

1                   **CARIBBEAN FISHERY MANAGEMENT COUNCIL**  
2                   **152<sup>ND</sup> REGULAR COUNCIL MEETING**  
3                   **Divi Carina Hotel**  
4                   **St. Croix, USVI**

5  
6                   April 21-22, 2015  
7

8 The Caribbean Fishery Management Council convened at the Divi  
9 Carina Hotel, Croix, USVI, Tuesday morning, April 21, 2015, and  
10 was called to order at 9:00 o'clock a.m. by Chairman Carlos  
11 Farchette.

12  
13                   **CALL TO ORDER**  
14

15 **CARLOS FARCHETTE:** Sorry about the holdup. We had a little  
16 technical difficulty here. I want to welcome everyone to the  
17 152<sup>nd</sup> Caribbean Council Meeting being held at the Divi Carina  
18 Hotel and it is April 21, 2015 in St. Croix, U.S. Virgin  
19 Islands. We are going to go with a roll call and I'm going to  
20 start on my left.

21  
22 **VIVIAN RUIZ:** Vivian Ruiz, council staff.  
23

24 **MARIA DE LOS A. IRIZARRY:** María de los A. Irizarry, council  
25 staff.  
26

27 **MORGAN FOWLER:** Lieutenant Morgan Fowler, U.S. Coast Guard.  
28

29 **TONY BLANCHARD:** Tony Blanchard, St. Thomas, council member.  
30

31 **MIGUEL GARCIA:** Miguel Garcia, Puerto Rico, council member.  
32

33 **EUGENIO PIÑEIRO:** Good morning. Genio Piñeiro, Puerto Rico,  
34 commercial.  
35

36 **CARLOS FARCHETTE:** Carlos Farchette, council chair.  
37

38 **MIGUEL ROLON:** Miguel Rolon, council staff.  
39

40 **DIANA MARTINO:** Diana Martino, council staff.  
41

42 **ROY CRABTREE:** Roy Crabtree, NOAA Fisheries.  
43

44 **SHEPHERD GRIMES:** Shepherd Grimes, NOAA Office of General  
45 Counsel, Southeast Section.  
46

47 **MARCOS HANKE:** Marcos Hanke, Puerto Rico, council member.  
48

1 **SHANNON CALAY:** Shannon Calay, Southeast Fisheries Science  
2 Center.  
3  
4 **BILL ARNOLD:** Bill Arnold, NOAA Fisheries, Southeast Regional  
5 Office.  
6  
7 **GRACIELA GARCIA-MOLINER:** Graciela Garcia-Moliner, council  
8 staff.  
9  
10 **JACK MCGOVERN:** Jack McGovern, NOAA Fisheries.  
11  
12 **JEFF RADONSKI:** Jeff Radonski, Office of Law Enforcement for  
13 NOAA.  
14  
15 **LEDA DUNMIRE:** Leda Dunmire, Pew Charitable Trust.  
16  
17 **KEN STUMP:** Ken Stump, Ocean Foundation, working with Pew.  
18  
19 **WES PATRICK:** Wes Patrick, NOAA Fisheries in Silver Spring.  
20  
21 **ELIZABETH SANTANO:** Elizabeth Santano, District Director for  
22 Congresswoman Plaskett.  
23  
24 **CARLOS VALASQUEZ:** Carlos Valasquez, Chair of DAP, Puerto Rico.  
25  
26 **JULIAN MAGRAS:** Julian Magras, Chair of DAP, St. Thomas.  
27  
28 **ROY PEMBERTON:** Roy Pemberton, Jr., Director of Fish and  
29 Wildlife.  
30  
31 **RICHARD APPELDOORN:** Richard Appeldoorn, SSC Chair.  
32  
33 **ALIDA ORTIZ:** Alida Ortiz, O&E AP Chair.  
34  
35 **KATE QUIGLEY:** Kate Quigley, council staff.  
36  
37 **TONY IAROCCI:** Tony Iarocci, commercial fishermen advisor.  
38  
39 **RICARDO LOPEZ:** Ricardo Lopez, Puerto Rico, Fisheries Research  
40 Lab, DNER.  
41  
42 **TOM MATTHEWS:** Tom Matthews, Florida Fish and Wildlife and Gulf  
43 and Caribbean Fisheries Research Institute.  
44  
45 **JUAN CRUZ:** Juan Cruz, Virgin Islands Fish and Wildlife.  
46  
47 **ERIC WHIDDEN:** Eric Whidden, fisheries biologist, Virgin  
48 Islands.

1  
2 **TOM DALEY:** Tom Daley, fisherman and visitor.  
3

4 **CARLOS FARCHETTE:** Thank you and I first want to express our  
5 appreciation to the Delegate to Congress Plaskett's  
6 representative. I know she has a very busy schedule, but I'm  
7 glad that you were here to meet the council family and we will  
8 provide you with all the follow-up documents.  
9

10 Before I go to the Adoption of the Agenda, because I know we  
11 have some revisions, I want to let everybody know that we know  
12 that last time here we had problems with lunch and the amount of  
13 time it took and so there is the opportunity to get some lunch  
14 brought here for us if you want, from the Chicken Shack. It  
15 will be the chicken and the fixings or the fish and the fixings.  
16 The fish and the fixings is \$13.00 and the chicken and the  
17 fixings is \$10.50 and during the break I will get a list for  
18 whoever wants their food brought here. Thank you or whoever  
19 wants to stay and eat at the hotel. Adoption of the Agenda, we  
20 have some revisions.  
21

#### 22 **ADOPTION OF AGENDA**

23  
24 **MIGUEL ROLON:** My report, what we are going to have is two  
25 presentations, one by Dr. Roy Crabtree on the strategic plan of  
26 the Regional Office of the Southeast Region and also a  
27 presentation by Shep on financial disclosures. In addition, we  
28 want to switch -- Mr. Chairman, I believe that we would like to  
29 stop here so you can do the proper introductions.  
30

31 **CARLOS FARCHETTE:** Thank you, Miguel. I would like to introduce  
32 -- I think we all know that there's a new administration onboard  
33 and I would like to introduce our new Commissioner Designee, the  
34 Honorable Dawn L. Henry, Commissioner of DPNR. Welcome aboard.  
35

36 **DAWN HENRY:** Thank you and sorry for being late.  
37

38 **CARLOS FARCHETTE:** Can you also, for the record, put your name  
39 on the microphone?  
40

41 **DAWN HENRY:** Dawn Henry, Commissioner Nominee, DPNR.  
42

43 **CARLOS FARCHETTE:** Thank you so much and I know that you have a  
44 very busy schedule also and so we appreciate the time with us.  
45 Okay and continuing the revisions to the agenda.  
46

47 **MIGUEL ROLON:** Thank you, Mr. Chairman. We have a presentation  
48 and first, we would like to switch the discussion of the Bajo de

1 Sico and Tourmaline to 1:30, right after lunch. The reason for  
2 that is we have a listening station in Mayaguez with concerned  
3 fishers who would like to participate and they have this time  
4 during the day that they can do so and so that will be to move  
5 the last item of the agenda, Abrir/Bajo de Sico/Tourmaline  
6 Consistent Regulations, to the first thing after lunch, at 1:30.

7  
8 In addition, we will have a presentation by Dr. Michelle Scharer  
9 related also the ABT and probably her presentation should be  
10 first after lunch and then follow the discussion of the ABT.

11  
12 For tomorrow, although this should be taken tomorrow, but  
13 tomorrow, Ron Hill's presentation, we would like to move that to  
14 the first thing in the morning. They would like to go back to  
15 the water to do the work that they are doing around the St.  
16 Croix area and now we'll call on Bill Arnold. Bill has some  
17 suggestions for rearranging the discussion in the agenda and we  
18 can include it here.

19  
20 Also, I would like the chairs of the District Advisory Panels,  
21 rather than having a full report, what they are going to do is  
22 each time that we have the particular agenda item, we will ask  
23 them to give us the report on that item from the corresponding  
24 DAP.

25  
26 **BILL ARNOLD:** I just wanted to, if it's acceptable to the  
27 council, rearrange the agenda a little bit so that it follows a  
28 more logical sequence of our discussion of island-based  
29 fisheries management plan development and particularly the  
30 species selection criteria.

31  
32 Selecting species is embedded in the National Standards of the  
33 Magnuson-Stevens Act and three of those in particular, National  
34 Standard 1, 3, and 7. Wes Patrick from Silver Spring NOAA,  
35 National Marine Fisheries Service, is going to give a  
36 presentation on that and so I think he should give it first, to  
37 set the stage for this.

38  
39 Then, again, if it's acceptable, we would like to give our  
40 island-bases species selection presentation and then break --  
41 After we go through most of that, I would like to take a break  
42 and let the DAPs report. The DAPs in March all met to discuss  
43 their views on the species selection criteria as established and  
44 they passed -- Among other things, they passed motions to  
45 address how they would like the species selection criteria to be  
46 applied and adjusted and so I would like for them to give that  
47 presentation.

48

1 Then Graciela and I will follow up with a short presentation on  
2 how we've adapted to those DAP recommendations and then, also in  
3 March, the Scientific and Statistical Committee met and they're  
4 going to report out on that.

5  
6 I didn't know exactly what they were going to do and so we  
7 didn't adjust our species selection criteria to reflect that,  
8 but then it would be timely for them to present on their  
9 recommendations and motions for adjusting the species selection  
10 criteria and then the conversation on what we're going to do and  
11 how we're going to accomplish our goals would take off from  
12 there, if that's acceptable to the council.

13  
14 **CARLOS FARCHETTE:** Sure and so all of that would happen before  
15 the SSC report. Okay. I guess everybody agrees with the  
16 revisions of the agenda and do we need a vote or just an aye?  
17 All in favor say aye. Okay. It's been revised. Consideration  
18 of the 151<sup>st</sup> Council Meeting Verbatim Transcripts, anybody with  
19 any corrections?

20  
21 **CONSIDERATION OF 151<sup>ST</sup> COUNCIL MEETING VERBATIM TRANSCRIPTIONS**

22  
23 **SHEPHERD GRIMES:** Page 2, line 33, you have Ken Stumpf, and the  
24 "f" is an extra letter and let's just make sure we identify him.  
25 I think it may be in there once or twice in addition, but it  
26 shouldn't be there. Thanks.

27  
28 **CARLOS FARCHETTE:** Thank you, Shep. Any other revisions to the  
29 verbatim? Hearing none, everybody that accepts the verbatim  
30 minutes as corrected say aye.

31  
32 **MIGUEL ROLON:** There are two presentations tomorrow in Other  
33 Business and we can say so tomorrow, but there will be a  
34 presentation by Todd Gedamke and another presentation by the  
35 Southeast Fisheries Science Center and those will be under Other  
36 Business and so tomorrow we will have the titles of them.

37  
38 **CARLOS FARCHETTE:** Okay. Moving forward, we go to the Executive  
39 Director's Report and Miguel Rolon.

40  
41 **EXECUTIVE DIRECTOR'S REPORT**

42  
43 **MIGUEL ROLON:** Thank you, Mr. Chairman. There is not much to  
44 report except that we might be the hosts of the CCC, the Chairs  
45 and Executive Directors meeting, next year, in 2016. The next  
46 meeting will be in June of this year and there will be one  
47 meeting in February and another meeting sometime in May or June  
48 and for that, the whole group will be working together with the

1 other seven councils. At this time, Mr. Chairman, we would like  
2 to hear from Dr. Roy Crabtree on the strategic plan from SERO.

3  
4 **CARLOS FARCHETTE:** Go ahead, Roy. One second. Did we announce  
5 anybody on Go to Meeting?

