlantic Council manages seventy-plus species of snapper grouper
18 and we have assessments for a handful of them, maybe six or
19 seven. The majority of the members of the species, there are no
20 stock assessments and they've had as much of a struggle with the
21 ACLs there as you've had down here.

22
23 What we started this discussion out about was how to improve our
24 estimates of what is being caught and Shepherd is exactly right
25 on that. That's one of the things that's preventing us from
26 having stock assessments, is we have so much uncertainty about
27 what the catches are, particularly when you go back in time, and
28 so that gets back to the question of putting in place all of the
29 pieces that are needed to produce that kind of data.

30
31 I guess our most fundamental decision is do we go down the
32 permitting path and start putting in our data collection
33 requirements that are federal requirements, that are the
34 council's, or do we continue to rely on the catch data coming
35 predominantly from the territories and trying to work with them
36 on that? I don't know the answer to that question, but I think
37 that's a fundamental question we need to come to grips with.

38
39 **ROY PEMBERTON:** I understand. What I was getting at, in terms
40 of what I put in my last point, it's -- When I say going the
41 other way, we have put in some restrictions, some size
42 implementations, on some of these fish stocks that switch sex
43 and you guys know about sea bass up in the Southeast. That's
44 been managed for almost twenty years or more and we haven't
45 figured that out.

46
47 I am a little -- My hesitation is the caution of learning from
48 you guys in the Southeast in managing that fishery and

1 understanding the complexity of that and making sure that we
2 don't overlook that here and end up in a jeopardy situation,
3 irregardless of whether we put ACLs on it or not. You can still
4 fish the population down and so that's my cautionary approach.

5
6 **ROY CRABTREE:** I would just point out that seabass in the
7 Southeast is now rebuilt and we this year doubled the quotas to
8 the highest level they've been in a long, long time and so even
9 with those problems, we did rebuild the stock and succeed.

10
11 **MIGUEL ROLON:** My proposal is you don't need a motion for any of
12 that and the Chairman has the authority. As we were talking, I
13 was trying to put together an agenda for this committee to work
14 on the statistics and I say we're going to start with Puerto
15 Rico and then we're going to invite a member of the U.S. Virgin
16 Islands as an observer.

17
18 In the agenda, I have permits. We're going to examine what we
19 have now in terms of data and how we collect the data and all
20 that and electronic systems and models that we could use, models
21 that we are using right now, and others.

22
23 Then we also have a question of are we better off with what we
24 have now and improving it or with doing it to go into the
25 federal permit system and also requiring it for statistics? The
26 idea is not to discard any of this until we have some element of
27 judgment for the council to decide and so that's what I believe
28 is the first step.

29
30 In the meantime, all that's happening is everything that we
31 discussed today and so that's why I suggest, Mr. Chairman, that
32 we can do that now and then move and allow Eddie to finish. He
33 thought that he was going to speak for five minutes and he's
34 been here for the entire afternoon. Not that that's bad, but --
35 Actually, this is probably one of the best discussions we've
36 ever had.

37
38 **CARLOS FARCHETTE:** I agree.

39
40 **MIGUEL ROLON:** We will go ahead and establish a committee.

41
42 **CARLOS FARCHETTE:** Yes, we will just go ahead and establish that
43 committee, because in reference to what Blanchard was saying, we
44 have the same issue with queen mullet that we call goldfish that
45 cannot stay in a trap anymore because of the mesh size. We have
46 discards that were never taken into consideration and that needs
47 to be considered and so there's a lot of work to be done.

48

1 **EDWARD SCHUSTER:** Motion that the AP recommend to the council to
2 consider reevaluating the ACLs.
3
4 **MIGUEL ROLON:** Mr. Chairman, this is the last line of a long
5 language that we have and the idea here behind the
6 recommendation from the AP is what we just discussed. We would
7 like the council to take the opportunity to reevaluate all of
8 this and, as per the discussion, this is probably one part of
9 the agenda of that committee and we can report back to you.
10
11 Moving an ACL is more difficult than moving a big, huge
12 building, a big, white elephant. That's the reason or the
13 rationale behind the Advisory Panel recommendation.
14
15 **ROY CRABTREE:** I think as we go through these island-specific
16 FMPs that the idea was to reevaluate the management units and
17 what species we manage and as we go through that process, we
18 would have to go through revisiting all of these ACLs.
19
20 You could do that beforehand, but that seems to make sense to
21 me, unless there's some specific new information we could take
22 to the SSC. Also, on your agenda, we do have an item -- Help me
23 out here, Bill, but somewhere here we're talking about the ABC
24 control rules, right, and the buffers?
25
26 **BILL ARNOLD:** I hope so, Roy.
27
28 **ROY CRABTREE:** Where is it on the agenda?
29
30 **MIGUEL ROLON:** It's not here, but we are going to include it in
31 the discussion and that will be the ACL buffer and all that.
32
33 **ROY CRABTREE:** Okay and so we're doing some of that through an
34 amendment that we're going to go over at this meeting, but I
35 think the bigger picture look at it is through the island-
36 specific FMPs.
37
38 **TONY BLANCHARD:** I've got a question for you, Roy. When it
39 comes down to the island specifics, can the individuals or the
40 group that is deciding how to deal with the fish stocks decide
41 also the approach and how to deal with it, with the ACLs?
42
43 **ROY CRABTREE:** Remember when you talk about the group, the group
44 is you. This council is the group that's going to make the
45 decisions.
46
47 **TONY BLANCHARD:** For the island specific?
48

1 **ROY CRABTREE:** Yes, you're going to decide what species we
2 manage and how to do it. Now, you have constraints on you by
3 the law, one of which is you can't set the catch levels higher
4 than your SSC says you can and that you have to live with.

5
6 **TONY BLANCHARD:** Okay and so really, it could change as to the
7 approach of how to look at the fish stocks is what you're
8 telling me or we have to stick by how it's set up already?

9
10 **ROY CRABTREE:** I think you can potentially change all kinds of
11 things, provided how you change it is consistent with the
12 Magnuson Act and the requirements. I would say, you can
13 fundamentally change the whole management plan, but that doesn't
14 mean you can just do anything you want. You are going to have
15 to follow the law.

16
17 **MIGUEL ROLON:** Tony, we discussed this outside with other
18 fishers and where we were at was the question was can we have an
19 ACL for X species higher in one island versus the other and the
20 question is yes, provided that we have the rationale for doing
21 so and until we see and hear the discussion that Bill is going
22 to bring to the table today and in future papers, you will see
23 that happening and that's why it's important that everybody
24 understands what you just said today. That question, we need to
25 really understand what this is all about, but there's a
26 potential for that happening.

27
28 **CARLOS FARCHETTE:** I don't want to get too deep into this before
29 we get into the island-specific FMPs, but I was also thinking
30 and I wanted to put it on the record, so it can be thought
31 about, but the possibility of -- Puerto Rico already has ACLs in
32 place, right?

33
34 **ROY CRABTREE:** Your fishery management plan does for Puerto
35 Rico.

36
37 **CARLOS FARCHETTE:** Right, for Puerto Rico, and I was wondering
38 if there's a feasibility or possibility of reallocating and
39 transferring unused ACLs from the recreational sector to the
40 commercial sector at the end, whenever you find out what they've
41 got.

42
43 **ROY CRABTREE:** You would have to amend the plan to set up an
44 authority and a process to allow that to happen, but, in theory,
45 I can't see any reason why you couldn't do something along those
46 lines.

47
48 **BONNIE PONWITH:** That sounds like a holdover, to me.

1
2 **ROY CRABTREE:** It may or may not be, but the specifics would
3 have to be looked at.
4
5 **CARLOS FARCHETTE:** At least we'll be able to look at it and talk
6 about it.
7
8 **EDWARD SCHUSTER:** The next motion that the AP recommends to the
9 council is that they request the local and federal government to
10 find a way to restrict the sale of fish subject to a closed
11 season. I would like to say fish and species may be managed by
12 the council too, but I will read it how the motion is.
13
14 **MIGUEL ROLON:** Eddie, would you like to expand on the rationale?
15
16 **EDWARD SCHUSTER:** Where this came from was several reasons. In
17 the case of St. Croix, we have the problem when there is a
18 closed season in St. Croix, the conch sales, the supermarkets,
19 they are allowed to sell conch and what this has created is a
20 black market for the fishers to actually harvest the fish and
21 sell it to the supermarket at a wholesale rate, where they are
22 allowed to sell it. We are just trying to cut or stop that
23 loophole.
24
25 Also, in the case of Puerto Rico, Greg brought it to our
26 attention that they are not allowed to sell the fish during the
27 closed season, the chillo, or the deepwater silk, and at Sam's,
28 the chillo is sold there at even a lesser price than what they
29 get wholesale for it. They are retailing it for even less than
30 what they get as a wholesale price. He was concerned if they
31 can't catch it, why are they allowed to sell it during the
32 closed season?
33
34 **ROY CRABTREE:** Ed, what if a dealer buys a lot of fish when the
35 fishery is open and he freezes it and then he wants to sell some
36 of that during the closure? You're saying you would not want to
37 allow him to do that?
38
39 **EDWARD SCHUSTER:** I'm glad you brought that up, because it was
40 mentioned also -- I know in the case of St. Croix and Puerto
41 Rico, and maybe Miguel could elaborate on it, but in the case of
42 St. Croix, there's a fourteen-day grace period and that is in
43 place after the closed season is established. You've got
44 fourteen days to get rid of your stock and after that fourteen-
45 day period, then any sale of that species that is in a closed
46 season is not allowed to be sold.
47
48 **MIGUEL GARCIA:** In Puerto Rico, there's also a grace period to

1 sell all that you have stored. There is a grace period of seven
2 days.

3
4 **NELSON CRESPO:** What the supermarkets are doing is they are
5 exporting fish from Central America and they are selling more
6 cheap than we used to do.

7
8 **BONNIE PONWITH:** From an economic standpoint, if somebody
9 purchases your fish and manages that purchase so that they can
10 sell it evenly through the course of the year to maximize their
11 profit, what that does is creates a market share for you in that
12 retail enterprise.

13
14 If you cut a regulation that says this species can only be sold
15 legally when it's open, then if you're closed, they need to sell
16 fish and they will go wherever they have to to find fish to
17 sell, whether it's from you, a local fisherman, which everybody
18 wants. This is the thing these days, is locally, fresh-caught
19 fish.

20
21 It almost forces them to go outside of the local fishing
22 community to import fish from other places to be able to meet
23 the demand for fish on their market. There might be negative
24 economic consequences for your local fishing communities for
25 something like that.

26
27 **NELSON CRESPO:** Definitely and now, the restaurants are
28 requesting to us to lower the price of the deepwater snapper
29 because they can find it more cheap in the supermarket. That's
30 a big problem that they have and they can sell another type of
31 fish and they don't have to sell the snapper when we have a
32 closed season.

33
34 **ROY CRABTREE:** If you wanted to do anything with imports, and
35 remember we did do a lobster amendment that prohibited
36 importation of undersized lobster, you could potentially do
37 something with imports, but you're going to have to show that
38 it's necessary for the conservation of your stock.

39
40 You are not going to be able to do anything with imports because
41 you don't like the prices and you don't want to compete with
42 them. That's beyond any authority you might have, but if a
43 species was -- For example, conch was being imported and conch
44 is closed and it's creating poaching and things like that, then
45 you might be able to do something, but remember the lobster
46 amendment took a long time and the State Department was involved
47 and it's a very complicated process.

48

1 If it's something along those lines that is creating
2 conservation problems, you could potentially try and do
3 something there.

4

5 **CARLOS FARCHETTE:** Thanks, Roy. Next?

6

7 **MIGUEL ROLON:** So what are you going to do? I know everybody is
8 tired and it's late and we can have a coffee break and come back
9 and discuss it, but the issue that was discussed at the AP is
10 not only socioeconomic, but also it's involved with the
11 conservation of the fish.

12

13 One example of something that can be used is that those people
14 who import fish can have a paper trail that they are not selling
15 queen snapper, for example, but they can sell other fish and
16 that way, you avoid creating a black market.

17

18 There are ways of discussing this, but you have to make up your
19 mind of what it is that you want to do and remember, if you make
20 up your mind of what you're going to do and then you prepare the
21 paper, it doesn't mean that it will be approved.

22

23 Whenever you touch imports, you have a lot of issues that come
24 into play and all of them are powerful people. When we were
25 working, we the five councils, were working before 1990 with the
26 billfish, all the five councils came together and we forced the
27 issue of having the prohibition of the selling of billfish in
28 Puerto Rico and the U.S. Virgin Islands and the Continental U.S.
29 did the same, but you have a paper trail.

30

31 They have a paper trail because there were marlin from the
32 Pacific being sold in Puerto Rico and the Virgin Islands and the
33 enforcement agents came in and they fined a Puerto Rico Plaza
34 Supermarket three times and I guess they got them finally, but
35 \$5,000 each time.

36

37 They were able to stop the selling of billfish locally caught
38 disguised as imports in Puerto Rico, but the billfish is a big
39 fish with a long bill and it can be detected any time, but in
40 the case of the other species, it's more difficult.

41

42 If the council wants, we can pursue this a little bit further
43 and see how far we can go with it and then report back to you,
44 but the issue of a fisherman telling me why I cannot fish this
45 and sell it -- While I cannot sell it during the closed season,
46 the people are bringing it in and they are destroying my market
47 and the price and all that. If you want to discuss it and have
48 it, that's a way of doing it.

1
2 **MIGUEL GARCIA:** As a matter of a fact, we do allow the
3 importation of land crabs to Puerto Rico during the closures for
4 fishing. The land crab is imported mostly from Venezuela and
5 the Dominican Republic too, because the cultural value of the
6 land crabs is so high that there's so much pressure to have that
7 resource available all year-round.

8
9 **MIGUEL ROLON:** That's another issue with the imports that we
10 discussed, is that if I'm sitting in my home in Puerto Rico and
11 I want to eat some fish and I go all the way to Saba and it's
12 raining and I go to Saba and there's no fish, I will not go back
13 to Saba.

14
15 Some of the fishermen, what they do is they thaw imported fish
16 and sell it to me as fresh and so we have a mix of fresh and
17 local fish with supposedly fresh imported fish and they keep the
18 market. All this comes into play and I don't know what to
19 recommend to you guys, but if you want to go deeper and the AP
20 went into some serious discussion about it, we can inform back
21 to you somehow in some way.

22
23 **MIGUEL GARCIA:** At least for the land crab, you have to show the
24 agent that you were importing those animals from elsewhere. I
25 don't know how at the end that really protects the species, but
26 it's something. At least they have to work and get that
27 information.

28
29 **MIGUEL ROLON:** Miguel, what you have is a paper trail?

30
31 **MIGUEL GARCIA:** A paper trail, yes.

32
33 **EDWARD SCHUSTER:** That's fine and well and I understand what
34 you're saying and it's the same thing with the conch issue in
35 St. Croix. Every merchant that sells the conch during our
36 closed season, it's accompanied by a CITES permit and we have
37 found is another loophole, but we're just trying to stop the
38 major hole, which comes before the importation of a conch during
39 the closed season.

40
41 Where the fishers have become so clever that they go and they're
42 willing to spend the money to buy a hundred pounds of conch that
43 is no good for retail and they keep a receipt and they change
44 the data on the receipt due to a scanned copy and use the same
45 receipt.

46
47 The only thing you have to be that clever about is just noticing
48 the receipt number. That's the only thing they can't change and

1 it's become a big problem, because now if you allow Plaza to
2 sell it, Plaza may buy 500 pounds, but people know -- Consumers
3 know what is a fresh product.

4
5 We're talking about night and day here, because the land crabs
6 are moving, I'm sure, and it's not frozen, as compared to chillo
7 that you can tell by the eyes and the inside of the fish whether
8 it's been on ice for days or not or weeks and the same thing you
9 can tell with the conch, but land crabs are something totally
10 different. I don't think the land crabs are dead when they come
11 from Venezuela or the Dominican Republic.

12
13 **CARLOS FARCHETTE:** One more and then we'll take a quick break.

14
15 **EDWARD SCHUSTER:** The other motion that the AP recommends to the
16 council, and I want to commend Bill on this, which he got highly
17 commended by the AP members at the meeting yesterday, but
18 recommend that the council adopt the data timeline for
19 implementing the seasonal closures presented by National Marine
20 Fisheries Service.

21
22 **MIGUEL ROLON:** I asked Bill if he was ready, so you will see
23 what we're talking about. Actually, the Advisory Panel
24 commended Dr. Bill Arnold and his staff for all their hard work
25 and also especially Bill Arnold, because he's the one who comes
26 and faces the fishermen and gets all the actions and emotional
27 recommendations and comments.

28
29 **BILL ARNOLD:** And the abuse. Don't forget the abuse.

30
31 **MIGUEL ROLON:** And the abuse, okay. I'm glad that you said it.
32 Dr. Bill Arnold presented this at the Advisory Panel and it's
33 nothing but a recognition of the way that we would like to
34 operate to get the information and process the data and then we
35 will have some landmarks.

36
37 **BILL ARNOLD:** This is just the formal timeline we would like to
38 implement and it's been developed in conjunction with Bonnie's
39 group at the Southeast Fisheries Science Center and with Andy
40 Strelcheck's group, who assists considerably with the process of
41 developing the landings averages and comparing them to the
42 annual catch limits and determining season closure lengths and
43 then getting this all processed and formalized.

44
45 What we needed was a step-wise process to get this done, so
46 everybody knew what they had to do and when they had to do it,
47 so we could get it done on time. On time is by December 31 of
48 each year, because if down the road we're going to implement

1 Kate Quigley's model, we want to make sure we have all 365 days
2 of potential closure options available to us. The only way to
3 achieve that is to be done and ready to go by January 1, so that
4 January 1 could potentially be one of the closure dates, if
5 necessary.

6
7 We have a recreational sector that we manage separately in
8 Puerto Rico and so this includes recreational and commercial
9 data. The recreational data is not really a problem, because we
10 usually have it by April 30 and that's for decisions being made
11 at the end of the year.

12
13 The commercial data are the tricky data, because we need those
14 data, according to this timeline, by September 30. Obviously
15 that's not always possible, for a lot of reasons, but that's
16 going to be our goal and I want everybody to be very aware of
17 that goal, because that's the start point in this process.

18
19 It's this September 30 date that we need the commercial data
20 available and transferred from either the commonwealth or the
21 territory to the Southeast Fisheries Science Center so they can
22 start reviewing those data and getting them ready and getting
23 them up to us at the Southeast Regional Office.

24
25 We would like to have the data to us and compiled by FMU and
26 provided to the Southeast Regional Office by October 20. The
27 Southeast Regional Office staff will then summarize those
28 landings and identify any annual catch limit overages.

29
30 By October 31, eleven days later, and this is assuming that
31 Kate's model is not in place, the Southeast Regional Office will
32 determine what the seasonal closure lengths are and consult with
33 the Southeast Fisheries Science Center regarding those outcomes.

34
35 By November 7, only a week later, they have to have their report
36 ready and to the Scientific and Statistical Committee
37 summarizing the data and the results. Then by November 15, and
38 you can see what a tight timeline this is, even with the
39 September 30 commercial data availability, by November 15 we
40 would like to have the Scientific and Statistical Committee
41 meeting and identifying those management units for which
42 overages are due to enhanced reporting rather than due to actual
43 increases in landings.

44
45 Then by November 25, the SSC will report to the council, along
46 with SERO, describing the necessary season reduction lengths.
47 By November 30, or around November 30, we need the AP to meet to
48 go over these data, and this is particularly important if the

1 season choice model is in place, because then they work with the
2 model to determine, given that a landings reduction of X number
3 of pounds is required, they determine how many days and the
4 start date required to achieve that poundage reduction.

5
6 Then we would have, as we have now, a roughly December 10
7 council meeting, when they can put their stamp of approval on
8 those closure dates, with the goal being to have it published in
9 the Federal Register by December 31, so that if we had a January
10 1 closure start date, we could actually achieve that closure
11 state date.

12
13 That's the timing model and that's what we want to run by the
14 council and get their final approval on it. It's not really
15 something that has to be developed by rule. This is just a
16 guideline that we are going to use and that everybody is going
17 to be aware of to understand the stepwise process to get to a
18 determination of if there's going to be a seasonal closure and
19 if so, when it's going to take place. That's it and thanks.

20
21 **CARLOS FARCHETTE:** Thank you, Bill. We're going to take a
22 short, ten-minute break and then we're going to go to the next
23 topic on the agenda, which is going to be pretty heavy. It's a
24 Discussion of the Discussion of Option Paper Comprehensive
25 Amendment U.S. Caribbean FMPs Control Rule

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

28
29 **CARLOS FARCHETTE:** Before we go any further, Bill, I was
30 wondering if we can -- Since this is going to take a long time,
31 maybe do this in the morning and go to your ABC control rule
32 part -- It's up to you.

33
34 **BILL ARNOLD:** There's two kind of short topics, the ABC control
35 rule and getting some guidance on what we're going to do about
36 the Kate Quigley, and then there's two pretty extensive
37 discussions. Certainly island-specific is going to take a while
38 and I don't think we want to finish that today and the other one
39 is the Bajo, Abrir, Tourmaline.

40
41 I think that one might take a while too and so I think we should
42 start with the short ones and then if we have time, which I
43 don't think we'll have, we could dive into one of the long ones,
44 but I think we will probably save those until tomorrow. That
45 would be my suggestion.

46
47 **CARLOS FARCHETTE:** Since you have the table for the rest of the
48 afternoon, you will decide.

1
2 **DISCUSSION OF ANNUAL CATCH LIMIT CONTROL RULE**
3

4 **BILL ARNOLD:** First, we will do the Annual Catch Limit Control
5 Rule. What this has to do with is -- The idea is when we
6 established the Annual Catch Limit Amendments, there were two of
7 them. There was one in 2010 and there was one in 2011.

8
9 The 2010 amendment addressed species undergoing overfishing and
10 the 2011 amendment addressed species that were not designated as
11 undergoing overfishing. Those species designated as undergoing
12 overfishing had assigned to them a 15 percent reduction, in
13 general -- Not exclusive, but in general, a 15 percent reduction
14 from the ABC to the annual catch limit and that was to account
15 for unaccountable items.

16
17 There was really no specific definition, but it was just to give
18 some room between overfishing level and the actual allowed
19 harvest level. That was 15 percent. When we did the 2011
20 species, those species not designated as undergoing overfishing,
21 we only applied a 10 percent reduction from ABC to ACL.

22
23 The fishermen validly raised the question of now that the
24 snapper and groupers in particular are no longer designated as
25 undergoing overfishing, shouldn't they too have a 10 percent
26 reduction applied, rather than a 15 percent reduction?

27
28 In the previous council discussions, it all boiled down to we
29 need to have a control rule that assigns a certain percent
30 reduction to those species designated as undergoing overfishing
31 and a different percent reduction to those species not
32 designated as undergoing overfishing.

33
34 So far, the target on those is 15 percent for any species
35 designated by NOAA Fisheries as undergoing overfishing and 10
36 percent for those species not so designated. That's where we
37 are with this and we have prepared our options paper and I just
38 wanted to go through this presentation on the options paper
39 relatively -- Well, it may take a while and so there.

40
41 Our purpose for doing this is to establish the control rule to
42 modify the buffer reduction that is applied to the overfishing
43 limit, OFL, or other chosen reference point, which, in many
44 cases, is the ABC, because that's what the SSC provides to us,
45 to derive an annual catch limit in response to changes in the
46 overfishing status of any U.S. Caribbean fishery management
47 unit.
48

1 The control rule would apply a specific buffer reduction based
2 on the current status of the FMU, as determined by the National
3 Marine Fisheries Service. The need for this action is to
4 establish a mechanism that describes the relationship between
5 overfishing status and the reduction buffer applied to the OFL
6 or ABC used to determine the ACL.

7
8 Now, this purpose and need are two very important items that the
9 council has to be comfortable with, because they essentially
10 dictate everything that follows, because how we set this up and
11 what we do must relate back to our purpose and need and so
12 that's why I'm emphasizing this and presenting it in such a
13 clear manner to everybody. If you have any problems with the
14 purpose and need, speak now or forever hold your peace.

15
16 The action, and there is only one, is to establish a control
17 rule to adjust the buffer reduction applied to the OFL or to the
18 ABC used to derive the ACL to reflect a change in overfishing
19 status of the stock.

20
21 We have three options we've established. The first is, of
22 course, the no action option, we do not establish this control
23 rule. In essence, the 15 percent would continue to be applied
24 to snappers and groupers and the 10 percent would continue to be
25 applied to jacks and lobster and squirrelfish, et cetera, et
26 cetera, all the other species.

27
28 Option 2 is to set these things up for a 15 percent reduction or
29 a 10 percent reduction, depending upon whether they are or not
30 subject to overfishing for the specific year and Option 3 is the
31 same as Option 2, but it allows for some very important
32 exceptions.

33
34 These are some of the suboptions that are presently in place
35 that need to be considered and probably would be of considerable
36 value in the regulation. 3a would be the parrotfish FMU,
37 because we set up a 15 percent reduction for parrotfish, but we
38 added, for St. Croix, an additional 5.8822 percent reduction and
39 that may seem ridiculous, but the idea was to get the actual
40 annual catch limit down to 240,000 pounds. That would be a
41 suboption we may or may not wish to include for parrotfish.

42
43 For surgeonfish and angelfish, Suboptions 3b and 3c, the SSC
44 requested a 25 percent reduction, due to the ecological
45 importance of these species either as grazers, in the case of
46 surgeonfish, or spongivores, in the case of angelfish.

47
48 Then for the Suboption 3d, queen conch, we didn't do a reduction

1 for queen conch. The SSC established an ABC and we went with
2 that ABC. That was 50,000 pounds for federal waters around St.
3 Croix and as you're aware, the federal waters around St.
4 Thomas/St. John and Puerto Rico, no harvest of queen conch is
5 allowed in federal waters and so that would be Suboption 3d.

6
7 For Suboption 3e, aquarium trade species, we also had a 25
8 percent reduction from that MSY proxy to arrive at the annual
9 catch limit. Those are the Option 3 suboptions that we have
10 included in this.

11
12 Obviously if you can think of any other suboptions or even other
13 options, then we can add them into this options paper, which we
14 hope to take to the public and get their input, to see if they
15 have any alternative options that they suggest we include.

16
17 The ACL control rule would shift the buffer to determine the ACL
18 based on overfishing status and it would simplify the process of
19 adjusting the ACLs, if needed, in the future, rather than having
20 to do it on a case-by-case and rule-by-rule basis, so that each
21 instance would require an extensive process of getting a new
22 rule in place and this would make management more responsive to
23 the case at hand.

24
25 The control rule does not take into account overfished status
26 and not overfishing status, but overfished status, because we
27 have some species that are designated as being overfished, such
28 as Nassau grouper and a couple of others.

29
30 There is two reasons why we would not include this. The first
31 is the overfished stocks are managed through rebuilding plans
32 that are in place right now and until the stock has been rebuilt
33 to levels consistent with supporting the MSY on a sustainable
34 basis and the second is that the overfished status was already
35 factored in during the development of these 2010 and 2011
36 Caribbean ACL amendments.

37
38 Finally -- Well, this may not be finally, but I think we're
39 pretty close, but establishment of the ACL control rule would be
40 accomplished by comprehensive plan amendments to what we are
41 considering right now to be all four of our presently extant
42 FMPs and that's the Reef Fish, Spiny Lobster, Queen Conch, and
43 Corals FMP. Each of them would have this added to them.

44
45 If you feel differently and don't want one or more of those FMPs
46 to be added, please let us know. Finally, the process of
47 determining whether they are undergoing overfishing or not is
48 based upon the NMFS officially notifying the council and

1 publishing in the Federal Register a notice of -- The National
2 Marine Fisheries Service is supposed to notify the council by
3 letter that a species is undergoing overfishing.

4
5 That notification by letter would be our statement that the
6 buffer would have to be changed. Otherwise, we have a status of
7 stocks report and that status of stocks annual report could be
8 used to determine that it shifted from undergoing overfishing to
9 not undergoing overfishing, but if they're not exceeding our
10 established OFL, then they essentially are not undergoing
11 overfishing.

12
13 Here is the timeline for this. This is winter of 2013 and
14 here's where we are now. We would like a motion directing staff
15 to develop a public hearing draft for the environmental
16 assessment and schedule public hearings for, ideally, spring of
17 2014.

18
19 Then in the spring of 2014, the council reviews the public
20 hearing draft and selects their preferred alternatives and
21 approves public hearings. Public hearings would then be held in
22 Puerto Rico and the USVI.

23
24 In the summer of 2014, ideally, the council would discuss the
25 outcomes of the public hearings and adjust the draft accordingly
26 and revise and approve the codified text and approve the
27 amendment for secretarial review.

28
29 In the fall of 2014, we would have our comment period and then,
30 ideally, in the winter of 2014 or early spring of 2015, NOAA
31 would publish the comprehensive amendment, environmental
32 assessment, and the final rule and the final rule would become
33 effective essentially about a month after that.

34
35 What we want now, the next steps, what we would like to get is
36 we would like guidance to develop the public hearing draft for
37 the spring 2014 council meeting and we would like to schedule
38 the public hearings for spring of 2014. This could potentially
39 wait until after the spring meeting, but we want to keep moving
40 forward on this and so that is the ACL control rule and I would
41 be happy to take questions.

42
43 **SHEPHERD GRIMES:** I don't have a question for Dr. Arnold, but
44 just a statement, generally. I looked through the minutes and I
45 don't believe we discussed this last time and so I just wanted
46 to get it on the record, that the 10 percent and 15 percent
47 buffers that were just presented to you and the different
48 buffers for the individual species that weren't subject to

1 those, that's exactly how we structured everything and those
2 were the decisions we made when we approved the 2010 and 2011
3 ACL Amendments.

4
5 We just did it that way in our haste to implement those
6 consistent with the timelines established in the statute. We
7 just implemented it and didn't set any real policy in the FMP
8 that would guide it for the future.

9
10 Therefore, as soon as something is no longer subject to
11 overfishing, it still gets -- Based on those decisions, it still
12 gets the 15 percent buffer applied to it and it takes the full-
13 on management, plan amendment process to revise it.

14
15 In order to prevent doing that in the future, as species or
16 species groupings move from a status of undergoing overfishing
17 to not undergoing overfishing, this would just implement that
18 type of -- Assuming you make the same decisions you made before,
19 it would just implement a policy in the FMP and codify that
20 policy, if you will, in the regulations, so that it would be an
21 automatic thing and we wouldn't have to go through our lengthy
22 regulatory process each time the status of a species or species
23 group changed from undergoing overfishing to not undergoing
24 overfishing.

25
26 **EUGENIO PIÑEIRO:** Maybe Dr. Ponwith might be able to chip in,
27 but what happens if -- In the Snapper Unit 2, we had a
28 commercial ACL close to 150, but there wasn't a recreational
29 number out there and what happens to that fish that is still in
30 the water that was never harvested and never reported? What is
31 the position or what do we do with that?

32
33 **BONNIE PONWITH:** Let me make sure I understand the question.
34 The question is if you set an ACL and over the course of the
35 year that ACL is not hit, what do you do? Is that the question?

36
37 **EUGENIO PIÑEIRO:** No and I'm sorry and let me -- I am going to
38 try again. The recreational fishery, it never hit the ACL,
39 that's correct.

40
41 **BONNIE PONWITH:** If the question is if you set an ACL and the
42 ACL is not met, what do you do, the answer is that those fish
43 live to be caught another day and live to spawn another day and
44 so typically what we're doing is making sure that we don't
45 harvest over a level that would actually damage the long-term
46 sustainability of the stock.

47
48 If you set an ACL and you don't get it, we typically don't take

1 any action on that and the reason is biologically, the stock has
2 more spawning stock biomass and can actually hasten the pace to
3 rebuilding, if it's a stock that's overfished, or is just in
4 very good shape if it's not.

5
6 The problem, from a management standpoint, of having rollover
7 minutes, if you will, where if you don't catch your ACL, trying
8 to move them to the next year is that, in some cases, moving
9 them to the next year, catching that many, would actually
10 require going over your ACL for the next year and that requires
11 a management measure. It's a complicated thing to do and
12 typically is not done.

13
14 **EUGENIO PIÑEIRO:** What happens now that the commercial harvest -
15 - They reach the ACL, but the recreational is not reached?
16 Would that be the same equation and would there be a benefit for
17 not overharvesting that?

18
19 **BONNIE PONWITH:** The status of the stock is, really, when we
20 look at it from a scientific standpoint, it doesn't matter who
21 catches it. If it's dead, it's dead and if it's not caught,
22 it's alive.

23
24 From a scientific standpoint alone, the overall ACL is what
25 determines the status and if you have an allocation that's split
26 between recreational and commercial and one ACL is not caught
27 and another one is, there may be management implications to
28 that, but from a stock standpoint and from a legal standpoint,
29 until you exceed those ACLs to the point where you hit the OFL,
30 then there aren't biological repercussions. There may be
31 management repercussions and I will defer to legal counsel for
32 that.

33
34 **EUGENIO PIÑEIRO:** Thank you, Dr. Ponwith. Perhaps, Bill, would
35 you tell me what the management implications would be?

36
37 **BILL ARNOLD:** I am not legal counsel.

38
39 **SHEPHERD GRIMES:** I am not sure I understood. You mean what are
40 the legal ramifications of carrying over unharvested -- I think,
41 for one, annual catch limits are set up to establish thresholds
42 that are not exceeded. If you're not exceeding them, then
43 you're doing your job and they're working, right? Exceeding
44 annual catch limits is a problem.

45
46 Now, you want to set up management so that you come as close to
47 the annual catch limit as you can without exceeding it, but,
48 again, the goal is not to exceed it. There's been a lot of

1 discussion around the country in New England and the Gulf
2 Council has had extensive discussions about what do you do if
3 you set these annual catch limits and you don't exceed them and
4 you fall well short of them?

5
6 Then your management, you need to loosen up your management
7 measures. You would revisit that so that, on average, you
8 wouldn't leave that much unharvested fish in the water, but an
9 annual catch limit, by definition, is an annual limit and it's
10 based on a recommendation that comes from the SSC.

11
12 It isn't like you can just add it on to the next year and from a
13 management perspective that I think you've heard from Dr.
14 Ponwith and others, it's money in the bank. It's fish in the
15 bank. You will earn interest on that and the stock will be
16 better and then in future years, you will be able to harvest
17 more, at least theoretically.

18
19 **BILL ARNOLD:** Genio, if you're getting is that under catch by
20 the recreational then made available to the commercial or helps
21 to reduce their overage, my understanding is that's not the way
22 the system works. You've got separate sectors and they're
23 treated separately and I think that was what you were getting
24 at.

25
26 **ROY CRABTREE:** You could come in and -- If one sector is not
27 catching their allocation, then you would have grounds to
28 revisit the allocation and reallocate it so that the ACL is
29 caught.

30
31 **SHEPHERD GRIMES:** Just to add to that, if I might, Mr. Chairman.
32 If you set these allocations or harvest targets or whatever you
33 want to call them and then you're not, over the long term,
34 achieving those yields, then over the long term, you're not
35 achieving optimum yield and I would say the law would require
36 you to come in and adjust those measures so that you achieve it,
37 but optimum yield is a long-term average.

38
39 If they don't catch it one year, that's not generally
40 justification to rework everything and take it away from that
41 sector and give it to another one just because they didn't
42 harvest it that year. They may well go over the following year
43 and it balance out in the long run.

44
45 **MIGUEL ROLON:** Anyway, when I used to crunch numbers, I remember
46 optimum yield needed nine years to make it solid, because you
47 have to have a ratio within and among and I remember that we
48 said, for example, you have to have three years to make sure

1 where your level is within that curve. Then if you want to make
2 it stronger, you need to have three of those points, nine years.
3 It was elementary arithmetic and it was not the sophisticated
4 way of analyzing data we have now.

5
6 The question is, to Shep -- I don't know if this is legal or
7 not, but how small of a period of time will be legally accepted
8 for changing the ACL from one sector to another? Is that
9 suggested of any or is that a legal boundary?

10
11 **SHEPHERD GRIMES:** I don't think that that really is a legal
12 issue. I mean ultimately, all the stuff we do is -- It's
13 subject to the law and so to the extent that you would have to
14 have a reasonable or a rational basis for making your decision,
15 yes, it's a legal issue, but in terms of how many years would
16 you need to do that, I would defer pretty much exclusively to
17 the scientists and the folks involved with it of okay, what's a
18 reasonable period.

19
20 I think our ABCs that we've got now, they were based over some
21 time period and my recollection of the ACL amendments is that we
22 wanted stable catch over a certain period of time and you looked
23 at five years for that period and you based your annual catch
24 limits on that. I don't see why five years would then be viewed
25 as an unreasonable time for determining what optimum yield
26 should be.

27
28 Again, all of this stuff is supposed to mesh together well
29 anyway and so your annual catch targets or what you're
30 harvesting should approximate your optimum yield targets and the
31 limits or the overfishing limits you have should approximate
32 your MSY values and your overfishing thresholds. All of this
33 stuff works together. We do have a lot of acronyms and a lot of
34 targets, but they're often just subtle differences on a handful
35 of concepts.