6  
7 **VIVIAN RUIZ:** Yes and on Go to Meeting, they are Adam Bailey,  
8 Helena Antoun, Maria Lopez, Michael Jepson, Miguel Lugo, Stephen  
9 Holliman.

10  
11 **CARLOS FARCHETTE:** Thank you, Vivian. Go ahead, Roy.

12  
13 **PRESENTATION ON SOUTHEAST REGIONAL OFFICE STRATEGIC PLANNING**  
14 **PROCESS**

15  
16 **ROY CRABTREE:** Vivian, do you have my presentation? First, let  
17 me start off by introducing to everybody Jack McGovern, who is  
18 here today. Jack has taken the Assistant Regional Administrator  
19 position that Phil Steele held. Remember Phil retired at the  
20 end of last year and so this is Jack's first Caribbean Council  
21 meeting and I encourage all of you to get to know Jack.

22  
23 Jack has been the Branch Chief for our South Atlantic Council  
24 division for a number of years and so he will be working closely  
25 with Miguel and folks on all of our council issues.

26  
27 I am just going to take a few minutes, but all of the Regional  
28 Offices in NOAA Fisheries are going through a strategic planning  
29 exercise and we're going to put together and have put together a  
30 draft strategic plan for the next five years and the plan is in  
31 your briefing book in the presentation section.

32  
33 It is a draft and we're making presentations to all of the  
34 councils and the two commissions that we work with and there is  
35 a comment period that's open that runs through July 11. We  
36 welcome comments from you as individuals or from the territories  
37 or a comment from the council, however you would like to do it.

38  
39 Part of this is the Science Center went through a strategic  
40 planning exercise about a year or two ago and they have a draft  
41 strategic plan on their website and one of the goals of going  
42 through all of this is to try and make sure that the regulatory  
43 and science programs are properly aligned and that they're  
44 meeting our two core mandates.

45  
46 Our two major mandates are a fishery mandate of maintaining  
47 productive, sustainable fisheries and fishing communities and  
48 then also the recovery and conservation of protected resources,

1 things like turtles and whales and those types of things.

2  
3 We have gone through and identified some new operational and  
4 programmatic strategies that we think will help the Regional  
5 Office function better over the next few years. These are the  
6 five key challenges that we have identified for the Regional  
7 Office.

8  
9 One is an increased demand for Endangered Species Act and  
10 Essential Fish Habitat consultations. This is something that I  
11 know is very important in the islands and with both the Virgin  
12 Islands and Puerto Rico.

13  
14 We do have a substantial backlog of Endangered Species Act  
15 consultations on Army Corps projects and it is causing delays in  
16 a number of projects and so we are looking at ways to better  
17 organize our office and better use our resources to try and  
18 address that problem.

19  
20 Not so much a Caribbean issue, but we still have a great deal of  
21 activity going on related to the Deepwater Horizon oil spill  
22 that you recall happened in the Gulf of Mexico back in 2010 and  
23 there is a large amount of money going into the Gulf of Mexico  
24 through fines on BP and settlements and all of those kinds of  
25 things geared towards restoration that we will be involved with.

26  
27 We have a general change in the regulatory landscape and there  
28 is a desire for increased economic opportunities among fishermen  
29 everywhere.

30  
31 As you all well know, because we talk about it at the council a  
32 lot, there are a lot of concerns about our science and is the  
33 science that we have adequate to support our management  
34 decisions and then there's a general expectation to be able to  
35 provide more services, but with less, in terms of resources.

36  
37 The federal budget, probably at best case, is going to be level  
38 funded over the next several years, but our services that we  
39 have to provide, particularly on Section 7 consultations for the  
40 Army Corps, those have just about doubled over the last couple  
41 of years and so we're asked to do more with fewer resources,  
42 which poses a real challenge for us.

43  
44 We have identified five strategic goals and I think these are  
45 the kinds of things that you guys could comment on if you think  
46 we don't have the right goals or if you see challenges that we  
47 didn't mention or things that ought to be in here. That's the  
48 kind of input that we would like to hear.

1  
2 One is to improve the Regional Office's organizational  
3 effectiveness and this gets back to streamlining how we do  
4 things so that we can provide more services without necessarily  
5 more resources.

6  
7 To promote economically vibrant fisheries and communities and  
8 how can we better manage our fisheries to maintain sustainable  
9 fisheries, but provide increased economic opportunities?  
10 Improve the science that we have for managing resources and  
11 learn how to better leverage the resources that we have to  
12 support our priorities and the priorities of the council and  
13 then maximize the benefits of our ESA consultations and  
14 Essential Fish Habitat consultations.

15  
16 Goal 1 is -- These are just a few things that we're looking at  
17 to improve our organization. We are developing objectives and  
18 implementation strategies to find processes to better identify  
19 what our annual priorities are and to better align our budget,  
20 personnel, and information management resources in support of  
21 those priorities.

22  
23 We are trying to come up with strategies to enhance better  
24 coordination to leverage our limited resources and some  
25 fisheries-specific examples of things we would like to do are  
26 increase user benefits while sustaining protected resources and  
27 habitat protections. In other words, how can we prevent  
28 overfishing and maintain healthy fisheries, but do it in a way  
29 that is better suited to what fishermen need?

30  
31 Better integrate and inform our fishery consultation process and  
32 that's the interaction between Section 7 consultations,  
33 biological opinions, and the council process. You recall we  
34 went through a lot of that with reef fish and corals and those  
35 kinds of things a couple of years ago and to maximize our  
36 conservation gains when developing regulations to reduce bycatch  
37 and protect protected species.

38  
39 Our Goal 3 is to improve the scientific basis for managing our  
40 resources and we have come up with some strategies to better  
41 identify and communicate the Regional Office's science  
42 priorities and this is to better work with the Southeast  
43 Fisheries Science Center and make sure that their activities  
44 match up with our priorities and need.

45  
46 Identify gaps, places where we have science needs that currently  
47 aren't being met and then try to figure out how to close those  
48 gaps and fill them in within the available resources that we



1 have and that includes data collection, research activities, and  
2 stock assessments, but also economic analyses and those types of  
3 things as well.

4  
5 Then we are looking at ways to better use partnerships to help  
6 accomplish all of these priorities and how do we better work  
7 with the interstate commissions? We don't have an interstate  
8 commission, obviously, in the Caribbean, but we do work with the  
9 Gulf States Commission and with the Atlantic States Commission  
10 in the Gulf and South Atlantic regions and down here we also  
11 work with the territories, for example, in collecting landings  
12 data and those kinds of things.

13  
14 How can we do enhanced communication and better education and  
15 outreach? As an example of that, we had the Marine Resource  
16 Education Program that came down and did a meeting a few days  
17 with a group of fishermen in Puerto Rico and we're looking at  
18 how to expand some of those programs and potentially come into  
19 the Virgin Islands with that program.

20  
21 That program is a way to bring fishermen in and really go into  
22 an in-depth -- It's three days spent on understanding how  
23 science is collected and how stock assessments work and then how  
24 the management process works and it's been a real successful  
25 program and I think the Puerto Rican exercise went very well.

26  
27 Goal 5 is focusing on Endangered Species Act consultations. As  
28 I said, I think we have right now a backlog of over 500 Section  
29 7 consultations in the Regional Office and so we've got to find  
30 a better way to move through those projects in a timely manner  
31 and to better prioritize which projects should be done first.

32  
33 We are going through some reorganization in the Regional Office  
34 and our goal is to create a new corals division within our  
35 Protected Resources group that will focus on consultations  
36 related to corals, which most of the Section 7 consultations  
37 down here and in Puerto Rico do involve corals and they are  
38 usually, along with sea turtles, the biggest issues that we deal  
39 with.

40  
41 We are going to be bringing in some new people. I believe one  
42 of those positions will likely be stationed in Puerto Rico and  
43 so our goal is to have someone who is down here in the U.S.  
44 Caribbean and hopefully that will improve the timeliness of the  
45 consultations in the Caribbean area.

46  
47 As I said, this is kind of a high-level look at it. The actual  
48 draft strategic plan is in your briefing book and the comment

1 period extends to July 11, 2015.

2  
3 I imagine sometime after our August meeting that we will be  
4 coming out with a final plan, in the fall sometime. Of course  
5 we have to get comments from Headquarters and everyone, but we  
6 will try to pull all of these comments from the states and the  
7 councils together over the course of the summer and then come up  
8 with a final plan in the fall and that's all I have, Mr.  
9 Chairman, and I am happy to try and answer any questions, if  
10 there are any.

11  
12 **EUGENIO PIÑEIRO:** Good morning, Dr. Crabtree and folks and the  
13 staff up in St. Pete. Good morning to you all. Roy, do you  
14 consider for this -- Have you ever considered the possibility of  
15 -- Does it have any effect on the reauthorization of Magnuson at  
16 sometime this summer or this fall?

17  
18 **ROY CRABTREE:** Well, reauthorization of Magnuson could,  
19 depending on what Congress does, could cause us to go through a  
20 lot of additional work. You remember the last time Magnuson was  
21 reauthorized that we had to come up with annual catch limits in  
22 all of our fisheries, but we've tried to focus in the strategic  
23 plan on things that we can control within the region and so  
24 that's why the strategic plan mostly focuses on how the region  
25 works and how the region operates and those kinds of things.

26  
27 Now, if Congress comes up with new mandates for things that we  
28 have to do as a council and in the Regional Office, it could  
29 certainly change our priorities in terms of science and it could  
30 certainly change where we need to shift science and where we  
31 need to shift our activities, but no real way to know that and  
32 so we're trying to plan and figure out how we can make the  
33 Regional Office better able to function efficiently and better  
34 able to react to changes in the law that may cause us to have to  
35 rethink what we're doing and do something different.

36  
37 **EUGENIO PIÑEIRO:** Just a follow-up. When you talk about the  
38 objective to fill in the gaps in data collection and economic  
39 analysis, would that be kind of integrating the Science Center  
40 in Miami, for example?

41  
42 **ROY CRABTREE:** Yes and I think a big part of all of this is to  
43 make sure that the activities that the Science Center has going  
44 on line up with what management's needs are and to make sure  
45 that the Center is doing the right things that we need and so a  
46 big part of this is to better intermesh the science and the  
47 region and I know that's been a real issue with the council and  
48 with the territories and so that, I think, is one of the most

1 important parts of all this.

2

3 **MIGUEL ROLON:** Roy, do you envision any changes to the way that  
4 you operate with the three branches with each one of the  
5 councils?  
6

7 **ROY CRABTREE:** Not at this time we don't, but depending on what  
8 sorts of comments we get out of the councils and folks, we could  
9 revisit that issue. I know some years back we had the Caribbean  
10 and South Atlantic both under one branch and we split that out.  
11 I personally think it works better split out, but at this time  
12 we don't have any specific plans to change that, but certainly  
13 we welcome your input on it.  
14

15 **MIGUEL ROLON:** Just for the record, you know I've been around  
16 for a long time and this idea of the three branches has been one  
17 of the best ways to operate, because in the good old days, we  
18 prepared a document and sent it there and we spent a lot of time  
19 and this way, we work together from scratch and Bill and the  
20 people that you have in the Southeast Region work and we would  
21 like to continue that and so in any way we can support or  
22 endorse or maybe a letter or comment from the council via our  
23 Chairman. If that helps, we will send it.  
24

25 **ROY CRABTREE:** Yes, I mean that would be fine, but right now, I  
26 agree with you. I think it's worked better this way and we  
27 don't plan to change that unless would cause us to do that.  
28

29 **CARLOS FARCHETTE:** Any more questions?  
30

31 **SHANNON CALAY:** There is a similar presentation by Bonnie  
32 Ponwith that describes some of the Science Center activities in  
33 relation to our strategic plan and the program reviews for data  
34 and statistics and stock assessments that I asked Graciela to  
35 include under Other Matters and so I will present that later in  
36 the meeting.  
37

38 **MIGUEL ROLON:** Shannon, how long is that one?  
39

40 **SHANNON CALAY:** It should take only ten or fifteen minutes to go  
41 through.  
42

43 **MIGUEL ROLON:** Mr. Chairman, I believe that we have the momentum  
44 going here and this strategic plan from SERO followed by  
45 Shannon's presentation, if you are ready, and then if the group  
46 has any comments, this is the time for it, because tomorrow will  
47 be kind of late.  
48

1 **CARLOS FARCHETTE:** Okay and so that means we're going to do this  
2 report now? Okay.

3  
4 **TONY IAROCCI:** Roy, your improvements in -- Dealing with Number  
5 4, I think the educational factor and the expanding of MREP -- I  
6 have been working down here for quite a few years now and I see  
7 the big difference with the fishermen that have been able to go  
8 to these meetings.

9  
10 When Carlos did go to that and then brought the excitement back  
11 to bring more education and I see a lot of the times, when I'm  
12 talking and dealing with the fishermen and talking about the  
13 council process and what's going on with regulations and how  
14 it's run, a lot of the fishermen do not understand it.

15  
16 If we could expand this more into St. Thomas and St. Croix --  
17 St. Thomas, on the other hand, but more so St. Croix. You have  
18 got the St. Thomas Fishermen's Association that has really  
19 stepped to the plate on a lot of the stuff. They understand the  
20 data and they go to the meetings and they get involved and  
21 they're coming up with their own plans.

22  
23 I am not saying anything negative about St. Croix. Fishermen  
24 are there and Tom Daley is here and he's been there since day  
25 one and he writes great testimony, but we need a little more  
26 education in English and in Spanish, especially on St. Croix, to  
27 bring these people back to the table.

28  
29 They were there and now people have got other things to do, but  
30 I think it's a great, great venue to bring people back with this  
31 education and informal meetings. You don't have to do the  
32 formal and dockside with some stuff and just a few handouts or  
33 informal meetings with fishermen. They like that at the dock,  
34 the landing areas.

35  
36 **ROY CRABTREE:** I agree with you, Tony, that it's been a good  
37 program and I know Carlos was there and can tell you folks about  
38 it, but we usually do a three-day meeting that goes over science  
39 and then we do another three-day meeting that focuses on  
40 management and that would certainly be my goal.

41  
42 I don't know if we'll have it in St. Thomas or St. Croix or how  
43 we'll do it exactly, but that would be my hope, is that sometime  
44 in the not too distant future we can have the program in the  
45 Virgin Islands.

46  
47 We have only had this program in the Southeast I think for about  
48 three years now and all of the previous ones have been in St.

1 Pete or Tampa and there have been some folks from the Virgin  
2 Islands and from Puerto Rico who have come up to St. Pete and  
3 attended those programs in the past and I think we have funding  
4 to keep it going for another few years, but that's really been  
5 the limiting factor for us at this stage, is just having the  
6 funding together to keep it going.

7  
8 **MIGUEL ROLON:** Helena has been discussing with Alexa the  
9 possibility of having the next MREP meeting in St. Croix and we  
10 will invite fishermen from St. Thomas to join in or vice versa,  
11 but right now, they are working towards putting the budget  
12 together and the council will be able to contribute and if we  
13 cannot do it this year, because we were thinking about maybe the  
14 fall of this year, it will be the early half of 2016.

15  
16 **CARLOS FARCHETTE:** On that same note, if it doesn't happen this  
17 year in the Virgin Islands and we send the two fishers up to St.  
18 Pete, we are going to -- Last week, I had one guy from St. Croix  
19 and there is one or two vacancies, whatever is available, for  
20 St. Thomas next year and I would like to have Tony Blanchard and  
21 Julian Magras maybe give some thought of selecting a couple of  
22 names that I can talk to and get them -- I know it takes -- It's  
23 a week of their fishing time and so it's hurtful economically  
24 for the fishermen, but it's a very good course and everybody  
25 talks highly of it when they come back. Now back to the Science  
26 Center and Shannon.

27  
28 **PRESENTATION ON SOUTHEAST FISHERIES SCIENCE CENTER PEER REVIEW**  
29 **PROCESS**  
30

31 **SHANNON CALAY:** Thank you very much. I really thought that Roy  
32 did an excellent job in preparing that presentation and the  
33 structure was very effective. This presentation uses a slightly  
34 different structure.

35  
36 This was prepared by Bonnie Ponwith and we have undergone a  
37 variety of peer review processes in the last few years,  
38 including in 2013 a data collection program review, in 2014 a  
39 stock assessment program review, and this year, we are preparing  
40 for a protected species program review.

41  
42 Then in 2016, 2017, and 2018, we will do ecosystems, economics  
43 and social sciences, and then a strategic plan and then this  
44 process will begin again and so this will be an ongoing peer  
45 review process.

46  
47 In 2014, the terms of reference for the review was to review the  
48 science and technical approaches, the assessment process, to

1 review the peer review process itself, communication with  
2 stakeholders and with fellow scientists, and that includes  
3 communication of stock assessment products, research  
4 opportunities and ecosystem considerations and next generation  
5 stock assessment, which would typically include either ecosystem  
6 components or bioeconomic modeling. Also, it was to review our  
7 organization priorities and accomplishments.

8  
9 We had a variety of external panelists: Michael Hansen from the  
10 USGS Great Lakes Science Center; Ewan Bell from the U.K. Center  
11 for Environment, Fisheries, and Aquaculture Sciences; Joe  
12 Hightower, an academic from North Carolina State University; Bob  
13 Atlas from NOAA Research AOML; and Bill Carp from NOAA Fisheries  
14 Northeast Fisheries Science Center.

15  
16 They were tasked to specifically review our stock assessment  
17 program. We had several key findings. One was that it would be  
18 necessary to streamline the SEDAR process and to put stronger  
19 emphasis on update assessments, both to increase a potential for  
20 throughput as well as to make the process more efficient and  
21 allow, perhaps, additional time for research to improve stock  
22 assessments.

23  
24 We also were tasked to simplify harvest control rules and the  
25 stock assessment process itself, the stock assessments  
26 themselves. The harvest control rules, remember that we serve  
27 as the South Atlantic Council, the Gulf Council, and the  
28 Caribbean Council and in each of these councils, they use  
29 different harvest control rules and it would be of some benefit  
30 to simplify the harvest control rules. We do participate on a  
31 few control rule working group committees and one in particular  
32 in the Gulf Council.

33  
34 We adopted plans for a methods working group to standardize our  
35 data inputs and analytical approaches and this is actually  
36 happening in June of 2015 and it's called the SEDAR Best Data  
37 Practices Procedural Workshop. I know that you have membership  
38 in the SSC through Rich Appeldoorn. He is a member of that  
39 organizing committee.

40  
41 Also, to strengthen communications for stakeholders, using MREP,  
42 the Marine Resource Educational Program, as a model and as was  
43 already mentioned, we also participate in this process. We  
44 participate in the Gulf and in fact, last week, Clay Porch and  
45 Mandy Karnauskas were in Tampa and this year, we sent Mandy and  
46 Adyan to review the stock assessments through the MREP in Puerto  
47 Rico and they conducted that work both in Spanish and in  
48 English.

1  
2 We were also -- One of the key findings was to simplify stock  
3 assessment documentation. We are quite aware that our  
4 documentation has grown very lengthy and very complicated and  
5 that it is, in fact, difficult to find some of our final results  
6 and conclusions in that documentation and so we are undergoing  
7 an effort to produce simplified documents that would facilitate  
8 anybody, including stakeholders, to find our assessment results  
9 easily and to understand them.

10  
11 We are being tasked to employ management strategy evaluations  
12 and that would be to optimize our investments in stock  
13 assessment and in data collection activities and so this is not  
14 management strategy as in what would be a better size limit, but  
15 this is truly if you had X number of dollars, how would you  
16 spend them to most improve our stock assessment results?

17  
18 Would you put them into collecting age information or would you  
19 put it into collecting CPUE? This is a very broad topic, but we  
20 expect to have very real improvements in the way we collect data  
21 for stock assessment.

22  
23 This has recently been funded through science and technology to  
24 put one MSE expert in every Science Center and so the Southeast  
25 Fisheries Science Center will be advertising for an MSE expert  
26 in the near future.

27  
28 Would prefer to better balance a scientist's portfolio between  
29 operational science and the research to improve our stock  
30 assessments and currently, we would expect to accomplish that  
31 through streamlining their processes.

32  
33 We would also -- We were recommended that we improve our  
34 fishery-independent data collections. We do have a great number  
35 of fishery-independent data collection activities, but part of  
36 this MSE evaluation would be to determine which of those  
37 activities are crucial and should be emphasized and perhaps  
38 which ones are less crucial and could in fact be perhaps even  
39 terminated in order to improve our more crucial activities.

40  
41 As far as actions and timelines, several of these activities are  
42 already underway and we are conducting this data methods  
43 workshop in June to standardize and streamline approaches. We  
44 have already contributed, as described, to the Marine Resource  
45 Education Program and we expect that -- We hope that that  
46 participation will continue.

47  
48 We participate in several working groups to simplify harvest

1 control rules and we have already revisited stock assessment  
2 reports and we are in the process of generating streamlined  
3 templates for an improved report and that would also be improved  
4 presentations, we hope, to councils.

5  
6 We are continuing to balance research and operational stock  
7 assessment investments, although that process has a long way to  
8 go, and we are continuing to invest in improving the data that  
9 are used in stock assessment.

10  
11 We also plan -- Item Number 1 says a target date of 2016 and we  
12 are planning to help complete the National Stock Assessment  
13 Prioritization Tool and this would be a tool that helps a  
14 council, for example, to determine the stocks of highest  
15 priority for stock assessments and we -- I guess the plan will  
16 be that the councils can adopt or adapt these tools to help them  
17 determine which stock assessments should be prioritized.

18  
19 There are also several national actions and these now have been  
20 prioritized nationwide through the Science Board activities and  
21 many of these are also already occurring. We are testing that  
22 prioritization tool and we are finalizing the protocol and so we  
23 expect that you will see that tool in the near future.

24  
25 Number 2 is to make that tool and the database used to create  
26 that tool available to the Regional Coordinating Committees  
27 charged with prioritizing stock assessments.

28  
29 We are evaluating the efficacy currently of the NOAA Fisheries  
30 toolbox and we have a plan to update that toolbox. We are  
31 already coordinating management strategy evaluations to evaluate  
32 the impact of fishery-independent surveys and sample sizes on  
33 stock assessment performance.

34  
35 We are allocating staff time for research and we are funding  
36 cross-center development of that management strategy evaluation  
37 and we are reinstating the National Stock Assessment Workshop on  
38 a biennial basis and that workshop will occur this year in  
39 Portland in I believe August and that is an activity where  
40 around the nation stock assessment biologists can get together  
41 to communicate improvements to stock assessment that could be  
42 adopted.

43  
44 In 2016, we plan to support the application of that  
45 prioritization process and we will convene working groups to  
46 address best practices to improve stock assessment and actually,  
47 that activity will happen in 2015. As I mentioned earlier, we  
48 will be working to hire the stock MSE expert and that MSE expert



1 is expected to develop the expertise within the Science Center  
2 by training.