36
37 **BILL ARNOLD:** What we're talking about now is a little separate
38 from this ABC control rule. It's going to fit in better with
39 the complicated discussion we're going to have tomorrow about
40 island-based management and revision of the fishery management
41 units and associated revision of reference points and annual
42 catch limits and so as we move into that process, things like
43 reallocating between the commercial and recreational sector
44 could, and probably would, be a component of that much more
45 complex process of revising annual catch limits or at least
46 considering revising annual catch limits.

47
48 **DAVID OLSEN:** I was wondering, is there a way to credit

1 activities within the fishery, like the installation of trap
2 vents that do reduce the harvest of various species?

3
4 **BONNIE PONWITH:** The question about crediting conservation
5 measures to adjust the ACL, first of all, anything that we do to
6 improve the efficiency or reduce bycatch, reduce bycatch
7 mortality, is really good for the stock and I agree that if
8 measures like that are taken, we should take those into account
9 in the ACL.

10
11 The thing is that we have to have a way to quantify it and so if
12 we have enough data to actually show a before measure and after
13 measure delta, so that it's quantitative, my sense is that that
14 adjustment could be made from, again, strictly from a science
15 standpoint.

16
17 **DAVID OLSEN:** One of the things our guys bring up all the time
18 is that the prior conservation measures, the seasonal closures
19 and area closures on both the islands, are not considered in the
20 present in setting the ACLs.

21
22 In 2005, I think it was, we closed the Grammanik Bank and we
23 made snapper closures and all those things and yet, the ACLs
24 were set without acknowledging the role of those things in
25 contributing to the stocks.

26
27 **SHEPHERD GRIMES:** I would say that's a little disingenuous.
28 Now, if you closed areas or if fishermen were out there and they
29 could harvest anywhere and there were no closed areas, well then
30 they would have caught more fish, presumably, let's say, and
31 then catch levels would have been higher and so you would have
32 based your annual catch limit on those higher catches and there
33 also would have been no conservation benefit associated with it,
34 but to the extent that then those catches were reduced and
35 fishermen moved to other areas, whatever they harvested in the
36 remaining areas of what was available, that's what was used to
37 set the annual catch limits.

38
39 The effects of those, while maybe not directly, were certainly
40 indirectly incorporated into the process and a lot of those
41 areas, as I understand it, they're not -- They were not
42 developed explicitly to reduce harvest or constrain -- They
43 certainly weren't to constrain catch to some quota or annual
44 catch limit.

45
46 They were to protect spawning aggregations of fish and they were
47 to protect habitat unique areas, like we've done with Bajo and
48 Tourmaline and all these kinds of things. In addition, it's a

1 little bit of an apples-to-oranges comparison, I would say.

2
3 **DAVID OLSEN:** I think that's pretty disingenuous. The seasonal
4 closures, for example, reduced the annual fishing here for some
5 of the species by 25 percent and the shelf has been totally
6 saturated by fishing for quite some time and so there have been
7 measures taken that have had substantial effects in reducing the
8 fishing year and therefore the fishing effort and therefore the
9 landings, which really have not been studied. To assume that
10 somehow they've appeared in the data is asking an awful lot of
11 the data.

12
13 **ROY PEMBERTON:** I would have to agree with Dr. Olsen, partly
14 because we have a situation right now with mutton snapper on St.
15 Croix where a lot of the areas that we ended up closing has
16 benefitted that fish's resurgence into the population structure.

17
18 If it hadn't been for those closures, it probably wouldn't have
19 resurged the way it has and so there is a benefit to the
20 fishers, but yet, at the same point, we're not utilizing it,
21 because it's a closed area and these areas have not been --
22 Particularly with East End Marine Park, it's been in existence
23 now for five years, but we haven't done any assessments in there
24 and so a lot of these things go forward to that level. We have
25 to have some type of movement in the direction if you're doing
26 the proper conservation.

27
28 **SHEPHERD GRIMES:** I won't belabor this either, but you know as I
29 constantly here from the science types, the data are what the
30 data are and the landings are what the landings are and they
31 reflected what was harvested in areas and if there were
32 conservation benefits to closed areas and it resulted in
33 increased landings around those closed areas, that's what we use
34 to approximate maximum sustainable yield in the rest.

35
36 Until we have some other type of assessment process or other
37 process for evaluating what catch limits should be or
38 establishing what catch limits should be, all of this, at least
39 inferentially, is included.

40
41 **TONY BLANCHARD:** I am going to side with Dave and Mr. Pemberton,
42 for the mere fact that when the ACLs -- The years that were the
43 ACLs were taken into consideration, what they would have come
44 off of.

45
46 You had closures on the Bank and you had seasonal closures and
47 so let's say in the perfect fishing year, that area, as well as
48 that twelve-year span, that twelve-month span, would have been

1 open to fishing, meaning that that would have driven the ACLs
2 higher, according to the calculations, but because of the closed
3 area and the shortened seasons, right now we've got a three-
4 month closure on the snappers and January, a three-month
5 closures on the groupers.

6
7 All that was not taken into consideration when the ACLs came
8 into play, because the numbers were not there to show and so in
9 fact, if this was twelve months open to full fishing, these ACLs
10 should have been higher and I think that's where the problem
11 comes in and what Dave was trying to say as well as Roy.

12
13 **RICHARD APPELDOORN:** There is no guarantee that when you have an
14 action like a closure that it's actually going to work and the
15 really good example of that was the initial closures that were
16 done off the west coast of Puerto Rico for red hind.

17
18 The response to that was a lot more fishing for red hind outside
19 the season and not just outside, but there's a lot more fishing
20 for red hind, period, and that increase in effort over the years
21 swamped the protection of effort that the three-month closure
22 was having in those particular areas.

23
24 The fact that you have management measures in place does not
25 guarantee that it won't be superseded just by increases in
26 effort.

27
28 When we have a situation like red hind at the Hind Bank, where
29 you have a documented case where the population has increased
30 substantially, the size structure has increased substantially
31 and it's showing up in the catch, that's the grounds for coming
32 back and saying we would like to raise the ACL, because the data
33 is there to show it and that's how the process should work,
34 hopefully in a timely fashion.

35
36 I'm not sure we've gotten to that point yet, but that's what we
37 want to look at. It will be probably the thing we are going to
38 look at in the red hind assessments coming up in SEDAR.

39
40 There is a process to adjust for that and the fact that you have
41 other protections in place doesn't guarantee that they're going
42 to be able to keep things in check, because increases in fishing
43 pressure can always overstep whatever you put in, other than
44 limits on fishing pressure itself.

45
46 Think of it initially as a buffer that's going to help you and
47 if it does help you, that should allow you to -- That will show
48 up in the data and allow you to raise the ACLs accordingly, but

1 you have to give the populations time to recover from that and
2 if you don't, you're not going to get that money in the bank
3 that is the whole purpose that it's potentially serving you,
4 regardless of the reason why it might have been closed
5 initially.

6
7 If you don't let it serve that purpose, you are defeating
8 yourselves. In any management measure where you're going to do
9 some restriction, it's a short-term loss for a long-term gain
10 and so let the long-term gain happen and let's just get the
11 process in place where we can capitalize on that gain when it
12 does.

13
14 **BILL ARNOLD:** This is a very important discussion, but it really
15 does not pertain to the control rule. As I said earlier, it
16 pertains to the discussion that I would suggest we have
17 tomorrow, if you guys want to have dinner tonight. I would
18 suggest we stick to this and, humbly and with all due respect,
19 what I need to get is a motion from the council to meet those
20 next steps right there and keep this control rule process moving
21 forward.

22
23 **ROY CRABTREE:** I move that we ask staff to develop a public
24 hearing draft for the spring 2014 council meeting and schedule
25 public hearings for spring of 2014.

26
27 **TONY BLANCHARD:** I second.

28
29 **CARLOS FARCHETTE:** Second by Blanchard. We're going to take it
30 to a vote. I am going to start on --

31
32 **ROY CRABTREE:** You can just ask if there's any objection.

33
34 **CARLOS FARCHETTE:** Is there any objection? Hearing none, the
35 motion passes. Bill, you didn't have another one or you do?

36
37 **MIGUEL ROLON:** No, not now. Is that a five-minute thing?

38
39 **DISCUSSION OF ECONOMIC CLOSURE MODEL**

40
41 **BILL ARNOLD:** Yes, this has to do with Kate's closure model. We
42 talked a lot about Kate's closure model and now I need a motion
43 for us to move the closure model forward and start developing a
44 scoping document for this closure model so that we can get it in
45 the regulations and actually be able to use it certainly by 2016
46 and if we really hustle, maybe by 2015. That's the next thing
47 we need to get done, I would hope, today.

48

1 **MIGUEL ROLON:** Can you dictate some language and somebody can
2 say "so I move" and you can just say that to Livia?
3
4 **BILL ARNOLD:** To develop a scoping document to -- I hope you can
5 help me out on this, Shep, but to prepare the rule to implement
6 the closure model. I'm not sure that's a perfect motion.
7
8 **SHEPHERD GRIMES:** If I have this right, this is what we talked
9 about earlier and incorporating Kate's model into all FMPs and
10 so, again, it's just like you had done earlier and I would say
11 you move to direct staff to prepare a scoping document and maybe
12 you don't even want to go as early as scoping document, but to
13 prepare a document or a draft amendment, whatever you want to
14 call it.
15
16 **MIGUEL ROLON:** Leaving the "scoping document" there and give
17 some direction as to what we're going to do.
18
19 **SHEPHERD GRIMES:** Develop a scoping document to incorporate that
20 economic closure model.
21
22 **BILL ARNOLD:** And schedule scoping hearings during winter or
23 spring of 2014.
24
25 **SHEPHERD GRIMES:** Economic model. I would say to incorporate
26 the economic model into all ACL-related closures or something to
27 that. Staff will know what to do. You're going to go back and
28 start working on this anyway and so you don't need to sweat the
29 language that much.
30
31 **MIGUEL ROLON:** We need somebody to say "so I move".
32
33 **EUGENIO PIÑEIRO:** So I move.
34
35 **MIGUEL GARCIA:** Second.
36
37 **CARLOS FARCHETTE:** Genio moved and Miguel Garcia seconded. **Any**
38 **objections? Hearing none, the motion carries.**
39
40 **BILL ARNOLD:** The general idea would be to have these two
41 scoping hearings scheduled together. I think these are two
42 topics that could be dealt with in a single scoping session
43 series of hearings. I try to do that because there's a lot of
44 travel and expense involved and so we try to bundle these things
45 as much as possible.
46
47 **CARLOS FARCHETTE:** Also, we need the control rule --
48

1 **MIGUEL ROLON:** We already have that. The control rule motion
2 was what you just saw on the screen.

3
4 **SHEPHERD GRIMES:** The only thing I would say, in line with what
5 Dr. Arnold just said, is just make sure your announcement for
6 those two distinguish between one being a public hearing and one
7 being a scoping meeting, because they will serve different
8 purposes and we want to be clear that that's what those meetings
9 are doing.

10
11 **ROY CRABTREE:** That motion I made there is the control rule.

12
13 **MIGUEL ROLON:** Is that all, Bill, for now?

14
15 **BILL ARNOLD:** I can go on, but it will take hours and so I would
16 like to start with the island-based FMPs first thing tomorrow
17 morning, if we could, and there's two things I need to get done,
18 the island-based FMPs and Abrir/Bajo/Tourmaline. Then you can
19 have the rest of the meeting.

20
21 **CARLOS FARCHETTE:** Okay.

22
23 **ADMINISTRATIVE MATTERS**

24
25 **MIGUEL ROLON:** Mr. Chairman, that concludes that section of the
26 agenda and now we'll go into Administrative Matters. My
27 suggestion is that in Other Business we have Leda's letter -- I
28 call it Leda's letter, because are family, but anyway, the
29 letter addressing the way that we schedule meetings and all that
30 and also the regional organization agreement by Phil Steele and
31 then we will have the closed session and only council members
32 will stay here for the discussion on issues related to personnel
33 and membership matters.

34
35 In the case of the budget, we already told you that we have
36 probably an agreement in the works for 2014 and we hope that we
37 don't have a closure.

38
39 At this time, the grants office does not know whether we will
40 have the money as of January 1 or not. They are hoping that we
41 will have the money available for all councils and actually
42 NMFS, but for all councils on January 1.

43
44 The possibility of cuts, we have a letter that was sent by all
45 the councils to the appropriate agency people in Washington and
46 we wanted some explanation as to whether we will be cut by 2, 3,
47 5, 16, or 17 percent and this is a long history of why.

48

1 We received a letter from Sam Rauch, the Director of National
2 Marine Fisheries Service at this time, that in the case of the
3 councils they are going to postpone adopting any of these
4 percentages until they are studied thoroughly during 2014 and
5 those cuts will probably be in place by 2015 and not at this
6 time.

7
8 That means that we can continue work as scheduled for 2014 with
9 what we have, but we have to be mindful of the budget situation
10 at all times and so we will have projections discussed with the
11 Chair every two months, just to make sure, because next year is
12 the last year of the five-year cycle and so we have to be
13 careful that we don't go over the allocated funding that we
14 have. Otherwise, I have to make a lot of explanations.

15
16 The other part that we wanted to discuss is the issue of --
17 Although we have the Other Business, but at this time, we would
18 like Leda to -- Are you ready to say something?

19
20 **LEDA DUNMIRE:** Good afternoon. My name is Leda Dunmire with the
21 Pew Charitable Trust and we appreciate the opportunity to
22 comment on items for discussion before the council at its 148th
23 meeting.

24
25 This council has taken important steps to increase participation
26 in the fishery management process by fishermen and other members
27 of the public. The work of the Outreach and Education AP, in
28 which Alida Ortiz, Helena Antoun, and Lia Ortiz are undertaking,
29 are good examples of your commitment to bringing the public into
30 the decision making process.

31
32 We recently submitted a letter recommending steps that the
33 council could take to build on this effort. I have spoken to
34 members and staff today and appreciate the consideration you are
35 giving our comments.

36
37 The first and most important step is to publish more timely
38 notification of council and other meetings. The second is to
39 make it standard practice to post meeting agendas online at
40 least thirty days in advance of each council meeting and
41 briefing book materials two weeks in advance. These steps are
42 critically important for effective stakeholder participation.

43
44 As you know, Pew's Southeast U.S. Oceans Team works to advance
45 sustainable fishery policies at two other councils in the
46 region, the South Atlantic and Gulf of Mexico. We also have
47 colleagues working with the Pacific, New England, and Mid-
48 Atlantic Councils.

1
2 For more than five years, we have attended meetings, submitted
3 detailed comments, and provided public testimony on a range of
4 issues, including plans to restore depleted fish populations,
5 proposed habitat protections, and measures to reduce bycatch.

6
7 This would not have been possible without the efforts of council
8 staff to ensure meetings were widely accessible and the meeting
9 location, agenda, and briefing book materials publicized well in
10 advance.

11
12 Right now, both the South Atlantic and Gulf of Mexico Councils
13 have posted their 2014 meeting dates and locations, including
14 the hotel at which those meetings will be held. Meeting agendas
15 will be posted four to six weeks in advance and briefing books
16 are generally available online two weeks ahead of each meeting.

17
18 The South Atlantic Council also sends out postcards with the
19 meeting information and agenda to everyone on its mailing list.
20 This enables all interested stakeholders to plan their travel
21 and carefully consider council decisions and their
22 recommendations on those decisions. Without this information,
23 it is difficult to fully take part in the fishery management
24 process.

25
26 Additionally, this information would allow council staff to
27 secure meeting space with sufficient size, amenities, and
28 location relative to fishing communities. We strongly encourage
29 you to identify tentative dates and locations for your 2014
30 meetings at this meeting and to confirm and post that
31 information on your website as soon as possible, ideally no
32 later than this January 2014. This will ensure maximum
33 opportunity for public input. Thank you for considering these
34 comments and we look forward to working with this council and
35 fellow stakeholders for healthy and prosperous fisheries.

36
37 **CARLOS FARCHETTE:** Thank you. The next item?

38
39 **MIGUEL ROLON:** Phil, the operational --

40
41 **PHIL STEELE:** This will just take a minute. The Regional
42 Operating Agreement is an agreement we have with the councils,
43 with SERO, with NOAA GC, and our Science Center. It's basically
44 the heart and soul of how we do business.

45
46 It describes the processes, the products, the roles and
47 responsibilities that are outlined in the agency's operational
48 guidelines that we came up with back in 2005. Basically, it's

1 the IPT process and how we do things.

2
3 Each of the councils have one. We're at the point now where I
4 think, as a result of the Inspector General's request, that we
5 renew these and get them signed and send them up to
6 Headquarters. That's basically all there is and you have copies
7 of it. If you don't, I can provide them to you, but it's how we
8 do business and that's it.

9
10 **CARLOS FARCHETTE:** Thank you, Phil.

11
12 **ROY CRABTREE:** Miguel, you're good with this?

13
14 **MIGUEL ROLON:** Yes.

15
16 **ROY CRABTREE:** Do we need a motion to approve it?

17
18 **MIGUEL ROLON:** Yes.

19
20 **ROY CRABTREE:** I move we approve the operating agreement between
21 the council and the Regional Office and the Science Center.

22
23 **ROY PEMBERTON:** I second.

24
25 **CARLOS FARCHETTE:** Any objections? All in favor say aye. With
26 no objections, the motion carries.

27
28 **MIGUEL ROLON:** With that, we conclude the open session of the
29 council and now we go into the closed session to discuss SSC and
30 personnel matters.

31
32 (Whereupon, the meeting went into closed session on December 11,
33 2013.)

34
35 - - -

36
37 December 12, 2013

38
39 THURSDAY MORNING SESSION

40
41 - - -

42
43 The Caribbean Fishery Management Council reconvened at the
44 Wyndham Sugar Bay Resort, St. Thomas, USVI, Thursday morning,
45 December 12, 2013, and was called to order at 9:00 o'clock a.m.
46 by Chairman Carlos Farchette.

47
48 **CARLOS FARCHETTE:** Good morning. We're going to start our

1 meeting, the continuation of the 148th Caribbean Council Meeting.
2 It's December 12, 2013, at Sugar Bay Resort, St. Thomas, USVI.
3 We've got an amendment to the scheduled agenda. We have the
4 British Virgin Islands delegation here and so we're going to
5 move their scheduled incident ahead of Bill and we have a long
6 day with Bill today. We've got a lot of work to do and so thank
7 you and the delegation can come forward to the table. If you
8 could all put your cell phones on vibrate, please. Before we
9 begin, we'll do the roll call and I will start on my left with
10 Livia.

11
12 **LIVIA MONTALVO:** Livia Montalvo, council staff.

13
14 **MARIA DE LOS IRIZARRY:** María de los Irizarry, council staff.

15
16 **NELSON CRESPO:** Nelson Crespo, council member.

17
18 **TONY BLANCHARD:** Tony Blanchard, council member.

19
20 **MIGUEL GARCIA:** Miguel Garcia, council member, Puerto Rico.

21
22 **IRENE SMITH:** Irene Smith, Surveillance and Enforcement,
23 Conservation and Fisheries, Ministry of Natural Resources,
24 Government of the British Virgin Islands.

25
26 **SAMUEL DAVIES:** Samuel Davies, Fisheries Officer, Tortola,
27 Conservation and Fisheries Department. We welcome the
28 Department of Ministry of Natural Resources and I am happy to be
29 here with you all today and thank you all for inviting us over.

30
31 **ROY PEMBERTON:** Roy Pemberton, Fish and Wildlife, DPNR.

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

34
35 **CARLOS FARCHETTE:** Carlos Farchette, council chair.

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

38
39 **DIANA MARTINO:** Diana Martino, council staff.

40
41 **ROY CRABTREE:** Roy Crabtree, NOAA Fisheries.

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

45
46 **BONNIE PONWITH:** Bonnie Ponwith, NOAA Fisheries.

47
48 **MORGAN FOWLER:** Morgan Fowler, U.S. Coast Guard.

1
2 **BILL ARNOLD:** Bill Arnold, NOAA Fisheries.
3
4 **GRACIELA GARCIA-MOLINER:** Graciela Garcia-Moliner, council
5 staff.
6
7 **PHIL STEELE:** Phil Steele, NOAA Fisheries.
8
9 **RON MESSA:** Ron Messa, NOAA Enforcement.
10
11 **RICHARD APPELDOORN:** Rich Appeldoorn, SSC chair.
12
13 **EDWARD SCHUSTER:** Edward Schuster, AP chair.
14
15 **ALIDA ORTIZ:** Alida Ortiz, O&E AP chairperson.
16
17 **KATE QUIGLEY:** Kate Quigley, council staff.
18
19 **WILL HEYMAN:** Will Heyman, LGL Ecological Research Associates
20 and invited speaker.
21
22 **KIM GORDON:** Kim Gordon, Fisheries Forum.
23
24 **MICHELLE SCHARER:** Michelle Scharer, invited speaker.
25
26 **LEDA DUNMIRE:** Leda Dunmire, Pew Charitable Trusts.
27
28 **DAVID OLSEN:** David Olsen, STFA.
29
30 **TOM DOLAN:** Tom Dolan, U.S. Virgin Islands, Bureau of Fisheries.
31
32 **HOWARD FORBES:** Howard Forbes, DPNR Enforcement.
33
34 **WINSTON LEDEE:** Winston Ledee, commercial fisherman, AP member.
35
36 **TONY IAROCCI:** Tony Iarocci, commercial fisherman.
37
38 **CARLOS FARCHETTE:** Thank you. Roy Pemberton, you're going to
39 start this off, since this has to do with --
40

41 **BVI FISHERY VIOLATION INCIDENTS**

42
43 **ROY PEMBERTON:** Thank you, Mr. Chair. The U.S. Virgin Islands
44 and the British Virgin Islands have been engaged in some nice
45 talks over the last couple of years and a couple of months ago,
46 we had a meeting with them to discuss some of our mutual
47 interests and one of the issues that came up was some issues
48 regarding some fisheries interactions with some of our vessels

1 from Puerto Rico and also the U.S. Virgin Islands.

2
3 Director Forbes and myself and John Peoria and also Assistant
4 Director Jessica Magras was also involved in a meeting and we
5 were quite interested in trying to come to some type of
6 resolution to the problem, if not to at least see what the
7 actual issues were and make sure it's brought to the attention
8 of the council.

9
10 I would like to introduce Irene Smith, Surveillance and
11 Enforcement Officer for the British Virgin Islands, Conservation
12 and Fisheries Department, and Mr. Samuel Davies, Conservation
13 and Fisheries Department, Fisheries Officer as well. I would
14 like to give them the opportunity to address the council on
15 these matters.

16
17 **SAMUEL DAVIES:** Good morning to everyone. Before I get into the
18 meat of the facts of what is happening in the BVI, I brought
19 some magazines that our department produces to distribute to
20 anyone who would like them.

21
22 Of course, if you want to get more, you will have to work with
23 us at the Fisheries Department. You can contact us at the
24 Fisheries Department. The magazine has a lot of facts of the
25 type of work that we do over in the British Virgin Islands and
26 the BVI.

27
28 I have been working in my department for quite some time, about
29 thirty years now, and I have a lot of experience and one of our
30 jobs is really to license and reregister fishing boats.
31 Presently, we have three different categories of fishing
32 licenses. We have commercial, pleasure, and sport fishing.

33
34 I remember that in the past years, we had more commercial
35 fishermen than sport fishermen and pleasure fishers, but right
36 now, over the years and with the increase of the population,
37 both in the BVI and the U.S. Virgin Islands and Puerto Rico, et
38 cetera, we have seen a lot of increase in sport fishing and
39 pleasure fishing boats and we have a lot of pressure on our
40 resources.

41
42 We welcome everyone to come and fish with us. We have no
43 problem, absolutely no problem, with that, but you have to
44 follow the guidelines and walk behind the law and don't do
45 anything illegal, but, however, we have some people that feel
46 that once they're out there, there's nobody around and they can
47 do what they want and get away scot-free and I know that you all
48 get it on your side too, not everyone does the right thing.

1
2 We had to try to ask for some assistance and how we can assist
3 you all to how we could correct some of these infringements that
4 we're having in our waters.

5
6 One of the things that we -- Since technology has increased with
7 the GPS, in particular, and fish finders and the hydraulic
8 reels, snapper reels, et cetera, you know you have people who
9 fish on the shelf for the snappers and the groupers, in
10 particular, and we also have the pelagic fish and we all know
11 the pelagic fish, the mahi-mahi, et cetera, the wahoo.

12
13 We get some complaints and some of the complaints that we
14 receive is from the Puerto Rican boats that come up in the
15 Virgin Islands, in the BVI, and they fish for snappers and they
16 fish on the edge.

17
18 I don't know if they report the data to Fish and Wildlife or to
19 their counterparts in Puerto Rico, but from my understanding,
20 and correct me if I'm wrong, but I understand that more snappers
21 and groupers are caught in Puerto Rico -- The stock in Puerto
22 Rico is higher with snapper and groupers compared to the low
23 cull fish and so I wondering if really snappers and groupers are
24 coming from -- According to the reports from our fishermen, they
25 see these boats out there fishing and these are like boats that
26 are capable of trolling and deep-sea fishing for vertical
27 longline for the snappers and groupers.

28
29 That is one of our main concerns over in the Virgin Islands and
30 the other thing is -- This doesn't really have to do with
31 fishing, but it's particularly for the guys in Puerto Rico.

32
33 The boats in Puerto Rico that come over, the sport fishing type
34 boats, et cetera, the family comes for fun and we don't know
35 what they're really out there doing, but we hope they come in
36 good faith, but there are reports about taking the snappers and
37 groupers and, of course, the pelagic fish and that isn't too
38 much good news.

39
40 Our regulations say that you can get a fishing license and you
41 can take up to thirty pounds of fish per boat, but our
42 understanding is that these guys come over and they fish and
43 they stock up their freezers in their boats and take it back to
44 Puerto Rico and St. Thomas and they sell these fish.

45
46 The other concern though is that the boats tend to be anchoring
47 too, the boats that come over with their families, anchoring in
48 close to the beaches with their ropes onto the beach, and this

1 is an infringement to us in the BVI, because some of our beaches
2 have a lot of tourists going around and it's in a commercial
3 area and these boats can trip up people when they anchor in
4 really close to the shore and swimmers have a difficult time for
5 swimming.

6
7 If we are selling our product to bring tourists into our country
8 and if this kind of behavior continues, it could have a negative
9 impact on our economy and, of course, you all know by now that
10 the BVI, one of the main sources of income is tourism.

11
12 We do have a serious problem, particularly in Cane Garden Bay,
13 where the boats -- Sometimes you can count up to fifteen boats
14 side-by-side and very, very, very close to the Bay and so that
15 is a serious concern of ours. Irene, would you like to say
16 anything or are there any questions?

17
18 **MIGUEL ROLON:** Let's talk about the first one, before I forget.
19 In the case of the tourism aspect of it, there is very little we
20 can do. Because it's in your waters, you have to enforce it and
21 all of that. However, we can help you with outreach and
22 education.

23
24 We can send flyers and we can post them in key places,
25 especially marinas, that if you are there with a boat, then
26 these are the things that you should be doing to comply with the
27 British Virgin Island regulations. Sometimes, people do thing
28 out of ignorance and sometimes they know the laws and they break
29 them all, the two extremes.

30
31 We also have a standing committee of the USVI and British Virgin
32 Islands and this is a perfect place to start discussing these
33 issues. The council can help you with the fishery aspect of it,
34 because are also concerned.

35
36 Yesterday, we had a presentation in which they have shown that a
37 lobster was caught in British Virgin Island waters and reported
38 from Cabo Rojo, Puerto Rico. We know that this is happening and
39 it should not be happening and in the past, we have these issues
40 discussed and we had a treaty, an addendum to the treaty.

41
42 Now we only have the equidistant line between the two and maybe
43 it's time for us to sit down again and look at common issues and
44 some solutions that we can come about together. Any U.S.
45 citizen fishing in waters of another country that has a treaty
46 with the U.S. or a relationship with the U.S. and is in
47 violation that country's laws and regulations, he can be
48 penalized in the states, using the Lacey Act and other tools

1 that the enforcement agents have.

2
3 We cannot talk about all of this today, but I believe that --
4 First of all, I want to thank you personally for coming and
5 taking the time and also to Roy Pemberton to bring the issue to
6 our attention.

7
8 Mr. Chairman, in the past, what we used to do was to have a
9 small committee of the Chair, the Executive Director, the Coast
10 Guard, and key personnel to exchange ideas at meetings in
11 Tortola and the USVI, to see these problems and how can we solve
12 them together.

13
14 Again, we need to start by writing down the issues, the
15 problems, and what are they and how can we assist and how can we
16 participate in a more effective manner to allow our fisheries to
17 go to the British Virgin Islands as long as they behave, as long
18 as they follow the law.

19
20 This issue with the recreational fishery, we have discussed it
21 before many times, because, as you know, there is a fishing
22 tournament that is very important and we have a floating
23 population of fishers from the states, mainly, that come to the
24 U.S. Virgin Islands and the British Virgin Islands to
25 participate in tournaments and to fish there and there's a
26 special concessions that they themselves don't want other
27 fishers to abuse, because then the serious fishermen will lose
28 those grounds.

29
30 Again, I will thank you and I don't know, Mr. Chairman, what
31 will be the next step and what you would like to proceed to do,
32 but we would encourage you to pursue this in the appropriate
33 matter and as fast as possible.

34
35 **EUGENIO PIÑEIRO:** In the past, as an angler, I've fished in your
36 waters and what we would do is we would go and register in the
37 morning or call and then we would be allowed to fish, because
38 you have very good airplanes and enforcement up and down, but I
39 agree with what Miguel says.

40
41 There is a component in here of people who should know the law
42 and so I don't believe -- I believe that there is ignorance of
43 the damage they are doing conservation-wise to the bottom while
44 anchoring there and not following the rules.

45
46 You guys are working and busting your butts, your chops, to keep
47 that pristine environment, because it's beautiful out there, and
48 it's completely unnecessary and it's unacceptable to have people

1 from other jurisdictions, other countries, such as Puerto Rico
2 and the USA, going in there and fishing and these big vessels,
3 they remove a lot of fish and I'm pretty sure they don't report
4 it there.

5
6 We are precisely having a set of issues in here, because we
7 understand they are reporting it here, and so every way you look
8 at it, we all lose. Conservation loses and recreational and the
9 Puerto Rico -- Puerto Rico looks bad and so I -- The only thing
10 that comes to my mind at this time is that once you identify
11 those vessels, you should notify the Commissioner of Navigation
12 of Puerto Rico. Send them a letter of concern and the second
13 time, if you ever see them again, you just -- It's your waters
14 and it's your country and you should proceed with a heavy hand
15 of enforcement of them, because it's your job to protect your
16 resources.

17
18 I am pretty sure the fishermen from St. Thomas would not like
19 people from other countries to come to those places and we
20 wouldn't like it either and so it's in your hands, but I suggest
21 that you immediately identify those vessels, take photos of
22 them, and send letters of concern to the government of Puerto
23 Rico.

24
25 Here is Dr. Miguel Garcia and he heads the Puerto Rican
26 fisheries and I am sure he will send that to the Commissioner of
27 Navigation, but we have to start somewhere and those are my
28 words.

29
30 **MIGUEL GARCIA:** First of all, I would say that it's a very sad
31 situation, particularly for the BVI fishermen, firstly, and also
32 for the Puerto Rican fishermen if those landings get reported in
33 Puerto Rico, because of the ACLs. We have to recognize that for
34 sure and I would like just to extend our full cooperation from
35 the Puerto Rican government in any way that you find to be
36 necessary.

37
38 I don't know if you should write a letter to the DNR Secretary
39 and make her aware of the situation, but we can talk about that,
40 because I don't know how the situation right now -- How it is,
41 but I just want to address our welcome of anything that we can
42 do about it. We want to participate, for sure.

43
44 **SAMUEL DAVIES:** One of the things -- I don't know if you all --
45 This is an idea of mine, actually. I don't know how you all
46 register your boats in Puerto Rico. I have an idea of how they
47 do it in St. Thomas, but I think it would be good, it would be
48 wise, if we could share the information of the registered boats,

1 the vessels that you all have registered in Puerto Rico.
2
3 When some of these boats, when they come over, they come and get
4 a temporary fishing license, which allows them to fish for a
5 month. Basically, we don't know if these boats are just on a
6 fun trip or if they're engaged in some kind of fishing back in
7 Puerto Rico or even here in the U.S. Virgin Islands.
8
9 I think that is important, that if we could share that
10 information, because every month we give over a hundred or 200
11 boats licenses to fish, temporary fishing licenses, in the BVI
12 and so that is quite a lot of boats.
13
14 Some of the boats repeat. They repeat all the time, all the
15 time, and those are the ones that we figure might be the ones
16 that are really coming up there and fishing commercially,
17 illegally, and then going back to St. Thomas or Puerto Rico.
18
19 Besides that, I would like to enlighten you all on an incident
20 that happened in the BVI on the 2nd of January with a mega yacht.
21 The mega yacht was 178 feet and it was called the Parsifal III
22 and it was a UK-registered vessel. It's one of ours. It's a
23 UK-registered vessel, but I will still enlighten you all of what
24 went on, because it's important.
25
26 On the 2nd of January, it hit a national park. It ran aground in
27 a national park and it hit a rock that we call Carrot Shoal and
28 when it hit the rock, the keel hit the rock and it caused -- It
29 broke the rock. It hit the rock so hard that it broke the rock
30 and busted open part of the keel and the keel is not like the
31 solid, solid lead like what we are accustomed, at least what I
32 am accustomed to knowing.
33
34 It had some pellet lead, like very, very tiny, like bb-gun
35 shots, if you all familiar with bb-gun shots. They are very,
36 very tiny. It dumped -- We recovered, after they hit the rock,
37 we recovered about sixteen-tons of those little pellets and
38 while we were recovering them, we -- Just being on the site
39 watching the fish, especially the parrotfish and those type of
40 fishes, the red hind, they go and they pick the lead and they
41 eat them. They are eating these leads.
42
43 We take samples of these fish and we sent them abroad to get
44 them tested for lead, lead content, and they came back positive
45 with lead in them, but this thing is very, very dangerous.
46
47 When you just leave it out like in a cup and you just do that,
48 you can see fumes coming from it and so I don't know what kind

1 of lead it is, but it turned black also. After a period of
2 time, it turned black and Carrot Shoal is very close to St.
3 John, et cetera, and so it's a concern and we can't contain it
4 anymore.

5
6 The boat -- Apparently all the lead didn't drop out and so the
7 boat came to St. Thomas to get repaired in February and so they
8 ordered a lot of lead, tons and tons of lead, to replace those
9 ones, but it's a dangerous situation and we understand.

10
11 We've been investigating this thing for some quite while and
12 they said that they built about ten boats in the world that have
13 this lead stuff in it like this and so I think it's important
14 for us to, especially on our side, since it's British also, to
15 get the names of these boats and pass on the information of
16 these boats to you all, because it's a matter of concern, a very
17 critical issue.

18
19 **IRENE SMITH:** I would like to elaborate some more on this. On
20 Monday, my boss and I came to St. Thomas to the shipyard to
21 investigate more information about the vessel, because
22 apparently the vessel came over to St. Thomas from St. Maarten
23 to do repairs and we went to the shipyard and we spoke to Mr.
24 Eugene Krall of that establishment and we tried to ascertain,
25 along with assistance of DPNR, we tried to ascertain some
26 information, which they refused to pass on the information to
27 us, because he had his lawyer with him at the same time and they
28 said that they had to sign an agreement not to disclose the
29 information.

30
31 However, we don't know if anyone in the U.S. can assist us in
32 getting this information, because sometime next week we are
33 supposed to be going to court with this vessel and this vessel
34 is not complying with us and they refuse to give us the
35 information.

36
37 **EUGENIO PIÑEIRO:** In your deliberations, have you considered
38 blacklisting the main offenders, the people who repeatedly go
39 there?

40
41 **SAMUEL DAVIES:** Yes, we do blacklist them, but I will give you
42 another insight with these mega yachts. About a month ago, one
43 of our local guys was fishing and this is during the day, around
44 four in the afternoon.

45
46 His boat was anchored and he was fishing, not too far offshore,
47 and this mega yacht came down and ran the guide over. The yacht
48 busted the man's boat in two and the fisherman was -- He was

1 lucky he is alive. This boat is 170 feet long, compared to a
2 boat that is like twenty-two feet in length, and so he was
3 lucky, lucky.

4
5 I think it's important, not just for the BVI, but we could work
6 with the tourists, et cetera, et cetera, to put out information
7 and to tell people to be more vigilant and be more careful when
8 they're coming into Puerto Rican waters, the U.S. Virgin Islands
9 waters, and the BVI waters.

10
11 I think it's a battle we're fighting, but we can overcome it by
12 sharing information and that's the most critically important
13 thing that I see here.

14
15 **MIGUEL ROLON:** Going back to your question, we are all for
16 sharing the information and actually, we have, with the
17 different activities that we have with the WECAFC, the Western
18 Central Atlantic Fishery Commission, the number one goal, and
19 it's in our bylaws and everything, is the exchange of
20 information, especially in fisheries.

21
22 Mr. Chairman, I suggest that after this presentation that the
23 next step probably should be to have that committee put together
24 as soon as possible, so we can respond accordingly to the
25 request of the British Virgin Island officials today.

26
27 Certainly in the case of Puerto Rico, we need the Secretary, but
28 also we need other people, the Secretary of Navigation. He is
29 the person in charge of keeping the list of all the vessels and
30 we need to check with the lawyers, because there is some
31 information that cannot be distributed individually, but in
32 bulk.

33
34 All of this could be discussed at this committee and I hope that
35 this will reopen frank and open discussions among the two
36 countries for the future, so we will be able to alleviate this
37 issue, this problem, that we have.

38
39 We can throw stones and hit each other from across the two
40 island boundaries. We have family in the British Virgin Islands
41 and you have family in the U.S. Virgin Islands and Puerto Rico
42 and so we have a common goal, which is to make it work for
43 everybody, respecting the natural resources of each country.

44
45 **CARLOS FARCHETTE:** Thank you, Miguel. That's what I would like
46 to do, form a committee that will involve myself, as Chairman of
47 the Council; the Executive Director, Miguel Rolon; and, of
48 course, the Commissioner of Planning and Natural Resources for

1 the USVI or her designee, which will probably be Mr. Pemberton;
2 the DNER Secretary or her designee, which will probably be
3 Miguel Garcia; and the U.S. Coast Guard personnel; and the U.S.
4 State Department personnel, whoever they want to designate.

5
6 We can get together and figure out exactly what's going on,
7 because I understand, in talking to Roy, and I come from thirty
8 years of law enforcement also and I recognize you from years ago
9 working. I think that there's something that we can do.

10
11 I understand that they probably are even processing the fish out
12 there and so when they're coming in, it's already packaged and
13 so we will try and find a way to -- Of course, Howard Forbes
14 from Enforcement for the USVI would also be involved in that
15 committee and we can start to talk and find a way to -- If we
16 catch them, we will slam them.

17
18 I know that I have read the British Virgin Islands regulations
19 and your fines are very high and so a heavier hand than that --
20 We don't have that heavy of a hand and so I think that we can
21 work with that, but we'll try and get together and I think what
22 I will do is Roy would probably be doing a lot of the
23 coordination for our Commissioner, with both of you, and see how
24 we can start to tackle this incident and any future incidents.

25
26 In the next council meeting, we will report back. We have about
27 three council meetings a year and so we share between St.
28 Thomas, St. Croix, and Puerto Rico. We switch around and maybe
29 we can, since we're so close together, get more involved and
30 even do some more invitations from BVI to have a delegate at
31 least attend the meetings and hear what's going on, because we
32 have a lot of things going on.

33
34 We have annual catch limits now for fish and a lot of closed
35 seasons and a lot of protected areas and fishery management
36 plans and I think that we can share a lot of information,
37 because the fish don't have boundaries.

38
39 I want to thank you and you're welcome to stay as long as you
40 want, because I know you have a ferry to catch back home, but
41 you're welcome to stay. Now we're going to move forward on the
42 agenda to Bill Arnold on Island FMPs, the fishery management
43 plans.

44

45 **COMPREHENSIVE ISLAND-BASED FMP UPDATE**

46

47 **BILL ARNOLD:** Good morning, everybody. I am going to go over
48 our status and goals for this meeting regarding the island-based

1 fisheries management project. This really is important to the
2 council, because this will form the basis of future fisheries
3 management in the U.S. Caribbean and it does represent
4 fundamental changes in the way we do things and so this is of
5 considerable importance to everybody and we really need to put
6 some effort into this to keep it moving forward.

7
8 Right now, we have established four actions that we would
9 contain within each of these three fishery management plans and
10 that's important to understand.

11
12 We will go from a species-based approach to management, where we
13 have four fishery management plans, one for queen conch, one for
14 spiny lobster, one for reef fish, and one for corals and
15 associated plants and invertebrates, to instead having three
16 fishery management plans, one for Puerto Rico, one for St.
17 Thomas and St. John combined, and one for St. Croix. All of the
18 management considerations would be contained within each of
19 these fishery management plans for each island.

20
21 The actions we're presently dealing with now are -- The first
22 one is to actually establish the fishery management units that
23 will be included for each island's plan and keep in mind that
24 the units included for one island do not have to be the same as
25 the units included for a separate island.

26
27 You may find that there is a fishery that is prosecuted in
28 Puerto Rico that is really not pursued, for example, in St.
29 Croix and there is no need to manage that particular group of
30 species or individual species in St. Croix, as an example,
31 whereas it does need to be managed in Puerto Rico and vice versa
32 and the same with St. Thomas.

33
34 A major effort that we have to work on is deciding what we are
35 going to manage in federal waters and I'm going to talk about
36 that quite a bit today. The second aspect of this, the second
37 action that we would have to deal with, is okay, if we do
38 include new species or new groups of species in these management
39 plans, then we're going to have to establish reference points
40 and by reference points, I mean a maximum sustainable yield or,
41 in the case of the U.S. Caribbean, that may a proxy for maximum
42 sustainable yield, such as average catch over a specific period
43 of time.

44
45 We would have to establish an optimum yield, an overfishing
46 limit, et cetera, et cetera, and ultimately, annual catch limits
47 for any species that are added. This would be a major follow-on
48 effort once we've determine what we're going to manage and, just

1 as importantly, what we're not going to manage.

2
3 For any new species that are added, we're going to have to
4 establish the reference points and, at that time, as I mentioned
5 yesterday, we may want to take advantage of that effort to
6 establish reference points to reconsider the reference points
7 and the annual catch limits for all of the species that are
8 contained within each fishery management plan.

9
10 We don't have to do that and that's not my decision
11 individually, but the council may want to consider that and take
12 advantage of that and I would emphasize that because of a lot of
13 the discussion and debate that went on yesterday at this meeting
14 concerning the appropriateness of ultimately annual catch
15 limits.

16
17 I would remind the council and the attendees that when we
18 originally established annual catch limits, most of them were
19 established based upon landings averages that ended in 2005,
20 because the Sustainable Fisheries Act was established in 2005
21 and it implemented fundamental changes in the way we manage
22 fisheries in the U.S. Caribbean, including implementing a lot of
23 closed areas, closed seasons, et cetera, et cetera.

24
25 One potential option, just to think about, and I always like to
26 give you guys lots of food for thought, but one potential option
27 is you may want to consider establishing reference points based
28 upon post-2005 time periods, because those post-2005 time
29 periods would capture the impacts of those SFA changes.

30
31 **MIGUEL ROLON:** Bill, can you define what a reference point is?

32
33 **BILL ARNOLD:** A reference point is some quantitative measure of
34 the status of the population derived from various perspectives
35 and so a reference point might be optimum yield. Optimum yield
36 is the long-term average landings that really best achieve the
37 goals of society in general.

38
39 They would take into account ecological factors. Optimum yield
40 takes into account ecological factors, economic factors,
41 biological factors, et cetera, et cetera, over the long term,
42 versus a reference-point-derived measure, such as an annual
43 catch limit, which is a much shorter term consideration of what
44 can we catch in a particular year on a sustainable basis. How
45 many fish can we harvest and still have plenty of fish out there
46 to maintain the fishery and the ecology over the long term?

47
48 Especially in the U.S. Caribbean, you can't just consider how

1 many fish of an individual population you can take, but
2 everything happens within the context of healthy coral reef
3 ecosystems, because without those healthy coral reef ecosystems,
4 you're not going to be able to maintain fisheries, because
5 they're absolutely dependent upon that habitat.

6
7 I don't think we want to go through every reference point,
8 maximum fishing mortality and minimum stock size threshold, et
9 cetera, et cetera, but there are a variety of them, probably
10 eight or ten, and Roy or Phil could be more specific on that,
11 but, again, I don't think we want to go into all those details,
12 but just the idea that these are biologically or biologically
13 and economically and culturally established points, reference
14 points, points that you look back on and say, okay, here's what
15 we're trying to achieve in a quantitative sense. That's what
16 the reference points are and, Miguel, does that help? Is that
17 what you're looking for?

18
19 **MIGUEL ROLON:** Yes, exactly that.

20
21 **BILL ARNOLD:** Again, the second action is to establish or modify
22 those reference points as the council deems appropriate. Then
23 the third thing is a component of management plans that always
24 has to be taken into account and that's to identify the
25 essential fish habitat for the species -- We've done this for
26 the species that are already included in these management plans,
27 but, again, if we're going to add new species or species groups,
28 then we have to identify the habitat for those species or
29 species groups.

30
31 If you were at the meeting yesterday, Graciela and her team
32 talked extensively about their work on defining essential fish
33 habitat in deeper water areas and a lot of that work has already
34 been done in shallow water areas. That will be a third action,
35 a very non-controversial action, that will be associated with
36 establishing these new fishery management plans.

37
38 Finally, we would want to include in our actions one that
39 captures any other management efforts that need to be taken and
40 this is a little tricky, because right now we're in the before
41 phase of a three-phase process of establishing these management
42 plans.

43
44 The before phase is we can take other actions, such as we can
45 establish a control rule for shifting between a 10 percent and a
46 15 percent buffer reduction. As we discussed yesterday, we can
47 almost certainly get that into place before we have to establish
48 these new fishery management plans.

1
2 There are other things that we may want to do, but they're down
3 the road and we don't want to consider them until after we've
4 established these fishery management plans.

5
6 Then the third category are the things that are going to more
7 tightly coincide with the establishment of these management
8 plans. We couldn't get them done ahead of time and we don't
9 want to wait until we're done and so these are things that we
10 might instead want to incorporate into these as separate actions
11 within the development of these fishery management plans.

12
13 I can't say off the top of my head what they may be, but things
14 happen and actions need to be taken and they may be timed in
15 such a way that they need to be included because they simply
16 can't wait and so those are the four actions, the four primary
17 actions, that are going to govern us moving forward on
18 development of these fishery management plans.

19
20 Please don't hesitate to question me if you have anything going
21 along. You don't have to save it until the end. I don't mind
22 interruptions. They give me a chance to catch my breath.

23
24 **EUGENIO PIÑEIRO:** Now that you mention it, can you go back to
25 the previous page? Have you already identified essential fish
26 habitat for new species and what those species would be?

27
28 **BILL ARNOLD:** Absolutely not. All of that work remains to be
29 done and, of course, we can't identify and describe the EFH for
30 a species until we know which species are going to be included
31 and that is going to be a major focus going forward and it's
32 going to require a lot of input and involvement, because it's
33 going to form the fundamentals of fishery management in the U.S.
34 Caribbean going forward.

35
36 I'm going to talk about this quite a bit, but should we manage
37 wrasses in St. Croix? Do we need to manage mahi or other
38 pelagics? What do we need to do? Are there any species that
39 aren't being managed that really would benefit from management?
40 Are there species that are being managed that are just
41 distracting us because they don't really benefit from
42 management, but we have to put effort and time and money into
43 them?

44
45 Really, this is a great opportunity to hone our management and
46 to focus it, focus our management and our funding, on those
47 things that really need it and so this is a fantastic
48 opportunity for the council and we want to take full advantage

1 of it.

2
3 **MIGUEL ROLON:** Bill, how would you like to get the input of the
4 council through your presentation? Do you want to do it stage-
5 by-stage or do you want us to let you finish your presentation
6 and go back to each one of them?

7
8 **BILL ARNOLD:** Personally, I would rather you interrupt, because
9 I tend to talk a lot and you might forget your question before I
10 get to the end of my presentation and so I really am not
11 disturbed by interruptions. Don't hesitate.

12
13 **MIGUEL ROLON:** The goal of this part of the meeting is?

14
15 **BILL ARNOLD:** It's to get direction from the council and that
16 will be discussed at the end of this presentation. I will give
17 very specific requests for direction going forward.

18
19 **MIGUEL ROLON:** My point is this is the crux of the matter. This
20 is where the council is going to take some actions and give
21 direction to the staff as to the future of this management plan
22 and so if you have any questions, don't even hesitate to ask the
23 question, even if you think it's not that important, because it
24 might be very important.

25
26 **WILL HEYMAN:** If you invite questions, you get them. For the
27 record, Will Heyman. The question goes this way. There has
28 been a lot of recent research on kind of biogeography as a proxy
29 for habitat for multiple species.

30
31 I guess my question is, is there any interest in, rather than --
32 Kind of flipping what you say around. I am very excited that we
33 want to find essential fish habitat for all of these different
34 individual species, but I guess I'm wondering whether it makes
35 more sense to find habitats that are valuable for lots of
36 species, rather than trying to go species-by-species to try to
37 identify each habitat.

38
39 **BILL ARNOLD:** That's a good question, Will. I would say that
40 it's sort of a step-wise process and first, we have to achieve
41 the fundamentals and the fundamentals would be what habitats are
42 needed by these species for spawning, growth, reproduction, et
43 cetera, et cetera.

44
45 That is pretty much defined in federal regulations as to what we
46 have to do there and so we will have to meet the obligations of
47 those federal regulations and then we could, either within or
48 beyond these specific management plans, as amendments or just as

1 guidelines outside of the amendments, we could look at how we
2 package and conserve these habitats and certainly that is a very
3 important concern not just in shallow-water habitats, but as we
4 identify and characterize these deeper-water habitats that are
5 extremely abundant, from everything I've seen, in federal waters
6 and may be, from a federal management perspective, far more
7 directly pertinent to what we do as a federal management agency
8 in U.S. Caribbean waters.

9
10 That's not to downplay shallow-water habitats, but just to make
11 sure that we respect the domain of the states and work together,
12 but with an understanding that each has priority or primary
13 responsibility in certain areas. Will, is that giving you the
14 answer you need?

15
16 **WILL HEYMAN:** Yes.

17
18 **BILL ARNOLD:** Okay. Action 1 is to identify the fishery
19 management units. We have identified three alternatives, but
20 much work remains to be done. The first alternative would be to
21 retain all the fishery management units that are presently
22 contained in each of the four extant fishery management plans.

23
24 We would keep all of the reef fish that we presently have and
25 add no new ones and we would keep spiny lobster in theirs and
26 queen conch in theirs, et cetera, et cetera.

27
28 Alternative 2 could be, for example, to include the fishery
29 management units for which landings are reported, regardless of
30 if they are currently managed by the council. By that, we mean
31 that any species we have landings for, we are going to manage.
32 That's a pretty broad range of species, because if the fishermen
33 come in and write it down on the report that I captured an X
34 fish today, we would manage it. That may be a little beyond
35 what we want to do, but that's not, again, my decision to make.

36
37 The third would be establish fishery management units based on
38 pre-determined criteria and this is where the interplay between
39 the council, the Scientific and Statistical Committee, the
40 Southeast Fisheries Science Center, the NGOs, the whole package
41 of people that participate and are involved in these management
42 issues, would -- Their input would be absolutely essential into
43 how we establish those criteria.

44
45 A potential list of possible criteria to consider when
46 establishing these FMUs might include average landings, as we do
47 now, biology, habitat, range, state-versus-federal waters. Some
48 of this stuff we have better data on and some of this stuff we

1 have lesser data on.

2
3 Economic importance, target species, et cetera, et cetera, and I
4 don't need to name them all. You can see them and there could
5 be many, many others, others that you're thinking of right now
6 on the top of your head.

7
8 This is not meant to be all-inclusive and it's not meant to be
9 anything more than some guiding principles as to how to go about
10 doing this and one thing the council is going to have to do is
11 probably at least oversee how we're going to make these
12 decisions. Who is going to be involved and how are we going to
13 do it? Do you want your SSC to deal with it, et cetera, et
14 cetera?

15
16 We certainly don't want it to be a unilateral decision making
17 process with -- We want to maximize input and maximize decision
18 making involvement.

19
20 **MIGUEL ROLON:** This is your first question, sort of, and so the
21 council should have here the SSC, the Advisory Panel, and
22 council members and maybe some key members of the general
23 fishing community from each of the areas that you have and then
24 we need to have some kind of mechanism.

25
26 I believe that we have scoping meetings and that's one place
27 where we get some information, but the at the actual council
28 meetings and we can have a special meeting of the SSC and the AP
29 and then even through some activities that we have now, outreach
30 and education with the fishers, we might have some pockets of
31 fishers that we can ask them key questions about that list,
32 because if that's satisfied, then we can proceed, with that
33 understanding.

34
35 **BILL ARNOLD:** What we would be looking for in this process is
36 knowledge of the fisheries and the habitat and understanding of
37 the federal guidelines and processes for determining whether you
38 should manage a species or not.

39
40 On the one side, we say here's what we need, here's the
41 guidelines, and on the other side, we've got here's the
42 information that pertains to those guidelines to help you make a
43 decision as to whether this specific species should be managed
44 federally or not.

45
46 Certainly not every species needs to be managed in federal
47 waters. There is just no question about that and to some
48 degree, I think we find it can be very distracting to have to

1 manage so many species and it really disperses our effort from
2 those that need it the most and are most targeted or most
3 impacted.

4
5 **EUGENIO PIÑEIRO:** Billy, to that point, to that point precisely,
6 what is going to happen with a lot of those species that we
7 manage now that there's two or three of each one?

8
9 **BILL ARNOLD:** This is an opinion moment, but one potential
10 option, and there are many, would be -- Some just aren't in need
11 of management and, as I said earlier, they may be in need of
12 management in some areas, but not in others. That's one thing.

13
14 Once you have determined what you want to manage, then the
15 strategy you apply to manage those may differ and may be -- It
16 may differ depending upon the species and so, for example,
17 example, example, you may decide that the most targeted, most
18 important, most economically and culturally-valuable species
19 need to be dealt with in a certain way.

20
21 Maybe you say that's Tier 1 and these guys, we've got to really
22 focus on them and that's where we want to focus our effort, our
23 money, and our time. Then you have a second tier, for example,
24 that are species that are caught, but are better understood or
25 maybe don't have the data we need and we could do, for example,
26 data-poor methods that the council has discussed in the past.

27
28 Then you may have a third tier of species that are low-level
29 landings that are simply non-target species that are caught, pot
30 fish, for example, and you may want to group those into an
31 aggregate group that has an aggregate MSY and an aggregate ACL.

32
33 This is something that the National Marine Fisheries Service is
34 presently considering as part of their revision of National
35 Standard 1 and that's just a guideline principle that NMFS uses
36 in their revision of those guidelines. Instead of just having
37 an MSY for each individual species or FMU, we have an aggregate
38 ACL, basically.

39
40 As long as the group of species is functioning within that
41 aggregate ACL, the variability in all those species, because you
42 know they change as one gets a good recruitment event and the
43 other one is kind of depleted due to natural causes, but
44 overall, they have a relatively stable biomass and so you just
45 watch that total biomass and make sure that it is stable, of
46 course within the context of a healthy ecosystem.

47
48 If some alternative or complementary data, such as fishery-

1 independent data, shows you that you're having a problem with
2 one of these species, then you may want to focus the management
3 on that, but, again, that's an example and there are many
4 options and they're certainly not for me to decide on my own.
5 They should be, because I should be king, but since I'm not,
6 we're going to have to do this as a group effort.

7
8 **MIGUEL ROLON:** Bill, this is similar to when we started. In the
9 case of the U.S. Caribbean, the first time that we met to
10 discuss these fishery management units, we were talking about
11 4,000 species, without counting a lot of the invertebrates that
12 are there.

13
14 We understood when we met with fishers and local government
15 officials, just what we're doing now, that it was going to be
16 impossible and impractical and so forth and we ended up with
17 around 350 species.

18
19 At that time, we only had three criteria for determining whether
20 a species was part or not. If the species was predominantly in
21 the EEZ, it was supposed to be federally managed and it was in
22 between the federal zone and the local zone, it was also
23 included in the management unit and you can go to our management
24 units and you will see that.

25
26 Then there were other species that were predominantly within the
27 area of jurisdiction of both Puerto Rico and the Virgin Islands
28 and so we left them out of the management plans that we have.

29
30 We also have, since that time and now, ecosystem-based
31 management, which is a word that has many connotations for many
32 people and at one time, we were accused of dumping everything
33 into ecosystem because we didn't want to manage it, but at the
34 same time, we also have now, with the reauthorization, and this
35 is an issue that has been discussed at the national level, for
36 every species that you have under management, you have to have
37 an ACL. For every group of species you have under management,
38 you have to have an ACL.

39
40 The criteria for dropping any of these species out of a
41 management unit has to be the right one from the scientific
42 point of view first and legally also.

43
44 You should not drop a species from the management unit because
45 you have too much work and you don't want to work with this one.
46 You have to have a criteria for dropping a species and that's
47 why -- I know it's Bill's opinion, but I trust and respect his
48 opinion, because he knows this area very well now.

1
2 We probably need to start thinking in the future about three
3 tiers, so we can identify those species that belong to each one
4 of those tiers and at the same time, remember what is important,
5 socioculturally important in St. Croix, may not be the same in
6 Puerto Rico, Vieques or the others, and so that part,
7 sociocultural, is very important. That's when the fishermen
8 come into play and the communities come into play.

9
10 The depths, protected resources, and all the others are also
11 criteria. The law says that we should be mindful of the
12 deepwater essential fish habitat and talking about essential
13 fish habitat, we already have a big, thick document that went to
14 public hearing called the Essential Fish Habitat Document.

15
16 From that document, we are going to draw into these FMPs, so we
17 won't have to rehash the whole discussion, but that document
18 also, whatever we pull out of that document, will be taken to
19 the public, as appropriate, for discussion. You have two or
20 three levels that you can have for the discussion.

21
22 The take-home is please look at this list and write down if you
23 think that we are missing something of a criteria for the
24 management unit and just tell us. You can drop me a line or
25 especially Graciela and the team that Bill has will take note of
26 it and the same with the rest of the presentation.

27
28 **BILL ARNOLD:** Just as an aside, I like to use examples. They
29 give you guys some perspective on what I'm talking about, but I
30 don't want you to use those examples to get things railroaded on
31 a track.

32
33 I want everybody to keep an open mind, because that's where
34 we're going to get the best ideas and the best input. Maintain
35 an open mind on this and let's get as many ideas as we can and
36 then we'll round those ideas up and really hone them into the
37 direction we want to go.

38
39 One other thing is Miguel mentions these hundreds of species and
40 just to keep this in context, we use the SEDAR process,
41 Southeast Data Assessment and Review, and that's how we assess
42 the status of a population and determine what kind of
43 sustainable fishing we can allow on that population.

44
45 That process can take like two years and tens of thousands of
46 dollars. It's a heavy data involvement and in the Caribbean
47 right now, we're getting one or two species a year and so if
48 we've got two-hundred-plus species under management and we're

1 getting one or two a year, do the math and that's too much, but
2 that SEDAR process is extremely valuable.

3
4 If we could have it focused on those critical species, for
5 example, then it could be very useful, but we would have other
6 alternatives for the vast majority of species down here that
7 would allow realism in our approach to assessing the status of
8 the species and I think Bonnie would be reasonable comfortably
9 with that, because her staff can't possibly keep up with the
10 data demands and the analytical demands that would required from
11 just equal treatment of all these species across the board.

12
13 **MIGUEL ROLON:** Bill, it's funny that you mention data. I want
14 to open a whole can of discussion, but it's not the time now,
15 but Bonnie and I had a conversation and we are going to sit down
16 with the Chair of the SSC to exactly look at that issue.

17
18 I am glad that you brought it, because it's very, very important
19 that we look for -- Think outside of the box, as the cliché
20 says, and look for ways that we can improve the ways that we
21 assess the stocks that we have here, at least have some
22 indication of the trends.

23
24 For the next meeting, we will report the brainstorming session
25 between the Chair, Dr. Richard Appeldoorn, and myself and
26 probably you will be included at somehow, sometime, and then we
27 can bring it back to the council at the next meeting, so we can
28 continue this process.

29
30 **BILL ARNOLD:** That's the discussion of criteria that can be used
31 to determine what will or will not be included for federal
32 management and keeping in mind that we try very hard to maintain
33 compatibility between state and federal activities, management
34 activities, and so to some degree, or to a large degree, this
35 would be sort of an interactive state and federal process to
36 ensure that when we come out the other end of this and we've got
37 our management groups established, those management groups are
38 consistent across borders that fish don't recognize and only we
39 recognize and so that's something you also want to keep in mind.

40
41 I am just touching on the landings here. These are -- This is
42 just giving an example of how landings could be used to make
43 determinations regarding what's included and what's excluded,
44 but this is just one of many potential criteria and I want to go
45 through this relatively quickly.

46
47 Say we set, as an example, 20,000 pounds. If they didn't
48 average 20,000 pounds of landings over a certain period of time,

1 we weren't going to include it in management unless some other
2 criterion dictated that we should.

3
4 These are the presently managed species here and these are their
5 average landings from 1983 to 2011 for Puerto Rico. These are
6 commercial and so you can see they range from well over 300,000
7 pounds a year for the big boys, snapper and conch and some even
8 groupers should be in there somewhere, and I'm sure they are, to
9 almost non-existent for aquarium trade, porgies, angelfishes, et
10 cetera, et cetera.

11
12 These are species that are presently not managed but that we
13 could consider for management and you can see that if we
14 establish that 20,000-pound guideline, things such as clams,
15 tarpon, and wahoo would not be included.

16
17 Now, I had a line here and I don't know what happened to it, but
18 there was a 20,000-pound line here and that would eliminate some
19 of these species that are presently managed, but the tradeoff
20 would be you would be adding just as many and so that may or may
21 not accomplish your goals of better focusing your management
22 activities.

23
24 These are the recreational landings and they're much different
25 with much greater focus. Recreationally, snapper, as presently
26 managed, is a huge target for recreational fishing. Not managed
27 is dolphin and wahoo, but dolphin, in particular, are a huge
28 target and one of the most heavily landed species in the U.S.
29 Caribbean and we're not managing it and so you ask yourself, is
30 this something we need to get into the umbrella?

31
32 Similarly, but to a much lesser degree, for St. Thomas/St. John
33 and St. Croix, and I will go over those quickly. As I said,
34 presently managed range from 140,000 down to almost non-
35 existent, such as wrasses, my poster child, and then presently
36 not managed. These may not be as well reported, because some of
37 them aren't even included on the reporting forms, but baitfish,
38 and that's important certainly to some of the NGO folks, but
39 also to the stability of the ecosystem, et cetera, et cetera.
40 That is St. Thomas/St. John.

41
42 Then similarly for St. Croix, with a wide range of landings
43 levels, for both those that are presently managed and those that
44 are presently not managed. This may be, for example, a good
45 first cut guidance as to what you're going to include, but I
46 would think it's probably not the only criterion we would use to
47 determine what we should and should not be managing.

1 Just to give you an idea of how the year sequence can strongly
2 influence the decision making process with regard to landings,
3 here is just two examples. Here is mackerel that were heavily
4 landed at the beginning of the total year sequence I'm using,
5 but are presently not so heavily landed.

6
7 If, for example, you used an early time sequence, mackerel would
8 show up as being an extremely heavily landed species and if you
9 used a late time sequence, they would be a much, much lower
10 level and then if you used a total time sequence, you would get
11 something in between and so that's very influential, versus an
12 invertebrate, composite invertebrate, landings, where they
13 weren't heavily landed early and now there are much higher
14 landings and so, again, the choice of year sequence you use to
15 establish those landings criteria can be very important and that
16 is another factor that has to be taken into account.

17
18 That's Action 1, determining what's going be in the fishery
19 management units, and then Action 2 is if we include them, what
20 are we going to do about the reference points? There are
21 alternatives there, too.

22
23 One is to retain the existing management reference points and
24 proxies and that only works for the species we already have
25 under management. Alternative 2 is to revise those existing
26 management reference points or proxies for all the FMUs that are
27 presently managed. We've got annual catch limits in everything
28 above them established, but do we want to reassess?

29
30 Alternative 3 would be essentially a requirement is establish
31 management reference points or proxies for those new FMUs and,
32 as I said, that's something we absolutely have to do. It's a
33 legal mandate.

34
35 Then Action 3 is identify essential fish habitat. Some of the
36 alternatives are no action, do not identify essential fish
37 habitat for new FMUs. That is just not a viable option.

38
39 Alternative 2 is describe and identify EFH according to
40 functional relationships between life history stages. That's
41 one possibility.

42
43 Alternative 3 is designate habitat areas of particular concern
44 and in the Puerto Rico FMPs, this is specific to the Puerto Rico
45 management plan, but the same would apply for St. Thomas/St.
46 John and St. Croix management plans and that might relate to
47 confirmed spawning locations and we've heard a lot about
48 spawning aggregations and so that's something we might want to

1 take into account or other particular areas of particular
2 ecological importance, maybe corridor areas, et cetera, et
3 cetera. That's the EFH component of this. The fourth action
4 will be other management plans and that's pretty much up in the
5 air right now.

6
7 **EUGENIO PIÑEIRO:** Bill, can you go back to Action Number 2? In
8 Number 3, in Puerto Rico, I believe we have some reference
9 points for dolphin, for mahi-mahi. We are ahead in that one and
10 would we -- Don't we have data that has been reported by the
11 recreational?

12
13 **MIGUEL ROLON:** (The comment is not audible on the recording.)

14
15 **EUGENIO PIÑEIRO:** Okay and so what we have in here is data by
16 recreational and not reference points and that cannot be used or
17 it can be used as a reference point?

18
19 **BILL ARNOLD:** Potentially, but it's much more complicated than
20 that and it requires a full assessment of the status of the
21 species and the status of the data pertaining to that species
22 and how that is embedded into an appropriate model to give you
23 what these reference points will be and that model will be data
24 dependent.

25
26 **MIGUEL ROLON:** In the case of the dolphin, we discussed it
27 before and actually, we had a three council meeting in this same
28 room where we discussed the dolphinfish and the others, because
29 Puerto Rico has two dolphinfish populations and one of them is
30 Pan-Caribbean and it's more complicated than the standpoint of
31 numbers, but it's more complicated because of the range of the
32 species and what you can do.

33
34 It was dropped at the end by us and also our plan was
35 disapproved because it was not appropriate at that time because
36 our pelagic FMP included all those species.

37
38 The point here today is not to choose species at this time, but
39 it's just to let you know the process and where we are. Action
40 2 will have all of this and we want you to understand exactly
41 what Action 2 means and then you can use an example, but --

42
43 **GRACIELA GARCIA-MOLINER:** Part of what we need you to do is to
44 think about how fisheries have worked in each of the islands
45 over the years. The interactions of the different fisheries and
46 how sometimes, for example in St. Croix over the past almost
47 twenty years, dolphinfish, which is not a managed species, has
48 been among the top ranking species landed in St. Croix.

1
2 These interactions, we need to find information about those, in
3 order to determine what FMUs to manage or not manage. It's not
4 only the species per se and what their importance is, either in
5 the fishery or in the ecology of the habitats and communities,
6 but also the interactions have among themselves and how they
7 impact the economic and the cultural needs of each of the
8 islands. All of these factors have to come into play and did I
9 kind of make myself clear about that?

10
11 **MIGUEL ROLON:** Thank you, Graciela, but let's take the dolphin
12 as an example and then we'll take another one as an example, so
13 you know what this leads to. In the case of the dolphinfish, as
14 I say, it's Pan-Caribbean.

15
16 The first question is can we do something that will affect the
17 biology of that species so you have a sustainable fishery? The
18 second part is the socioeconomics of the fishery and how we
19 distribute the dolphinfish among fishing sectors.

20
21 That part can be dealt with at the local level, the state level,
22 who fishes for what and who sells -- If you fish for dolphin,
23 can you sell it as a commercial or can you sell it as a
24 recreational? That's an allocation issue.

25
26 For the biology, one of the reasons we dropped it is that in
27 order for us to make an impact on the biology and the
28 sustainability, from the standpoint of the biology, again, of
29 the dolphinfish that comes from Trinidad and Tobago to here, all
30 the countries have to have exactly the same management measure.

31
32 The darned thing grows like hell. It starts a little bit of a
33 guy in Trinidad and Tobago and by the time it gets to Puerto
34 Rico, it's a huge dolphin.

35
36 In the case of the other population, it starts in the Carolinas
37 and comes down here. It's a smaller one and it impacts the
38 Southeast of the United States and so the complexity of the
39 species that you have, that you're thinking about, would be
40 included in all of the discussion. Probably at the end, we will
41 come up with the same conclusion, to forget about the dolphin,
42 or we come up with the conclusion that this is the time of the
43 dolphin.

44
45 Then you go to the spiny lobster. The spiny lobster is also
46 Pan-Caribbean and it's very important from the point of view of
47 the socioeconomics of the island, but the biology can be
48 affected by what we do.

1
2 If we don't have the habitat of the lobster or the habitat
3 appropriate for the lobster range to settle as juvenile and then
4 grow as a adult, if we don't keep the spawning population or the
5 individuals that can spawn, like the 3.5 carapace length, we
6 affect the fishery.

7
8 Here are two species that are Pan-Caribbean and one of them you
9 could, and you did, implement management measures that promote
10 sustainability of that species or the idea of enforcement of
11 that species or protect the species. The other one, we're still
12 thinking about.

13
14 Then you have species like sardines. They go in and out of the
15 federal zone and they don't care and there are many of them and
16 they are considered baitfish and now they call it forage fish
17 and so are those species going to be included or not in our
18 management unit? What are our priorities?

19
20 This is what the staff have done today, is to go action-by-
21 action and then the alternatives that you have under each action
22 -- According to NEPA, you have to have at least three. Even the
23 no action is one and you have to explain why not and this is
24 what we are doing today.

25
26 Bill, I believe that you need to, also from us, if we believe
27 that we are missing an alternative in one action, you would like
28 us to tell you to include that one at this time or what is it
29 that you would like to hear from the council on each one of the
30 alternatives?

31
32 **BILL ARNOLD:** If you have alternatives that you would like to
33 have added in here, certainly we're willing to include them.
34 This will be a multistep process and one thing we're going to be
35 looking for, as I will mention, is guidance to take this out for
36 additional scoping, specific scoping, on the FMPs on each
37 island, so that the general public and everybody can have input
38 as to what they feel should be included as alternatives for
39 this.

40
41 Then we would hopefully, as I will go through on the timeline,
42 bring that back to the council for further discussion at the
43 April meeting, assuming it's an April meeting. I know they
44 haven't been set yet.

45
46 Here is our draft timeline. I readily admit this timeline
47 continues to change, but that's life in the bloodstream and so,
48 anyway, we are at the winter meeting and we will ask the council

1 to pass a motion to schedule scoping hearings for these things
2 on each island.

3
4 Then in the spring of 2014, we would hold a second round of
5 scoping meetings and that should follow the spring council
6 meeting. In the summer of 2014, we would discuss the outcome of
7 the scoping and we would ask the council to direct staff to
8 develop the fishery management plans and the draft environmental
9 impact statements. These will be full plan -- They are brand
10 new plans and so they've got to have the highest level of
11 analysis applied to them.

12
13 Then at the winter meeting, we would hope to get the council to
14 approve the public hearing draft for these FMPs and their
15 associated environmental impact statements.

16
17 Unlike most of the work we've done in the Caribbean and in other
18 areas of the United States, we are going to have completely
19 separate fishery management plans and environmental impact
20 statements and the reason for that is we want a firm foundation
21 from which to move forward and that firm foundation is going to
22 be those environmental impact statements, so that we can always
23 reference back to them, as to why we're making the decisions we
24 are within a comprehensive context. That's far enough on the
25 draft timeline, because here is the next steps that we hope to
26 accomplish today.

27
28 **MIGUEL ROLON:** Bill, can you go back to the slide? Maybe we can
29 advance this topic on the agenda. Remember, last year we
30 adopted the strategy that we will have this December meeting and
31 we will use it to map out the meetings in 2014, so we have more
32 participation and so that people can prepare and everything.

33
34 Here is probably one of the supporting documents that we need
35 for mapping out that meeting and so the question is the spring
36 meeting could be in April, so we will allow time for the staff
37 to develop these documents and the SSC if they need to meet and
38 the AP before the council, to give us the benefit of what they
39 have and also the scoping meetings have to occur between here
40 and April. Then you mentioned a summer meeting and the summer
41 meeting, are you thinking the August one?

42
43 **BILL ARNOLD:** Yes.

44
45 **MIGUEL ROLON:** That will be in time? Then we will have a
46 December meeting and so those three meetings. Do you need a
47 meeting in between for any reason?

48

1 **BILL ARNOLD:** I would not make that claim right now. I can't
2 promise that it wouldn't be beneficial to have like a one-day
3 telephone call-in-type of meeting, just to allow the process to
4 move forward.

5
6 I don't identify right now any need to have a full-blown fourth
7 council meeting. Certainly if we did, we would be moving the
8 process forward that much more quickly. We would be working
9 that much harder, but we can do what needs to be done and so if
10 the council felt that a fourth meeting was appropriate to get
11 this issue done as quickly as possible and get these new fishery
12 management plans in place, then I can support that and the
13 involved parties can do what needs to be done to keep up with
14 that pace.