3  
4 Nationwide, they have recommended that the annual performance  
5 plans for stock assessment scientists include a minimum of 20  
6 percent time allocated for research to improve stock assessment  
7 methods. Now, this is very directed and very applicable  
8 research, in general, and so we would be -- In particular, what  
9 we work on in the Science Center is incorporating environmental  
10 aspects into stock assessment and how we would include such  
11 things as episodic mortality events, red tide, indicators of  
12 predation, et cetera.

13  
14 We work on a variety of other activities, such as how you would  
15 quantify changes in gears, for example, circle hook effects.  
16 All of these are directly applicable to our stock assessments.

17  
18 Currently, we have allocated less time than this, historically,  
19 and we would like to create opportunities for assessment staff  
20 to cooperate with staff in other regions to conduct assessments  
21 in both regions and this might streamline some of the way that  
22 we do business even within the Southeast Fisheries Science  
23 Center, which is responsible for South Atlantic, Gulf, and  
24 Caribbean assessments.

25  
26 There is an objective to hire additional stock assessment  
27 scientists. It's unclear when this will occur, because of  
28 issues with funding, but there is an intention to do that  
29 through the Office of Science and Technology. We would also  
30 like to increase our development of students through  
31 partnerships with academia.

32  
33 All of the information from the program review, including  
34 everything that we prepared, all the presentations and all the  
35 materials that we presented to the panelists, all of their  
36 reports, including the consensus report, all of their  
37 recommendations and our responses to the recommendations and  
38 Bonnie's report herself, all of these things are available at  
39 the website listed here.

40  
41 If you would like to look at those materials, you are absolutely  
42 welcome to and there is also the national overview. All of the  
43 Science Centers across the nation in 2015 did a program review  
44 of stock assessment and so all of those program reviews are  
45 available at the second website listed here and that's it and so  
46 thank you very much.

47  
48 We also have a strategic plan that we are working on across the

1 Center and within the Sustainable Fisheries Division and I very  
2 much liked Roy's presentation and maybe I will make something  
3 very similar and we can talk about that at some future date.

4  
5 **CARLOS FARCHETTE:** Thank you. Are there any questions for  
6 Shannon?

7  
8 **EUGENIO PIÑEIRO:** Shannon, I know you are stepped in for Bonnie  
9 and so she might be the person to answer this question, but  
10 since you are here, we used to have a program at Virginia Tech  
11 that was pretty successful and I believe Jim Berkson -- He moved  
12 to Miami, but is that program still going and are there  
13 intentions of expanding it?

14  
15 **SHANNON CALAY:** My understanding is that that program will be  
16 modified. Jim Berkson has moved on now and he is now with NOAA  
17 in Silver Spring and he will be taking on a job coordinating Sea  
18 Grant and that RTR program that you speak of, we will subsume  
19 those responsibilities and share them and so that program will  
20 continue, but it will probably -- The last I spoke with Bonnie,  
21 and things do change quickly, she thought we would work to  
22 basically take on the leadership of that program on essentially  
23 a rotational duty and so the stock assessment staff across the  
24 Science Center would take on those responsibilities to ensure  
25 that that program continues.

26  
27 **EUGENIO PIÑEIRO:** Okay and so Bonnie would be the person to talk  
28 to with recommendations or comments we have about that?

29  
30 **SHANNON CALAY:** Absolutely.

31  
32 **TONY BLANCHARD:** I would just like to mention on the SEDAR  
33 process that I don't know how it works for the other councils,  
34 but, to be honest with you, I don't think it works for the  
35 Caribbean. I think instead of us dumping money into the SEDAR  
36 process in the Caribbean that we need to put our money someplace  
37 else.

38  
39 I am sure there are some people that probably would agree that  
40 the SEDAR don't work in the Caribbean at this table, but they  
41 may not want to say so, but I am going to say so.

42  
43 **SHANNON CALAY:** We have had a fundamental disconnect,  
44 essentially. We have a management process that is required to  
45 set ACL and they are required to set ACL for every stock in  
46 their FMP and essentially we have -- The council has determined,  
47 appropriately, to use species groups to establish ACLs for a  
48 species group, but for many years, we continued to request SEDAR

1 assessments of single species stocks.

2  
3 Essentially, we have a single species stock assessment and the  
4 management unit is generally a species group and furthermore, we  
5 have only the data to conduct data-limited assessments, which  
6 have not yielded estimates of ACL.

7  
8 We have set up a system where the SEDAR product, even when it  
9 goes through a full review panel and is accepted, is not well  
10 matched with the management as implemented by the Caribbean  
11 Council.

12  
13 I do agree with you that that is basically not an appropriate  
14 model and so we have recommended and we will do this year a  
15 data-limited assessment activity in the Caribbean and so in  
16 November, we will host a meeting in Puerto Rico to put a variety  
17 of stocks, and we would like some direction about which stocks  
18 are of priority, through a variety of data-limited tools.

19  
20 Part of that will be to actually describe what results we would  
21 obtain from these data-limited tools and how those results could  
22 be used within the management context of the Caribbean and so if  
23 there is general agreement, and I believe that there is, to  
24 continue to use ACLs on species groups, my recommendation would  
25 be to choose a species group to focus on or to choose a set of  
26 stocks that you believe are indicators of that species group and  
27 we will try this data-limited exercise in the Caribbean.

28  
29 It could be that that is a more appropriate way to conduct stock  
30 assessments in the Caribbean and if it is, we would continue to  
31 use these data-limited approaches to do a large number of stocks  
32 at once. We may find out that even under a data-limited  
33 approach the stock assessment results are not useful for  
34 management and that will be -- Then we'll have to discuss what  
35 we do next in the Caribbean.

36  
37 **TONY BLANCHARD:** Okay and let's say we do implement this new  
38 strategy and how much time are we going to run this strategy  
39 before we figure out whether we are going to keep it or leave  
40 it? What would be the determining factor, let's say, for us to  
41 keep or dump it and that it ain't working, instead of going  
42 through this another three or four or five years and we're still  
43 back to square one where we're doing the same thing?

44  
45 **SHANNON CALAY:** I think that my recommendation would be -- This  
46 meeting will be conducted in Puerto Rico and my recommendation  
47 would be that you have a strong SSC and council participation in  
48 that meeting to truly determine whether the results of these

1 data-limited approaches are useful in a management context that  
2 will be employed in the Caribbean.

3  
4 I think that if we had -- If we had good estimates of catch and  
5 effort or good estimates of catch and age composition or length  
6 composition that it would be natural that the results of these  
7 assessments would naturally be useful.

8  
9 We are in a very data-limited situation and so I think this is  
10 our -- I think you do this essentially once and you -- We throw  
11 our best effort at it and then we review that effort and we talk  
12 about whether there are recommendations that can be implemented  
13 quickly that can make it more useful or whether in fact we need  
14 to examine different ways of conducting stock assessments in the  
15 Caribbean through collaborations with academic partnerships, for  
16 example. I say you do it once with strong council participation  
17 in the process.

18  
19 **MARCOS HANKE:** I would like a little more -- I think the species  
20 group or species indicator as a tool -- I think it's worth it to  
21 try and I believe that as a fisherman and that's point number  
22 one, but I would like for you to explain this point a little  
23 better, to make sure that we are talking about the same thing.

24  
25 The other thing is on this exercise that Tony just asked you  
26 about, that we're going to try to deal with the data-poor  
27 situation that we have, we should use or do analysis with the  
28 past data and not with the new coming data and just with the  
29 past data, to see what is going on in terms of the outcome of  
30 that with the data that we have in the past and just to see what  
31 is going on. As a council member, I would like to see that  
32 prior to the implementation, because it's going to give us a  
33 sense of how that will be affecting the numbers and the  
34 management and that's one.

35  
36 The other thing is, if implemented, I think it's a good exercise  
37 to run the models, the actual model that we are running now and  
38 the way we do business now, with the new method or whatever  
39 strategy is decided and not to try and leave the other aside and  
40 to run both at the same time, to compare.

41  
42 **MIGUEL ROLON:** Mr. Chairman, this presentation was not supposed  
43 to be a discussion of what we are going to have in November and  
44 we have a lot of stuff to say and talk about this meeting and so  
45 I suggest that you take the opportunity to talk to Shannon  
46 during the two days she is going to be here, but the important  
47 point is all the discussion will take place in November.

48

1 We are going to address what can be done with the species that  
2 we have here to best supply the information that management  
3 needs to comply with the MSA and, Shannon we really thank you  
4 for stepping up for Bonnie and we will be in communication and  
5 so I encourage all council members and anybody in the public  
6 here to take the opportunity to talk to Shannon on the side and  
7 discuss this a little bit more if you need to and also, she said  
8 something very important for the meeting in November. We would  
9 like to engage council members and key members of the SSC to  
10 participate at that meeting.

11  
12 **SHANNON CALAY:** I should mention that SEDAR is also open to  
13 anyone who would like to attend, stakeholders, the public, and  
14 academia. SEDAR is an open process.

15  
16 **CARLOS FARCHETTE:** Okay and in the essence of time, we will  
17 sidebar with Shannon for the other questions that we had here.  
18 Continuing on the agenda, we're going to move forward with one  
19 of the revisions and Bill.

20  
21 **MIGUEL ROLON:** No, we have Shep's report.

22  
23 **PRESENTATION ON FINANCIAL DISCLOSURES**

24  
25 **SHEPHERD GRIMES:** Thank you, Mr. Chairman. This is just a quick  
26 fifteen-minute or so presentation. As you can see, it's related  
27 to the financial disclosure and recusal requirements under the  
28 statute. The Office of Inspector General and the Department of  
29 Commerce provided a recommendation on one of the last reports  
30 they produced and one of the recommendations was that we do this  
31 periodically and brief council members on the financial  
32 disclosure and recusal requirements and that's where this has  
33 come from.

34  
35 It's very quick and very basic and if you have any questions as  
36 we go along, please ask them in context, so we can discuss any  
37 questions that would come up. Again, this is very high-level  
38 and just a quick presentation.

39  
40 What is everyone required to disclose? The basic structure  
41 under the U.S. Code and federal law, there is a prohibition on  
42 having a financial conflict of interest in participating and  
43 providing advice to the government.

44  
45 The Magnuson-Stevens Act creates an exemption to that provision  
46 and it has criminal and civil penalties associated with it, but  
47 under the Magnuson-Stevens Act, you are exempt from that  
48 provision if you disclose the financial interests that you have

1 as specified under the statute.

2  
3 Just briefly, each affected individual must disclose any  
4 relevant financial interest in any harvesting, processing,  
5 lobbying, advocacy, or marketing activity that is or will be  
6 undertaken within any fishery over which the council concerned  
7 has jurisdiction or with respect to an individual or  
8 organization with a financial interest in such activity and so  
9 it's broader than just fishing and marketing and lobbying.

10  
11 Even if you are working for a non-profit organization that  
12 lobbies or even if you a volunteer for that organization, it's  
13 the organization's interest that you must report and it's not  
14 necessarily all about money. You don't have to be in a paid  
15 position and it's just the interest of the organization.

16  
17 As we will get to in a little bit, it's really not just the  
18 individual or your financial interests, but I am getting ahead  
19 of myself.

20  
21 Who has to report or disclose these interests? All affected  
22 individuals. What are the affected individuals? Are the  
23 nominated individuals? If you're a political appointment to the  
24 council and if you're nominated by your Governor, then you have  
25 to report. You are an affected individual as well as SSC  
26 members now, but that does not include territorial  
27 representatives and that does not include Dr. Crabtree and it is  
28 just the politically appointed individuals.