15
16 **MIGUEL ROLON:** I believe, Mr. Chairman, that we have this
17 timeline and we also have the ACL timeline that was presented by
18 Bill before and we can use those two for the meetings and if the
19 April, August, and December meetings satisfy both timelines,
20 then we can -- When we get to the discussion of the actual time
21 of the meeting, we can use this and so we were talking about
22 having a meeting in April, another one in August, and another
23 one in December. Think about it when we ask you the dates.

24
25 **ALIDA ORTIZ:** I am very concerned about the amount of
26 information and discussion and learning that may have to be
27 given to the stakeholders, to the fishers, to everyone at the
28 scoping meetings.

29
30 Will there be a document that will have, like by January, where
31 we can take all this information and digest it in a way that
32 they can use it at the scoping meetings and not just a thick
33 document?

34
35 **BILL ARNOLD:** We have prepared summary documents that can be
36 used to guide discussion and can be read-ahead's before we have
37 these scoping meetings and, Alida, if you feel it's necessary,
38 we can do very general summary documents that are directed
39 towards the lay audience, to make sure that we have -- We work
40 very hard to create understandable documents, but I certainly
41 understand they can get technical in nature and we could
42 probably come up with couple-page summaries, which to some
43 degree we already have, that would explain the issues in plain,
44 understandable terms and would prepare our audience for the
45 scoping meetings when we have them, because we want the audience
46 to be ready to go and understanding of the issues and ready,
47 willing, and able to input positively into the process.

48

1 **ALIDA ORTIZ:** Okay, great.

2
3 **UNIDENTIFIED:** Did you say two rounds of scoping meetings in the
4 spring or one round of scoping meetings?

5
6 **BILL ARNOLD:** Just one in the spring. It's always a step-wise
7 process, scoping and come back and report on it and then -- We
8 don't want to limit our interactions with the public. We want
9 to make sure we get as much input as possible and so since this
10 is such an important issue with such huge ramifications for
11 fisheries management in the U.S. Caribbean, we anticipate
12 probably two rounds of scoping, to make sure we get as much
13 input as possible, in a step-wise manner.

14
15 We get scoping and we respond to that scoping and we refine the
16 documents and then we go back out to scoping in a more focused
17 set of alternatives and we get more input and we take that back
18 and then ultimately, then we would have the council identify
19 preferred alternatives and take those back for public hearings,
20 to really finalize what we're going to do.

21
22 Then we bring it back to the council for final approval and move
23 it through to the Secretary of Commerce for the actual
24 implementation of the codified text.

25
26 **UNIDENTIFIED:** So one round of scoping hearings in the spring,
27 between the April meeting and the August meeting?

28
29 **BILL ARNOLD:** Well, if we could have it before the April
30 meeting, that would be even better and so, perhaps, if timing
31 and effort and if the council supports it, perhaps before that
32 April meeting we could go out for the first round of scoping.

33
34 **HOLLY BINNS:** That would be the second round of scoping, because
35 you've already scoped the question of -- The scoping meetings
36 you're having in the spring, are those the second round or is
37 that the first round and there is a second round that will come
38 later? That's, I think, where we're confused.

39
40 **BILL ARNOLD:** We went through a process of establishing the
41 allocation of fishery management plans and that was an
42 environmental assessment and we scoped that and established that
43 we are going to do three different fishery management plans.

44
45 Now we are starting to look at those actual individual fishery
46 management plans and so when we go out and scope these, we will
47 talk about the Puerto Rico fishery management plan in Puerto
48 Rico and the St. Croix fishery management plan in St. Croix and

1 the St. Thomas/St. John fishery management plan in St. Thomas
2 and St. John and we will start getting much more specific as to
3 the individual islands.

4
5 **MIGUEL ROLON:** That's very important for everybody to
6 understand, because the process is longer than our attention
7 span. In the case of what we have here, we are going to go to
8 Puerto Rico to talk about Puerto Rico issues and we will go to
9 St. Croix scoping about St. Croix issues and we don't want to
10 mix the two.

11
12 Then we also will have a series of public hearings that will be
13 coupled with some of the scopings and we need to talk a little
14 bit more about that between the staff outside the meeting, so we
15 can have the logistics ironed out.

16
17 At this time, my understanding is that between here and April,
18 we should have the scoping meetings on an island basis and so we
19 will go to St. Croix and we will go to St. Thomas/St. John and
20 we'll go to a couple of areas in Puerto Rico that are important.

21
22 Then we will bring back the result of the scoping meetings to
23 the April meeting and then at the April meeting, if we have
24 something that we haven't thought about that we would like to
25 also go back to the public to ask them what they think, it's
26 still scoping.

27
28 Then between April and August, we will have another round of
29 scoping and we may come to, for example, St. Croix and we
30 advertise everything and only one guy shows up, but then they
31 call me and they say I didn't show up because of this and that
32 and would you like to come back again and that happened to us
33 twice and so, yes, we can have a series of scoping meetings or
34 if something comes at a scoping meeting that is not in the
35 document that we want to broaden the scope of the consultation
36 process, then we can come back to St. Croix.

37
38 **BILL ARNOLD:** Forgive me and my mind can be feeble, but Graciela
39 reminds me that we did have a first round of scoping on this
40 last fall. This will be the second round of scoping, but we
41 will scope as much as we need to make sure we have the input we
42 need to move forward on this. Be patient. I do the best I can.

43
44 Next steps, this is what we need from the council. We need to
45 schedule an SSC meeting for March or as soon as possible in 2014
46 to establish the species selection criteria and consider the
47 status determination criteria revisions or setting and those are
48 the reference points.

1
2 We need to schedule the scoping meetings for March or April of
3 2014, depending upon when the most appropriate time is. That's
4 dependent upon the SSC meeting and there, we hope to receive
5 additional alternatives and then we will bring those scoping
6 outcomes to the council at their April 2014 meeting and receive
7 the go-ahead to fully develop the alternatives and
8 subalternatives and fully develop these documents.

9
10 That is what we would be looking for out of the council today
11 and so, ideally, a motion and a scheduling. I would like to
12 point out here that Miguel was talking about this scheduling and
13 how you schedule the meetings, but everything works together,
14 when the SSC is scheduled, when the scopings are scheduled.

15
16 All of this stuff works throughout a year, in an almost
17 clockwise manner, and so that's why, from my personal
18 perspective, I am so concerned and insistent that we have clear
19 and advanced and far-ranging scheduling of these things, so that
20 we can make sure that we can walk through the process without
21 tripping because we failed to schedule something or the timing
22 just is inappropriate.

23
24 That's why I always emphasize scheduling, timing, and having a
25 clear progression of events developed over a relatively long
26 advance period of time.

27
28 **MIGUEL ROLON:** Bill, do you need a motion at this point to go
29 ahead with the scoping?

30
31 **BILL ARNOLD:** I think that we would -- I am certainly not
32 dictating what the council should do, but I think a motion to
33 schedule and conduct scoping hearings would be appropriate.

34
35 **CARLOS FARCHETTE:** Does somebody want to make that motion?

36
37 **MIGUEL ROLON:** Bill, can you help with the language, very simple
38 language?

39
40 **BILL ARNOLD:** The council moves to establish island-specific
41 scoping meetings for the most appropriate period of time between
42 the spring SSC meeting and the spring council meeting.

43
44 **CARLOS FARCHETTE:** We need somebody to move this.

45
46 **ROY PEMBERTON:** So moved.

47
48 **CARLOS FARCHETTE:** I need a second.

1
2 **TONY BLANCHARD:** Second.
3
4 **CARLOS FARCHETTE:** Second by Tony Blanchard. The motion is to
5 move to schedule island-specific scoping meetings for the most
6 appropriate period of time between the spring SSC meeting and
7 the spring council meeting. **All in favor say aye; any nay.**
8 **Hearing none, the motion carries.**
9
10 **MIGUEL ROLON:** Bill, what's next?
11
12 **BILL ARNOLD:** That's really all I'm going to talk about
13 regarding island-specific management at this council meeting.
14 The next thing we want to talk about is the
15 Abrir/Bajo/Tourmaline issue off the west coast of Puerto Rico
16 and the opportunity to develop compatible federal regulations
17 among those three areas. It would be a good time to take a
18 break if you want to take a break.
19
20 **CARLOS FARCHETTE:** We will take a ten-minute break, since we
21 have a lot of work with Tourmaline and Bajo.
22
23 (Whereupon, a brief recess was taken.)
24
25 **CARLOS FARCHETTE:** We are going to get back online.
26
27 **MIGUEL ROLON:** Mr. Chairman, what we will have now is a
28 presentation by Graciela on the result of the scoping meeting
29 that was held in Mayaguez. As you recall, you have been
30 addressing this issue for some time.
31
32 Before this meeting and some time ago, we had a little committee
33 composed of Bill Arnold, Aida Rosario, and Graciela and they
34 went through all the different regulations implemented by the
35 government of Puerto Rico and the federal government in these
36 three areas.
37
38 Through time, these have changed and what you will see today is
39 I asked Graciela to put together a table with the three sets of
40 regulations in place now and also another table that is the key
41 to the discussion that summarizes the scoping meeting results.
42
43 We also need to discuss the no action. If you're going to do
44 something, you always need to discuss the no action and so we
45 encourage the council members to pay attention to what she is
46 going to say and interrupt her if you have any questions during
47 the presentation and then at the end, we need to hear from you
48 what you would like to do, continue with the process of

1 compatible regulations or leave it as is.

2

3 **CARLOS FARCHETTE:** Before you start, Graciela, Helena needs to
4 make a comment about the scoping meeting dates.

5

6 **HELENA ANTOUN:** I apologize for breaking this in, but I didn't
7 want to go on to another topic without touching on this and this
8 is regarding the scoping meetings and the dates. The last time
9 we had scoping meetings, they kind of fell around the month of
10 April and April is Holy Week and Holy Week for the fishermen,
11 they are out there fishing.

12

13 It's not a good time to schedule any scoping meetings and so
14 what I just wanted to recommend to the council and to the SSC is
15 to try to schedule these scoping meetings for March. That way,
16 you can pretty much guarantee probably a better participation of
17 the stakeholders and I know it's a little hard. I know the
18 timing is hard, because that would mean that the SSC would have
19 to meet in February, but I would highly recommend that you try
20 to push for those dates if you want to get the maximum
21 participation of fishermen in these scoping meetings. That's
22 all and thank you.

23

24 **CARLOS FARCHETTE:** Thank you, Helena. Go ahead, Graciela.

25

26 **COMPATIBLE REGULATIONS WITH PR DNER FOR BAJO DE SICO, ABRIR LA**
27 **SIERRA, AND TOURMALINE**

28

29 **GRACIELA GARCIA-MOLINER:** What we are going to do is that we are
30 going to start off -- Because there is the issue of
31 compatibility among the three areas in the federal waters, but
32 there is also the issue of compatibility among the areas and
33 with the state government.

34

35 What I am going to do is that we're going to go through what's
36 in place now, before you go into any of the changes and the
37 alternatives that we've considered.

38

39 You have Bajo de Sico and this here is the territorial line and
40 so that's nine nautical miles and that's Bajo de Sico and that's
41 Tourmaline and that's Abrir la Sierra, which is the only
42 jurisdiction that is 100 percent in federal waters.

43

44 Breaking them out, because Bajo de Sico, since 2010, is
45 different from Abrir la Sierra and Tourmaline, and this is
46 what's in place now. This is the nine-nautical-mile line and so
47 it cuts Bajo de Sico like so and so in federal waters, you do
48 have a seasonal closure that closes from October 1 through March

1 31 of each year, as it stands since 2010, and it prohibits the
2 fishing and possession of reef fish only. As you know, queen
3 conch is closed in the EEZ off of Puerto Rico and so that one
4 doesn't count, but it opened allowing fishing for lobster.

5
6 It opened the water column to allow fishing for pelagics and so
7 that's one big difference between the three areas right now.
8 The one thing that is compatible is that both the state and the
9 federal waters, or the federal government, prohibit the use of
10 trap, pots, nets, and bottom longlines all year and prohibit
11 anchoring all year.

12
13 That's compatible, but in terms of the species that are managed,
14 there is no specification of what species are managed in the
15 state waters of Bajo de Sico and so all they've done is to
16 actually close the bottom to bottom-tending gear and I have put
17 all of this in a table so we'll see it altogether.

18
19 For Tourmaline, this is the nine-nautical-mile line and so this
20 is state waters and this is federal waters. Tourmaline and
21 Abrir la Sierra, it's all within federal waters, but the fishing
22 regulations in Puerto Rico actually include it in their
23 regulations to prohibit all bottom-tending gear and anchoring at
24 that site.

25
26 We are compatible in terms of what gear we prohibit from the two
27 areas, but we are not compatible in terms of prohibiting
28 anchoring. The state waters prohibit anchoring and the federal
29 waters don't.

30
31 The seasonal closure is between December 1 and February 28.
32 What we do require, and this is only in federal waters, is all
33 fishing is prohibited. There is no fishing for lobster and
34 there is no fishing for pelagics and there is no fishing for
35 anything during the three months. Regarding that, it's only in
36 the federal waters and so it's only on that part of Tourmaline
37 and in Abrir la Sierra.

38
39 We do require, in the federal waters, an anchor retrieval system
40 and so if anyone is anchoring there and an enforcement officer
41 requires that they pull up the anchor, it should have some kind
42 of retrieval system.

43
44 We put all of this in a table and the table reads like this.
45 Bajo de Sico, Tourmaline, and Abrir la Sierra, the management
46 that's in place, and for each management measure, what is in the
47 EEZ and what's in Puerto Rico and this is what the actual
48 regulations say.

1
2 If you read the Puerto Rico regulations, that's what we have put
3 in this table and so the seasonal closure is six months in Bajo
4 de Sico and three months in each of the others and they do
5 overlap.

6
7 We protect the areas for all fish species, including lobster and
8 conch and the pelagics and everything else, in Tourmaline and
9 Abrir la Sierra, but we don't in Bajo de Sico and so it's only
10 reef fish.

11
12 In Puerto Rico, the regulations don't speak to any specific
13 protection, because all the administrative orders and all the
14 little bases that used to protect red hind and the other species
15 that were protected during the seasonal closure, that's all done
16 away with the regulations of 2010.

17
18 In terms of the year spanned, for that we are compatible across
19 the states and the federal waters. For the species and gear
20 managed, it's only reef fish in Bajo de Sico that's protected
21 and all fishing is prohibited in Tourmaline and Abrir la Sierra
22 in the federal waters, but there is no specific species
23 protection in the state waters.

24
25 For anchoring, we prohibit it in Bajo de Sico and the state
26 waters do the same. In the Tourmaline and Abrir la Sierra, it's
27 prohibited to anchor, but we allow it as long as the anchors
28 have a retrieval system.

29
30 There are a number of seasonal closures in place and the reason
31 for bringing this in is to make sure that you know the species
32 that are being protected over in this area the rest of the year
33 and so the only one for which we have complete compatibility
34 between the state and the federal waters is for red hind.
35 That's the only one that the regulations speak to in the same
36 month for both jurisdictions.

37
38 Then if we go down the list to Snapper Unit 1, which is four or
39 five species for the federal waters, it's only two species that
40 are protected in the state. The Grouper Unit 4, it's only one
41 of the groupers that is protected in the state. Mutton snapper,
42 we have a difference of one month and queen conch has a seasonal
43 closure, but we have a complete closure.

44
45 This is what is in place now and imagine at the scoping meetings
46 if -- I am confused. We heard a lot of confusion about what was
47 going on in terms of the regulations in these areas, because for
48 such a small area, this is quite a bit to deal with.

1
2 **TONY BLANCHARD:** I've got a question. What was the reasoning
3 behind have a six-month closure on Bajo de Sico and three on the
4 others?
5
6 **GRACIELA GARCIA-MOLINER:** The original idea was that they wanted
7 to open the water column and by adding additional protection for
8 the reef fish only, because the other areas were originally
9 closed for red hind, but because it included all fishing, then
10 all species within those areas were protected for those three
11 months.
12
13 When you close for six months, you are affording more protection
14 to the reef fish in general that might be using the area for
15 spawning, other groupers and snappers, because not all of them
16 spawn at the same time, but then you would be allowing for the
17 coastal pelagics that run through the area to be harvested,
18 because you are harvesting them through trolling and so you're
19 not putting anything down in the water, although we know that
20 some reef fish can come up to the surface and get hooked.
21
22 Then it afforded additional protection. It goes October,
23 November, and December, which coincided with the seasonal
24 closure for the deepwater snappers and added more protection at
25 the other end to protect other groupers.
26
27 **EUGENIO PIÑEIRO:** The other thing is that it is closed anyway
28 for a spawning aggregation. Those three months, October and
29 November and December, are closed across the board, state and
30 federal, and so it includes Bajo de Sico.
31
32 **GRACIELA GARCIA-MOLINER:** No, they're not and that's one of the
33 issues that we are dealing with.
34
35 **EUGENIO PIÑEIRO:** No, Snapper Unit 1.
36
37 **GRACIELA GARCIA-MOLINER:** For Snapper Unit 1 only, but it's not
38 closed for anything else.
39
40 **EUGENIO PIÑEIRO:** I am referring to Snapper Unit 1.
41
42 **GRACIELA GARCIA-MOLINER:** For the seasonal closures down here,
43 they are compatible for two species out of five and so there is
44 a difference in the regulations and so it's still very
45 confusing, I know.
46
47 **MIGUEL ROLON:** We need to hear from Graciela the results of the
48 scoping meeting, the table with the results of the scoping

1 meeting, what the people said.

2

3 **GRACIELA GARCIA-MOLINER:** There was a bit of confusion at the
4 scoping meeting still regarding the seasonal closures. They all
5 want to see definitely the reef fish being protected. The
6 results of the scoping meeting were divided between leaving the
7 two areas as they were and Bajo de Sico as they are or to
8 actually change them to -- Let me jump.

9

10 Most people thought that they should leave them with a three-
11 month closure and that we definitely have to protect the reef
12 fish. They wanted to see it allowing for spearfishing of
13 pelagics and highly-migratory species.

14

15 There was some, and this is why it's in parentheses, but two
16 people said that they would like to see them compatible with
17 Bajo de Sico and have the closure for six months and open the
18 reef fish. This wasn't as straightforward as shown in this
19 table, but it's the simplest that we could do.

20

21 One of the things that they also talked about was to have more
22 information because of all the confusion that there was between
23 the state and the federal waters. When you prohibit all
24 fishing, all fishing means prohibiting spearfishing and that's
25 not the case in the state waters and so Bajo de Sico and Abrir
26 la Sierra are open for spearfishing and Tourmaline are open for
27 spearfishing.

28

29 **MIGUEL ROLON:** Graciela, what do you mean when you say "prohibit
30 anchoring" and you have "no"? Is that prohibited or is that --

31

32 **GRACIELA GARCIA-MOLINER:** No, that they would like to see that
33 anchoring is prohibited.

34

35 **MIGUEL ROLON:** So it should be "yes".

36

37 **GRACIELA GARCIA-MOLINER:** Well, that was another discussion that
38 they had, because some people, the way that they fish, they
39 needed to have anchoring, but what they were talking about was
40 not to have the Danforth anchor used, but only the one that is
41 like a grappler.

42

43 **MIGUEL ROLON:** I am just concerned about the table. They are
44 prohibiting anchoring and so it should be yes?

45

46 **GRACIELA GARCIA-MOLINER:** Yes and no. It should be "yes/no" but
47 it's just on what the "2" means.

48

1 **MIGUEL ROLON:** I know. Go ahead.
2
3 **GRACIELA GARCIA-MOLINER:** The scoping meetings didn't --
4 Sometimes I can come back and show you -- We can come back and
5 show you a table that most people want X, Y, and Z, but in this
6 case, that was not as clear as we had expected it to be or I had
7 expected it to be.
8
9 What's on the table right now is what do you want to do? What
10 does the council want to do regarding Bajo de Sico, Abrir la
11 Sierra, and Tourmaline?
12
13 You can have the no action, which is leave the two areas that
14 have the three-month closure as they are and leave Bajo de Sico
15 as it is or you can establish a six-month closure, but, in fact,
16 there is an alternative to change the dates so that you will be
17 really be protecting more groupers towards March, April, and
18 May, rather than have October and November.
19
20 You can actually have a twelve-month closure. You can have a
21 twelve-month closure in Bajo de Sico and leave the other two as
22 they are with the three months and so all of these alternatives
23 are on the table and this is what was taken to scoping meetings
24 and most people wanted to see the Abrir la Sierra and Tourmaline
25 as they are, December and January and February, because that's
26 already integrated into the way they fish, and to leave Bajo de
27 Sico the way they are and to just change the regulations so that
28 it would allow and open the water column during those three
29 months. Do you want me to go through all the list of
30 alternatives or do you want to discuss each of them separately?
31
32 **MIGUEL ROLON:** It all depends on the council and if you are
33 interested or not in following this or what is it that you want
34 to do?
35
36 **GRACIELA GARCIA-MOLINER:** The scoping meetings were extremely
37 well attended. We had fifty people attending the meetings and a
38 number of the people who spoke. We had thirteen deponents and
39 we had three written comments that came in.
40
41 Some of them were representing not one, but two fishing
42 associations and that kind of thing and so everyone was very
43 well aware of what was happening and wanted to have input into
44 the process.
45
46 **MIGUEL ROLON:** Listen, guys. You asked us to go to scoping
47 meetings and you asked us to talk to the local government about
48 compatible regulations and we did meet with the local government

1 about compatible regulations and the issue of the spear guns
2 came up and so now, the question is do you want to pursue
3 compatible regulations, number one, if that compatible
4 regulation is from federal to local government and if the local
5 government is unwilling to accept that, or you would like to
6 modify whatever you have in the federal government and then ask
7 the local government to follow suit.

8
9 Then you have to have a rationale for each one of those. The
10 original rationale, mentioned by Graciela, was to protect the
11 red hind, the spawning aggregation of the red hind.

12
13 Also, we need to protect essential fish habitat and that's why
14 the difference in no anchoring and all that. Later, somebody
15 decided that they would like to have the water column open and
16 so we did and so was in 2010.

17
18 At this time, the first thing we need to know is if the council
19 wants to just leave it as is, no action, or if you want an
20 action, what is it that you want to do and then ask the local
21 government of Puerto Rico when and where they are willing to
22 change the regulations, because right now, what the fishermen
23 are telling us is that they go to Bajo de Sico, Tourmaline, and
24 Abrir la Sierra and they have one regulation in the same place -
25 - In the same place, they have two regulations and they want to
26 see that cleared up.

27
28 One particular person that I don't recall, Graciela, if he came
29 to the table or not, but he's a yellowtail fisherman and he has
30 come to every meeting that we have about Bajo de Sico with the
31 same topic, yellowtail is okay and there's no problem with the
32 yellowtail and can I continue fishing yellowtail?

33
34 Unfortunately, he has to anchor to fish yellowtail and so we said
35 no, sir, and unless you go drifting, you cannot fish for
36 yellowtail and so those are the topics for the discussion and to
37 decide what you're going to do with Bajo de Sico and the other
38 two.

39
40 **EUGENIO PIÑEIRO:** I wasn't present at the public hearing, but
41 from what I'm heard, it was very well attended and all sorts of
42 opinions and I do believe I was the one who promoted the change
43 in 2010 and so I do believe that this is a good thing for
44 everyone. There is benefits in here for commercial fishermen
45 who are going to be able to fish and the water column is going
46 to be open.

47
48 I believe it's good for enforcement, because we unify that area

1 with one management regime and it's very important for
2 conservation, not only corals, but the grouper aggregations,
3 which in the future, at the end of the game, the beneficiaries
4 are the stakeholders, both the commercial users and -- There is
5 a lot at stake in here and in my humble opinion, we should
6 continue with the process and we should go to scoping meetings
7 and the council should go deeply into this, because this also
8 covers some important EFH and some important fishing grounds and
9 so it's for the benefit of all to have a healthy, robust record
10 and discussion on this issue.

11

12 **MIGUEL ROLON:** So, again, what do you want to do?

13

14 **NELSON CRESPO:** Before we move to do any decision, I want to
15 read a few comments that are coming from the fishermen in my
16 area. The great majority of the people I have spoken with,
17 commercial, charter, recreational, divers, et cetera, are in
18 favor of having a new and uniform management plan for Tourmaline
19 and Abrir la Sierra, similar to the one Bajo de Sico has right
20 now.

21

22 The unanimous opinion amongst the fishermen, both recreational
23 and commercial, is that spearfishing must be allowed, since it
24 is economically important and does not harm the environment,
25 especially corals, and it's a highly selective fishery with zero
26 bycatch.

27

28 The open water column all year-round has been successful and
29 easy to enforce and so there is no controversy there. On the
30 other hand, the consensus is that we should move to the Snapper
31 Unit 1 closure between April 1 to June 30 instead of what we
32 have now and that is October 1 to December 31.

33

34 Snapper Unit 1 reproduces three times a year and therefore,
35 socioeconomic studies should be made and the closure months
36 moved. This should benefit Snapper Unit 2 fishers who will be
37 able to fish for Snapper Unit 2 in the winter and keep their
38 heads above the water during the hard winter months and given
39 the fiascos in the Snapper Unit 2 management and its
40 possibilities, it's the least we can do for a healthy industry
41 that we have destroyed with bogus data. We should allow to fish
42 for vermilion snapper all year-around. Those are very shallow
43 deepwater snappers.

44

45 The Caribbean Council made a great effort to create a compatible
46 management regime with Bajo de Sico three years ago and the PR
47 DNR is not so far being able to produce a letter of
48 compatibility.

1
2 Anyway, very unfortunately, some of the fishermen understand
3 that now is not the right moment to do this or another fishery
4 management action and let me explain why.

5
6 As of today, there is a serious concern from all the fishing
7 sectors that NMFS, the Science Center, the Caribbean Council, PR
8 DNR, and also yours truly, the real intention is to implement
9 more closures and it's the opposite.

10
11 Frankly, folks, by the way we have fumbled the Snapper Unit 2
12 situation, you cannot blame the detractors out there. We cannot
13 fool the public perception anymore. With all the bad press and
14 the Senate investigation from the Agriculture, Natural
15 Resources, and Internal Review Committees, we need to do more
16 and a better job than what we are doing.

17
18 We should do the compatibility regulations parallel to the
19 island FMPs and better data. We know that Dr. Garcia and the PR
20 DNR lab personally do the best they can with the tools they have
21 and that's why we have to give them a hand and find a permanent
22 solution, because if not, anything we are trying to do is not
23 going to work. Thank you.

24
25 **CARLOS FARCHETTE:** Thank you, Nelson.

26
27 **MIGUEL GARCIA:** We haven't discussed with any administration any
28 of this, not even with the Advisory Board, my recommendation to
29 the Secretary. She doesn't know anything. It's something that
30 we have to summarize and prepare and get some help from Graciela
31 in meeting with her and give her the opportunity to understand
32 this better, because she hasn't had that opportunity yet.

33
34 **CARLOS FARCHETTE:** Thanks, Miguel. I don't know if we want to
35 take any action.

36
37 **BILL ARNOLD:** What you need to do to help guide you in this
38 issue is determine what your purpose is in doing this and I'm
39 not going to try to suggest that purpose for you, but I can
40 throw out some examples.

41
42 One would be are you trying to protect the benthic coral
43 habitat? If you say, okay, we're trying to protect habitat on
44 these coral replete areas, then your focus may be on prohibiting
45 anchoring, because anchoring damages the habitat.

46
47 If, on the other hand, you're strictly focused on removing
48 enforcement problems and by establishing consistent regulations

1 across these areas, then you may choose one area and say this is
2 our prototype area and we're going to establish all regulations
3 following the regulations established in this area within
4 federal waters.

5
6 Obviously we can only deal with federal waters and we can hope
7 the state follows, but we have no control over them, but the
8 bottom line is until you clearly establish what your purpose is
9 for this effort, you will continue to be confused as to what the
10 best routes to a solution will be and so that would be what I
11 would urge the council to do, is to determine what their purpose
12 is in dealing with Bajo, Abrir, and Tourmaline.

13
14 **GRACIELA GARCIA-MOLINER:** There is one additional division that
15 we need to consider and that's the HMS, because HMS followed,
16 for Abrir la Sierra and Tourmaline, the same regulations that we
17 have and so they don't allow any fishing through those areas.
18 That's one more player that we need to bring to the table.

19
20 As Bill was saying, what is it that you want -- Way back in the
21 1990s, when these areas were established, it was specifically to
22 protect the red hind spawning aggregations and from fishery-
23 independent information and from information that the fishermen
24 brought to the table, because originally you only had Tourmaline
25 closed, they change it so that they -- They closed three areas
26 that were hotspots for red hind.

27
28 I think we heard yesterday from Richard about the problem with
29 people fishing more and more and more for red hind and one of
30 the issues that we have is enforcement and so what specifically
31 -- We know now, from some additional research that has been
32 conducted -- We do have the first characterization of these
33 areas and so we know what coral communities and what habitats we
34 have, at least to fifty meters or so.

35
36 We know that there are other groupers using the area during
37 other months of the year. We have them present as juveniles and
38 as adults and so we do have more information now. Now, what do
39 you want to do regarding these three areas?

40
41 **EUGENIO PIÑEIRO:** Bill, the answer would be all of the above.
42 Everybody wins in protecting the benthic habitat, enforcement,
43 an open water column for commercial fishing, better enforcement,
44 it's just one management regime.

45
46 I don't know how to express it, but I think it's all of the
47 points and so I encourage the council to move forward and go
48 deeper into the Bajo de Sico and then that's the question. The

1 second question is would the DNR be willing to enter
2 compatibility or --

3
4 **MIGUEL GARCIA:** The official answer is yes. The point that we
5 haven't discussed this issue with the administration is
6 something that we have to do first.

7
8 **MIGUEL ROLON:** Really, the situation is this. What you already
9 decided is -- The reason why you have those areas closed is
10 because we closed the larger area to protect the red hind some
11 time ago and the fishermen came to me and asked, Miguel, this is
12 a big area and we need that area to pass through when we have a
13 storm condition at sea and there is no red hind in the area that
14 you're closing, but if you close Abrir la Sierra and you close
15 the other one, that's where the red hind are and you will be
16 able to protect the red hind and we can be able to cross from
17 the fishing grounds to our ports without much problem and
18 everybody will be happy.

19
20 Then came the idea of okay, now we are protecting the red hind
21 and how about protecting the other stuff and essential fish
22 habitat. We went with essential fish habitat and prohibiting
23 the anchoring and some of the fishermen really felt that we
24 betrayed them and they were not very happy about it, especially
25 the yellowtail fishermen, which there are a few of them.

26
27 At one particular meeting, Dr. Valdés-Pizzini was amazed at how
28 can we close an area without any socioeconomic study and without
29 any regards of the people who were fishing for yellowtail and
30 other species there, but anyway, we closed the darned thing.

31
32 The other problem they have is okay, now you have the protection
33 of the red hind, but you don't have anything in the local area
34 of jurisdiction and then Bajo de Sico is a deepwater area and
35 not that many people fish in Bajo de Sico.

36
37 Actually, Bajo de Sico now, according to the scoping meeting, is
38 an apnea group preferred ground. The fishermen, as Nelson said,
39 some of them fish in Bajo de Sico and they were concerned
40 because, number one, they all are for conservation.

41
42 They are not against it, but they would like to have clear-cut
43 regulations that will be comprehended by everybody and if they
44 are fishing in a particular part of Bajo de Sico and a Coast
45 Guard vessel comes or the Rangers of Puerto Rico come, they will
46 know what is going to happen. They will know beforehand that
47 okay, I am in compliance with the law or not and the same with
48 Abrir la Sierra.

1
2 If they are in Abrir la Sierra -- Abrir la Sierra is all
3 federal, but if you go to the map and see the jurisdiction, it's
4 a little square, tiny thing and if you put a Coast Guard vessel
5 there, the front of the boat will be in federal waters and the
6 other will be in local waters.

7
8 What we need to decide here, once and for all, is do we wait
9 until Puerto Rico comes with compatible regulations on their own
10 or do we harmonize Bajo de Sico and the other two at the federal
11 level with whatever measures you want and then every fisherman
12 will know, okay, at the federal EEZ, the three areas have this
13 regulation, three months or six months or eight months or
14 whatever. They will not be happy with nine months, but anyway,
15 the months that will be necessary to protect the spawning
16 grounds of as many groupers as possible and snappers should be
17 your objective.

18
19 Then the essential fish habitat is out of the question, except
20 for you have anchoring in one area that is allowed and the other
21 area is not allowed and so, in theory, a fisherman can go and
22 fish for yellowtail and anchor in one area, but not in the
23 other.

24
25 We are not really giving anybody a service by having this mess
26 of regulations for a tiny little place that is socioeconomically
27 important for the fishers and biologically important for the
28 protection of the resources. Graciela, can we go back to that
29 table that has the several regulations in place?

30
31 Here is the case. If I am a fisherman, I would like to have
32 that table and give it to the National Marine Fisheries Service
33 enforcement agents and to every Coast Guard vessel I see and to
34 the Rangers. I will explain to the Rangers what this is all
35 about.

36
37 I have Bajo de Sico and I cannot go into Bajo de Sico from
38 October 1 to 30 and I am fishing for the bluefish and then I go
39 to Tourmaline and I fish for three months and I go to Abrir la
40 Sierra and I fish for three months. Those months protect the
41 red hind.

42
43 In Bajo de Sico, let's say that you have the red hind and other
44 species reproduce, other groupers, and we are okay with Bajo de
45 Sico. We don't give a hoot about the Tourmaline and other
46 groupers besides red hind, because they are open for tons of
47 fish.

48

1 Then you go to the gear ban and that is common to everybody, EEZ
2 and Puerto Rico and traps and pots, year around. Species
3 managed under the gear is reef fish only in Bajo de Sico and all
4 fishing is prohibited, including pelagic and lobster and reef
5 fish in Abrir la Sierra.

6
7 This is a table that you have to look at and decide what you
8 want to do as a council. In the case of Puerto Rico, Puerto
9 Rico can sit on this forever, because it's their prerogative.
10 We cannot tell Puerto Rico what to do, but I know, in discussing
11 with Miguel and other members of the Puerto Rico officials, that
12 they are also eager to work on this in the way that Puerto Rico
13 allows them to work.

14
15 So, do we want to harmonize all the federal EEZ in these three
16 areas? If yes, how? Do you want to have three months or six
17 months or anything in between for all the three areas? Do you
18 want to have a gear ban or you have that already?

19
20 Species managed, do you want to harmonize all the species in
21 Bajo de Sico and Tourmaline, so you have all the species
22 prohibited or not prohibited in the three areas? Then you go to
23 the anchoring. It's prohibited in Bajo de Sico and it's allowed
24 in the Tourmaline and Abrir la Sierra with a retrieval system
25 that nobody uses.

26
27 Guys, you have to have an anchor and a little buoy that attaches
28 to it and all the fishermen I talked to -- I even gave some
29 pictures or drawings and they laughed at me. They said, Miguel,
30 give me one of those little buoys and I will tell you what to do
31 with that little buoy. Then the seasonal closures in the EEZ,
32 you have the red hind, again, in October and December. Well,
33 you can read that. Based on that table, we need to know what
34 the council prefers to do.

35
36 **GRACIELA GARCIA-MOLINER:** Let me show you this other -- This is
37 for December, January, and February. It's just to point out
38 that most of the groupers do spawn at the beginning of the year,
39 up until May or June. These are the things that we have to keep
40 in mind.

41
42 **MIGUEL ROLON:** Graciela, that means in order to protect the
43 majority of species, which is the best months and for how long?

44
45 **GRACIELA GARCIA-MOLINER:** Definitely one thing that we would
46 recommend is to switch the Bajo de Sico months from October
47 through March to December through May. That's in terms of the
48 biology and allowing the fish to reproduce, including the larger

1 groupers.

2
3 **MIGUEL ROLON:** We are going to change it, but at this time, I
4 will be happy to have what we have now across the three areas.
5 Can you go back to the table again?
6

7 **BILL ARNOLD:** This is what I would suggest. What we need out of
8 the council is a statement of purpose and I would suggest, and I
9 think, from what I've heard, you guys would go along with this.
10 The overriding purpose of this is to establish compatible
11 regulations among these three areas in federal waters. That's
12 what the council has control over and that's what they can do
13 and I think that that's really the focus.
14

15 Today is not the day to decide what those compatible regulations
16 would be. We have had scoping and we take the outcomes of the
17 scoping and the inputs we've had from this meeting, with council
18 guidance and permission, and we go back and we prepare a public
19 hearing draft document.
20

21 That public hearing draft document will be fully fleshed out
22 with the actions and the alternatives. These actions will be --
23 Action 1 would be, and not necessarily in this order and I'm not
24 going to go through them all, but compatible closures and Action
25 2 would be anchoring and Action 3 would be spears, et cetera, et
26 cetera.
27

28 Then we will have the alternatives under each of those actions.
29 Those alternatives will cover what Graciela is putting up there
30 and we will bring that back to the council at their spring
31 meeting and go over it and then the council can determine
32 whether that is what they are looking for or not.
33

34 Then if they are, they can give us direction to take that out to
35 public hearings during the summer of 2014 and we'll come back at
36 the end of the summer to move it for the next step, but there's
37 no sense getting into the weeds on this when we're way too early
38 in the process.
39

40 **EUGENIO PIÑEIRO:** I agree with you with the purpose and need and
41 we have a second benefit that perhaps by the spring meeting, the
42 Puerto Rico DNR might come with an answer, with a final answer,
43 if they're in or out.
44

45 **MIGUEL ROLON:** Yes, but that's exactly what we're saying.
46 Regardless of what Puerto Rico does or not, we need to have a
47 motion from you of do you want to move to have compatible
48 regulations in the EEZ area, among the three areas, yes or not.

1 You have a motion and then, as Bill suggested, they will prepare
2 the document and you will see it at the April meeting and then
3 you can say yea or nay to the actions that you are going to take
4 to public hearing.

5
6 **EUGENIO PIÑEIRO:** I agree with you and so I move then. I move
7 that we write a purpose and need paper for the spring meeting
8 regarding the compatible regulations.

9
10 **MIGUEL ROLON:** This is a friendly. Move to start the process to
11 implement compatible regulations in the EEZ of Bajo de Sico,
12 Tourmaline, and Abrir la Sierra. The staff is instructed to
13 bring at the next council meeting the appropriate documents that
14 could be taken to public hearings in the summer of 2014. Are
15 you happy with that, Genio?

16
17 **EUGENIO PIÑEIRO:** Yes, I am.

18
19 **NELSON CRESPO:** Second.

20
21 **CARLOS FARCHETTE:** No objections? After we do this, we're going
22 to come up to decide what compatibility in the EEZ between our
23 three areas is going to be, because I know there was a lot of
24 concern in that scoping meeting about spearfishing for pelagics.

25
26 **MIGUEL ROLON:** Yes, all of that will be included.

27
28 **CARLOS FARCHETTE:** The motion reads to start the process to
29 implement compatible regulations in the EEZ of Bajo de Sico,
30 Tourmaline, and Abrir la Sierra. The staff is instructed to
31 bring at the next council meeting the appropriate documents that
32 could be taken to public hearings in the summer of 2014.
33 **Anybody opposed to this? Hearing none, the motion carries.**

34
35 We are going to stop here for now and take a lunch break and we
36 will see you all in an hour. We will come back at 1:30.

37
38 (Whereupon, the meeting recessed for lunch on December 12,
39 2013.)

40
41 - - -

42
43 December 12, 2013

44
45 THURSDAY AFTERNOON SESSION

46
47 - - -

48

1 The Caribbean Fishery Management Council reconvened at the
2 Wyndham Sugar Bay Resort, St. Thomas, USVI, Thursday afternoon,
3 December 12, 2013, and was called to order at 1:30 o'clock p.m.
4 by Chairman Carlos Farchette.

5
6 **CARLOS FARCHETTE:** We are going to get started again, a
7 continuation of the 148th Caribbean Council meeting. Next on the
8 agenda is the Overview of the Caribbean Large Marine Ecosystem
9 Program by Dr. Ponwith.

10
11 **OVERVIEW OF THE CARIBBEAN LARGE MARINE ECOSYSTEM PROGRAM**

12
13 **BONNIE PONWITH:** Thank you, Mr. Chairman. Today, I am going to
14 talk to you a little bit about the Caribbean Large Marine
15 Ecosystem Program, what we've been doing over the last four
16 years and what our plans are going forward.

17
18 Before I do that, I just want to explain how this is relevant to
19 the fishery management council. The Large Marine Ecosystem
20 Program is run through the United Nations. It's funded through
21 the Global Environmental Facility and it's one of I think
22 there's somewhere around twenty-six programs around the coastal
23 margins throughout the world.

24
25 This one is unique in the number of players that we have and
26 it's relevant to you because many of the mission areas that
27 they've put a very strong emphasis on overlay quite nicely with
28 the mission of the fishery management council.

29
30 We have been in pre-phase for this. The mission of it is the
31 sustainable management of the shared living marine resources in
32 the Caribbean Large Marine Ecosystem and the adjacent regions.
33 We have spent the last four years working on this.

34
35 It says it's co-financed by the Global Environmental Facility
36 and the reason is because each of the participating countries
37 put up resources that were aligned to the mission of the CLME in
38 the form of in-kind payments.

39
40 We began in 2009 and we're ending this particular phase in
41 February and so some of the activities -- You're going to see a
42 lot of acronyms in here and I'm going to try and guide you
43 through some of those acronyms, so that this presentation makes
44 sense to you, particularly when you go back for reference.

45
46 The first four years was developing the foundation for the
47 program, basically building the capacity for us to collaborate.
48 The problem is this, that individual governments, individual

1 countries, have governance systems, science programs, and
2 management programs that function quite ably in their
3 jurisdiction, but the Caribbean Large Marine Ecosystem defies
4 those geopolitical boundaries.

5
6 A lot of those problems don't end when you hit a boundary
7 between one country and another. They span those boundaries and
8 unless you tackle them at a basin scale, you can't solve the
9 problem and that's hard to do, to get two countries to talk to
10 one another and agree.

11
12 We're sitting here, three platforms right now, discussing how
13 hard it's going to be to change the format of the fishery
14 management plans from sort of a holistic basis to a platform-by-
15 platform basis and imagine doing something like with up to
16 twenty countries, discussing your philosophies and the science
17 and the management of fisheries management.

18
19 The first step that we took was to build a transboundary
20 diagnostic analysis and that was to pick some high-level
21 problems that are easier to solve across the basin as opposed to
22 within an individual government -- Within the framework of their
23 governance system and so that's called the transboundary
24 diagnostic analysis.

25
26 It's a scientific treatment of the problems and so it's not a
27 policy paper. It's basically a technical paper and we spent a
28 good bit of time looking at those problems and which ones we
29 felt like we shared in common.

30
31 Then we did national intersectoral consultation and basically
32 coordinated across fisheries groups, people who cared about
33 water quality, people who cared about socioeconomics of the
34 region, and then ultimately we finished by building this
35 strategic action program, which is a deliverable from the first
36 phase of the project.

37
38 That was just completed this spring and it takes what we learned
39 and creates a long-range plan for how we're going to collaborate
40 going forward into the next decades.

41
42 That sums up, very briefly, the first phase of the program and
43 now we're entering the second phase of the program, which is the
44 implementation phase. We would like to start that in 2014 and
45 it's a five-year program and so it will run into 2019. It
46 basically takes that strategic action program and creates an
47 operational plan for what are you going to do about it.

48

1 I won't dwell on these, but we highlighted problems in the
2 transboundary diagnostic analysis that each have root causes and
3 I will let you just look at some of these root causes to some of
4 those problems and see if any of those look familiar, the weak
5 governance, financial resources, human resources, public
6 awareness, population and cultural pressures, trade and external
7 dependencies. I think all of those are going to sound a little
8 bit familiar to us as the root causes.

9
10 We have devised a plan that has six main strategies and four
11 sub-strategies and that fancy mosaic there on the back shows how
12 interconnected they are and that's actually a good point,
13 because we are aiming to take an ecosystem approach to tackling
14 these problems, so we don't end up playing whack-a-mole here.

15
16 The Strategic Action 1 is the protection of the marine
17 environment and Strategic Area 2 is sustainable fisheries and 3
18 is intersectoral coordination and 4 is ecosystem-based
19 management of the reef systems and the two species they're
20 interested in focusing on here would be spiny lobster fisheries
21 and the queen conch fisheries. Again, a very common theme with
22 what we're trying to do here.

23
24 Then Strategy 5 is an ecosystem-approach to fisheries within the
25 pelagic ecosystem and there, the two focus areas will be the
26 flying fish, which is a very critical economic and cultural
27 resource in a large part of the Caribbean, and then also large
28 pelagic fisheries. Then last is ecosystem-based management and
29 ecosystem approaches to fisheries within the continental shelf
30 area.

31
32 Here is another schematic. The first one showed what our
33 thematic areas were and the second one shows who is who. Again,
34 there are about somewhere between twenty and twenty-five
35 signatory countries that are going to be participating in that.

36
37 In addition to the individual countries, there are some
38 organizations that are going to play. WECAFC is an organization
39 that falls within the Food and Agricultural Organization and it
40 stands for the Western Central Atlantic Fishery Commission.

41
42 You will see CARICOM there and that's the Caribbean Community
43 and OSPESCA is the Central American Fisheries and Aquaculture
44 Organization and CRFM is the Caribbean Regional Fisheries
45 Mechanism. You see a lot of, again, organizations with focus
46 areas that are richly overlapping with the mission of the
47 council.

48

1 The way this is envisioned to go is when we began the first
2 phase, it consisted of some pilot projects. We would tackle a
3 problem at a manageable scale and demonstrate how that problem
4 could be solved at a larger scale and then try and do technology
5 transfer.

6
7 We also did case studies within the region and we wrote that TDA
8 and we did some analysis of the governance systems and what is
9 helping us to solve problems at a larger scale and what's
10 hindering us from solving problems at a larger scale and that
11 ugly acronym at the bottom is the IMS-REMP, which is an
12 integrated management system.

13
14 It's an information management system where they keep metadata
15 about data that exists across the regions, so that when we patch
16 those together, we can see what's happening at a more holistic
17 scale.

18
19 The REMP part is the Regional Environmental Monitoring Program
20 and, again, it's taking monitoring programs that exist across
21 the Caribbean and finding a way to knit them together to equal
22 more than the sum of the parts.

23
24 Then, of course, there's a whole component that focuses on
25 project management and determining whether we are achieving the
26 goals that we set out in our program plan and so the CLME --
27 That "plus" just means that we're including some of the
28 Brazilian shelf is what that "plus" means.

29
30 We want to implement the strategic action program, again, for
31 the sustainable management of shared living marine resources in
32 the Caribbean and the north Brazil shelf. The amount of money
33 that we're looking for is just under \$13 million that will be
34 spread among the action areas that we're working on.

35
36 The one nuance is that the United States is not an eligible
37 recipient of this money. We are fully engaged in the program
38 and collaborate quite heavily in the program in strong
39 leadership roles, but we can't get the money.

40
41 The money goes to our partners, but think about what you can do
42 if organizations throughout the Caribbean are looking at
43 problems on spiny lobster management or spiny lobster science,
44 if they've got the resources to finally say yes, let's
45 collaborate and work on this together.

46
47 Again, here are five components to the project going forward.
48 We want to strengthen and consolidate the institutional

1 frameworks. These are the things that make it hard to
2 collaborate across different countries.

3
4 We want to enhance the capacity of key constituents in the
5 region and we want to conduct some pilot-scale work on
6 ecosystem-based management or ecosystem approaches to fisheries.
7 We want to do feasibility studies and we want to do some
8 monitoring across all of these activities to make sure we're
9 doing what we said we were setting out to do.

10
11 This is just a messy schedule, but you can see it is the phase
12 of the project we're in right now, which is the project
13 preparation grant. Basically, the Global Environmental Facility
14 said we love this and we want you to implement your strategic
15 action program and so they've given us a small grant to write
16 what is essentially a full proposal with a full operational plan
17 for five years of work.

18
19 If we gave you this money, how would you partition it among the
20 activities that you're doing and what is your program plan and
21 when would you have to hire people and how would you hold your
22 meetings? How would you take what you're learning out into
23 civil society and share that information?

24
25 This proposal writing is beginning right now. I am helping to
26 plan a meeting that is happening in Miami in February for a
27 small drafting team to draft a strawman component of this that
28 then can be shared with the steering committee.

29
30 Ultimately, the goal is to have that full proposal written by
31 the spring, by June, which is a very, very aggressive schedule
32 for a Global Environmental Facility proposal. Sometimes they
33 can take up to two years to write and this one is being
34 compressed.

35
36 Again, if the GEF gets this and is happy with it, the outcome is
37 potentially that they would hand nearly \$13 million to the
38 program to actually carry this work out over the next five
39 years.

40
41 This is the website for the program, if you're interested in
42 reading more. They have a documents area, where you can read
43 the transboundary diagnostic analysis and the strategic action
44 program.

45
46 I do hope to be able to give you periodic progress reports as
47 the program makes progress, particularly if the proposal is
48 fully funded by the GEF. That will certainly be celebration

1 worthy for the region and with that, Mr. Chairman, I will ask if
2 there are any questions.

3

4 **CARLOS FARCHETTE:** Any questions?

5

6 **MIGUEL ROLON:** At this stage, Bonnie, do you see any possibility
7 of Puerto Rico or the Virgin Islands -- Because when we go into
8 these activities, we go as the U.S. and not as Puerto Rico and
9 the U.S. Virgin Islands and so we might be part of the huge
10 delegation and so my question is how do you see -- Is there a
11 possibility for this area to be incorporated into the project?

12

13 **BONNIE PONWITH:** The answer is you are already incorporated into
14 the program. The United States country focal point, the
15 representative for issues within the United States, is me and so
16 I am a member of the steering committee and so I have a vote and
17 a voice at the steering committee.

18

19 They have workshops where, instead of just bringing the steering
20 committee together, they want broader representation across and
21 in situations like that, bringing a delegation from the council
22 would be very, very beneficial.

23

24 In the meantime, what the council is trying to achieve within
25 the U.S. Caribbean is carried into this process through my
26 participation. It's a wonderful opportunity to collaborate and
27 to leverage and to influence how things are done in a regional
28 area. It's just a wonderful opportunity.

29

30 **MIGUEL ROLON:** Just a note for the newcomers, but we have been
31 involved with this project from the beginning and I was part of
32 the delegation and part of the committee and when we started, we
33 didn't know whether to go with a fishery project or with a non-
34 fishery project, because we were competing with a sonography
35 group.

36

37 They gave us the opportunity, us as in all the states around the
38 Caribbean, to work with a fishery management plan and associated
39 issues first and that's why we are here and so this is something
40 that has taken some time and it matured into the stage that we
41 are now and I am glad that Dr. Bonnie Ponwith is an active
42 member of the group, because we have other opportunities.

43

44 Pan-Caribbean management of some of the species is integrated as
45 part of this and I don't know if Dr. Robin Mahon is still a
46 member, but anyway, the point is that the council has been,
47 since the get-go, working on this and we would like to thank Dr.
48 Bonnie Ponwith for including us.

1
2 I know you have everybody in your mind when you go to these
3 meetings and that's it. We will continue working with the
4 others on whatever we can do. Thank you very much.

5
6 **CARLOS FARCHETTE:** Any more questions for Dr. Ponwith? Thank
7 you and I do agree that whatever happens in the Caribbean basin
8 affects all of us and I think that we need to work together to
9 have a cohesive management of our resource.

10
11 **MIGUEL ROLON:** Bonnie needs to rush to the airport, but there
12 was a minor thing. Will you go ahead with the peer review
13 thing?

14 **DISCUSSION OF UPDATED NATIONAL STANDARD 2 GUIDELINES**

15
16
17 **BONNIE PONWITH:** You probably noticed bells and whistles went
18 off when the National Standard 2 Guidelines hit the Federal
19 Register and, again, the National Standard 2 Guidelines update
20 how we carry out the Magnuson Act and provided some additional
21 guidance to the National Standard 2 area.

22
23 The parts that I want to talk about very briefly are the peer
24 review elements. The two parts that are most germane to us are
25 the peer review and the SAFE reports, the stock assessment
26 reports, but today, it's the peer review that I wanted to focus
27 on.

28
29 The way the guidelines read is that the peer review process you
30 use for science feeding into management decisions has to meet
31 some standards and one of those standards is the Information
32 Quality Act that came into force back in the early 2000s.

33
34 It's a very, very important piece of guidance to make sure that
35 we are doing those peer reviews correctly, in a way that matches
36 the level of sophistication of the information.

37
38 The good news is that the National Standard 2 Guidelines say
39 that if you already have a system and you review that system and
40 it actually complies with all of these new standards, then
41 you're good and you don't have to do anything that's different.
42 You just have to verify that you've done that.

43
44 What we're proposing within NOAA Fisheries is instead of each
45 individual fishery management council putting out a Federal
46 Register notice that says here is a brief description of our
47 peer review process and our full peer review process is posted
48 on the website that we do one big Federal Register notice that

1 includes all of the fishery management councils.
2
3 We have talked about that within NOAA Fisheries, the Science
4 Board, and we think that's a good idea, because it's efficient.
5 I have already consulted with the Gulf Council and with the
6 South Atlantic Council and they have flat-out agreed that that
7 is absolutely the way we think it should be done and I just
8 wanted to confirm with the Caribbean Council and I've had a
9 chance to talk with our Executive Director and he concurs that
10 this is a good, expedient way to do this.

11
12 Basically, what will come out is a Federal Register notice that
13 talks about one council at a time, a very brief description of
14 what the peer review process is. That would be the peer review
15 process that we use in SEDAR and not the stock assessments, but
16 the review process.

17
18 Then a little piece about how the SSC does peer reviews of
19 things that are outside of the SEDAR process and that will go
20 into one Federal Register notice confirming that these have all
21 been looked at and they're posted and they comport with the
22 requirements.

23
24 **MIGUEL ROLON:** Thank you, Bonnie. Also, the advantage of this
25 is that you will be able to compare what you have with all the
26 others in one document and it will be easy to go to. Thank you
27 a lot and I hope to see you next time.

28
29 **CARLOS FARCHETTE:** Next on the agenda is Fish Spawning
30 Aggregations by Dr. William Heyman and Dr. Michelle Scharer.

31
32 **MIGUEL ROLON:** We had a meeting of the WECAFC Working Group on
33 Spawning Stocks, spawning aggregation of snappers and groupers,
34 and it was held in Miami in October. There was a series of
35 presentations by scientists from the Caribbean area and it was
36 led by -- The Chair was Dr. Yvonne Sadovy and she is an
37 authority on groupers and Raymon van Anrooy, who is the
38 Secretary of the WECAFC.

39
40 As we speak, they are preparing the report. It will be an FAO
41 report that will be submitted for the meeting in March and they
42 are also preparing a report on the update and status of the
43 spawning aggregation species around here.

44
45 There were two presentations that are sort of unique, one from
46 this area, Dr. Michelle Scharer, and the other one that I asked
47 Will and he graciously accepted to present to you. We thought
48 it was something that the council members should see, given that

1 you do not have the opportunity to be able to get all of this --
2 To go to all these meetings.

3
4 The first one is Dr. Michelle Scharer and she will be focusing
5 on the Puerto Rico experience with the spawning aggregation
6 species.

7 8 **FISH SPAWNING AGGREGATIONS**

9
10 **MICHELLE SCHARER:** I appreciate the opportunity to share this
11 with you. This presentation was actually prepared for specific
12 guidelines that we were given as to go over spawning
13 aggregations and species that form spawning aggregation with
14 whatever data was available and so it's a little bit of a
15 summary and we're just going to talk about Puerto Rico in this
16 case. The Virgin Islands was presented by Rick Nemeth at this
17 meeting and so we're focusing here just on that.

18
19 Basically, we're going to be talking about five or six areas
20 that we have documented fish spawning aggregations around Puerto
21 Rico. Most of these are within marine protected areas, but two
22 of them are not and so we will look at them a little bit closer.

23
24 Historically, they asked us to show what data was available and
25 what we have for before the 1990s is this graph, where I have
26 just plotted groupers and snappers. On the left axis, you have
27 the pounds of grouper landed.

28
29 In the late 1970s, they peaked at about a million pounds, except
30 these aren't all Puerto Rican groupers. A lot of our fishers at
31 that time were part of a development, fishery development
32 project, and they actually were fishing in the banks off of
33 Turks and Caicos, the Bahamas, Dominican Republic, even all the
34 way to Saba.

35
36 This is just to have an idea of the data reflecting many other
37 things besides what is happening in our waters and so towards
38 the end of the 1980s, the groupers went down and the snappers
39 are on the right axis and it never was a lot of snapper during
40 that time.

41
42 When we get into more recent history, since the 1980s is when
43 they started splitting up the data by species and that's where
44 we can get a better idea of how data poor our fishery really is,
45 when we see what these larger groupers -- After the 1990s, they
46 just all flooded.

47
48 What we have is a lot of red hind, but one thing that's common

1 in all those lines is this peak around 2002 and then a decline
2 in most of the landings and we'll see this again in the
3 snappers. Here, we've only plotted three species, which are the
4 most common ones.

5
6 The black line is yellowtail and the blue line is lane snapper
7 and the red line is mutton snapper and, again, we see sort of a
8 peak around 2002 and then they all drop and this is really
9 common in all the landings data and according to this report
10 that I worked with Dr. Manuel Valdés-Pizzini on, most of this
11 was occurring in the 2002 and 2003 time, because that's when the
12 fisheries regulations were being talked about in public
13 hearings.

14
15 A lot of the discussion in this book and actually, this book is
16 available on the Sea Grant website, but it goes into the details
17 of what those reactions were during that time and why this is
18 reflected in our landings data. You have to read Spanish if you
19 want to understand the book, but hopefully someone will
20 translate it to English and it will be available for everybody.

21
22 Going back to our jurisdiction and the nine nautical miles,
23 three of the sites we're going to be talking about are on this
24 insular platform west of Puerto Rico outside of the territorial
25 waters and so this is really important, because spawning
26 aggregations usually occur at shelf breaks and most of the shelf
27 break in the U.S. EEZ waters are those sites off the west coast,
28 at least for groupers.

29
30 The first site I'm going to talk about is at Mona Island and
31 this is the only place where we have year-round protection for
32 spawning aggregations of at least five species.

33
34 We have identified yellowfin grouper, black grouper, and this is
35 actually yellowmouth grouper, tiger grouper, and red hind. Of
36 these five species, three of them are considered either
37 endangered or near threatened, according to IUCN. We really
38 don't have data on this one and this one hasn't been reviewed
39 lately.

40
41 When we move over to Bajo de Sico, we sort of have the same
42 range of species and this place has no take between October and
43 March, as we had discussed earlier, but we do have Nassau
44 grouper here and this is the only known spawning aggregation of
45 Nassau grouper in Puerto Rican waters and it's only the second
46 one in the U.S. Caribbean. The other one is the Grammanik Bank.

47
48 Tiger grouper, black grouper, red hind, and we do have a few

1 rainbow parrotfish that we've seen at this spawning aggregation
2 site and, again, we have a conservation issue here for four of
3 these five species that are aggregating at Bajo de Sico.

4
5 Abrir la Sierra and Tourmaline I am sort of lumping together,
6 because most of the information we have is for the red hind
7 spawning aggregation and they are closed between December and
8 February in these two sites, but also throughout the U.S. EEZ
9 waters and the PR waters on all of the platform of Puerto Rico.

10
11 This is a close-up of those areas and I did want to point out
12 that we do have another MPA over here, which is the DNR
13 Arrecifes de Tourmaline area. Right now, it's just a natural
14 reserve and it doesn't have any special fishery regulations, but
15 it does overlap on top of Tourmaline in the state waters and so
16 that's another issue to complicate things, but it would be good
17 to discuss all of this once we get to that point.

18
19 I just also wanted to point out that Bajo de Sico, where that
20 spawning aggregation area is, is in the U.S. EEZ waters. It's
21 very deep in these Puerto Rican waters up here and there is a
22 ridge that connects these two sites and so these are all
23 important areas that could have more fish spawning aggregations,
24 but we just haven't had any research out there to identify them.

25
26 Another site where we have documented fish spawning aggregations
27 is south of la Parguera. There is a report from 2005 about
28 mutton snapper aggregating out there and there was some
29 discussion in the SEDAR in 2006, I believe, that's in there, but
30 there was a lot of research in the 1990s of red hind
31 aggregations, except the only evidence that we have now of these
32 aggregations is actually non-compliance with our closed season
33 during February of red hind and actually, Yvonne Sadovy had just
34 shown a picture at the same pier, twenty years back, of the same
35 situation, a bucketful of red hind. That was confirmation that
36 there used to be aggregations and there still are.

37
38 El Seco is a really interesting site. It's been documented
39 since the 1990s that tiger grouper -- Here, I am showing
40 different color phases. This is the male tiger grouper and this
41 is the female tiger grouper and so that's just one species and
42 it's also been reported that there's yellowfin and we have
43 picked up red hind in our acoustic recordings there that we
44 conducted.

45
46 Again, we have conservation priority from at least two of these
47 species and currently, there is no protection for this site and
48 a real important thing is that we have a big unknown for a

1 really important group of species, especially the goliath
2 grouper.

3
4 A lot of the discussion on goliath goes on with what's going on
5 in Florida and we really don't have any information from our
6 jurisdiction about if there are any left and where they are and
7 where they spawn and so that's an important priority for us as
8 we move forward with these FMPs, I think.

9
10 Misty grouper was actually one of the few groupers that didn't
11 have a declining trend in the landings data. This is
12 interesting because it accompanies these deeper water snappers.
13 They are all caught together and I think we really need to know
14 more about this species and if and where they aggregate, to be
15 able to better manage it.

16
17 Then we don't have a lot of information about dog and cubera
18 snapper in Puerto Rico, but they are an important part of the
19 recreational fishery, especially the spearfishing. That's it
20 and if you have any questions about spawning aggregations, I
21 would be happy to entertain.

22
23 **CARLOS FARCHETTE:** Any questions for Dr. Scharer?

24
25 **EUGENIO PIÑEIRO:** Thank you, Dr. Scharer and I have a couple of
26 questions for you, but the first one is what's the range -- You
27 were talking about April to December for the range of the most
28 active reproductive aggregations and is that correct?

29
30 **MICHELLE SCHARER:** That was part of the discussion at the
31 meeting. We ended up focusing our discussion towards Nassau and
32 goliath grouper at the Miami meeting and so that's going to come
33 out of the recommendations, but based on our experience of these
34 spawning aggregations that we have temporality for, most of the
35 activity is going on between January and May, but these things
36 really need a lot of years, because of where the full moon is in
37 relation to the month.

38
39 For example, this past year, we had a full moon very late in
40 February and for species that spawn a week later, that's March
41 and so when you put it into months, you have to be very
42 conscious of they have a lunar schedule and not a monthly
43 calendar like we do.

44
45 **CARLOS FARCHETTE:** Any more questions?

46
47 **GRACIELA GARCIA-MOLINER:** Are the cubera snappers aggregating at
48 the same time as the groupers are aggregating? Have you

1 noticed? Is anyone tracking the increase in the number of
2 these, because they're usually not taken for food. People might
3 harvest them, but they are kind of ciguatoxic.

4
5 **MICHELLE SCHARER:** I found very little data on cubera. The only
6 thing that we have to go by is what's going on in the Grammanik
7 and some observations at El Seco. They will spear them and I
8 have seen a lot of spearfishing of cubera, but I'm not sure if
9 they eat them or what they do with them. It's an important
10 question that we need to address.

11
12 **GRACIELA GARCIA-MOLINER:** How about the species that actually
13 feed on the eggs of the groupers? Is anyone looking at that,
14 for example some of the triggers? At least they are harvested
15 at the same time that you're harvesting the groupers while they
16 are spawning.

17
18 **MICHELLE SCHARER:** I don't think we have any information on what
19 the triggerfish are doing. At Bajo de Sico, we have a suspected
20 aggregation of ocean triggers, but we still have to go back and
21 figure out exactly where they are, so that we can get a better
22 idea of the temporal.

23
24 Most of these sites, because they are in protected areas, there
25 is supposed to be no fishing and so we don't see that type of
26 dynamic, but we did see a manta ray on one of the peak spawning
27 nights for Nassau and they are feeding in the water column and
28 so there could be a potential predator there.

29
30 **CARLOS FARCHETTE:** Any more questions?

31
32 **GRACIELA GARCIA-MOLINER:** The reason why I'm asking about the
33 trigger is because usually you hear that mostly from the
34 recreational fishers, because they will get their bait eaten in
35 the water column, rather than when you get them to the bottom
36 and so that's -- They are not supposed to be fishing there, but
37 --

38
39 **CARLOS FARCHETTE:** Thank you. I will ask you a question, but
40 offline. Next, we have Dr. William Heyman.

41
42 **MIGUEL ROLON:** Dr. Heyman needs a minute to change the computer
43 and so we can take this time to ask Roy Pemberton to introduce
44 the new members of your staff. Yesterday, you had one to
45 introduce to us, but I believe that you have other people.

46
47 **ROY PEMBERTON:** Yes, thank you. We have three new staff
48 members. Jamie is not really new, but he has transferred to

1 this district, but he's still new. We have Jonathan Brown,
2 Alexis Sabin, and Barry --. They are fisheries biologists and
3 so they will be working with probably our SEAMAP program, port
4 sampling, and any other thing you guys came up with for me to
5 do. I will just pass it right to them and to Tom.

6
7 **MIGUEL ROLON:** Welcome, because we know how much Roy has been
8 suffering from lack of personnel and this is good news and so
9 welcome to the club.

10
11 **WILLIAM HEYMAN:** Thanks very much for the invitation to
12 participate and to present some of this work. Again, as Miguel
13 pointed out, it's kind of bouncing off of this recent meeting
14 that we had in Miami, part of the WECAFC/CFMC jointly-sponsored
15 meeting about spawning aggregations through the region.

16
17 I am going to try to run through this. I am going to talk about
18 cooperative management of the entire kind of snapper grouper
19 complex and the important role that fishermen can play in that
20 process and, again, this is coming out of this regional meeting
21 that took place just a couple of months ago in Miami and I'm
22 going to start kind -- We're going to come full circle.

23
24 I want to start by indicating some of the recommendations that
25 come out of that meeting and then I'm going to tell you why they
26 came out of that meeting and so the recommendations go this way.
27 One, we are recommending a regional plan for the management and
28 conservation of fish species that aggregate to spawn and, again,
29 you will see why this is the case.

30
31 We want all the member countries to assess the timing, location,
32 and status of these multispecies spawning aggregations and make
33 priorities for management at all of these sites throughout the
34 region.

35
36 We are recommending that these assessments be done along with
37 local fishermen, particularly those who are exploiting those
38 aggregations presently and basically asking all countries in the
39 region to implement these recommendations as well.

40
41 You will see shortly why we made these recommendations. Again,
42 these are -- We can consider snappers and groupers as a complex
43 of fish species that together transcend an enormous geographic
44 range and each individual species has its own range, but there
45 is a tremendous amount of overlap.

46
47 Here, we're thinking about and talking about the Caribbean
48 Fishery Management Council jurisdiction right here, but remember

1 that we've got three U.S. jurisdictions that also have snappers
2 and groupers and some of the very same species in U.S. waters,
3 in addition to bunches of other jurisdictions, Central America,
4 South America, et cetera, and yet, when you look at the complex,
5 a lot of these fish share similar life history characteristics.

6
7 A lot of them are caught in a multispecies fishery. You drop a
8 hook on the shelf edge and it's snappers and groupers that
9 you're catching.

10
11 A lot of these are undergoing overfishing or are overfished and
12 some all the way to threatened and endangered, as Dr. Scharer
13 has just pointed out, but a lot of these are considered very
14 data-poor fisheries, in U.S. waters obviously, but in other
15 countries, the situation is at least as bad in terms of the
16 available information.

17
18 Yet, all of these guys, or many of them, spawn in these big
19 aggregations and when you look at the geographic range of a lot
20 of these species, and these are data from the IUCN, range data
21 from the IUCN, you see that a lot of these species transcend all
22 of these jurisdictions.

23
24 We in the U.S. Caribbean can make whatever regulations that we
25 want, but recognize that these guys are transcending a lot of
26 these jurisdictions and so the reality is that, again, they
27 share a lot of life history characteristics.

28
29 They are long-lived, late to reproductive maturity, and they
30 aggregate to spawn and most of them spawn at these multispecies
31 aggregations and they are transient. They come, they spawn, and
32 they leave and so, again, from a connectivity standpoint, we are
33 not individual nations or jurisdictions.

34
35 These things spawn and they put their eggs and larvae in the
36 water and those go on ocean currents that are connected between
37 all of these countries as well and these are reminders and you
38 know all of these things, but just to put it in context.

39
40 Here is the WECAFC region that we're looking at, that goes all
41 the way from waters of Brazil to kind of Cape Hatteras and
42 everything in between. Again, a lot of these transcend this
43 entire area.

44
45 Now I'm going to -- Miguel had kind of asked me to talk about
46 regional perspectives, things that are happening in other parts
47 of the world, and so I wanted to focus where I have spent a lot
48 of time, which is in Belize, and then I will tell you some other

1 things about some other places and wrap back to our regional
2 recommendations.

3

4 In 1965, a guy was there and documented this Nassau grouper
5 spawning aggregation at Caye Glory, catching two-tons of Nassau
6 groupers per day, enormous groupers. They didn't have enough
7 refrigeration. They had no refrigeration and the value of the
8 roe was much greater than the bodies and so the typical fishery,
9 particularly late in the moon, was to take the eggs and throw
10 away the bodies. That's how rich this fishery was.

11

12 You can see there is some data showing that decline over time
13 and in 2001, when we went to go look at the site, we found no
14 groupers at all. They guys were fishing there for two days and
15 they caught nine in two days of intensive fishing right at that
16 site and this is pretty typical of the way aggregations have
17 been hit throughout Belize and other parts of the region.

18

19 Starting with the reality that the fishermen were really
20 noticing these declines and talking about it and saying hey, we
21 used to catch Nassau grouper and they used to be everywhere on
22 the reef and we're really not seeing any of these things
23 anymore, particularly at places like Caye Glory, where they used
24 to aggregate to spawn.

25

26 Also, a lot of these fishermen up and down the country were
27 aware of a lot of these spawning sites and began to tell
28 scientists and managers about them and say, listen, we really
29 have to focus on this and that's really where the management of
30 this thing came from.

31

32 Out of this, and I'm going to go through this pretty quickly,
33 but we formed a national working group to address the issue with
34 all of the different scientific groups, fishermen groups, NGOs
35 in the country to address this issue and I will show you what
36 happened over the next several years.

37

38 The first thing was that we began to look at one of these sites
39 that fishermen had identified, this place Gladden Spit, and you
40 can see this is a satellite image and it shows the barrier reef
41 of Belize coming down and you can see where that reef bends.

42

43 You can see this massive bend in the reef and a huge drop at the
44 shelf edge and when you look at it in three dimensions, you kind
45 of see this huge mountain that's dropping down 3,000 feet right
46 at that promontory, right at that edge, and the reality is that
47 all of the fish come to spawn there right at the tip of that
48 promontory, right at that point.

1
2 Which fish come to spawn there? Well, in several years of
3 documenting it and sorry these are too small, but basically in
4 several years of documenting this, we found seventeen different
5 species all spawning there, including mutton snapper, cubera
6 snapper, dog snapper, and yellowtail snapper.

7
8 This is Nassau grouper, black grouper, tiger grouper, yellowfin
9 grouper, bunches of different jacks, as well as various and
10 sundry other species, all with their own behavior and all with
11 their own timing, but all spawning very close to the very tip of
12 this promontory.

13
14 If I can, I will show you what that looks like underwater and
15 explain a couple of things while we're doing that. These are
16 cubera snappers and, as you know, these are big fish. Each of
17 these species -- This is a big white female and males are
18 attracted.

19
20 Here they are just spawning in mass, males and females meeting
21 in the water and just spawning in mass. We talk about spawning
22 aggregations, but not everybody gets to see them all the time
23 and so I think this is valuable to really help you understand
24 it.

25
26 Graciela talked about predators and so yes, these guys are
27 filter feeders and they show up. The concentration of these
28 eggs is so dense so that these whale sharks, over time, have
29 figured out this is the omelet of all times or the caviar,
30 however you want to look at it.

31
32 The blue runners are also egg predators and now we're into a
33 different species. That was the cubera and now we're into dog
34 snappers and you can see the formation of their aggregation is
35 different than the cubera. Each species has their own
36 characteristic behavior, color changes, courtship behaviors, and
37 spawning dance.

38
39 Again, this kind of activity just attracts all kinds of
40 predators. Obviously egg predators we've seen a couple of, but
41 also the dolphins are there to feed and the sharks, bull sharks,
42 are there to feed. It's kind of like an oasis, everything all
43 coming together right at the tip of this promontory.