29  
30 **EUGENIO PIÑEIRO:** Shep, I don't see DAP members there and I see  
31 SSC members.

32  
33 **SHEPHERD GRIMES:** No, advisory panels are not -- Members of  
34 advisory panels are not affected individuals.

35  
36 **EUGENIO PIÑEIRO:** What would be the rationale for that?

37  
38 **SHEPHERD GRIMES:** You will have to ask Congress.

39  
40 **ROY CRABTREE:** Just for the record, I am exempt from this  
41 financial disclosure, but I am required on an annual basis to  
42 fill out a far more detailed financial disclosure, which I do,  
43 and submit it to the government every year.

44  
45 **SHEPHERD GRIMES:** Yes, we have our federal employee requirements  
46 and the territorial representatives I presume have some sort of  
47 territorial requirements and we don't -- NOAA GC doesn't know  
48 anything about those and doesn't advise on them and they are

1 unrelated to the federal financial disclosure requirements.

2  
3 Just briefly, if you have any questions about where you can find  
4 the information, there is a cite here to the provisions in the  
5 Code of Federal Regulations, but it contains -- The text of the  
6 regulation contains descriptions of what is considered to be  
7 harvesting, processing, lobbying, advocacy, et cetera. You can  
8 find those in the regulations.

9  
10 As noted in the second bullet here, and I prefaced this a little  
11 bit on the first slide, there are criminal penalties as the  
12 general baseline associated with having these financial  
13 conflicts of interest.

14  
15 If you disclose them, it exempts you from those criminal  
16 penalties and so disclose it. If there is any question about  
17 whether you should disclose it, then you probably should be  
18 disclosing it. If you contact me and ask you about it, my  
19 advice is always, always, always err on the side of disclosing  
20 it. You cannot get in trouble for disclosing things that you  
21 shouldn't. You can for not disclosing things that you should.

22  
23 **DAWN HENRY:** I have a question. Who are you disclosing it to?

24  
25 **SHEPHERD GRIMES:** You disclose it to the agency. For the  
26 appointed members, the council members, those disclosure forms  
27 are on file at the council office and they are maintained in the  
28 Southeast Regional Office and they are on the council's website.  
29 It is for all the public to see.

30  
31 If you are an SSC member, an affected individual, your forms are  
32 not available the same way. They are not posted on the website  
33 and they're not publicly disseminated in the same way that the  
34 council member forms are.

35  
36 **MIGUEL ROLON:** Shep, we were under the impression that both the  
37 SSC and the council member financial disclosures should have  
38 been published, but what you are saying now is only the council  
39 members and that we keep the SSC in our files?

40  
41 **SHEPHERD GRIMES:** That is correct. The regulatory provision --  
42 I am not sure if I have this handy, but I think the statutory  
43 and regulatory provisions speak to that and only the council  
44 member forms need to be available on your website.

45  
46 Financial disclosures must be made annually and those of you who  
47 do this, you regularly report and not later than February 1 of  
48 each year, you fill out a new form, but the more important point

1 of this is if you acquire a new interest, within thirty days of  
2 acquiring that new interest, you must file an updated form and  
3 so don't wait.

4  
5 If you buy a new boat or you get a new -- Not even necessarily a  
6 job, but you start working or you become affiliated with some  
7 organization and you need to make sure that you update those  
8 forms within thirty days.

9  
10 I mentioned this a little bit earlier, but it is not just your  
11 financial interests. It includes spouse, minor child, a partner  
12 of the affected individual, or any organization in which the  
13 affected individual is serving as an officer, director, trustee,  
14 partner, or employee.

15  
16 Let's say you belong to St. Thomas Fishermen's Association and I  
17 am just using this as an example and I do not mean to pick on  
18 you guys at all, but if you had your corporate structure and  
19 let's say you sit on a board for that organization and that  
20 organization has an interest in it and you may not fish and you  
21 may not be involved at all, but the interests of that  
22 organization are imputed to you because of your relationship  
23 with it and you must disclose it.

24  
25 We would have to figure out if a recusal issue came up, which  
26 we'll talk about more in a little bit, I would have to look at  
27 the interests, the financial interests, of that organization and  
28 they would be imputed to you as if it were your financial  
29 interest.

30  
31 There are recusal requirements in the statute and so if you have  
32 a financial interest and you exceed the threshold, and the  
33 threshold is a significant and predicable effect on any  
34 financial interest held by that individual and it's a fairly  
35 convoluted thing, but it's defined in the regulatory text.

36  
37 Let's say you have more than 10 percent or your interest  
38 represents more than 10 percent of reef fish in the Caribbean or  
39 however the fishery management plan is structured and once we go  
40 to place-based FMPs, it will be a little different, but you look  
41 at identifying what's the fishery and what's that individual's  
42 ownership and if you're over a certain threshold, then you're  
43 not permitted to vote on a decision, because it's considered to  
44 have this significant and predictable effect on your financial  
45 interest.

46  
47 If you think that we have a vote coming up or there's a question  
48 about whether you should be recusing yourself, please contact me



1 immediately and let me know that the issue is there and if you  
2 have questions about recusal and it's not just limited to  
3 yourself.

4  
5 Let's say Mr. Blanchard is worried about Mr. Farchette voting on  
6 it and you think he has a conflict of interest. You can raise  
7 the question to me.

8  
9 I am the designated official for making these determinations for  
10 this council and so you might say I don't think Carlos should be  
11 able to vote on this next issue and this is why and giving me  
12 more notice is better than off the cuff at the meetings.

13  
14 It usually has happened, in my experience, off the cuff at the  
15 meetings, which makes it very difficult for me to make an  
16 informed decision and so the sooner you can notify me or my  
17 office, if I'm not the one doing it, the better, because we can  
18 start the process for determining whether recusal is required.

19  
20 What are the consequences for failing to disclose? As I have  
21 mentioned repeatedly throughout this presentation, the cites  
22 here to the 18 USC Section 208 and 216, these are criminal  
23 provisions of the U.S. Code, criminal and civil provisions, and  
24 so if you don't disclose, you may be subject to these penalties.

25  
26 Prohibitions in the Magnuson-Stevens Act include knowingly and  
27 willfully or falsely disclosing or knowingly voting on a council  
28 decision in violation of that prior provision and so you knew  
29 you didn't disclose and you voted anyway, those are both  
30 prohibitions in the statute.

31  
32 You can be removed from the council or the SSC for not following  
33 these rules, per the regulatory provisions that are cited on the  
34 slide.

35  
36 These are just websites where you can find additional  
37 information about this. The frequently asked questions are good  
38 for you and if you have any general questions, you can go there,  
39 but if you have any other specific questions and certainly if  
40 you have a recusal question relative to you or any other member,  
41 contact me or you can call or email me directly and the number  
42 on the slide is the main office number, but you can get my  
43 direct line if you need it and email is probably the easiest way  
44 to reach me and that's it, Mr. Chairman.

45  
46 **CARLOS FARCHETTE:** I have got a quick question before Blanchard  
47 charges me with a crime. I belong to the Fisheries Advisory  
48 Committee and I'm the secretary for that committee on St. Croix

1 that makes recommendations on management of the fisheries in  
2 local waters to the Commissioner and do I have to report that,  
3 because I have been putting N/A, since I have no financial  
4 interests in it.

5  
6 **SHEPHERD GRIMES:** I am not that familiar with what the  
7 organization is. Is that a -- It's a government advisory?  
8

9 **CARLOS FARCHETTE:** Right and there is no compensation.

10  
11 **SHEPHERD GRIMES:** I am not sure, off the top of my head. I  
12 would have to look at how everything is defined in the  
13 regulations, but please remind me and shoot me an email and I  
14 will make sure before the end of the meeting that I look at it  
15 and get you a definitive answer to that.

16  
17 **CARLOS FARCHETTE:** We have to excuse the Commissioner. She's  
18 got a meeting at the Government House and so next on the agenda  
19 will be -- Bill, are we going to start the island-based or the  
20 DAP?  
21

22 **BILL ARNOLD:** I would like to start with Wes Patrick's  
23 presentation.  
24

25 **PROPOSED RULE TO REVISE NATIONAL STANDARD 1, 3, AND 7 GUIDELINES**  
26

27 **WES PATRICK:** Hello, everyone, and thanks for inviting me to  
28 this meeting to give you an overview of the proposed rule we  
29 have out for revising National Standards 1, 3, and 7 of our  
30 National Standard Guidelines.  
31

32 Basically, what I am going to try to do is run over all of the  
33 major themes of the proposed rule and try to emphasize some of  
34 the points that are related to points here in the region, but  
35 there will also be some other points that maybe aren't so  
36 applicable, but I will still run over them.  
37

38 Basically, we came out with a proposed rule of January of this  
39 year and we're taking comments until June 30 and so you still  
40 have some time to put together your comments for this rule.  
41

42 We have been doing this presentation for all of the councils and  
43 some of the SSCs, as they've been available, and we will  
44 probably be wrapping this up later in June with the Council  
45 Coordination Committee meeting.  
46

47 I think everybody here knows about the National Standard  
48 Guidelines. I just wanted to point out here that with this

1 proposed rule, the majority of the revisions here are being made  
2 to the National Standard 1 Guidelines, which is about preventing  
3 overfishing while achieving, on a continuing basis, the optimum  
4 yield for fisheries.

5  
6 However, we also provide revisions to the general section of the  
7 National Standard Guidelines, which is really just the  
8 introduction portion of the National Standard Guidelines that  
9 kind of lay out how the National Standard Guidelines will be  
10 used to review FMP amendments.

11  
12 It also touches on revisions to National Standard 3, which is  
13 about managing stocks as a unit throughout their range, and then  
14 also National Standard 7, which is about looking at the cost and  
15 benefits of proposed fishery management actions.

16  
17 The reason that I am giving this presentation now is that you  
18 all know that we went through this process back in 2009 of  
19 implementing the annual catch limits from the Magnuson-Steven  
20 Reauthorization Act. Since implementing those regulations,  
21 we've been getting a lot of feedback on what's working and not  
22 working with those guidelines and ways of trying to introduce  
23 flexibility in how we can meet the mandates of the Magnuson-  
24 Stevens Act.

25  
26 We've gotten those comments from congressional hearings and from  
27 council meetings that we've attended since then and we also put  
28 out this advanced notice of proposed rulemaking back in 2012 and  
29 since then, there has been a lot of different meetings that has  
30 occurred, like Managing our Nation's Fisheries back in May of  
31 2013. Also, the National Research Council study on rebuilding  
32 stocks came out in September of 2013 also as well as a number of  
33 other working groups.

34  
35 The main thing that you need to take away from this presentation  
36 is that our proposed rule doesn't establish any new requirements  
37 for councils to take action within their current management  
38 plans.

39  
40 Rather, all it does is provide some additional clarity and  
41 potential flexibility in how we meet these MSA mandates and so  
42 with that, we are maintaining the requirements to have annual  
43 catch limits and accountability measures for stocks that need  
44 conservation and management and we're also going to be trying to  
45 address some of those topics that we've been hearing from recent  
46 congressional bills on the Magnuson-Stevens Act.

47  
48 All of this is still going to be -- Any kind of flexibility that

1 we propose in this rule is still going to fall under the  
2 National Standard 2 requirement to use the best scientific  
3 information available.

4  
5 The seven major elements of this proposed rule range from things  
6 like starting out here with increased flexibility in rebuilding  
7 programs to providing stability in annual catch limits and  
8 improving the routine review of management plans.

9  
10 I will start out with this one and I'm going to kind of hit the  
11 highlights and then I will get in more detail for other topics  
12 that are of interest to the council here.