44
45 This is right as they finish spawning and they all go down in a
46 tube and we talked about mutton snapper and this is mutton
47 snapper and you see they're much more dispersed, much more
48 spread out. They're difficult to find a little deeper. They

1 don't spawn at sunset like most of the other species. The
2 mutton snapper spawn in the late afternoon.
3
4 At other times in the year at this same place though, we've got
5 our groupers. Here is your giant black groupers and yellowfin
6 groupers and here is your Nassau and, again, you can see some of
7 these fishes changing color for the big event and so you can see
8 that they're getting dark colors and they're getting this bi-
9 color. Watch this one closely. When he gets scared, he puts
10 away his --
11
12 These are a little deeper. These are black groupers. Some of
13 these are over a meter in length and yellowfin are right at that
14 shelf edge. This is probably 160 or 170 feet, but now we're
15 into -- Now we're done with lutjanids and serranids and now
16 these are grunts, white margates.
17
18 They are aggregated in the same place for spawning and, again,
19 each of these is a slightly different time of year and you've
20 also got your jacks. Some of these are like thirty-five pounds.
21 Anyway, I think you get the idea and I don't want to bore people
22 here.
23
24 These are your jack crevalle and look at the belly. You can see
25 that white kind of Nike stripe on the belly and, again, it's a
26 spawning coloration. You can see the horse-eyes doing this
27 chasing. You can see some of them are real dark colored and,
28 again, that's specific to spawning time.
29
30 These are yellow jacks, which I think are also egg predators as
31 well, if I'm not mistaken, but they're also there to spawn and
32 so it's a good place to take care of all your business. It's a
33 one-stop shop there.
34
35 These are Atlantic spades that are there as well and dog snapper
36 in the background. We talked about the triggers and they're
37 there as well and aggregated to spawn at the same time, though
38 they do a weird thing. They are not spawning up in the water
39 column. These balistids are digging like nests on the bottom
40 and a female will be there guarding eggs in these nests that the
41 males will dig on the bottom, but the same place, the same
42 location.
43
44 Here's your yellowtail snappers by the bazillion and these guys,
45 too. Again, the normal coloration is just the regular black and
46 white spots, but you can see that white belly, similar to what
47 the Nassau, that bicolor white belly thing. That's all spawning
48 coloration.

1
2 This is right below all the jacks and all that stuff that's up
3 in the column. We did this in 2002 and I just -- It just
4 continues to blow me away.

5
6 Anyway, fishermen are aware that a lot of this stuff is going
7 on. We're back to our story, back to Belize. Fishermen are
8 aware that this is happening. Fishermen are aware that this is
9 happening at multiple sites up and down the reef and so we say,
10 all right, let's get together and try to understand what the
11 heck is happening.

12
13 We all work together and develop this monitoring protocol in
14 English and Spanish and train everybody how to use it and when I
15 say everybody, I mean everybody. We had from the Minister of
16 Fisheries to technicians in the Fisheries Department to students
17 at the university to commercial and recreational fishermen,
18 NGOs, everybody.

19
20 We built a monitoring protocol that was simple enough that
21 people could use it and we were focused on accuracy and not
22 precision and so it was a simple technique to try to understand
23 what was happening.

24
25 It was important to understand what the shapes of these places
26 were and so we developed a real cheap way to map the bottom,
27 using kind of an off-the-shelf fish finder. Ultimately, looking
28 at the reef and talking to fishermen and looking at this, we
29 began to realize that, wow, this reef promontory that we saw at
30 Gladden's Spit is pretty similar to what we think is two of
31 these other sites and so we say could it be that a lot of these
32 places, these reef promontory places, actually serve as
33 multispecies aggregation sites?

34
35 We got indications that the fishermen are saying we catch the
36 groupers in the same place as the snappers sometimes and so it's
37 like, well, let's check it out.

38
39 We, using this protocol over several years, up and down the
40 country, began to look at this and my then PhD student mapped
41 all of these places, along with local fishermen, and found that
42 indeed they do have a lot of the exact same shapes.

43
44 Here is the shapes in three dimensions and these are profiles
45 through the aggregation site. This is depth in meters and you
46 can see right around thirty or forty meters you get a shelf
47 break into very deep water.

48

1 If you want to get a better look at them, it's much easier to
2 see them in 3-D and this is what these places look like in three
3 dimensions and so each of these places we kind of mapped out and
4 you can kind of see that -- It's difficult to see without the
5 context of the rest of the reef, but if you look at these, this
6 is a little bit shallower of a bend. It's not quite an elbow,
7 but you can see it's definitely bending.

8
9 Again, look at these huge shelf edges, in many cases having some
10 structure and lumps and bumps near the shelf edge, but often
11 right at the shelf edge, right where the reef is bending, and we
12 can look at any of these.

13
14 Anyway, I think you're starting to get the idea that these are
15 pretty amazing and quite similar in their geomorphology and so
16 this was just blowing us away as we began to understand it over
17 time. It takes time to figure this out. This takes years and
18 years to figure this out, but gradually, this pattern begins to
19 unfold and you're talking about when do you make these closed
20 areas or closed seasons or different things and let's look at
21 when all these fish are spawning.

22
23 This pattern that began to unfold is that really your Nassau --
24 This isn't exact. These are generalized periods during which
25 we're seeing fish spawn and so Nassau is really January and
26 February and it's still happening in March, but trailing off and
27 it's a peak, but that peak can slide a month or two in any
28 direction, depending upon what's happening.

29
30 As you can see though, the black groupers and the yellowfin
31 groupers are a little bit later in the season, kind of starting
32 in March, starting in February and March, and peaking in March
33 and April and then we're moving into our snappers.

34
35 March is really a transitional month. We're seeing a lot more
36 snappers starting to spawn in March, but not really peaking
37 until April or May and into June.

38
39 If you go in March in some of these places, you really get the
40 full suite of -- It's not the peak for anybody, but you see a
41 huge set of all these different fish at the same time and then
42 during the moon, each fish also has a particular time that it
43 works on.

44
45 The Nassau, at least in the Belize case, we're seeing typically
46 won't spawn until about three or four days after the moon, up
47 until about nine days after the full moon. Sometimes it's
48 almost all the way to the full moon, but they talk about it's a

1 full-moon spawner and yes, kind of, but if you talk about a
2 black grouper, they're not going to even start to spawn until
3 eight or nine days after the full moon and really, they're kind
4 of closer to the new moon and the same with yellowfin.

5

6 The snappers are a little bit earlier in the moon, particularly
7 the dog snappers. They're going to start just like two days
8 after the moon and so each one has its own niche space, three-
9 dimensional or four-dimensional niche space.

10

11 We're figuring this out and if this is a hypothesis, if this is
12 a pattern, then it should have some predictive ability, right?
13 If you say we predict that these -- Here, we predict that in
14 this site, where we hadn't really seen any aggregations before
15 and the fishermen didn't really know -- This is a pretty remote
16 part of the Lighthouse Reef atoll, but it looked the same, from
17 the satellites, as all the other places.

18

19 We said, well, maybe so and we go with the satellite image
20 coordinates and we go there and we drop off the side of the boat
21 and boom, 300 black groupers this size getting ready to spawn
22 and go there over the next year or two and just see twenty
23 different species, the same suite of species, the same time and
24 the same pattern. We say, wow, this is starting to get
25 predictive.

26

27 Again, fishermen had been involved in this process from fishing
28 them in the 1950s and 1960s and now participating in sharing the
29 information that they had, that traditional knowledge that they
30 had, with us as scientists and managers and participating in all
31 of this monitoring and mapping and all this stuff.

32

33 They just became very emotional about the whole thing and said,
34 look, we have got to close these places and the Minister wanted
35 their advice and brought in all these patriarch fishermen who
36 had been at it for years and years and asked them, one-by-one,
37 what do you think we should do and they said you've got to close
38 these places down and these are the golden goose -- These are
39 like all of the golden geese gathered together in these areas
40 and you've got to close them down and he did.

41

42 He took that bold move and made eleven marine reserves in 2003,
43 year-round marine reserves, full closure, and at these
44 multispecies sites that are all these reef promontories.

45

46 The national working group has been monitoring those aggregation
47 sites since 2003 and we're seeing pretty much flat line --
48 Again, these are long-lived species and so we're not expecting

1 to see the aggregation sites jump up all of a sudden, but what
2 we are seeing is bunches of small Nassau groupers all over the
3 reef and people are just seeing a lot more fish on the reef and
4 we're thinking that we'll likely see the aggregation monitoring
5 show actually the returns getting larger over time as well.

6
7 It's encouraging to see and stepping more to the region --
8 There's the Belize case study and stepping more the regional, we
9 just completed a study that just got published in September that
10 we've been working on for like five years, but anyway, looking
11 at aggregation sites all over the Caribbean.

12
13 We looked at 108 different sites and we found about 200 that had
14 some information, but we didn't look at all of them. We only
15 looked at the ones we had good information that we could be
16 confident of and that turned out to be about 108 of them. You
17 can see that they're concentrated in these areas and I think
18 that's mostly because of where information has been collected.

19
20 Anyway, when we did this, we tried to do a few things. We tried
21 to characterize what these aggregations were like all over, in
22 terms of the geomorphology and which species, but we also tried
23 to characterize the kind of research that had been done in all
24 these different places, because lots of people go out there and
25 do all kinds of things.

26
27 Our bottom line was like, okay, you can do all kinds of science,
28 but at the end of the day, what do you need to manage these
29 places? What is the minimum information you actually need to
30 put management in place?

31
32 People did all these different kinds of things, but when we
33 really got down to it, what we found is that if you interview
34 fishermen, you can find the approximate time and location and
35 species. If there are people fishing there, if you measure what
36 they're catching and see what they're catching, you get a real
37 good idea and you look at the guts and you see they're full of
38 eggs and you document the aggregation is there and you can do
39 that both from fishing, looking at fishery-dependent, and also
40 by going underwater and mapping these things.

41
42 Anyway, that's what we felt like was the minimum information
43 necessary. When you look around the Cayman Islands, it's the
44 same patterns. The tips of these islands have these big reef
45 promontories and they all have multispecies aggregations.

46
47 The West Florida Shelf is the same thing. Here is Riley's Hump
48 in the Dry Tortugas and it's the very same thing. Peter

1 Gladding, when he brought this to the attention of the Florida
2 Keys National Marine Sanctuary, the Dry Tortugas, the Tortugas
3 2000 process, he said, listen, if you want to make a good
4 reserve, this is where you put it.

5
6 He had been a commercial fisherman fishing that place for thirty
7 years and making a lot of money there, but he also knew that the
8 snappers spawned there and the groupers spawned there and if you
9 wanted to do something good for the long term, this is the
10 place. People got behind Peter as a leader and it became a core
11 area.

12
13 I don't want to beat dead horses, but here is Chinchoro Bank in
14 Mexico. I've been working there this past year and predicting
15 and actually just verifying another site for mutton snapper.

16
17 Now I'm starting to work and looking at the situation in the
18 South Atlantic, where they're trying to put in a suite of marine
19 protected areas for managing a variety of different species and
20 focusing on some of the key snappers and groupers or groupers,
21 warsaw and speckled hind.

22
23 You start to look at these sites that are proposed and you start
24 to look at where fishermen are proposing and are suggesting that
25 aggregation sites exist and here's one at Western Dry Rocks that
26 is well known as a multispecies aggregation site and you can see
27 its shelf edge and you can see it's on a bump.

28
29 Here's Georgetown Hole, one of the sites. This is recent
30 multibeam mapping and this is one of the sites fishermen are
31 telling me that they're seeing cubera snapper spawn there and
32 they're potentially seeing warsaw spawn there. I'm not sure
33 about that, but, again, it's shaped quite similar.

34
35 Puerto Rico, we really heard a lot of that and so I'm not going
36 to go into that at all and St. Thomas, I guess the one thing I
37 want to say about St. Thomas is that we've similarly seen some
38 really exciting recovery.

39
40 When this MCD was closed and Grammanik is closed, it's a red
41 hind spawning aggregation and you close it, and look at
42 Grammanik. It's, again, a very similar shape. You close it
43 because it's a red hind aggregation and red hind come screaming
44 back, as everyone is aware, but also, after a while of
45 protection, now you're seeing Nassau come back and you're seeing
46 yellowfin come back and you're seeing all these other species
47 starting to reoccur at this place.

48

1 I guess, wrapping it back up, I think what's really important in
2 all of this is two things. One is recognizing that this pattern
3 is probably pretty robust and worth looking at and secondly,
4 that we really need to include fishermen in this process,
5 because they can be so powerful, as we've seen at Gladden's Spit
6 and Peter Gladding in Florida.

7
8 Recognizing this reality, we at GCFI, Graciela taking the
9 chairmanship now, we at GCFI have recognized that fishermen like
10 Peter Gladding, who really have this leadership role in
11 conservation, should be recognized and so we've been giving
12 these Gladding Memorial Awards, as Peter has passed away, giving
13 Gladding Memorial Awards to people like Andy Maldonado, who has
14 showed real leadership in his communities with regards to
15 conservation.

16
17 Here's Don DeMaria and the same thing, from Florida, and Mitch
18 Lay from Antigua and Barbuda, also leading fishermen in
19 conservation.

20
21 It's a really exciting way to think about this. Sometimes
22 fishermen, with as much information that people have and are
23 willing to share, they sometimes get sidelined in this whole
24 management process and we recognize that they can play a really
25 critical leadership role.

26
27 This is a video that I won't show here, because I think I'm out
28 of time, but the point is about fishermen exchanges and the
29 reality is that we as conservation managers, working with NGOs
30 or with science groups, we get to travel around a fair bit and
31 you get a lot of perspective when you travel around of this is
32 kind of like what we saw over here, but fishermen don't get to
33 do that a lot of times. They are just in their community
34 watching their own resource.

35
36 What we have found is if you take fishermen from one community
37 and bring them to another community and just introduce them -- I
38 buy the rum and just let people chat and it's like, wow, you've
39 got the same issues we've got and, wow, you've made a solution
40 that way and we should try that in our community. It's just
41 really, really valuable and a small investment with just
42 exponential increase in people's consciousness and
43 understanding.

44
45 Coming back to that regional look at the world, the more that we
46 can have people understand this and go from place to place and
47 work from aggregation to aggregation in different places, this
48 has real opportunity to increase our regional stock assessments.

1
2 Obviously if all the fish are coming here for spawning, then
3 that's probably a pretty good time and place to take all the
4 measurements that we need for life history and all that stuff
5 and obviously they are wonderful places for protection.

6
7 I can just imagine this suite of protected areas that goes from
8 Brazil all the way up through the Carolinas and all the way
9 through the Caribbean, where some of these big elbows with
10 multispecies snapper grouper aggregations are protected and they
11 are protected with fishermen involved in that protection and
12 monitoring, so they're getting some income out of the deal as
13 well.

14
15 That's what I want to see. That's what I want to see. That's
16 it. I want to see a broad public awareness campaign and a lot
17 of fishermen involvement and a lot of kind of regional shared
18 monitoring program, where we're all kind of collecting the same
19 data at the same time and sharing that information and learning
20 from each other.

21
22 Ultimately, I think we can see snappers and groupers and these
23 other fish come back right through the entire system like they
24 were in the 1950s and 1960s and so thanks very much for your
25 time.

26
27 **CARLOS FARCHETTE:** Thank you. That was an excellent
28 presentation and I would like access to that spawning waltz for
29 outreach and education. I think it's important to have a visual
30 when you show the fishermen the importance of protecting
31 spawning sites.

32
33 **TONY BLANCHARD:** I am just curious to know if you noticed, when
34 you find the aggregation, if you had checked the depth of water
35 and the temperature and if it was the same.

36
37 **WILLIAM HEYMAN:** The sites, by and large, are all between about
38 twenty meters and fifty meters or so, sixty meters, right at
39 that shelf edge. We found some sites, that we saw from
40 satellite, that looked like exactly the same elbow shape in Los
41 Roques and went there with Juan Posada and, basically, it wasn't
42 that deep. It was only like fifteen feet at the shelf edge and
43 no fish.

44
45 There is some indication that yes, it needs to be in that kind
46 of twenty to sixty-meter range for these species. I think in
47 the Southeast, in the South Atlantic, some of those deeper-water
48 fish, the misty groupers, et cetera, that shelf is probably a

1 lot deeper, but for these species, yes, that's the depth and
2 temperature, not as much as we should. That would be a really
3 valuable thing to look at all the different sites all through
4 the region.

5
6 **BILL ARNOLD:** I would guess that there's some common
7 hydrodynamic feature that these areas share and I would also
8 guess it would be a tendency towards retention, to one degree or
9 another. Are you seeing any of that? Do you have data to back
10 it up?

11
12 **WILLIAM HEYMAN:** Yes, these are super fun and super complicated
13 questions and the data that we have, we have instrumented one
14 site pretty heavily with -- instruments and we also did drifter
15 studies with plankton tows and all kinds of things and then also
16 three-dimensional circulation models and stuff like that.

17
18 What we're seeing is two things. One, they are much more
19 variable. These places, these elbows, are much more variable
20 than anything right around them and increased current speeds as
21 well, which, again, you would suspect, but often what
22 countercurrent gyres.

23
24 They will come shooting past the promontory and just like a rock
25 in a river, you're going to get an eddy right behind the rock in
26 the river and so the same thing. It's like that thing sticks
27 out and the current is coming from north to south and it comes
28 around the corner and it's making some eddies.

29
30 It's more complicated than that, because you're getting
31 upwelling and some weird things, but yes, it looks to me like
32 you're getting some retention and you're also getting onshore
33 transport.

34
35 We just recently had a masters student looking at this with
36 plankton tows and overnight drifter tracks and documented, right
37 from that Gladden's Spit aggregation, eggs that just floated
38 right towards the reef and right through a reef channel and into
39 the back reef.

40
41 That's not to say it always happens that way. This is real
42 stochastic and there's a mountain of stuff, but that's the tip
43 of the iceberg for you.

44
45 **GRACIELA GARCIA-MOLINER:** We just submitted a grant to the Coral
46 Reef Conservation Program and the idea is to look at the current
47 models that are available through the CariCOOS and they will be
48 the high-resolution models that they have, to see if our areas

1 off the west coast -- Where are we sending the spawn from those
2 areas? We will be working on that in 2015, if the funding
3 becomes available.

4
5 **CARLOS FARCHETTE:** Any more questions? Hearing none, thank you
6 very much. Next, we have David Olsen.

7
8
9

OLSEN GROUPER PRESENTATION

10 **DAVID OLSEN:** Rich kind of gave a good part of this yesterday
11 and so I'm going to kind of spin through it pretty quick. We
12 wanted to look -- When the question of the grouper closure came
13 up, we wanted to look at the status of the groupers, because our
14 fishermen actually have basically borne the brunt of the red
15 hind bank recovery and we now have so many red hinds that
16 they've kind of expanded beyond the market to accept them.

17
18 They've grown to sizes that are beyond the plate size that our
19 customers generally prefer. They are now the most frequent
20 poisoner in the emergency room because there are so many red
21 hind, that are a relatively low-risk fish, but there are so many
22 of them being consumed that they're now the most frequent
23 poisoner in the emergency room.

24
25 What I did was I took the finfish landings by method and, using
26 TIP data, got a calculated portion of those landings that were
27 grouper and the blue dots up there are when they started
28 reporting by species group and those are the actual reported
29 landings.

30
31 The ACL is the orange line there and you can see that over the
32 past, really from 1980 onward, there was only year, until this
33 year, that the landings were under the ACL.

34
35 It means that as currently configured, the council is looking at
36 basically every year having to have a closure for grouper and
37 for fishermen that are seeing this real surplus of grouper, they
38 are having a hard time understanding that.

39
40 One of the things is I think the first time that I can remember
41 in ten years -- Shep yesterday mentioned the other part of
42 National Standard 1, which is in addition to preventing
43 overfishing, there's an obligation to continue the optimum yield
44 from each fishery. We think that the ACL process is running
45 counter to that.

46
47 If you take the landings from 1980 onward, you see that they
48 seldom went outside of one standard deviation from the mean and

1 yet the ACLs, both the original ACL of 51,849 pounds and the
2 revised ACL, adjusted for the fact that they're no longer listed
3 as undergoing overfishing, are below that one standard deviation
4 and so the control is outside of the normal range of the
5 fishery.

6
7 The timing of the closure, you can see that there's a period in
8 the summer when the closure could have taken place that could
9 have been shorter and it would have had less impact. Then
10 basically the council has become the Grinch that stole
11 Christmas.

12
13 The average length of red hind in the TIP data has been
14 increasing. There was one strange exception and it was a real
15 crash in the average size of red hind in 1987 and I always
16 didn't pay much attention to that, because I thought it was
17 associated with Hurricane Hugo, but one of the UVI graduate
18 students pointed out, at GCFI, that in 1982 there had been a
19 really strong El Nino and in 1986, a moderate El Nino and in
20 1987 -- This may explain this kind of anomalous year.

21
22 The abundance measures that Josh analyzed, we're not seeing any
23 particular downward trend or anything and what we recommended
24 was that we utilize Dr. Nemeth's surveys of the Hind Bank to
25 project, on an annual basis, an overfishing limit and manage on
26 that basis.

27
28 Now, in the grouper samples, red hind are now most of the
29 groupers being landed, above 90 percent in almost every year,
30 from TIP data.

31
32 This is Nemeth's from 2000. The hind census is showing that the
33 numbers -- You can see there's good years and there is bad years
34 and the last few years, he has been kind of -- He's been
35 unfunded to do this as a specific project and so the samples
36 have been a relatively small number of transects.

37
38 It would seem, to me, to be in the best interest of the council
39 that he be funded to sample some minimum number of transects and
40 I've talked with him about cost and it's not really even that
41 much money, but this range of values of his census, these are
42 basically the fish that would be harvested in any one year.

43
44 They show a significant correlation with the landings and this
45 is the simplest version of it, but it could be used as a
46 predictive measure of what the ACL should be. Now, both Rich
47 and Rick and are doing more work, acoustic work, that they say
48 they can really refine the annual census and that there would be

1 more confidence in it, but we're basically dealing with a
2 correlation value here of 46 percent and they think that they
3 can bring that down.

4
5 Now, if you were to calculate on an annual basis from that
6 correlation, that regression, between the census and the
7 landings, you would look at an annual overfishing limit, which
8 is the red number, which would vary on an annual basis.

9
10 This would mean in years when they didn't see very many hind out
11 there that the overfishing limit would go down and in years when
12 they saw a lot, it would go up. This would let fishermen be
13 dealing with a fishery that was being managed on the maximum
14 amount of information and, in my opinion, if they were to agree
15 to such a thing, that the ACL ought to be the overfishing limit,
16 but that's for you all to discuss.

17
18 These are the current ACLs, overfishing limits, and you can see
19 that some years the overfishing limit would go up and some years
20 it would go down and you would be managing the resource itself
21 rather than a weak statistical average.

22
23 We are recommending the council seriously consider funding Rick
24 and Rich to carry out the annual MCD census at an appropriate
25 sample size, to be decided by them, and to satisfy that the
26 precision of the estimates being incorporated -- They use the
27 results to calculate the overfishing limit annually and, as I
28 said, I think the ACL should be set at the overfishing limit.

29
30 There is currently a project where fishermen -- I think fifteen
31 St. Thomas fishermen are submitting their catch records via
32 iPhones on a daily basis and I have not heard that the Science
33 Center is actually receiving this data, but all of the Science
34 Center people, Bonnie and Turner and Kevin, felt that they could
35 develop some kind of predictive measure of where the fishery was
36 going on an average basis, just using the prior year's landings
37 data.

38
39 Then that data from that project need to be at the Science
40 Center now. Our agreement to get involved in that project was
41 not that Ecotrust would end up with the data sitting on their
42 server, but it was that the Science Center would end up with the
43 data on their server. Then the port sampling stuff, there needs
44 to be more port sampling and I think that's the end of that.

45
46 First, it doesn't guarantee that every year you're going to have
47 a closure. It's precautionary, in that when Rick sees fewer
48 hind on the bank, the ACL can be adjusted. You can do it in one

1 of your framework sort of things and the fishermen will get an
2 advantage in years when the numbers on the bank are increased.

3
4 It incorporates a lot more information than the simple average
5 landings, which are not really working, I don't think. I think
6 that's it. Do you want to do the yellowtail one now?

7
8 Now we have a massive tag recapture project coming up, with a
9 lot of tagging and not much recapturing. This is a project that
10 I never wanted to do.

11
12 **GRACIELA GARCIA-MOLINER:** Let me just say something. The red
13 hind SEDAR will happen in March, the week of the 11th, in St.
14 Thomas and so we will be looking at the information that is
15 coming out of those and the SSC recommended that it be looked
16 at.

17 18 **OLSEN YELLOWTAIL SNAPPER PRESENTATION**

19
20 **DAVID OLSEN:** I personally think that Rick and Rich are both
21 kind of really interested in doing this and that it's in their
22 hands and that it would be a good thing to do. Here, we did a
23 project that St. Thomas yellowtail fishermen got me into and
24 I've never been very happy about it.

25
26 We got money from the Cooperative Research Program and the
27 council came up with \$20,000 to fund additional fishing trips
28 and then we contributed by -- The fishermen sold the fish to the
29 project at \$2.00 per pound less than the market price.

30
31 We started out putting PIT tags in these things and scanned them
32 with scanners. That's what the scanner looks like when there's
33 a tag in front of it. However, we didn't have many in front of
34 that scanner.

35
36 Then we had these little scanners that we took out in the field.
37 The Fisheries Service -- I wanted to give all the scanners to
38 the college, but the Fisheries Service wanted them back and so
39 they've now got all the scanners except I have one of these.

40
41 Fishing for yellowtail is a night operation. They take
42 basically sardines and grind them up with sand and throw them
43 out to chum the fish up and sit there and in this particular
44 boat, there was a lot of unpleasant humor.

45
46 The fish were out of the water in generally less than two
47 minutes. They were measured and tagged and released. That's
48 Chub from Fish and Wildlife, who has been a dynamite participant

1 in our project.
2
3 That's Robert Barrie injecting the tags with his big hammy hands
4 and then we -- John Gold was going to do a genetic project,
5 where he was going to look at genetic recapture information, and
6 so we took fin clips for the first 2,600 fish, before John got
7 sick and handed it off to Eric Saillant at the University of
8 Southern Mississippi and so the 2,600 fin clips are there.
9
10 We ended up using this boat, whose name I can't say on the
11 record. We had a little table upfront, in front of the console,
12 and they had a little live well and so the fish would go into
13 the live well until we were satisfied that they were fine and
14 then we would tag them and put them over the side.
15
16 This group here are the Catell's and they saved this project.
17 They look tough, but they are all sweethearts. I got this
18 picture the other morning and told them what I wanted it for and
19 this is the best they could do.
20
21 We made forty-eight hand line trips and Daryl and Robert made
22 another eleven trap trips. We made fifty-nine total trips and
23 we tagged a total of 4,077 fish. The total pounds was 4,900 and
24 the average weight for all the fish was 1.2 pounds.
25
26 We port sampled 279 trips and the average size of the port-
27 sampled fish was a little bit bigger. We ended up with just
28 under 2,000 with PIT tags only and 1,300 with PIT tags plus Floy
29 spaghetti tags and the last 742 we did just the spaghetti tags.
30 We were getting very frustrated.
31
32 This is a map and the red dots are all the tagging stations and
33 the yellow dots are where all the port sampling took place. The
34 gradient is based on the numbers of fish caught in the port-
35 sampled and it clearly indicates even though there was a lot of
36 fishing in this area, the catches were all pretty small and most
37 of the catches are coming on the southern shelf, centered on a
38 couple of areas.
39
40 Just last week, I got a call and we had a recapture and Fish
41 Number 4080 grew from 320 millimeters to 386 millimeters and was
42 recaptured I don't think fifty feet from where it was tagged,
43 after being at large for 555 days.
44
45 According to the Manooch and Drennan growth curve, it should
46 have grown from 320 to 355 and I've always thought that that
47 growth curve was too slow, but with a sample size of one, I
48 don't think I'm going to rush out to press.

1
2 These are basic kind of -- This is the fishery average sizes and
3 that's the mortality curve thing again and here is our project
4 yellowtail snapper. We had from 240 out to I think we had one
5 that was like 550 out here, but this is that growth curve.

6
7 It indicates real slow-growing fish. If we take that one fish
8 and see what it would take to grow from 320 to 386, it's nearly
9 a doubling of what the growth coefficient would be.

10
11 I always put this in, because my good friend, Bill, did this.
12 The selectivity is coming out pretty similar to what we are.
13 Bill did this selectivity analysis and it indicates the size at
14 which 50 percent of the catch is harvested and that's pretty
15 much what we're seeing in just basically looking at the size
16 frequency. This is for the hand line and that was the traps.

17
18 Then we did this thing to see about tag retention and we put
19 three different batches of fish out at Coral World and the first
20 batch was two-thirds tagged and one-third not tagged.

21
22 The second batch was -- The first batch was all tagged and the
23 second batch was two-thirds tagged and not tagged and the fourth
24 batch was not tagged at all and they were put in two different
25 pools, one that the Coral World people call their quarantine
26 pool and this I call the pool of death. There they are looking
27 great and they fed and then within three weeks, they all died.
28 It was really discouraging.

29
30 We are looking at 4,076 fish and what happened to them? We had
31 one recapture nineteen months after tagging and the tagging --
32 The tag loss, we only had one fish at Coral World that lost its
33 tag and that was one that was incompletely injected and you
34 could see it sticking out of the fish and it fell out
35 eventually.

36
37 There was little mortality directly after taking the fish out to
38 Coral World. The one thing that I am kind of tending to believe
39 is that when we caught those fish that we took out to Coral
40 World, they were carried in the live well to Coral World and
41 they were bucketed out of the live well to a tank and trucked up
42 to Coral World and bucketed out of the tank and bucketed into
43 the pond.

44
45 It certainly had to be very stressful and I don't think it's at
46 all analogous to the tagging on the boats, when the fish were
47 back in the water within two minutes.

48

1 Predatory mortality, in fifty-nine tagging trips, predation of
2 hooked fish only occurred on six occasions and you know if the
3 predators are there, they eat the fish that are on the line
4 first and so you're sampling the predators pretty quick.

5
6 Migration, Randall tagged 397 fish and recaptured thirteen. All
7 of his fish were captured in traps in shallow water and all the
8 project fish were caught offshore.

9
10 Port sampling in, of course, the project, we sampled about 35
11 percent of the total landings and so I don't think that we
12 weren't sampling enough and so we really don't have a clue what
13 happened to the tagged fish, except we know where one of them
14 is.

15
16 **GRACIELA GARCIA-MOLINER:** Could people actually eat them and not
17 know that they were tagged?

18
19 **DAVID OLSEN:** They would be gutted and see there was quite a few
20 fish with spaghetti tags. I think there was like 1,500 fish
21 with spaghetti tags. I wanted to provide something in exchange
22 for all this money and so we got the -- We got all the CCR
23 landings. The Science Center provided everything up to 2012.

24
25 We got the TIP data from 1980 to 2012, length data and species
26 composition, and these are the finfish landings for both St.
27 Thomas and St. Croix. Again, you can see the diver emphasis in
28 St. Croix compared to St. Thomas and the lesser importance of
29 traps in St. Croix.

30
31 We looked in the TIP data at the species groups and these are
32 for what the various fisheries the species groups are. This is
33 a trap catch and snapper is 15 percent or so and a lot more in
34 the line catch. In the seine net catch, the snapper are a big
35 part of it and the diving catch -- We did that for both islands.

36
37 Keep in mind in St. Croix that the snapper is a much bigger part
38 of the -- In St. Croix, there is much lower incidence of
39 ciguatera and so all of the snappers pretty much over there and
40 in St. Thomas, we pretty much only eat yellowtail snapper. We
41 eat a few mutton snapper, but people have to be pretty
42 knowledgeable about where they get those from.

43
44 Using that, we calculated the snapper landings back to 1974 and
45 1975 for both islands and when we got CCR data reported, there
46 was a really good fit on both islands for our estimates and the
47 reported landings.

48

1 The correlation coefficients were up above 0.7 and it seemed
2 like that was a really good fit. It was better than the grouper
3 one and the grouper one was significant.

4
5 Then we looked at the makeup of the snapper fishery in St.
6 Thomas and the net-caught snapper are virtually all yellowtail
7 and the line-caught snapper are pretty much all yellowtail and
8 in the trap fishery, it's a much smaller proportion.

9
10 In St. Croix, pretty much all the snapper are being caught --
11 They don't have that same kind of net fishery that we have and
12 there was very few yellowtail snapper in the diving catch and
13 the line yellowtail snapper is a much smaller portion, because
14 they use the rest of the snappers and in the trap landings,
15 yellowtail snapper was a much higher percentage of the landings
16 than in St. Thomas.

17
18 We got an estimated yellowtail snapper landings figure for the
19 various fisheries and this is Hurricane Hugo and there's always
20 this kind of -- in St. Croix. We have an estimate of yellowtail
21 snapper landings and in St. Thomas, they are going up above
22 130,000 or 140,000 pounds.

23
24 It's a very important fish in St. Thomas. It's one of the only
25 fish, snappers, that can be sold to restaurants and that and in
26 St. Croix, yellowtail snapper is much less important and the
27 landings are consequently less.

28
29 The average fork length -- The St. Croix yellowtail average fork
30 length has been going up in recent years. The St. Thomas
31 yellowtail, after -- There is a drop in both islands in this
32 period and it has recovered in recent years. That big circle is
33 our project. The mortality in St. Croix, from the size
34 frequency distributions, has gone up in St. Croix and down in
35 St. Thomas.

36
37 From Josh's analysis, we have -- I want to preface this by
38 saying he is looking at the size at first reproduction and he is
39 using this growth curve, Manooch and Drennen's growth curve, in
40 this analysis.

41
42 Now, the size at first reproduction, according to FishBase and
43 local references, is about 240 millimeters. I have photographs
44 of 130 millimeter yellowtail snapper that is filled with eggs
45 and so there's a real need to do some local research on
46 questions like age at first reproduction.

47
48 Anyway, we're seeing in St. Thomas -- We see a pretty steady

1 average total length and he calculated the number of years of
2 reproduction during this period and for the average length fish
3 and it varies between basically one and three years and it has
4 just -- That seems fairly close to the wire, to me.

5
6 The catch per unit effort for the diving and the line fisheries,
7 there is no particular trend in that. In St. Croix,, the
8 average years of reproduction is similar and there is no
9 particular trend in the catch per unit effort.

10
11 We think fishing pressure on landings on St. Thomas are nearly
12 ten times higher than on St. Croix and the current average size
13 being harvested in St. Croix is larger than on St. Thomas.
14 Counter intuitively, the total mortality determined from the
15 catch curves is significantly higher on St. Croix. That's not
16 what you would expect.

17
18 There are no particular trends in catch per unit effort on
19 either island and there do not appear to be signs of overfishing
20 on either island. The average size on both of the islands is
21 pretty close to the age at which 50 percent of the population
22 becomes reproductive and there should be more monitoring of
23 this.

24
25 There should be some serious effort to get a better size at
26 first reproduction and there should be more study of this. The
27 age and growth, they must grow faster than that Manooch and
28 Drennan reference. Any questions on that? With a sample size
29 of one, I'm not going to be held to anything.

30
31 **GRACIELA GARCIA-MOLINER:** In the EEZ, there is a minimum size
32 limit of twelve inches fork length for the yellowtail snapper.
33 Do you have the proportion of those fish that are from the EEZ
34 and what is their size, because you said in the information
35 you're using that it's below -- It's the size at first
36 reproduction and that's two-hundred-and-what?

37
38 **DAVID OLSEN:** Actually, the size at first reproduction is not
39 too far away from your minimum size. I think that's a bad
40 figure and I think there needs to be some work on that.

41
42 **CARLOS FARCHETTE:** Any more questions for David Olsen?

43
44 **OLSEN LOBSTER PRESENTATION**

45
46 **DAVID OLSEN:** I have one more and I call it my gloom-and-doom
47 presentation. The lesson is that lobster are better to study
48 than yellowtail. Can the CFMC really expect to manage, unless

1 changes occur?

2
3 I think the ACLs have become like that ballpark that was in that
4 movie, that if you build it, they will come. If you set an ACL,
5 people are going to report under the ACL and I think they've
6 become a target for reporting rather than a real indication of
7 landings and so what is next? They're in effect and are they
8 really only in effect in federal waters? Is that true? They're
9 not in effect.

10
11 **SHEPHERD GRIMES:** Our annual catch limits for this council are
12 based on landings and it's an aggregate for everything that's
13 landed from territorial and federal waters. If we wanted to
14 divide it up, we could, but --

15
16 **DAVID OLSEN:** I don't want to divide it up. What I'm asking is
17 that can fishermen say I caught this fish in state waters and
18 not be affected by the ACL?

19
20 **SHEPHERD GRIMES:** No, it still counts towards the quota, but
21 then there's the question of compatible closure in state waters
22 once the ACL is reached.

23
24 **GRACIELA GARCIA-MOLINER:** There is none, right? As of today, if
25 the ACLs are overrun, the closure only applies to the EEZ.

26
27 **DAVID OLSEN:** That's a huge room for maneuver that needs to be
28 closed somehow and we're seeing -- Fishermen are always the ones
29 that are targeted for regulation. In Puerto Rico, this addition
30 of the recreational snapper to the commercial landings has
31 resulted in the real commercial fishermen really being punished
32 and they're going to be punished for years to come because of
33 using a three-year average and it's taking Miguel a little while
34 to get rid of those recreational guys.

35
36 That's a big punishment that I understand, after I did this,
37 that the St. Thomas trap reduction thing has been approved, but
38 we were hearing that federal waters were going to be closed if
39 it wasn't implemented and this was a fisherman initiative to
40 address overcapacity and why should they be punished for it?

41
42 The MCD was really a product of fishermen's support and yet,
43 now, because of the success of the Hind Bank, we have a closure.
44 In the past, entire species groups were missing from the data
45 forms and I continue to have questions about the basic data
46 being submitted to the Science Center and what's done to it
47 after that.

48

1 I am finding changes in the data and we had, with the lobster,
2 we had the numbers that Bill had at some point in time were
3 5,000 pounds different than the numbers that I had three months
4 later and you've got to address these things and they can't just
5 be let go.

6
7 The port sampling experimental design, I think I went to a
8 meeting in 2007 and you paid a Virginia Tech graduate student to
9 come up with a design for port sampling and where is it? I
10 haven't seen any design.

11
12 The fishermen clearly should not be the ones initiating port
13 sampling. Fish and Wildlife should call the fishermen and tell
14 them they're going to be port sampled. As it is now, nobody
15 that has a really big catch is going to call Fish and Wildlife
16 and say come and port sample me. It's going to take too much
17 time. That needs to be -- That needs to be fixed.

18
19 What we're seeing now is entire top-down management, where it's
20 coming through this elaborate process and there needs to be some
21 kind of co-management and I honestly don't even know what co-
22 management is.

23
24 You look at where is the fishery taking place? The bulk of the
25 fishery -- These are all the lobster catches that we had in the
26 project and these are the -- The gridded thing is where all the
27 traps are and the bulk of the fishery is taking place in
28 territorial waters.

29
30 The only person you're going to regulate in federal waters is
31 Winston's brother. He is basically the only one fishing out
32 there and so I think you need to -- There needs to be a
33 reconciliation of the territorial/federal relationship on this.
34 It took three years, I think, and after 2005, to get the
35 closures implemented by the territory. You're missing time when
36 these things could be in effect.

37
38 In the late 1970s, I hired Ruth Gomez and Ruth was a feisty
39 little devil, but she worked with fishermen for thirty years,
40 convincing them that it was in their interest to report their
41 catches accurately and the fishery managers just wanted to
42 manage the fisheries and that they weren't going to punish
43 fishermen for doing it.

44
45 In 2006, we did the MARFIN bycatch project and I sampled -- I
46 got samples from 1,854 catches from all the main fishing types
47 and in 2007, when I got out of Fish and Wildlife, I looked up
48 what those fishermen had reported on their catch reports and

1 what you have basically for those four fisheries is a one-to-one
2 relationship between what fishermen caught and reported on the
3 STFA study and what they reported to Fish and Wildlife. It's
4 what you would want to see. You wouldn't want to see a
5 difference.

6
7 Landings all of a sudden seem to be dropping. In 2007, when I
8 was Director, conch landings were 240,000 pounds. I learned at
9 this meeting that they were 57,000 last year and that's a huge
10 drop. St. Croix parrotfish was 360,000 pounds and I was at a
11 meeting here where I was told that now they're 180,000. We want
12 to know why are there grouper closures when there's a plague of
13 red hind in the marketplace.

14
15 Are these things really landings? You look at the lobster and
16 since 2007, virtually every year there's been a drop in lobster
17 landings and snapper since 2007, every year a drop in snapper
18 landings. Grouper, a drop in grouper landings.

19
20 Self-reporting, we have shown now -- We have shown the fishermen
21 that there are consequences from going over these numbers that
22 you have set up. The self-reporting is clearly not going to
23 work in this environment.

24
25 St. Thomas fisher forums were based -- We had indicator species
26 and Bonnie just hates this to this day and now I know why. We
27 had indicator species. We fought really hard to get, for each
28 family group, one indicator species and you were going to
29 reference the port sampling to expand the landings, based on the
30 reported landings.

31
32 We wanted a simplified reporting system and now the port
33 sampling is not going on and how are we going to determine this
34 year's landings in St. Thomas? Certainly it's not the sum of
35 the gray angelfish.

36
37 It needs to be initiated by Fish and Wildlife. They need to say
38 when people get sampled and there needs to be, I think -- We
39 talked about, in the original port sampling meeting,
40 verification sampling, which is much less than port sampling,
41 just going out and kind of checking on how many pounds there are
42 and a lot of doing that, so that there's someone out there
43 checking on the basic thing.

44
45 Now, Kevin McCarthy came down to help me sort out the trap vent
46 thing and he says that the Science Center has got some money now
47 and they are starting an initiative in this area and that's
48 green because that's good.

1
2 Co-management, I think that we have been -- There has been too
3 much tokenism with fishermen. They get invited to SEDAR and
4 they sit in a room and someone always asks them what's the
5 biggest ole wife and what's the biggest this and what's the
6 biggest that?

7
8 No one ever asks them, for example, how many traps do you haul
9 in a day and that was a big problem and SEDAR is spending a lot
10 of money and it needs to have good effort data and apparently,
11 from my work with Kevin, the data were there and they were just
12 kind of -- They were kind of mislabeled in the database.

13
14 I think it is absolutely unreasonable to expect -- I have been
15 in a room with fifty scientists and government bureaucrats and
16 fifteen fishermen and the only people in that room that were not
17 on full salary were the fishermen.

18
19 You want fishermen to be involved and yet, I know we went
20 through a period when there was an ad hoc meeting, an AP
21 meeting, a council meeting and some other meeting and I know it
22 costs Daryl a huge amount of money to go to these meetings and
23 you can only have so much fun traveling to Ponce.

24
25 It's my last time and you have to listen. I heard Al Roker ask
26 some old woman what she liked best about being a hundred years
27 old and that woman says, I can say any damned thing I want.

28
29 I really think you need -- If you want the best fishermen to
30 participate in these things, you have to not make them pay so
31 much in order to do it and I think a big thing -- I paid Josh a
32 whole bunch of money and I sat face-to-face with him for days
33 and days and days in the course of the yellowtail and the
34 lobster and everything and Nancie Cummings and some other woman
35 whose name I can't remember organized a data-poor workshop down
36 at GCFI this year.

37
38 I sat with other stock assessment people asking Josh what the
39 hell it was he did and I learned more in those two hours than I
40 did in those two weeks and it was a lot cheaper.

41
42 There has got to be some way for this really complicated thing
43 that stock assessment people do to be made accessible to non-
44 stock assessment people so that you can actually believe the
45 results, because right now, what it appears is that you take
46 data and if you're even willing to take the data, as the
47 Statistical Committee spent two years saying you couldn't do
48 anything with our data, but if you take the data and you shove

1 it into this little black box and you come out and usually it
2 says we don't have any recommendations.

3

4 It doesn't build confidence in stock assessment as a tool for
5 managing. I think the SSC is extremely reluctant to make
6 management recommendations and you get from the SSC the absolute
7 minimum in terms of advice.

8

9 I don't know what the history of that is, but I think that needs
10 to be -- I think your SSC, as it's configured right now, looks
11 really good. Those seem like pretty good guys and I'm really
12 pleased with Richard's first -- I think it's really good.

13

14 I don't know how you can do this within -- Shepherd is going to
15 say you can't do it, but I think you need to manage actively.
16 You need to get an idea and you need to test it and if it
17 doesn't work, change it.

18

19 As it stands now, you're talking like -- I did the conch quota
20 in 2007 and in 2013, you're finally 100 percent compatible and
21 you can't do that within this really rigid system that you've
22 got going and as a result, the SSC and the CFMC are discouraged
23 from taking these chances on different strategies.

24

25 One thing that is currently a big bone of contention in St.
26 Thomas is the regulations are regulations and they need to be
27 enforced on the importers and not just the fishermen and I'm
28 sure there's other stuff.

29

30 This is, for example, sitting in -- That's an eighty-nine-
31 millimeter lobster tail and these are Brazilian lobster tails
32 that are well below -- There's no possible way of thinking that
33 those are legal in the United States and I told Howard about
34 this and I sent Tracy a copy of this and I can go down there
35 after we leave this meeting and I can buy another package of
36 them. These fishermen need this kind of support and they should
37 not be competing with undersized lobster tails from Brazil.

38

39 I bought a box of this stuff and I will bet you that almost none
40 of those conch would be legal if caught in the Virgin Islands.
41 I am going to thaw it out at some point and find out, at some
42 point when I feel like eating conch. That's it, gloom and doom.

43

44 **TOM DOLAN:** I just wanted to add a little bit to what David was
45 saying and that is that, from my standpoint anyway, port
46 sampling is an absolute necessity. It does need to be carried
47 out pretty much exactly as he said. We need to verify the catch
48 so that we know we have the best, the most accurate data.

1
2 It's going to happen, but it's going to be a matter of time
3 before we can actually get the funding to make it happen.
4 Personnel has been a major issue for us.

5
6 **TONY BLANCHARD:** Well, I will have to side with Dave on this,
7 because a lot of what Dave said, although we don't really want
8 to hear it, it is what it is and just like Dave, if you've got
9 something to say, I have to say it. Bring back up the slide,
10 Dave, where you had what now -- I think it was at the top of the
11 slide.

12
13 I will only touch on just a couple of things that I should touch
14 on, because I think Dave hit on them right on the head and I
15 don't really need to go back on a lot of the stuff that he said.

16
17 One of the examples that I could draw on is DPNR's failure to
18 implement the trap reduction. What we had at the last meeting
19 and Carlos was there and I think Miguel was also there, but our
20 heads were basically on the block for not having this trap
21 reduction pushed forward, which it was out of our hands and it
22 was in the Commissioner's hands.

23
24 Now, once again, the fishermen were being punished for something
25 that was out of their hands, which they participated in, because
26 this was actually an idea that came from them years ago, to work
27 on this trap reduction plan.

28
29 We were actually going to be punished for what was a good idea
30 that we weren't forced to do to begin with. That's point number
31 one and I ain't going to go no further with that, because I
32 think you understand exactly where I'm coming from.

33
34 The grouper closure, the grouper closure was also -- When they
35 closed the Hind Bank, it was called the Hind Bank, but that was
36 one of the biggest places for the groupers to come up and spawn.
37 The grouper bank was actually a smaller place. The Hind Bank,
38 what you would call it, was actually a smaller place when it
39 first came on. It was about three miles.

40
41 It was brought to the board that they wanted to close off the
42 south of St. John and make it a monument and so they gave us a
43 choice of whether we would extend the Hind Bank, as it is now,
44 to fourteen miles or for an exchange of not having the monument
45 up in St. John and guess what?

46
47 We were reluctant to do so, but the head was, once again, on the
48 block and so we gave into it, because now we won't have to take

1 the monument up in St. John and guess what happened? Bill
2 Clinton comes in and he signs it off and so now we not only have
3 a fourteen-square-mile closure on the Hind Bank, but now we also
4 have the monument, which we didn't want before, and so that was
5 another slap in the face.

6
7 The trap vents, the trap vents was Dave's idea. He came up with
8 the idea and we voluntarily did it or let me rephrase that. We
9 decided we was going to move on that project because he got some
10 money from the council and now the trap vents is another issue,
11 with some of us have them in place, and me is one of them -- I
12 don't have them in all of my traps and, once again, we are not
13 being recognized for taking the initiative to do something
14 positive.

15
16 We're sitting back here and watching this closure on the hind,
17 coming to the end of the year, because it's only a blind man
18 that can't see that the evidence is there that the majority of
19 the grouper stock that is being recorded is the hind and we're
20 getting shot in the head again.

21
22 Every time we turn around now, just like Dave said, because of
23 our good intentions, we're being punished and so the lesson
24 here, to me, and I'm not talking as a council member now and I'm
25 talking as a fisherman and a Virgin Islander, is when you do the
26 right thing, you get punished and that is the message that is
27 being sent here.

28
29 Just like Dave, although we don't all agree on the same things,
30 but we do agree on a lot of the same things, because it is what
31 it is and I know some of us -- We have our issues with Dave and
32 let's be honest with each other, but the truth is the truth and
33 no matter who it comes from, it is the truth and that's what we
34 need to think about.

35
36 **CARLOS FARCHETTE:** Any more questions? I want to make a
37 clarification here. Dave, I heard you mention about the drop in
38 conch from 240,000 to 50,000 pounds and the drop in parrotfish
39 from 386,000 to 186,000 and that's not a drop in fish resource.

40
41 That was a drop because a quota was put on conch to 50,000 and
42 the quota was put on parrotfish to 186,000. If it wasn't for
43 those quotas, we would still be catching 240,000 pounds of conch
44 and the same amount of parrotfish.

45
46 **GRACIELA GARCIA-MOLINER:** For the undersized lobster, there is
47 actually Amendment 4 of the Spiny Lobster in place and it says
48 that lobster cannot be imported into the Virgin Islands under

1 the size limit that we have in place and so you can call customs
2 and you can call the federal enforcement agents and tell them
3 where they are selling undersized lobster.

4
5 **MIGUEL ROLON:** That's precisely the issue that is bringing it to
6 the table, the enforcement part of the law that has been
7 implemented for some time now.

8
9 **CARLOS FARCHETTE:** Right, but remember that's not the whole
10 lobster and it's the lobster tail and so we've got to do this
11 weight.

12
13 **GRACIELA GARCIA-MOLINER:** There is information on the weight of
14 the tail in that regulation also.

15
16 **DAVID OLSEN:** Miguel, Howard said that he didn't have that
17 information and Miguel sent it to me and I sent it to Howard and
18 I believe that I sent this photo of these small lobsters to
19 Tracy Dunn. It's not as if I have not contacted enforcement on
20 this matter.

21
22 **ROY PEMBERTON:** I thought there was an issue with the actual
23 weight, meat weight, of the lobster to get the size constraint
24 of how big the animal was it came from.

25
26 **MIGUEL ROLON:** Actually, you have a conversion factor for all of
27 the tails that you get and for 3.5 and I can distribute more
28 copies of that, but just by looking at the lobster, there is no
29 way that that lobster will be a weight of six ounces that would
30 correspond to the eighty-nine millimeters total length of the
31 lobster that we have here.

32
33 **SHEPHERD GRIMES:** We talked about this a little bit at the last
34 meeting, as I recall, but anyway, the regulations are that no
35 person may import a Caribbean spiny lobster with less than a
36 six-ounce tail weight into Puerto Rico or the USVI and six-
37 ounces is defined as 5.9 to 6.4 ounces and all of that was based
38 on the conversion factor and the industry norms in terms of
39 packaging, but certainly I would encourage you to share all of
40 that information with law enforcement.

41
42 **DAVID OLSEN:** I have.

43
44 **SHEPHERD GRIMES:** Then continue to share all of that
45 information.

46
47 **CARLOS FARCHETTE:** Can you give me that CFR number? Do you have
48 the CFR number?

1
2 **SHEPHERD GRIMES:** I certainly do. It's Title 50, Part 622.458,
3 but you will have to look at the newest version, because we
4 recently reorganized everything and the numbers have all
5 changed.

6
7 **CARLOS FARCHETTE:** I would think -- This is an issue for
8 enforcement, but I would think if you were to seize that from a
9 business that you would actually have to thaw this out, because
10 the meat would be higher if it's frozen with the water and so
11 you would have to thaw that out and go through a whole chain of
12 custody issue.

13
14 **SHEPHERD GRIMES:** It's my understanding, the way it has been
15 enforced to date, is based on package labeling and you know
16 there's a ton of paperwork that goes along with this stuff and
17 the stores will have it and it's my understanding that that's
18 how it's been documented thus far. If they clearly have
19 paperwork saying they're importing something smaller, then I
20 think it's pretty easy to --

21
22 **DAVID OLSEN:** The packaging has the weight on it.

23
24 **MIGUEL ROLON:** It's like the other guy. You know catch a
25 lobster in the British Virgin Islands waters and he is from
26 Puerto Rico and he's a de facto violator of the law. I talked
27 to the people and we are having this problem, but anyway, this
28 is the swan song of David, I guess, for this meeting and David
29 is a guy that people love to hate, but we are sure going to miss
30 him, I bet you.

31
32 Well, some people won't, but I will, because you need a
33 scientist to sit down and go out with the fishermen and be able
34 to convey all of this message and all of this jargon that we
35 have in a way that people can understand it and come back to us
36 with what you just said, Tony, but anyway, what is the next
37 thing on the agenda?

38
39 **CARLOS FARCHETTE:** Trap reduction by Tony Iarocci.

40
41 **TRAP REDUCTION AND LOBSTER PROJECT**

42
43 **TONY IAROCCI:** Thank you, Mr. Chairman, and I will be brief. I
44 am sorry to say that both Winston Ledee and Julian Magras are
45 not able to be here today and they were going to make this
46 presentation with me, but also, Ray is here and Tony is here.
47 You were at the last meetings and Director Pemberton is here and
48 so we do have people to go into that.

1
2 I would like to start off, to let everybody know, that the trap
3 reduction plan was signed by the Commissioner and signed by
4 Director Pemberton and by our Chairman, Carlos Farchette, and
5 that was --

6
7 **MIGUEL ROLON:** Just a point of clarification. It was signed by
8 Carlos in his capacity as the fishery overseer or whatever the
9 name of that committee is.

10
11 **TONY IAROCCI:** Thank you for that. Director Pemberton, did you
12 want to add to that? I would like to especially thank, on the
13 record, Tony Blanchard as chairman of that committee for holding
14 down the fort, so to say, through some volatile issues and stuff
15 like that and for Ray, coming to the table a lot of times and
16 addressing these issues for the FAC, because at times there was
17 a little failure to communicate between both the committee and
18 the FAC, which I think we're rectified now with this new
19 committee we've got dealing with lobster.

20
21 We do have a new committee and you were at the meeting, Miguel,
22 and, Carlos, you were there and we do have a new committee and I
23 think it's a very well-rounded committee dealing with the spiny
24 lobster fishery now.

25
26 We've got commercial divers and we've got commercial trappers
27 and we've got somebody representing the sport fishermen and the
28 sport divers. We had a meeting and we've got quite a few people
29 and we've got just a little quick something to read about the
30 lobster fishery and the committee.

31
32 The Virgin Islands spiny lobster fishery, *panulirus argus*, is a
33 year-round open fishery and it's the most valued fishery in the
34 islands. Top-entrance lobster traps, traditional fish traps,
35 modified fish traps, and diving are harvest methods. Boats
36 range from sixteen to forty-two feet and some are equipped with
37 hydraulic and electric haulers, but some still do haul by hand.

38
39 Local lobster production is affected by local market trends,
40 weather, moon, and tide. That's a key factor in this fishery,
41 the market trends. We'll get more into that later.

42
43 The legal size is a three-and-a-half-inch carapace. For
44 example, a spiny lobster with a three-inch carapace can produce
45 about 250,000 eggs per spawning and a female with a four-inch
46 carapace can produce over a million eggs per spawn. These
47 larger animals typically spawn two or three times during the
48 mating season.

1
2 During the spawning season, there is low demand for lobster and
3 so there is less pressure put on the spawning animals. It's a
4 perfect example of how a local fishery is affected by market
5 trends and that needs to be really kept in everybody's mind when
6 we deal with the spiny lobster fishery here, because the time of
7 year when lobsters are spawning is the less time that these guys
8 are really pounding these fish so they do get a chance to spawn.

9
10 The main goal of the lobster committee is sustainable management
11 of the resource and not a reduction like the fish trap
12 management plan was. We want to preserve and protect the
13 historical and cultural Virgin Islands lobster fishery and make
14 sure all user groups are represented and involved. We want to
15 address the ACL, which is 104,199 pounds here, and be able to
16 get better data through this.

17
18 The next committee meeting is scheduled for January 28, Tuesday.
19 The committee will be addressing their priorities, goals, and
20 objectives. We would like to thank the council for their
21 support in helping the fishermen co-manage their fishery with a
22 bottom-up approach. All user groups have a say in the
23 management process.

24
25 It's very key to see -- For me being here from day one, when we
26 first came into this process and we had this first committee,
27 and, Ray, I think you saw there was a lot of animosity between
28 some people and some things were said.

29
30 In the last couple of meetings, a lot of people have come to
31 consensus on different things, how to move forward with these
32 things, and to see the different user groups and different
33 people coming together, I can't say how excited I am to be with
34 the committee and have a couple of meetings like that, where
35 people are addressing things and agreeing with one another,
36 which I thought was very important. Are there any questions on
37 the committee meeting and then I will get into the trap study?

38
39 **MIGUEL ROLON:** My understanding is that you've finished the trap
40 reduction program and so the question is what will be the next
41 step and now that you are giving thanks to everybody, the reason
42 why we did all of this is, number one, the fishermen of the U.S.
43 Virgin Islands worked for four years before we entered into the
44 picture with the moratorium that you're working on.

45
46 Then we received a communication from somebody that wanted to
47 ban traps out of the EEZ and Dr. Roy Crabtree said I'm not going
48 to ban anything that I don't know what the implications are and

1 I don't have the information.

2
3 We started talking and he said, I have a crazy friend who knows
4 about this stuff and are you interested in having him around and
5 I said, yes, I have some money and so we ended up with Tony.
6 Mr. Chairman, I don't know if anybody else has any questions,
7 but the important part is we finished the trap reduction section
8 of the two parts, the lobster project, which, by the way, don't
9 confuse the trap reduction program for finfish with the lobster
10 project.

11
12 That's why Bill Arnold suggested a name, which is the Lobster
13 Management Project, because it encompasses more than just traps,
14 and the group accepted that.

15
16 What this all means is that for 2014 I can allocate some funding
17 to continue support to work with what the fishers are doing with
18 the Lobster Management Project and so when do we expect any
19 official communication from the Virgin Islands to National
20 Marine Fisheries Service to work on this in the EEZ?

21
22 **ROY PEMBERTON:** That will come forward shortly. One of the
23 things -- This just happened in the last couple of weeks and I
24 wanted to make sure that all parties that were involved got to
25 see what the Commissioner decided to sign off on and then we'll
26 send a formal letter to the council with the programs attached
27 to go ahead and forward to implementation in the EEZ.

28
29 **SHEPHERD GRIMES:** I apologize for my ignorance relative to your
30 regulatory process, but will you go through a rulemaking or will
31 there be codified text associated with it? The more description
32 and the more specificity we get, the better. You certainly
33 don't have to wait until you have the regulatory text, but if
34 you have that, that would be good for us to get.

35
36 **ROY PEMBERTON:** Okay. I will make sure that's included.

37
38 **ROY CRABTREE:** Roy, there will be a proposed rule published and
39 a public comment period on it and then a final rule?

40
41 **ROY PEMBERTON:** Per your specifications, with what you guys
42 would require, I guess that's what we would have to --

43
44 **ROY CRABTREE:** No, I'm talking about for the Virgin Islands.

45
46 **ROY PEMBERTON:** The Commissioner has the right to do a -- She
47 can sign rules into play and she doesn't have to do a public
48 comment or anything. The public comment is with these

1 commercial guys that were involved in the process and it was a
2 long-term process in terms of inviting all members who had
3 anything to say about trap reduction to get involved in it, long
4 before I got here.

5

6 **ROY CRABTREE:** So you will just publish a final rule?

7

8 **ROY PEMBERTON:** More than likely, yes.

9

10 **CARLOS FARCHETTE:** The Commissioner must publish it within
11 forty-five days in the local newspaper, that these rules and
12 regulations are being implemented for the fish trap fishery in
13 the Virgin Islands.

14

15 **SHEPHERD GRIMES:** As soon as we get those, we can start the
16 process for implementing something compatible, to the extent we
17 can do that.

18

19 **CARLOS FARCHETTE:** This is not magically going to be implemented
20 overnight, because, of course, we have to get together with Tony
21 and get some samples of these tags that are going to be put on
22 them and test them out to see how long they're going to last and
23 which one is going to be the better one.

24

25 Then, of course, the appeals board and designating the players
26 of the appeals board and all of that, but implementation will be
27 done when we know we have our act together to go out there and
28 tag these traps and allocate all of these things.

29

30 **MIGUEL ROLON:** The thing is the Commissioner has signed on it
31 and you have an Executive Order published in the newspaper. As
32 soon as we know that, we need to start the ball rolling and
33 that's what Shep is trying to convey to you.

34

35 On our side of the play yard, we have to jump through all the
36 hoops and we have to prepare the documents and comply with NEPA
37 and all of that and then we have to do all that we do when we
38 are in the EEZ.

39

40 Let's say that you do it in forty-five days from now and we are
41 in January and then the closest meeting will be April and so by
42 that time, you should have that implemented in the Virgin
43 Islands, if everything goes smoothly, and so then at the meeting
44 in April, we will have to bring that to the table and the
45 council can say we would like the staff to prepare a document
46 and start the process.

47

48 By 2015, if we are lucky, we might be able to have it and this

1 will run parallel to the three-island thing. The three-island
2 could run longer than this possible implementation of compatible
3 regulations in the EEZ.

4
5 **CARLOS FARCHETTE:** Talking about compatible regulations in the
6 EEZ, I know the Commissioner has in front of her right now also
7 the letter from the St. Croix FAC, a letter to approve
8 compatible regulations with the EEZ on all our ACLs and all that
9 stuff too and so she has that in front of her right now and also
10 allowable gear and some net revision proposals that we have.
11 Tony, you can keep going.

12
13 **TONY IAROCCI:** Thank you, Mr. Chairman. One thing I do want to
14 make perfectly clear is the committee has come up with an
15 appeals board that there are some people that have filed appeals
16 on their trap allocations and we will be waiting, as a
17 committee, to see when we do go forward with the appeals
18 process.

19
20 I guess once we get word from Director Pemberton or the
21 Commissioner, because that will be the final process and, like
22 Miguel says, what we do from here on in and then we get into the
23 whole council process with that. Any other questions on trap
24 reduction or anybody have anything else to say?

25
26 **RAY CAMPBELL:** If I remember right, there were about three or
27 four plans submitted and the plan that went through was a
28 compromise of all the plans?

29
30 **ROY PEMBERTON:** Yes, Ray. As we discussed before, everybody is
31 going to be upset.

32
33 **TONY IAROCCI:** Any other questions or comments? Seeing none, I
34 will move on to the trap study. The council has funded myself
35 and Dr. Tom Matthews to do a trap project down here. It started
36 off with three sites, but we've moved to four sites. We will be
37 doing a fourth site on the west coast of Puerto Rico, with the
38 fishermen there.

39
40 We will be doing 100 traps per site and area fishermen will
41 build the traps and haul the traps and gather data from each
42 trap. Tom and myself are working on a data sheet that hopefully
43 someday can be done electronically to get better data from these
44 traps.

45
46 The proposed research addresses research needs identified in the
47 ACL Draft Amendment to the U.S. Caribbean to determine
48 fisheries-independent CPUEs for principle gear in the Caribbean

1 and to develop and implement effective sampling programs for
2 fishermen.

3
4 The latter recommendation highlights the need for information
5 that can be utilized for assessments in the pending SEDAR 2014
6 review for spiny lobster. There is lots of questions. David
7 has done some great research on spiny lobster and we need to
8 look at this and get as much data and get as many fishermen
9 involved as we can.

10
11 We will be testing alternative trap designs tested in Florida
12 that reduce bycatch of fish, trap movement in storms, and also
13 utilize popup zinc add-ons that sink the traps so the traps will
14 not be seen, where there is a lot of trap theft in some areas,
15 where the fishermen -- Some of these trap zincs are seven days,
16 five days, four days, and we'll be working with different types
17 of traps.

18
19 This gives the fishermen the power to put those and fish an area
20 where -- Like talking with Nicki and talking with some of the
21 guys in Puerto Rico, where there is pretty bad theft, there is a
22 problem with that.

23
24 The only thing left there is there some two-inch wire left to be
25 sent down from Riverdale for the fourth order to the west coast
26 of Puerto Rico and other than that, hopefully by next week the
27 stuff will be shipped down there and once it's here, we will get
28 down and we'll start building the traps. We are going to start
29 in Puerto Rico and then work our way to the Virgin Islands. Any
30 questions?

31
32 **MIGUEL ROLON:** When do you plan to finish, in your schedule?

33
34 **TONY IAROCCHI:** Miguel, it will all depend on how long it takes
35 to get -- Right now is the time to get the traps in the water.
36 It's peak lobster season and so as soon as the stuff is here, I
37 want to get down here as quick as I can and start building the
38 traps and go from place to place and get them in the water and
39 get Tom down here and start with the data monitoring and get
40 somebody on the boat and so that. I am hoping this thing will
41 move and by the end of the year, we'll have some good data.

42
43 **MIGUEL ROLON:** I just wanted to know, logistically speaking,
44 when is the project going to be finished, just so the group will
45 know. Is it 2014 or half of 2014 or at the end of 2014?

46
47 **TONY IAROCCHI:** I am not going to -- Depending on timing and
48 weather and logistics and other things, I will say hopefully.

1
2 **MIGUEL ROLON:** Hopefully they are not going to cut our money by
3 December 31, 2014 and we need to finish all activities in this
4 five-year by that day. Then we have, for the reporting, sixty
5 days after that date. This is a major project and fishermen in
6 Puerto Rico, Nelson and his group, they are all eager to
7 participate. This is a hell of an opportunity to get involved
8 with the fishers and that's why I asked about the timing.

9
10 **TONY IAROCCHI:** Like I said, Miguel, I just talked to Cudjoe
11 Sales, who resent an invoice today to Angie, to make sure that
12 everything -- Like I said, as soon as everything is done and is
13 shipped down here, I already talked to Nelson and I told him
14 that I will get -- As soon as that stuff is here and they pick
15 it up and it clears -- I don't know the process here and how
16 long it takes for stuff being shipped to clear customs.

17
18 I know there's issues with anything that's not produced in the
19 U.S. and you have to pay an excise tax on it and then it's got
20 to be sent through that and so once we figure out and go through
21 all that and hopefully the guys in charge, like Nelson and
22 Genio, can deal with that here and once that stuff gets done and
23 it's picked up, then we can get there.

24
25 It won't take long, because we do have molds to build besides
26 these traps and we can put them together pretty quick and get
27 them done and it won't -- A hundred traps, if we've got the
28 fishermen working together building them, it won't take long to
29 get these things done and somebody can be building sides and
30 somebody can be building funnels and putting them together and
31 cutting the ropes and getting the buoys branded and stuff like
32 that. Like I said, once we do it and once I get on the ground
33 here and we can do it, we can rock with it and we can move.

34
35 **CARLOS FARCHETTE:** Any questions for Tony? Hearing none, we are
36 down to Outreach and Education Meeting Report with Dr. Alida
37 Ortiz.

38
39 **SHEPHERD GRIMES:** Before we do that, I was looking at the
40 regulations and wanted to follow up about one of the things that
41 was said yesterday about financial disclosures and when those
42 financial disclosure forms were due.

43
44 I looked back over the regulations and the regulations specify
45 that all council members must update his or her form annually
46 and file the update with the Executive Director of the
47 appropriate council by February 1 of each year, regardless of
48 whether any information has changed on that form.

1
2 The Executive Director must, in a timely manner, provide copies
3 and updates of the forms from the appointed council members to
4 the NMFS Regional Administrator and the regional attorney who
5 advises the council and Department of Commerce General Counsel
6 for Administration. Anyway, I just wanted to point that out.

7
8 **MIGUEL ROLON:** Actually, we did all that and they are all posted
9 on our webpage and so Livia, when we get back, will put them in
10 the -- We will send them to Phil.

11
12 **ROY CRABTREE:** Yesterday you said they didn't have them.

13
14 **MIGUEL ROLON:** No, we are missing Alicia's and Miguel's and
15 there was a mix-up with the update and I talked to all the other
16 members and they said no, we updated and that's it. I remember
17 Shep suggested that you have to have these on file for every
18 meeting and our fiscal officer carries those to every meeting
19 and so if there is any challenge. By February, we need to have
20 all those updated again. Thank you, Shep.

21
22 **OUTREACH AND EDUCATION MEETING REPORT**

23
24 **ALIDA ORTIZ:** Good evening. At this time, I get to tell you
25 about what we are doing at the Outreach and Education Panel and
26 put you up to date with the activities that you approved when
27 you approved the communications plan that we submitted two years
28 ago. It's getting to be a long time and so we will see where we
29 are.

30
31 We do have the newsletter. The newsletter at this moment, there
32 are three issues and they are posted on the webpage. The first
33 one was printed, but the second and the third will be only on
34 the webpage.

35
36 They are in Spanish and English and so what we request from you
37 all is that please send us notes of what is happening in your
38 areas and any kind of information that we should put in the
39 newsletter and we would welcome photos and a description of the
40 activities.

41
42 The calendar, the 2014 calendar, was completed and you should
43 have received your copy and if you have not, we have to talk to
44 the council staff, because there are some left still in the
45 office.

46
47 We are working on a Caribbean fisheries teacher's resource book
48 that we presented in the communications plan and this is being

1 addressed to fulfill a need in the education of our citizens,
2 both in Puerto Rico and the Virgin Islands, and I have found
3 that elsewhere in the Caribbean.

4
5 We know a lot about the marine environment, but we know very
6 little about the fisheries resources in those environments and
7 we can talk a lot about essential fish habitats, but if the only
8 thing we do is describe the vegetation and describe the
9 temperature and the salinity, but we pay very little attention
10 to the organisms that constitute the ecosystem -- The ecosystem
11 is both the water, the sand, and the living things that are
12 there.

13
14 We are working on that and we have that and each chapter will
15 have background information on that specific topic and this is
16 not a product for the students and this is not a product for a
17 new course or a change in the curriculum, but it is something to
18 enrich the curriculum content, regardless of whether it is
19 biology or ecology or general social studies or geography. We
20 have to put that altogether so that our students get an idea of
21 what fisheries resources are.

22
23 It will have teaching activities and maps and references and
24 relevant web addresses and other visual resources and I will
25 talk about some of the projects that are provided in those
26 resources.

27
28 The first version, or the pilot project, will be in Spanish and
29 we will do it for our schools in Puerto Rico, but then after
30 that, we will promote the same type of activity for the Virgin
31 Islands.

32
33 The table of contents, I will go very fast through it. We will
34 begin with the ocean literacy principles that were promoted by
35 NOAA in 2006, but very, very few courses or very few of the
36 disciplines have integrated these principles in it and so we
37 want to have them as a guide for learning about the fisheries in
38 the Caribbean and we will take a little bit of time and I think
39 that what Graciela and Dr. Cerame-Vivas presented yesterday on
40 the geography and the description of the Caribbean is -- Most of
41 it is new to us.

42
43 We know some about the islands and we know a little bit about
44 the form of the Caribbean, but we don't know anything about the
45 connections between the Atlantic and the Caribbean and all the
46 other places and so we will have a section or a chapter for
47 that.

1 We will talk about the different human cultures in the
2 Caribbean, because we are a huge collage of different people and
3 we all probably eat the same fish, but we don't eat it in the
4 same way and we don't even catch it the same way and we don't
5 cook it the same way and so we should learn about all these
6 different ways of dealing with the resource.

7
8 We will talk about the fisheries resources and we will use
9 basically the species that are in the management unit, but also
10 those that are not managed, but that are still part of the
11 resource.

12
13 We have to do quite a bit on essential fish habitats. We have,
14 to this moment, reviewed most of the materials that we have
15 available in the Caribbean, especially in Puerto Rico, and we do
16 have a lot of information about mangroves, seagrass beds, coral
17 reefs, but for mangroves, we actually have a lot about the roots
18 of the mangrove and the species of mangrove trees, but we have
19 very little about the ecological services that they serve, not
20 just to guard from the waves, but also as nourishing areas and
21 juvenile areas for the fish that we have in our commercial
22 fisheries.

23
24 We will talk also about the fishery management practices and the
25 different agencies that are responsible for this and that's
26 where the connection with social studies and with geography goes
27 and we'll talk a lot about the conservation of Caribbean fishery
28 resources and that community involvement that has to begin much
29 earlier than when you are fishing or eating the food.

30
31 It has to begin when you are in the very young stages and you go
32 to a fishers' market or you learn about something that is
33 happening with one of the species and so we'll include that in
34 the text.

35
36 That will be the book and we have submitted already the timeline
37 in our plan and we are up to that timeline. Sometime in March,
38 for the meeting, we will present a more complete draft and then
39 we will get input from the council as to what things are missing
40 or where do you want to change things.

41
42 We also are developing a project with development of visual aids
43 to identify changes in the essential fish habitats of some
44 species in the management units and we are concentrating this in
45 the eastern part of Puerto Rico.

46
47 Puerto Rico has two big fisheries areas, the western coast and
48 the eastern coast, but the idea is that everything comes out of

1 the west and we have very little information about Naguabo and
2 Fajardo and what's happening there, but they are very, very
3 excellent areas for learning what the fish are doing.

4
5 We have, at this moment right now, he called about a moment ago,
6 Marcos Hanke, who is a member of the AP and Marcos is with a
7 group of photographers that are exploring the mangrove channels
8 in Saba and the river mouth in Fajardo and they are finding the
9 juveniles of the snappers and the groupers and the chillo that
10 are in the open waters.

11
12 They are in the areas where they feed and where they spend most
13 of the juvenile stages and that information we are going to --
14 We are going film it and we are going to have photographs of
15 that and it will be used to enrich the book, but also, in will
16 be used to make the presentations to the fishermen, the
17 presentations to teachers, and to all other people interested in
18 the topic.

19
20 In Puerto Rico, we also have the Puerto Rico Commercial
21 Fisheries Project, PEPCO, that Helena Antoun spoke to you I
22 think it was about two meetings ago. She presented the project
23 and that has been working very well.