13  
14 The first one here is increasing flexibility in rebuilding  
15 programs. We've got like five subtopics under this topic here  
16 and the first one here is about calculating the maximum time to  
17 rebuild that we refer to as  $T_{max}$ . Basically, the way that we do  
18 things now is whenever you have a rebuilding plan and you have a  
19 stock that requires more than ten years to rebuild, you  
20 calculate  $T_{max}$  as the minimum time to rebuild plus one  
21 generation time and generation time is essentially the average  
22 age of the spawning population of a stock.

23  
24 That approach that we use for rebuilding plans can be a little  
25 bit data intensive, where you normally need to have like a  
26 structured analysis of your population. Rather than trying to  
27 estimate what  $T_{max}$  would be by coming up with a proxy for  
28 generation time, all we're doing here is providing two  
29 additional ways for how you can calculate  $T_{max}$  that aren't so  
30 data intensive.

31  
32 The first is simply multiplying two times  $T_{min}$  and the other  
33 approach is calculating time needed to rebuild to BMSY when  
34 fished at 75 percent of MFMT. MFMT is your maximum fishing  
35 mortality threshold and it's often your FMSY reference point.

36  
37 To give you an idea of how these three different ways of  
38 calculating  $T_{max}$  compare to each other, we have got this graph  
39 here and basically on the X-axis what you have is the  
40 productivity of stocks. If you have, down here on the right-  
41 hand side, a score of one, it means you're a fast-growing  
42 species like a tuna and if you're on the left-hand side of this  
43 graph, you're a slow-growing species like a shark.

44  
45 Then on the Y-axis is the maximum time to rebuild in years and  
46 basically what you can see here is that all of these different  
47 lines pretty much overlap with one another. There is going to  
48 be some differences here and there that may vary between five

1 and ten years and if you do have a calculation that was three  
2 different calculations, the council needs to clarify why they  
3 chose one approach over another.

4  
5 Another subtopic under rebuilding is about adequate progress and  
6 that comes from the Magnuson-Stevens Act that says that the  
7 Secretary should determine if adequate progress is being made in  
8 a rebuilding plan and that should be done every two years.  
9 Currently, we don't have any guidance in the National Standard  
10 Guidelines, National Standard 1 at least, about how we do this  
11 adequate progress and what it means and how you monitor it and  
12 we've clarified it here that when you're in a rebuilding plan,  
13 you can use recent stock assessments, comparisons of catches to  
14 ACL, or other appropriate performance measures to measure  
15 adequate progress.

16  
17 What adequate progress is, if you're in a rebuilding plan, it's  
18 basically when your fishing mortality rate is exceeding your F  
19 rebuild, which is defining your rebuilding plan, or the  
20 associated annual catch limit for that rebuilding plan and  
21 that's exceeding it on a continuous basis, basically, and not  
22 just one time over that you're finding inadequate progress.  
23 It's multiple times of exceeding your ACL and not having  
24 accountability measures that are effective in creating for those  
25 overages.

26  
27 Another case where you might have inadequate progress is  
28 whenever you have a stock assessment that gives you a whole new  
29 view of what the status of the stock is, so much so that it's a  
30 significant impact to the fishery and that you don't expect the  
31 stock to rebuild as you had planned and also there is going to  
32 be some severe socioeconomic impacts related to it.

33  
34 Whenever you have inadequate progress determinations, you can  
35 use this provision in the Magnuson-Stevens Act called interim  
36 measures and that comes from Section 304 of the Magnuson-Stevens  
37 Act and it basically says that you can use an interim measure to  
38 reduce, but not necessarily end, overfishing immediately for  
39 that stock.

40  
41 This provision allows you to use it for 180 days and it can be  
42 extended for an additional 180 days. We didn't have any  
43 guidance in the guidelines about how this interim measure should  
44 be used. We have rarely used it in the past. We only used it  
45 once in recent history and in those cases, this is the guidance  
46 we gave for this.

47  
48 One is that the measure should rarely be used and if you are

1 going to use it, there needs to be three criteria that need to  
2 be met. The first is that there's that unanticipated and  
3 significantly changed understanding of the stock status. Two,  
4 that ending overfishing immediately would result in severe  
5 social and economic impacts and three is that the biomass must  
6 be increasing for that stock during the interim measure.

7  
8 Also, if you're in a rebuilding plan, we understand that there  
9 is sometimes some pressure to continuously revise those  
10 reference points in your rebuilding plan and so what is T  
11 target, T<sub>max</sub>, and F rebuild within that rebuilding plan?

12  
13 In the guidelines, we're trying to clarify that it doesn't  
14 necessarily need to revise these reference points within a  
15 rebuilding plan unless there is an inadequate progress  
16 determination made. Rather, what we would prefer or recommend  
17 within the Guidelines is that the primary objective for any FMP  
18 rebuilding plan is to maintain your fishing mortality rate at or  
19 below F rebuild and if you can do that, you will expect your  
20 stock to rebuild on about time and so T target.

21  
22 What we're trying to do here is try to move away from a focus of  
23 the biomass of the stock in a rebuilding plan, because the  
24 biomass of the stock is both affected by the fishing mortality  
25 rate that it receives, but also by the environmental conditions  
26 that it is living within.

27  
28 If we are doing what we can for fishing effort, but the  
29 environment isn't cooperating with us for getting the  
30 recruitment that we expected, we don't expect the councils to be  
31 modifying the reference points dramatically during that period  
32 to try to hit that original T target date.

33  
34 Lastly, about discontinuing rebuilding plans, currently once you  
35 are in a rebuilding plan, you have to stay within that  
36 rebuilding plan until the stock reaches BMSY. We know from a  
37 recent National Research Council report on rebuilding that about  
38 30 percent of the stocks that were in rebuilding plans -- They  
39 found out, based on the best scientific information available,  
40 that they were never really overfished, as we originally  
41 thought.

42  
43 So we have these stocks that are in rebuilding plans that  
44 probably should have never been in a rebuilding plan and have to  
45 continue to be in that rebuilding plan until they reach BMSY.  
46 Our guidelines are clarifying that we would like to change that  
47 course and say that you can discontinue a rebuilding plan if you  
48 have a new stock assessment that shows that the stock was never

1 overfished, as you originally thought, and that the current  
2 status of that stock, in the most current assessment, shows that  
3 the stock isn't overfished currently. If you meet those two  
4 criteria, you can discontinue the rebuilding plan and continue  
5 on with your normal ABC control rules and such. Do we want to  
6 take questions now or at the end?

7  
8 **EUGENIO PIÑEIRO:** Wes, have you had instances where your  
9 rebuilding plan calculations have instances where it has gone  
10 anywhere but near where your plans were for the species to be  
11 managed?

12  
13 **WES PATRICK:** So you're asking if we have rebuilding plans where  
14 the stock is rebuilt on time like we expected or --

15  
16 **EUGENIO PIÑEIRO:** The other way around. The opposite.

17  
18 **WES PATRICK:** It hasn't rebuilt? Yes, we do have some stocks,  
19 or at least one stock, where we've had it in a rebuilding plan  
20 and it's a crab species in the North Pacific that has basically  
21 had zero fishing and it's only a bycatch fishery and it's been  
22 in a rebuilding plan for I think over a decade and it hasn't --  
23 The biomass hasn't responded to any of that fishing effort  
24 response.

25  
26 **EUGENIO PIÑEIRO:** This is not a follow-up, but perhaps, Shep,  
27 you might want to join on this one. The federal court in the  
28 Puerto Rico District had a case regarding the parrotfish and  
29 mortality and other issues, environmental conditions, were  
30 brought and what's the status of that? Have you had any  
31 interaction with Wes regarding that?

32  
33 **SHEPHERD GRIMES:** No, that's an Endangered Species Act case and  
34 that's -- At least that's part of the basis for it. That's  
35 really more of an ESA issue and the consultation on the fishery  
36 and we have yet to get a final decision out of the court on  
37 that. We've got an order and we have reinitiated consultation  
38 on the biological opinion, but the plaintiffs have filed some  
39 other stuff and so that case is still live and out there, but it  
40 doesn't relate to overfished and overfishing, because there  
41 weren't rebuilding plans.

42  
43 **EUGENIO PIÑEIRO:** With the possible flexibility in the Magnuson  
44 Act, do you foresee any changes in the way you're doing business  
45 here?

46  
47 **WES PATRICK:** Under this provision, I don't think we're going to  
48 -- I haven't seen any proposed language on how this would be

1 affected, which was related to discontinuing rebuilding plans.  
2 They didn't address that within the bills that I've seen being  
3 drafted.

4  
5 The only thing that I have seen related to rebuilding is about  
6 the ten-year requirement and so the revisions I gave earlier  
7 about Tmax, those only apply to stocks that require more than  
8 ten years rebuild, because if you can rebuild within ten years,  
9 that's the cap, based on the Magnuson Act.

10  
11 Some of the bills I have seen, almost all of them, all try to  
12 basically remove that discontinuity in the maximum time to  
13 rebuild and so they will say rebuild within ten years where  
14 practicable, whereas must rebuild within ten years if you can.  
15 They are trying to make that calculation of Tmax more continuous  
16 along the species rather than one tier versus the other tier.

17  
18 **TONY BLANCHARD:** Let me see if I understand myself here. You  
19 say that 30 percent of the stocks that was deemed overfished  
20 were not really overfished? What you're telling me is we have a  
21 serious problem here, because you're talking about one-third of  
22 the stocks that was looked at that was deemed overfished were  
23 not really overfished and that's a 33 percent is what we're  
24 talking about.

25  
26 The statement I am going to make here is if we are off by 33  
27 percent on something, we're way off course and so we need to  
28 look at how we come to the assessment of being overfished before  
29 we decide overfished and then once we get on the process in  
30 which we're taking here, you have to go through a stock  
31 assessment or something else to get it off the overfished list  
32 and do I understand myself here?

33  
34 **WES PATRICK:** Correct. The way that it normally works is you  
35 have your minimum stock size threshold that you've stated in the  
36 FMP as that's the limit where you will declare that the stock is  
37 overfished.

38  
39 The stock assessment is going to give you the best estimate of  
40 what the biomass is relative to that threshold of minimum stock  
41 size threshold and you will make that determination about  
42 overfished and then you have two years to develop a rebuilding  
43 plan.

44  
45 Often what councils will do is within that two-year rebuilding  
46 period, where you are developing the plan, they will often  
47 reassess the stock again, to double check their numbers and make  
48 sure it was really overfished and then once you implement the



1 rebuilding plan, our current guidelines, or current way of doing  
2 this, was that once you have implemented that rebuilding plan,  
3 you have to stay in that rebuilding plan until you have reached  
4 BMSY.

5  
6 We know that stock assessments though often have some scientific  
7 uncertainty and retrospective bias about what the biomass of a  
8 stock is and so when this National Research Council report went  
9 back, based on newer stock assessments and looked back in time  
10 for those stocks, they saw that some of that retrospective bias  
11 from biomass estimates were wrong.

12  
13 I said 30 percent of the time and I was rounding off. I think  
14 the actual percentage is 36 percent and that was why in this  
15 proposed rule we're trying to clarify that if there's that much  
16 uncertainty that we want to make there be an escape hatch from  
17 rebuilding plans, basically, if new information shows that it  
18 wasn't really overfished.

19  
20 **TONY BLANCHARD:** Now we have gone from 33 percent to 36 percent  
21 and we all know how stock assessments go. Number one, you have  
22 to have the funding for it and we've got to decide to give you a  
23 stock assessment on that stock and so all the time this fishery  
24 has been deemed overfished, who is taking the cut in pay? Once  
25 again, it comes down to the fishermen, because it ain't the  
26 government.