24
25 Two pilot workshops have been completed and other agencies, from
26 the Department of Agriculture, from the IRS in Puerto Rico, have
27 been included in the project. There have been dialogues between
28 DNR and some fishers, with the objective of improving that
29 communication and opening the communication channels between the
30 people who need the service and the government that makes the
31 regulations and don't wait until the critical situation comes up
32 and we are about to kill a Ranger or we don't want to follow
33 this rule because we never understood it and that's what the
34 dialogues and the workshops are getting.

35
36 Funding is needed to expand the project to other areas and we
37 have to find out whether the liaison funds from the council to
38 the Department of Natural Resources can be used for that,
39 because to this moment, there were two pilot projects and they
40 were very, very successful, but then it has to go out of the
41 area in the eastern part and the western part and go to all the
42 communities.

43
44 This is a project that we want to present to the council and we
45 would like to get some recommendations from the council. You
46 remember the presentation that Mr. Carlos Velasquez made in the
47 Ponce meeting about his participation in the marine resources
48 education program.

1
2 He was very excited and he was very enthusiastic about how much
3 impact that program had made on him and the importance that we
4 have a similar program in the islands, a program that goes to
5 increase the fisher awareness and understanding of that
6 management process at the federal and the state level, to
7 increase the participation of the fishers in the management
8 process.

9
10 The scoping meetings, the public hearings, is a good way to
11 participate, but there are many, many other activities before
12 getting to the scoping meeting that need fisher participation.

13
14 Much of the vocabulary that we use in the technical documents,
15 no matter how simple they sound, they still need interpretation
16 for the fishers and so that's part of attracting the person,
17 attracting the fishers, to the management process.

18
19 It will also facilitate the collaboration between fishers,
20 managers, and scientists, to gather the best scientific data
21 available. We can ask the fishers to collect better data and
22 then they will ask what do you want it for and what are you
23 going to do with it and what does it mean to me? That's part of
24 the information and so in some way, we have to get them both at
25 the same table and under the same discussion.

26
27 How can we establish an MRIP in the council jurisdiction? We
28 are suggesting the following process. We have to identify
29 potential partners and partners are the council and the local
30 agencies, community agencies, and NGOs, whoever is honestly
31 interested in reaching the goal of improving that communication
32 between the fishers and the government.

33
34 We have to create a steering committee with the agencies, the
35 fishers on both sides, commercial and recreational, scientists
36 and social scientists also that specialize in the area of
37 fisheries and with that steering committee, we have to develop
38 some sort of a curriculum.

39
40 We are not giving a degree to that fisher, but we believe that
41 the fisher can be as good a professional in the field as is the
42 scientist. The fisher can understand the vocabulary and the
43 fisher can understand the processes. Scientists have to learn a
44 lot from the fishers and the fishers also learn a lot from the
45 scientists.

46
47 With that, we have to develop some series of capacity building
48 trainings. It doesn't have to be a long course and it can be

1 different workshops at the time that they can take them, at the
2 place where they can take them, and then, with that, we develop
3 that curriculum and then identify the potential funding sources
4 that we might be surprised.

5
6 There are quite a few ways to do it, because at least in Puerto
7 Rico, there are many government projects that have funding for
8 community development and that community development can be part
9 of the partners there and then we'll develop a marketing and
10 outreach campaign for the program.

11
12 With that, and that will take I would say probably half or a
13 fourth of next year, we would like to recommend to the council
14 to consider the support of MRIP Caribbean and then if the
15 council sees it fit, then we could bring you a concept paper, a
16 proposal, for the next meeting in March, with a better detail of
17 what's here.

18
19 **MIGUEL ROLON:** We already supported that.

20
21 **ALIDA ORTIZ:** Yes, you did.

22
23 **MIGUEL ROLON:** Helena is working with a group and you will be
24 included there and so --

25
26 **ALIDA ORTIZ:** Yes and so what we will do is we will present the
27 full proposal with costs and everything to the council. Helena,
28 did you hear that? We will do that.

29
30 **EUGENIO PIÑEIRO:** Thank you, Alida. Science and fishermen, of
31 course, are very important, but I think we're leaving out
32 managers and enforcement agents and let me tell you that through
33 my experience, when you involve all the parties together and you
34 sit them at the table, everyone gains respect from the other one
35 and so I think it's very important that you include in there --
36 Also, now that we have Kate Quigley here, we have to bring the
37 socioeconomic element into the game.

38
39 **ALIDA ORTIZ:** I call her a social scientist.

40
41 **MIGUEL ROLON:** Let's stop for a second or half a second. All of
42 this is included already and we are not reinventing the wheel
43 here. Tony Iarocci invited us to participate at this meeting
44 and we went.

45
46 We participated in two sections, the fishery science and the
47 manager aspect of it. One of the fishermen, he had a strong
48 rationale or reason not to go. He was expecting to be a father

1 and is now.

2
3 At the meeting that I attended with the managers, it was an
4 excellent meeting and we had Dr. Roy Crabtree giving
5 presentations and Shep was there and other lawyers giving
6 presentations and it was a good exchange of information.

7
8 The only thing that we might change in Puerto Rico a little bit
9 is to keep probably in one week or two or three days in one week
10 the two sections together, but Helena is working on that and Dr.
11 Ortiz and Helena will put all of this together, as she
12 mentioned, and then you will be able to see what this is all
13 about.

14
15 **ALIDA ORTIZ:** Yes and, Helena, did you still want to say
16 something?

17
18 **HELENA ANTOUN:** Genio, that is precisely one of the things that
19 we want to bring into this program. When we say agencies there,
20 we are referring to all agencies and not just DNR and the
21 Caribbean Council, but we're referring to law enforcement and
22 pretty much everybody that is involved in the fishing
23 industries.

24
25 We're not only going to be targeting fishers, but people that
26 are in the business and eventually we can expand into the
27 dealers and everything and so yes, the idea is to bring a pretty
28 broad program to the island to touch all of these fine details.

29
30 **ALIDA ORTIZ:** It's in the very last details, I understand, the
31 development of that fishing app for the Smartphones that was
32 talked about about two meetings ago and it was also part of our
33 communications plan and also the CFMC brochure that has to be
34 revisited because it was a long, long time ago since it was
35 developed and so it will be finished by 2013.

36
37 Now the USVI has a very, very active and a very dynamic program
38 in marine education USVI style and we are talking about mostly
39 about the Don't Stop Talking Fish and this will -- We will hear
40 more about it in March, when Lia -- The meeting will be in St.
41 Croix and I hope that Lia will be there, because they want a
42 very active participation of the council in the entire reef fish
43 festival.

44
45 It has a very, very complex logistic. We meet like every two
46 weeks via telephone and apparently the entire Virgin Islands is
47 working on that.

48

1 It's also the Sustainable Food Campaign. They are developing
2 the materials and they requested the CFMC participation in the
3 fisher registration workshops, to give orientation about the
4 federal regulations, the EEZ regulations, and so we have to talk
5 about that with Lia.

6
7 **MIGUEL ROLON:** To that part also, the Regional Office prepared
8 the materials that we distributed today and that can be used at
9 that time to distribute to the fishers.

10
11 **ALIDA ORTIZ:** Yes and I will give that in a little while. They
12 also have the *Fuete y Verguilla* issue that will be dedicated to
13 the cultural history in fisheries of St. Croix and they have
14 interviewed about twenty people plus and it will have thirty-two
15 pages and it will be published in February of 2014 and so I hope
16 that by the end of this month you will get, via email, the
17 draft, the first draft, of the issue and then you can look at it
18 and then in February, for the Sea Grant purposes, it will be
19 ready for publishing.

20
21 We, as a collaboration with NOAA Fisheries and SERO, Miguel
22 Lugo, and we are very thankful to Miguel, have produced this
23 document that is a summary of the commercial and recreational
24 fishing regulations for the U.S. Caribbean Exclusive Economic
25 Zone and we have the booklet in English and then there is a
26 single page that is waterproof that has the information for the
27 Virgin Islands, one, and for Puerto Rico another one.

28
29 Today, we brought only the one that is in English, but they will
30 send you also the Spanish, especially for St. Croix. Carlos,
31 when you were in Puerto Rico, did you take them with you?

32
33 **CARLOS FARCHETTE:** Yes and Bill Arnold brought me a whole bunch
34 from Miguel Lugo to carry to Lia Ortiz back on St. Croix and so
35 I have them in my suitcase.

36
37 **ALIDA ORTIZ:** This is a very, very good document that the fisher
38 can take with him and he can be in the market or he can be in
39 the boat, especially the single page that is waterproof. Our
40 thanks to Miguel Lugo for that.

41
42 Other issues that we have discussed in Outreach and Education is
43 to improve that communication with the stakeholders and this is
44 what we are recommending. These are the strategies that we
45 identified.

46
47 We need AM radio as a strategy to reach the fishers and Sea
48 Grant has volunteered to get our announcements and put them on,

1 especially in the western part. We should find some way of
2 getting them to the eastern part also and I think that the
3 Virgin Islands can also do that.

4
5 AM radio is very, very important for the fishers and they listen
6 to it at some times and the people who know about marketing know
7 how important it is to hear that information.

8
9 They have suggested text messages through the cell phones. We
10 have cell and in every meeting, you get the name, the address,
11 and the cell phone and so before one of the scoping meetings,
12 before any of the activities, a week before or two weeks before,
13 that information can be sent.

14
15 There is also prerecorded audio messages on cell phones that
16 apparently reach a lot. Internet, email, is probably not the
17 best approach, because most of the fishers, at least in Puerto
18 Rico, don't have access, but they will have a telephone and they
19 will also listen to the radio.

20
21 We should also call on our panels to deliver the notices. If we
22 send them the note of a meeting, when in advance, they say they
23 can distribute that. They can publicize it and they will do it,
24 because they use those strategies all the time.

25
26 We also have to upload the notices to the webpage, but well in
27 advance and when we say well in advance, it's as soon as it is
28 available, as soon as it is available.

29
30 If Livia receives the information, it will go up on the web and
31 so our recommendation is that we take into account all these
32 strategies and we find ways of notifying the fishers and all the
33 other stakeholders that we need their presence, that we need
34 their information, that we need their collaboration for that
35 issue in particular. Thank you so much for your support. We
36 have had a very, very good year. Are there any questions?

37
38 **CARLOS FARCHETTE:** Thank you, Alida. Any questions for Alida?

39
40 **TONY IAROCCI:** Thank you, Alida. That was a great presentation
41 and I totally support -- I have been involved with that program
42 for years now and I do have a -- Actually, it's a great picture
43 of the group, especially of Eddie Schuster, standing in the
44 forefront at that last meeting.

45
46 I totally agree with Genio's comment that all stakeholders,
47 enforcement and everybody. That was our goal, to make sure all
48 people, all user groups involved, got together and talked about

1 this and you talk about the funding and people playing and you
2 mentioned NGOs.

3

4 I think this is a great opportunity for a certain group that's
5 sitting here right now that could play a key part in this, not
6 only here, but in other areas, to fund some of this stuff. It's
7 very important to work on these issues and they should be at the
8 table and they should be in these committees and funding and
9 helping support projects like this, working together to get
10 better data and to move forward. Thank you.

11

12 **ALIDA ORTIZ:** Good and we will take notice.

13

14 **MIGUEL ROLON:** Actually, it's funny that you mention it, because
15 already Dr. Alida Ortiz is talking to Leda and the group about
16 possible joint ventures. Usually people see NGOs as enemies and
17 I see it the other way around. I think that we can collaborate
18 and as long as we are in the same direction, we can work
19 together. Leda and Alida Ortiz have already discussed ways that
20 they can collaborate more and thank you for that.

21

22 **TONY IAROCCHI:** To that, Miguel, I have to say today -- I found
23 out yesterday and I talked to Holly and I've always tried to
24 work with a lot of people, but there were some hardcore
25 fishermen and we had the roundtable discussion, Genio, that we
26 had up in Tampa that I chaired and you attended a couple of
27 years back and some of the hard-line people there.

28

29 Holly was there and helped coordinate it and we worked together
30 on some follow-up stuff with that, but three of the most
31 hardcore and one of the heavy representatives for the commercial
32 fishing industry up in D.C. met with Pew's big bosses and they
33 called me yesterday and they couldn't believe it.

34

35 They had a lot of consensus, where I never thought that you
36 could put those guys in a room together and talk about issues,
37 because they argued about everything and they said, you know, we
38 might be able to work together and I was shocked. I was totally
39 shocked, because I never -- I don't even want to tell you what
40 they used to call these guys before and so we'll see.

41

42 I'm not saying -- But you're right, Miguel, that people are
43 looking at things differently now and I am not saying everybody
44 is going to -- They said they were singing "Kumbaya", but I
45 didn't believe that one.

46

47 **ALIDA ORTIZ:** Okay and Happy Holidays.

48

1 **CARLOS FARCHETTE:** Thank you, Alida. Next on the agenda is
2 Listing and Litigation Updates on Corals, Nassau, and Queen
3 Conch.

4
5 **LISTING AND LITIGATION UPDATES ON CORALS, NASSAU, AND QUEEN**
6 **CONCH**
7

8 **ROY CRABTREE:** We were petitioned to list a number of species
9 under the Endangered Species Act. The first ones I will talk
10 about are Nassau grouper and queen conch. We are conducting a
11 status review for those species, which is when you pull together
12 a panel of people to pull all of the information that's
13 available about them together.

14
15 In October, we got a notice of intent to sue from Wild Earth
16 Guardians, who is the outfit that filed the petition and their
17 intent to sue was over that we were late in completing it. The
18 Department of Justice has been working with the petitioners to
19 figure out a timeline for us to publish the determination for
20 the species.

21
22 Once the timeline is finished out, that will set the date for
23 when we're going to publish a determination as to whether
24 listing is warranted or not warranted. If the finding is that
25 listing is not warranted, then that's the end of it. If the
26 finding was that listing is warranted, then there would be a
27 proposed rule published and a comment period and a series of
28 public hearings and things after that.

29
30 Then the other one is, as I'm sure you're aware, because we've
31 talked about it, but we have a petition to list sixty-six
32 species of coral under the Endangered Species Act. In December
33 of 2012, we published a proposed rule that proposed to list
34 sixty-six species of coral.

35
36 Seven of those occur off of Puerto Rico and the Virgin Islands.
37 Five of those seven were proposed to be listed as endangered and
38 two as threatened. The proposal also would reclassify Elkhorn
39 and Staghorn corals from threatened to endangered.

40
41 There was a 120-day public comment period, which ended on April
42 6 of this year, and during that period, seven public hearings
43 were held in Florida and in the U.S. Caribbean. We also have
44 exercised a six-month extension to the final determination to
45 look for additional data to resolve some scientific disagreement
46 on the basis of the proposed rule and I expect the final
47 determination will be made in June of 2014.

48

1 Then the other thing that I'm going to ask Shepherd to talk
2 about is you're I'm sure aware that there was litigation over
3 the biological opinion on the reef fish ACL amendment. It
4 mainly had to do with corals and parrotfish and the judge has
5 ruled on that and I will let Shepherd talk about that.

6
7 **SHEPHERD GRIMES:** Thank you. I think most everybody is fairly
8 familiar with this and so I'm not going to go over it in a great
9 amount of detail, but I will give a little bit here.

10
11 A number of environmental interests challenged the biological
12 opinion that was prepared under Section 7 of the Endangered
13 Species Act to examine the effects of the ongoing fishing
14 activities conducted as authorized by the Caribbean Reef Fish
15 Fishery Management Plan.

16
17 Specifically, the plaintiffs challenged a number of
18 determinations relative to the impact of harvesting herbivorous
19 fishes on ESA-listed corals. The only two listed corals we have
20 are two species of Acropora and the impact on designated coral
21 critical habitat.

22
23 The plaintiffs claim that the conclusions in the biological
24 opinion were not based on the best scientific information and
25 did not adequately consider adverse effects of the fishery on
26 ESA-listed corals and coral critical habitat and did not
27 establish a meaningful trigger for reinitiation, should the
28 level of impacts exceed those predicted in the biological
29 opinion.

30
31 Finally, it argued that NMFS did not fulfill its obligation to
32 ensure that operation of the fishery would not jeopardize the
33 continued existence of ESA-listed corals.

34
35 Number 4 was sort of a catchall claim. If we lost on any of the
36 others, we were going to lose on Number 4. The court ruled in
37 our favor on 1 and 2, but against us on 3 and 4 and, again, 4
38 was sort of the catchall and Number 3 was that we did not
39 establish a meaningful trigger for reinitiation.

40
41 All things considered, this is a pretty good outcome for us. We
42 successfully defended the biological opinion and the basis for
43 the no jeopardy determination in the biological opinion and we
44 lost on the incidental take statement and so we're going to,
45 presumably, revise the incidental take statement.

46
47 We have had some filings with the court and have discussed this
48 with the plaintiffs, but as of yet, we have not gotten a

1 remedial order back from the court, but I want to focus just a
2 little bit on the issues with the incidental take statement.

3
4 The Endangered Species Act requires us to provide an incidental
5 take statement accompanying a biological opinion that specifies
6 the impact of the take on the listed species. This includes the
7 specification of the amount of take, which we usually provide in
8 terms of numbers of animals estimated to be taken. That's what
9 we're used to seeing relative to turtles, sawfish, and other
10 animals.

11
12 In this opinion, there were a number of issues associated with
13 trying to provide that number of animals. We're talking
14 exclusively about indirect take and you're not taking the coral
15 and you're not taking the coral critical habitat, but you're
16 taking a fish that then is going to -- By taking that fish,
17 catching the fish, it's going to have an indirect effect because
18 the fish can't go do its beneficial thing for coral.

19
20 We provided, in the opinion, what we call a take surrogate,
21 which is not -- We aren't going to count direct numbers of coral
22 impacted, because it's not practical to do so. How are we going
23 to do that? We had to provide this surrogate, which we did, and
24 our surrogate was herbivorous fish biomass and we said we were
25 going to monitor herbivorous fish biomass.

26
27 We would monitor herbivorous fish biomass and then make a
28 determination relative to stock status and if stock status did
29 not improve as we anticipated, then we would end up
30 reinitiating.

31
32 I won't give you a whole lot of detail in the specifics of the
33 ruling, but the court ultimately ruled that while the use of the
34 surrogate was valid, which was unusual. We've lost on
35 surrogates a lot and so has Fish and Wildlife Service, but we
36 won on the issue that it was valid.

37
38 They just said the surrogate that we used was not valid and in
39 this case, we had articulated a rationale basis for why it was
40 impracticable to specify a number of corals or coral polyps and
41 I'm certain, from reading press releases from the environmental
42 community or from plaintiffs in this case, that they don't agree
43 that it was largely a win for us, but that's the way we view it.

44
45 We are working hard now to revise the incidental take statement
46 and, consistent with what we assume is the court's opinion, we
47 are sort of in the gray area now, because we don't have a remand
48 from the court. We are waiting for that and once we get a

1 remedial order, I presume we will have a deadline for when we
2 have to revise this and that will be the date by which we
3 provide the new incidental take statement.

4
5 I would note, just following up a little bit on what Dr.
6 Crabtree said, that this issue really isn't going to go away.
7 We have a proposed rule out now to up list Acropora from
8 threatened to endangered and to list a number of other species
9 of coral.

10
11 This will all necessitate revisting our Section 7-related
12 determinations relative to the impacts of our fisheries on the
13 up listed species as well as the potentially new listed species
14 and so I'm sure we'll be dealing with this issue for some time
15 to come into the future.

16
17 **MIGUEL ROLON:** Shep, this will occur in 2014 or perhaps even in
18 2015, the process to finish?

19
20 **SHEPHERD GRIMES:** We were asked to provide to the court a
21 schedule, a proposed schedule. We provided a proposed schedule
22 and said we think we can get it done and our proposed schedule
23 was summer of 2014.

24
25 Then plaintiffs were to provide a response and they provided a
26 response saying they didn't object to the date, but they seemed
27 to be challenging -- In addition to our schedule, we filed an
28 affidavit, basically, saying this is what we intend to do and
29 this is why we think it's going to take six months.

30
31 The plaintiffs seemed to object to the contents of that
32 affidavit and suggested that we weren't going to do it
33 adequately, which we kind of view as challenging what we're
34 doing before we've ever even done it, when that would really
35 properly come before the court only as a new case.

36
37 I presume the court will issue some order remanding it
38 officially to the agency and setting a deadline for us to issue
39 a new biological opinion, the biological opinion with the new
40 take statement, and then, if they still don't like it, we will
41 litigate over that again, but I would also say that the deadline
42 for us -- When we put out that six-month timeline, that roughly
43 coincides with the decision on these proposed rules that Dr.
44 Crabtree was just talking about and so we will have a lot of new
45 information to try to incorporate into the decision process.

46
47 **MIGUEL ROLON:** I have been asked by several fishermen about this
48 issue, because they have read it in the newspapers or in media

1 and they were worried that then they won't be able to fish and
2 all that and I told them that we're still in the process and
3 it's not a win or lose situation at this time, but it's just a
4 matter of working on the process.

5
6 I told them that by probably the summertime, by the August
7 meeting, we might have a clear picture of the consequences, but
8 they are worried about the consequences.

9
10 **SHEPHERD GRIMES:** They should be aware of it and the long-term
11 consequences are yet to really be determined, but it's
12 ultimately the level of allowable fishing or the impacts
13 associated with whatever level of fishing we allow and it's
14 whether or not that results in jeopardy, adverse jeopardy to the
15 species, or adverse modification of the critical habitat.
16 That's really the critical issue.

17
18 If we can defend our decision that no, we can allow this level
19 of fishing and we won't result in jeopardy or we won't have
20 adverse modification, that's the crux of the determination of
21 the biological opinion.

22
23 We won on those grounds and what we lost on was our
24 specification of the allowable take and how we monitor allowable
25 take and, again, it's fairly detailed in the opinion on those
26 issues, where we clearly didn't do what the court thought we
27 should have done. I can give you that information, but it is
28 pretty specific.

29
30 **MIGUEL ROLON:** That's okay and I believe that we have it. There
31 is two points to this. There is an international pressure now
32 with what occurred in Belize and I was contacted. There was an
33 agreement to ask all the countries around the Caribbean to
34 manage parrotfish, based on the issue of coral reef and in
35 association to the coral reef.

36
37 The other one that they told me to convey to you is that the
38 Caribbean Regional Fishery Mechanism officially sent a letter to
39 Washington about the queen conch and the consequences of having
40 the queen conch listed as an endangered species, because it's a
41 -- A large component of the queen conch trade is the exports to
42 the U.S.

43
44 The biggest buyer is the U.S. and so they are worried that if
45 something like this happens that it might affect the livelihood
46 of many people around the Caribbean and so they are watching us
47 on that one, too.

48

1 **CARLOS FARCHETTE:** Thank you. Next, we will go to Enforcement
2 Issues and Puerto Rico DNER.

3
4 **ENFORCEMENT ISSUES**
5 **U.S. COAST GUARD**
6

7 **MIGUEL ROLON:** Before you start, Lieutenant Morgan Fowler told
8 me to tell you that she had to leave because of commitments
9 before and she told me to tell you that there are no issues to
10 report from the Coast Guard at this time. They may have some
11 between here and the next meeting and there will be an
12 intervention at Bajo de Sico next year and they just want to
13 know, as she put it, who is fishing there and whether they are
14 in compliance or not with the Act.

15
16 **PUERTO RICO DNER**
17

18 **MIGUEL GARCIA:** This time, I got the presentation straight from
19 the Rangers and I just made some little changes. I am going to
20 be giving a table with a summary of the information at the end
21 and we'll go through some pictures first.

22
23 This is one event of fishermen catching a conch during the
24 closure and another event, which is pretty common, which is
25 undersized lobster fishing. Then we got to see this picture
26 before and I think this was in La Parguera and the other one was
27 in Naguabo and this is in La Parguera.

28
29 This is a special case of the mutton snapper and this was in
30 Saba and this is a good friend of Genio Piñeiro, a fisherman.
31 This was another one in the inland waters, in the estuary, but I
32 will just show you, because so many tarpon are being caught by
33 nets and this is the table.

34
35 The violation is on the left and fishing without a license, six
36 events. Land crabs, fishing land crabs during the closure,
37 three events and fishing for conch during the closure is six
38 events and for red hind, one and mutton snapper, one. Illegal
39 fishing gear is three times and one for somebody selling marlin
40 and fishing in the MPAs is four and undersized lobster is four
41 and that's it. Any questions?

42
43 **CARLOS FARCHETTE:** Miguel, the people that were caught with the
44 mutton snapper and the red hind, fishing in the closed area, are
45 they actually fined or vessels confiscated or whatever the case
46 is?

47
48 **MIGUEL GARCIA:** I know about the mutton snapper event and the

1 boat wasn't confiscated this time that I remember, but it is my
2 understanding that besides having a mutton snapper, he also had
3 a swordfish and it was submitted to the federal agents to be
4 processed.

5
6 **CARLOS FARCHETTE:** Thank you. Next, we have U.S. Virgin Islands
7 and Howard Forbes.

8
9 **U.S. VIRGIN ISLANDS DPNR**

10
11 **HOWARD FORBES:** The Department of Planning and Natural Resources
12 Division of Environmental Enforcement federal fisheries hours
13 for September through November of 2013, our dockside boarding
14 hours was 112 and our sea patrol hours was sixteen and vessel
15 hours was ten.

16
17 Fisheries warnings that were issued was nine and fishery
18 contacts was twenty-six. Citations issued was six and clerical
19 hours was thirty-six and outreach hours were ninety-three.

20
21 The Division has been plagued with several shortcomings that has
22 impacted the ability to meet the target number of fisheries
23 inspections. The inadequate number of officers has been the
24 largest contributing factor to these low numbers following the
25 vessel and equipment shortage.

26
27 Dockside fisheries inspection numbers also reflect the low
28 productivity impacted by the shortcoming of boat manpower and
29 equipment hardship. At this time, these matters are being
30 addressed and that's the end of my report.

31
32 **CARLOS FARCHETTE:** Thank you, Howard.

33
34 **MIGUEL ROLON:** Howard, what happens with the citations, the fine
35 that people pay? What does it go to?

36
37 **HOWARD FORBES:** Officers were in court today and the individuals
38 paid their fines. One was for a conch violation and that was
39 like a \$500 fine. Those monies -- 100 percent of those monies
40 are supposed to come back to the Division and I'm still trying
41 to locate where are those monies at this time.

42
43 **CARLOS FARCHETTE:** I want to add to that that the judges decided
44 that we are on the only Division -- Not we, but they are the
45 only Division that get back 100 percent of their fines back into
46 the fish and game fund.

47
48 Most of the others, like the police department and other

1 agencies, a percentage goes to the courts and a percentage goes
2 to somebody else and then a percentage goes back to the
3 Department, but the DPNR was successful in getting 100 percent
4 back on all fines.

5
6 **MIGUEL ROLON:** We already talked to death about all the meetings
7 that we attended, but is there any meeting that you wish to
8 report? Then the next meeting of the council, unless we have
9 any other business -- Also, you need to ask for the five-minute
10 public comment presentations.

11
12 **PUBLIC COMMENT PERIOD**

13
14 **CARLOS FARCHETTE:** There is a five-minute public comment period.

15
16 **DIANA MARTINO:** For the record, REF: elimination of surface
17 supply air while diving to perform harvest of marine resources.
18 The recommendation is I, Ray Campbell, recommend that hookah
19 gear should not be banned in the territorial and federal waters
20 of the U.S. Virgin Islands.

21
22 As an alternative, a restriction may be implemented that limits
23 hookah to a single hose, thus permitting a single diver capable
24 of harvesting marine resources at a time.

25
26 **CARLOS FARCHETTE:** Any other comments from the public?

27
28 **KIM GORDON:** I'm Kim Gordon with the Fisheries Leadership and
29 Sustainable Forum. I just wanted to take a couple of minutes
30 and share with you all what we've been up to the last year and
31 kind of what we have on our plate for the next year and I'll be
32 really quick and you guys can ask questions if you want to know
33 more about what we've been doing.

34
35 In 2013, in January, we worked with the Mid-Atlantic Fishery
36 Management Council and convened a workshop about managing short-
37 lived species such as their squid fisheries. In March, we
38 worked with the New England Fishery Management Council and we
39 convened a workshop of about eighty managers and scientists and
40 industry members on risk policy and uncertainty.

41
42 We also worked with the councils and the agency in convening the
43 Managing our Nation's Fisheries Conference, which took place in
44 May and then building off of those conversations in Washington,
45 D.C., we convened our 2013 East Coast Forum on Habitat
46 Considerations and that took place in June in Annapolis.

47
48 Then just last month, we convened our 11th Semiannual Forum on

1 Responsive and Adaptive Management and then in 2014, we are
2 currently working with the New England, Mid-Atlantic, and South
3 Atlantic Councils, as well as the ASMFC and NOAA Fisheries, to
4 convene a workshop on climate change governance along the
5 continental east coast.

6
7 Then our next Fisheries Forum will be held in Beaufort in May
8 and the topic is going to be recreational fisheries and really
9 focusing on how you manage for non-commercial objectives in
10 fisheries and this will be May 7 to 9 and so we would love to
11 see you guys there if you can join us.

12
13 **CARLOS FARCHETTE:** Thank you, Kim. Any questions for Kim? I'm
14 sorry about that, but we forgot NOAA Enforcement, NMFS. My
15 apologies.

16
17 **LAW ENFORCEMENT ISSUES**
18 **NOAA ENFORCEMENT**
19

20 **RON MESSA:** As I'm sure the council is aware, NOAA Enforcement
21 currently only has one agent. Len Rios is currently assigned to
22 Puerto Rico, who handles the Caribbean. In addition to the
23 Magnuson Act, NOAA Enforcement is also responsible for enforcing
24 the Lacey Act, the Marine Mammal Protection Act, the Endangered
25 Species Act, and others.

26
27 We are currently doing the best we can, given our shortage of
28 personnel. With fewer assets, we have to work Agent Rios
29 smarter and so our partnerships are very important with Puerto
30 Rico, the U.S. Virgin Islands DPNR, as well as the Coast Guard.

31
32 There is hope in the future as for us getting additional law
33 enforcement personnel assigned to handle Puerto Rico and the
34 Caribbean. If money in the budget comes through, it will be
35 directed towards getting additional enforcement officers where
36 they are most needed, which includes the Caribbean.

37
38 As there is only one agent for Puerto Rico and the Caribbean, we
39 have to prioritize what he does. Agent Rios has been assisting
40 the U.S. Fish and Wildlife Service recently, as they currently
41 do not have any agents assigned to Puerto Rico. As such,
42 Special Agent Rios has been looking into matters that would
43 normally be handled by the U.S. Fish and Wildlife Service.

44
45 We have been working with HMS and in Puerto Rico on HMS
46 tournaments, to make sure that those tournaments and their
47 participants have the appropriate permits and that the size
48 limits are being adhered to.

1
2 Special Agent Rios has also been working on imported billfish
3 and billfish products and inspecting some of the importers of
4 billfish and billfish products since the enactment of the
5 Billfish Conservation Act.
6

7 We have been working with U.S. Virgin Islands DPNR and
8 attempting to get information on EEZ longliners to get as much
9 information and intelligence so that we can assist the Coast
10 Guard in developing a pattern. We may not be able to respond
11 immediately.
12

13 The more calls that are received and the more reports and
14 information and details that are brought to light, hopefully
15 some strategies can be developed to try and catch the vessels as
16 they come in or before they come in again.
17

18 We are also working with the U.S. Coast Guard in San Juan on the
19 closed area of the Tourmaline Bank for illegal fish traps and
20 we've also been working with Puerto Rico DNER and looking at
21 undersized Caribbean lobsters. It's not so much the imported
22 lobsters at this point, but it's mostly a domestic issue.
23

24 Agent Rios has also been working with the Justice Department's
25 Environmental and Natural Resources Division and the U.S.
26 Attorney's Office in Puerto Rico on ESA turtle violations
27 regarding the sale of turtle meat.
28

29 Recently, an individual, Manuel Garcia-Figueroa, a resident of
30 Playa Añasco, Puerto Rico, pled guilty to felony violations of
31 the Lacey Act for the illegal sale of turtle meat. Mr. Garcia-
32 Figueroa knowingly sold more than \$350 of turtle meat and
33 carapaces from endangered hawksbill sea turtles and meat from
34 threatened green sea turtles, while knowing the turtles had been
35 taken in violation of the Endangered Species Act.
36

37 Agent Rios is currently working with the Justice Department's
38 Environmental and Natural Resources Division and the local U.S.
39 Attorney's Office on coral smuggling and he is also currently
40 looking into falsely-labeled fish that is being imported and
41 repackaged and sold locally.
42

43 Special Agent Rios is participating on the Puerto Rico
44 Environmental Task Force. The Justice Department's
45 Environmental and Natural Resources Division and the U.S.
46 Attorney's Office in Puerto Rico formed the Puerto Rico
47 Environmental Crimes Task Force to investigate and prosecute
48 environmental crimes on the island.

1
2 Under the new task force, federal investigative agencies are
3 coordinating their efforts to investigate and prosecute those
4 responsible for committing serious environmental crimes.

5
6 Given our current staffing in Puerto Rico, we have to depend on
7 our partners a lot and there are a lot of priorities that we
8 have to weigh. Agent Rios cannot be in all places at one time
9 and so I want to extend our thanks to the U.S. Virgin Islands
10 DPNR, the Puerto Rico DNER, and the U.S. Coast Guard for their
11 assistance.

12
13 Many of the violations being discovered are occurring in the EEZ
14 and as such, we could not do without their assistance and that
15 concludes the enforcement report for NOAA.

16
17 **CARLOS FARCHETTE:** Thank you. Next is Miguel with the
18 Administrative Committee Recommendations.

19
20 **ADMINISTRATIVE COMMITTEE RECOMMENDATIONS**

21
22 **MIGUEL ROLON:** Just administrative matters, we had a closed
23 session yesterday and we had an open session on fiscal issues
24 yesterday and I would just announce that the council reappointed
25 Richard Appeldoorn, Jim Berkson, Vance Vicente, and Walter
26 Keithly to the SSC for another two-year term.

27
28 We have two vacancies and what we are going to do is we will go
29 back to advertise. Any council member or any member of the
30 public right here, the AP and whatsoever, you are entitled to
31 submit names, but that person that is considered as a candidate
32 for the SSC will have to fill out the form that we have and send
33 us a vitae, so the members of the council can look at it and
34 then choose the best one for the vacancies here.

35
36 Again, we will have two vacancies and please, if you have any
37 candidates, send those as soon as possible and contact Diana
38 Martino and she can send the form to that person. That's it for
39 what we did.

40
41 I just want to apologize to the group, because there was
42 confusion about this fiscal issue and Shep brought it up today
43 and yesterday and said that we were missing all the council
44 members, but actually, when I talked to all of them, we did
45 submit it all -- They did submit it all, the updates, and we
46 sent it to Washington, but it's just that now they want the
47 Regional Office to be the depository of those documents, but we
48 are missing Alicia's and Miguel's.

1
2 In the past, they were not supposed to have it and I don't know
3 why they require it now. We did all that and so we don't have
4 to do anything else and there was also a question about the SSC
5 and whether the SSC has to have financial disclosures and we
6 have all of them except for Richard's.

7
8 Anyway, that's the latest on financial disclosures and I
9 clarified that with Phil. My understanding is that -- We have
10 the SSC and members of the council appointed by the Secretary of
11 Commerce and so, Miguel, you are off the hook. That's it, Mr.
12 Chairman.

13
14 **CARLOS FARCHETTE:** Okay, then the next council meeting.

15
16 **NEXT COUNCIL MEETING**

17
18 **MIGUEL ROLON:** The next meeting, we have spent today talking
19 about how you will want to map the whole 2014, next year, and we
20 have April 22 to 23 as a possible venue and it will be in St.
21 Croix at the Buccaneer Hotel and August 12 and 13 in Puerto
22 Rico, in Fajardo, the El Conquistador Hotel, and December 10 and
23 11 in St. Thomas and we would like to have it probably at the
24 Marriott Frenchmen's Reef, because people didn't like this one.
25 Those are the dates that we have.

26
27 **ROY CRABTREE:** Can you send that to us in an email?

28
29 **MIGUEL ROLON:** I have to send this to the people in an email and
30 Bonnie Ponwith has some issues with these dates, but we're going
31 to send it and we also took into consideration the Good Friday.
32 April 22 and 23 and August 12 and 13 and December 10 and 11 and
33 we will send that email to all the council members and everybody
34 who cares and it will be on the website.

35
36 **DIANA MARTINO:** It will be posted on the website as soon as we
37 have confirmation.

38
39 **MIGUEL ROLON:** No, we'll call it tentative and then when we have
40 the confirmation, they will be final dates.

41
42 **CARLOS FARCHETTE:** Okay. I want to thank everyone and the 148th
43 Caribbean Fishery Management Council is now adjourned and thank
44 you, everyone, for your participation and involvement.

45
46 (Whereupon, the meeting adjourned on December 12, 2013.)

47