27  
28 My point is we go to such extremes once we put a cap on  
29 something to bring it back into play and now we're making a 36  
30 percent -- It's 36 percent of the time that we are mistaken and  
31 that's more than a third of the time we are wrong and so I think  
32 we need to reassess what we're doing to come to this conclusion  
33 of overfishing and that's what I think.

34  
35 **ROY CRABTREE:** You know, at best, stock assessments can tell you  
36 what is probably happening, but they can never tell you for sure  
37 anything, because they are highly uncertain. If we got a stock  
38 assessment and looked at it and it said the probability is over  
39 50 percent that the stock is overfished, we would say the stock  
40 is overfished.

41  
42 I am not really surprised at all by those numbers. That's just  
43 inherent in assessments and so you're going to have stock  
44 assessments, even in areas with much better data than we have in  
45 the U.S. Caribbean, that are going to tell you probably you're  
46 overfished or probably you're undergoing overfishing, but you  
47 are never going to get certainty out of any of this, because it  
48 just doesn't exist.

1  
2 If you have a stock -- Remember how we measure something is  
3 overfished. It means you are below this biomass threshold and  
4 if you're just slightly below it, there is going to be a  
5 significant amount of uncertainty about that. If you are way  
6 below it, then you can be pretty sure about it, but a lot of  
7 these things are just a little below it and I don't think you  
8 can ever get rid of the uncertainty in this.

9  
10 **TONY BLANCHARD:** I understand what you're telling me about the  
11 uncertainty and I understand that because you have uncertainty  
12 in everything, but what you want to do is you want to minimize  
13 the uncertainty when you take such a drastic step to deem  
14 something overfished and now you're telling me that you're wrong  
15 36 percent of the time and then it's almost impossible to get it  
16 off the overfished list until we meet -- What was it that you  
17 were saying?

18  
19 **WES PATRICK:** A new stock assessment.

20  
21 **TONY BLANCHARD:** A new stock assessment has to be done and so  
22 really the bottom line is if we're looking at a stock and  
23 because it reached -- It ain't at 50 percent, because if you  
24 have to put this into percentages, I can't say that we take a 50  
25 percent cut, because it looks like every time it leans on the  
26 stronger side that we deem it as being overfished because we're  
27 looking at the 50 percent.

28  
29 Let's say it's 36 percent and we've done gone to a 50 percent,  
30 which is going to mean we're going to deem it overfished and do  
31 you understand what I am saying? The uncertainty is leaning too  
32 much towards the overfished.

33  
34 **ROY CRABTREE:** Well, but we've had, and Shepherd can comment,  
35 but we've had court cases that basically have addressed the  
36 issue of certainties and I don't think you could defend in court  
37 a system that allowed you to have a greater than 50 percent  
38 probability of being overfished or undergoing overfishing, but  
39 you are not going to say it's undergoing overfishing at that  
40 level. I am not sure how you get around that, Tony.

41  
42 **TONY BLANCHARD:** I understand what you're saying, but this is  
43 why the -- This is how I'm going to answer this. If I go to one  
44 judge and he hears my case, he might come to the conclusion that  
45 I am guilty and I take it to the other judge and he might see it  
46 completely different and say this man is innocent and so it all  
47 falls on who is judging and not necessarily the facts, because  
48 they can twist it and turn it however they way, to a certain

1 degree. I'm sure Shep would back me on that, because he knows  
2 exactly what I am saying.

3  
4 **SHEPHERD GRIMES:** Well, I wouldn't disagree with some of that,  
5 but the fact is there have been a bunch of judges that have  
6 adopted this 50 percent standard and the standard of review for  
7 all of our actions under the Administrative Procedures Act is  
8 arbitrary and capricious. Do the facts found support the  
9 conclusions made?

10  
11 All the courts that have looked at that and defined it in the  
12 context of a specific percentage have said it's more likely than  
13 not. If the facts, the assessments, say it's more likely than  
14 not that it's overfished and that's best available scientific  
15 information, then how is it consistent with those facts to say  
16 we're going to say it's not overfished? I think we would lose  
17 that every single time and quite quickly, I would say.

18  
19 **TONY BLANCHARD:** Okay and I understand what you're saying, Shep,  
20 but you're still missing what I'm trying to say. If we're going  
21 by 50 percent and once it hits the 50 percent threshold that it  
22 goes to being overfished, I could see one thing, but now you're  
23 telling me if we fall to 36 percent that we're going to deem it  
24 overfished too, because that's what it sounds like and once we  
25 get close to that range of the 50 percent that we're going to  
26 lean towards the 50 percent and deem it overfished. At least  
27 that's what I am understanding is going on here. I could be  
28 completely wrong, but that's what I understand.

29  
30 **SHEPHERD GRIMES:** No, I don't think that's right at all. My  
31 understanding is just simply saying that they made these  
32 determinations and in 36 percent of the cases where they made  
33 determinations at some point in the future they revisited it and  
34 said the new assessment did not support that initial  
35 determination.

36  
37 Part of the problem with this is you're trying to make a static  
38 or a constant decision on something that is not static or  
39 constant. Science is changing and the information is changing  
40 and the next assessment may come along and incorporate new  
41 information and say that the previous assessment was completely  
42 wrong.

43  
44 You could be ten years down the road and have a new methodology  
45 come in that says no, you know what, the updated part was  
46 completely wrong and we were right in the first place and that's  
47 just how we incorporate new information into the process and I  
48 think part of this -- These changes to the National Standards

1 that Wes had commented on, this is just trying to provide  
2 guidance on how we respond to those changes in the future.

3  
4 **CARLOS FARCHETTE:** Okay. I have Roy Pemberton, Marcos, and  
5 Shannon and then we need to move forward.

6  
7 **ROY PEMBERTON:** I think it's a problem that's further compounded  
8 with the fact that we don't have a whole lot of biological  
9 information on a lot of these stocks that we have here that  
10 we're trying to manage and so that compounds the issue with the  
11 determination of overfished or overfishing.

12  
13 Then when we get that new information, for example, if we get  
14 more biological information on hind in terms of age and growth  
15 and fecundity and so forth, then those assessments obviously  
16 will change, hopefully in a positive degree, but I understand,  
17 Shep, that it is arbitrary and capricious, but that's if we're  
18 all on the same plane.

19  
20 I mean the Southeast fisheries, they have a lot more species  
21 that are managed and they have a lot more stock assessments and  
22 they have a lot more biological information on the fisheries  
23 compared to us down here in the Caribbean and so it kind of  
24 makes things a little bit tougher on the fisher side of things  
25 to kind of swallow that pill that they hear now that 36 percent  
26 of the time we may have been wrong. Hopefully as we do these  
27 biological assessments we can clear a lot of that up, Tony.

28  
29 **MARCOS HANKE:** I was going to make a question and I decided to  
30 hear what Roy had to say and just endorse my original intention  
31 when I asked for the opportunity and that is that part of your  
32 presentation, you are saying that the system, how it reacts to  
33 overfishing and to rebuilding plans and so on, are looking for a  
34 quicker way to react once the new data comes along and justifies  
35 that, look, it's not overfishing and the status of the stock is  
36 better and so on.

37  
38 I think that, for us as fishermen, as a council member, we  
39 should endorse all the methodologies and all the ways that the  
40 system can react quicker to correct the mistakes, because there  
41 will be mistakes and uncertainty that we have to live with, but  
42 those mechanisms I think are the ones that we have to really  
43 focus on to make the things work better.

44  
45 Part of your presentation you addressed that in terms of using  
46 the biomass or the fishing mortality and so on and some ways of  
47 also you were saying that we are going to use the parameter that  
48 deals with the fishermen that addresses us and I totally endorse

1 any idea that can make this quicker and that it can respond to  
2 the mistakes or to the good and the bad. Quicker, if possible.

3  
4 **SHANNON CALAY:** The Science Center is trying to address this  
5 issue of uncertainty in two ways, really. One is we're trying  
6 to develop standardized practices for handling the data itself  
7 and, two, we're trying to develop standardized methodologies for  
8 stock assessments to be conducted, Gulf, South Atlantic, and  
9 Caribbean.

10  
11 Not necessarily the same assessment, but the same methodology  
12 within the region and in that way, you reduce the number of  
13 choices that an analyst might make to change the way an  
14 assessment is conducted, because we will have the best practices  
15 in place.

16  
17 Another thing the council might want to consider is that other -  
18 - For example, the Gulf Council has determined a methodology for  
19 how likely it is that a stock might be undergoing overfishing or  
20 overfished and if they find that the stock is not undergoing  
21 overfishing, not likely to be, or not likely to be overfished,  
22 then they can actually use an ABC control rule that allows a  
23 higher -- That allows effort to increase on that fishery. It's  
24 just something that other councils have done.

25  
26 **TONY BLANCHARD:** I would just like to throw the statement out  
27 that quicker don't necessarily mean sometimes better.

28  
29 **MARCOS HANKE:** What I am saying is -- Probably you didn't  
30 understand what I was trying to say. It's that if they make a  
31 determination that overfishing is occurring and there is a way,  
32 once the new data comes along, that we can get rid of that and  
33 correct it quickly and we don't need to go all the way to the  
34 plan rebuilding timing that was originally established, that's  
35 good for us. If there is a mistake, we can get rid of that and  
36 we can pass the page and correct it quicker.

37  
38 **TONY BLANCHARD:** No, I understand what you're saying, Marcos,  
39 and I ain't trying to jump on you, but a statement on -- Let me  
40 make myself clear.

41  
42 Sometimes because something is simpler, it does not mean it's  
43 always better and I understand the process which we're trying to  
44 work on now is to respond quicker to it, which I agree with you,  
45 because if we're taking a 36 percent -- I would say it's a  
46 decrease in catch because something is looked at as overfished.  
47 I think we need to respond to that quicker, because you don't  
48 take 36 percent out of my money that I am supposed to be making,

1 which I am being penalized for something that I didn't do.  
2  
3 **TONY IAROCCHI:** You mentioned stocks in need of management and in  
4 this right here, this proposed rule, fishermen from New England  
5 and all the way around are looking at this very closely, but  
6 there are stocks that I think -- I am going to bring this up  
7 about maybe what you think about it personally.  
8  
9 I am going to use spiny lobster as an example. Outside  
10 recruitment is being done and the stuff that's putting into that  
11 and I know there are some things up in Congress right now and  
12 there is bills going through to try to take some stocks out of  
13 the ACL process.  
14  
15 I think that would make this move quicker and be less work for  
16 you guys and look at that stuff and so I know in the past some  
17 stocks have been taken out of the ACL process and hopefully  
18 there will be some consideration in the future for other stocks  
19 and I use spiny lobster as a perfect example.  
20  
21 **EUGENIO PIÑEIRO:** Thank you, Tony, and thank you, Wes, for your  
22 presentation. If you want to talk to him around --  
23  
24 **WES PATRICK:** I was stopping because I was asking if we should  
25 take questions now or later, but I have more to go. I do have  
26 stocks in need of conservation and management and I have a whole  
27 element on that and I will whiz through this so that we have  
28 more time to discuss.  
29  
30 Element 2 is about improving management of data-limited stocks  
31 and so this Element 2 of seven elements and the rest of these  
32 slides will go a lot quicker, because I don't have as much  
33 information on them.  
34  
35 On Element 2 here, all we're doing here is clarifying that we  
36 understand that a lot of the stocks that we manage right now  
37 we're unable to calculate maximum sustainable yield for, but yet  
38 the way that we've set up our annual catch limit framework often  
39 assumes that you can.  
40  
41 We are clarifying here and recognizing what councils have been  
42 doing for the last five years, is that when you cannot calculate  
43 maximum sustainable yield for these data-limited stocks, you can  
44 use alternative approaches that come up with a way of setting  
45 annual catch limits that promotes sustainability.  
46  
47 You all have been doing this already in using recent average  
48 catch methods or ORCS methods. The west coast uses some other

1 methods and you all are very familiar with all the different  
2 workshops that are going on about how there is different methods  
3 being used to calculate catch levels for these data-limited  
4 stocks and we're just clarifying here in the Guidelines that  
5 these other approaches are acceptable and that we hope that  
6 whenever these other approaches that promote sustainability, a  
7 this may not be maximum sustainable yield, but this is  
8 sustainable yield, that we will continue to set ABCs and ACLs  
9 and OFLs for all these data-limited stocks.

10  
11 We also have some revisions in the Guidelines about emphasizing  
12 the use of indicator stocks whenever you use stock complexes as  
13 a management tool. The reason that I'm highlighting this is  
14 that in the past in our Guidelines, we had kind of two  
15 contradictory statements.

16  
17 We had one that said when you can manage a stock on an  
18 individual basis, you should. If you assess the stock, you  
19 would often take it or sometimes take it out of a complex and  
20 manage it on an individual basis.

21  
22 We also had guidance in the 2009 Guidelines that says we  
23 recommend that you use indicator stocks, which are assessed  
24 stocks, in stock complexes so that you can better manage the  
25 health of that complex overall.

26  
27 Because we had these two different statements, we had these  
28 indicator stocks or assessed stocks being taken out of complexes  
29 and so what we've done is clarified in our guidelines that  
30 actually we would prefer to -- We have deleted that sentence  
31 that says you must manage on an individual basis when you can.

32  
33 We have deleted that statement and basically have clarified and  
34 recommended that when you're using stock complexes and have an  
35 indicator species that's been assessed that it would be best to  
36 use an indicator species in the management of that complex,  
37 where it's practicable.

38  
39 This third element here is about stocks that require  
40 conservation and management and it was what we were just talking  
41 about here and it relates to your island FMP issues. This is  
42 where we've come up with revisions to the general section, NS-1,  
43 NS-3, and NS-7.

44  
45 As Bill told you earlier, we have guidance that is spread across  
46 NS-1, 3, and 7 about what stocks require conservation and  
47 management and rather than have that guidance spread across  
48 those three guidelines, what we've done here is we've taken all

1 of that guidance and tried to retain as much language as we can  
2 and consolidate it all into one section and we put that section  
3 into the general section of the Guidelines.

4  
5 That's because rather than it being housed within NS-1, 3, or 7,  
6 it seems to be more appropriate to stay within the general  
7 section of the Guidelines that basically goes through the  
8 process of how you should develop an FMP and what goes into an  
9 FMP.

10  
11 All that guidance boils down to two main things. Stocks that  
12 require conservation and management are those stocks that are  
13 predominantly caught in federal waters and are overfished,  
14 subject to overfishing, or likely to become so.

15  
16 If you meet those two criteria, you need to be included in an  
17 FMP and you need to have all those different requirements that  
18 go along with management like specifying MSY, OY, ACLs and ABCs  
19 and such.

20  
21 We also, mainly from the National Standard 7 Guidelines, which I  
22 think is the guidance that you all largely used for your island  
23 FMP discussions, there was a list of factors that you can  
24 consider about what stocks require conservation and management.

25  
26 In addition to those two primary ones that I just told you  
27 about, there's this list of other ten factors that we have in  
28 the Guidelines and I am thinking you all have probably seen  
29 these. They are almost verbatim from the National Standard 7  
30 Guidelines and basically what we're saying here is in addition  
31 to those two factors that I just told you about, the council can  
32 consider these ten additional factors or even more, if they come  
33 up with more, in their decision process about what stocks  
34 require conservation and management and they want to put into an  
35 FMP to manage it.

36  
37 If you meet one of these factors, it doesn't necessarily mean  
38 that that stock has to be included in an FMP. It doesn't even  
39 matter if you find three or four of these factors outlined for a  
40 stock, but it's the council's discretion, based on these ten  
41 factors here, whether they want to include the stock in the FMP.

42  
43 If you meet those first two factors that it had on the previous  
44 slide, predominantly caught in federal waters, overfished,  
45 overfishing, or likely to become so, you do need to be in an  
46 FMP. All that guidance is still there that you've been using.  
47 All we have done is move it altogether and try to clarify what's  
48 the important parts.



1  
2 Through this process of trying to consolidate this information,  
3 we basically have three categories of stocks that can be listed  
4 in the FMP. You have those stocks that require conservation and  
5 management and those are the equivalent to stocks in a fishery  
6 that you already use in your FMP language and you don't have to  
7 change any of your category language about do we need to start  
8 using this new language that says stocks need conservation and  
9 management are our FMP stocks.

10  
11 You can continue to use stocks in the fishery as those stocks  
12 that you already have in your FMP and you have this other  
13 category that you used to call ecosystem component species. We  
14 are calling those simply stocks that do not require conservation  
15 and management. They don't need those ACLs and AMs and such,  
16 but you have included those in your FMP for monitoring purposes.

17  
18 Then we have this third category that I am not sure occurs here,  
19 but maybe it does or maybe it will in the future. You have  
20 these other managed stocks and these are stocks that are  
21 captured in multiple fisheries and might appear in two FMPs.

22  
23 On the west coast especially, the problem was that they found it  
24 difficult to have two stocks or the same stock that is in need  
25 of conservation and management and having it in two different  
26 FMPs, because they felt like in both FMPs they needed to specify  
27 MSY and OY and ACLs and such. We are just clarifying here that  
28 in these cases where you have stocks that appear in two FMPs  
29 that you identify a primary FMP as the one that will have the  
30 ACLs and AMs and status determination criteria in it.

31  
32 In the secondary FMP, all you have to have is management  
33 measures that are consistent with the primary FMP and you just  
34 refer to these as other managed stocks in your FMP and so three  
35 categories.

36  
37 The fourth element here is about introducing some ecosystem  
38 approaches to management language within the Guidelines and also  
39 clarifying some optimum yield guidance. Here, we are clarifying  
40 that rather than specify MSY on an individual basis, which is  
41 what we currently do and is still encouraged to do, we are  
42 opening the door so that if stock assessment scientists are able  
43 to calculate an aggregate maximum sustainable yield that we're  
44 open to the idea or that the Guidelines allow for such an  
45 approach to be used.

46  
47 The reason that an aggregate maximum sustainable yield is useful  
48 is because basically what that means is you are looking at

1 multiple stocks together and trying to calculate MSY.  
2  
3 This approach though often results in an MSY value for all the  
4 species that's about 70 percent of the sum of the individuals  
5 and so if you had ten stocks and you summed up their individual  
6 MSY values, if you did an aggregate MSY, it would be about 75  
7 percent of that sum.  
8  
9 The reason that it's less than that is because you're accounting  
10 for these multispecies interactions in this process that often  
11 individual stock assessments can't do and this also could be  
12 useful for specifying optimum yield for your fishery rather than  
13 specifying optimum yield for a stock or a stock complex.  
14  
15 The second bullet in here is about how optimum yield relates to  
16 the annual catch limit framework. Last time in our guidelines,  
17 we never really clarified how optimum yield aligns with this ACL  
18 framework. We did do that though for MSY and we said that the  
19 overfishing limit is the equivalent of MSY being specified on an  
20 annual basis.  
21  
22 A lot of people were asking where OY fit into this framework and  
23 what we've clarified in the Guidelines here is that if you were  
24 to look at optimum yield on an annual basis rather than some  
25 long-term goal that it would be the equivalent to your annual  
26 catch limit or some lower level of catch, depending on how you  
27 have your framework set up in your FMP.  
28  
29 Lastly, there was some issues about needing quantitative  
30 information to calculate and specify optimum yield and that's  
31 because our Guidelines always said that you need to conduct a  
32 quantitative analysis to specify optimum yield and we can often  
33 do that from a biological perspective, but whenever you start  
34 looking at socioeconomic considerations, you often don't have  
35 that information and it's hard to do.  
36  
37 We just clarified here that if you don't have the quantitative  
38 analysis or data to do that that you can do it through a  
39 qualitative analysis and so through expert judgement and opinion  
40 is another way of doing it.  
41  
42 This fifth element here is about trying to stabilize catch  
43 levels in fisheries and I will talk about three main subtopics  
44 under here. One is about introducing the topic of multiyear  
45 overfishing definitions, which is about how we go about making  
46 status determinations.  
47  
48 The second one is about phase-in approaches of stock assessments

1 and that's how we react to stock assessment results and then the  
2 third is about carryover of unused portions of your annual catch  
3 limit.

4  
5 The reason that we're talking about this or trying to address it  
6 in our Guidelines is trying to recognize the uncertainty that  
7 comes from stock assessments and that whenever we get stock  
8 assessments, we get reference points and so we get reference  
9 points for FMSY, BMSY, and MSY.

10  
11 With each stock assessment that you get, that reference point  
12 can change and what I have here is a table that gives the  
13 example from the west coast, where they do a stock assessment  
14 about every two years and it shows that their reference points  
15 for that particular stock can change upwards of 20 percent  
16 between assessments.

17  
18 To try to help account for some of that scientific uncertainty  
19 and minimize the number of false negatives and false positives  
20 that we get from the stock assessments and the determinations  
21 made from them, we have this first topic here about multiyear  
22 fishing.

23  
24 The way that we currently talk about listing a stock as  
25 overfishing is we look at the last data point within a stock  
26 assessment. We realize though that the last data point within a  
27 stock assessment often carries with it the most uncertainty and  
28 even though I'm talking about overfishing here, the same applies  
29 for overfished determinations about that biomass estimate, but  
30 this actual provision is only about overfishing and it doesn't  
31 apply to overfished.

32  
33 For multiyear overfishing, what we're doing is saying rather  
34 than look at the last year within the stock assessment, you can  
35 take a three-year average, up to a three-year average, of that  
36 and so multiyear overfishing is an optional way of defining your  
37 overfishing definition and it can't exceed three years and if  
38 you do use it, you need to clarify in your FMP how this approach  
39 won't jeopardize the capacity of the stock to produce MSY.

40  
41 What that might look like is something that they've been doing  
42 in the South Atlantic here recently with their snowy grouper  
43 fishery, where if you had looked at -- If you looked at their  
44 recent assessment, they would have shown, on the last data  
45 point, that they would have been overfishing, declared  
46 overfishing, because the last reference point was above this  
47 ratio of one.

48

1 Because they understand there is retrospective bias in their  
2 stock assessment, they have been using the geometric mean from  
3 their recent assessment and so they take the last three years  
4 and take the geometric mean and when you do that, you get a  
5 value of 0.59 and so they didn't declare this stock as  
6 overfishing this year.

7  
8 However, if they had flip-flopped and if you moved these two  
9 data points above the line and this last data point below, if  
10 they had that result, the flip-flop of it, they would have  
11 declared the stock overfishing because the three-year average  
12 would have been above the one ratio and so it's not a -- You  
13 can't choose between doing an individual year versus a multiyear  
14 between stock assessments. You kind of have to stick with one  
15 and go with it.

16  
17 The next subtopic here was about phase-in approaches and  
18 basically that's just a way of how we react to these stock  
19 assessment results and concerns about how we have this kind of  
20 lock-step process.

21  
22 We get a new stock assessment that says you need to increase  
23 catch or decrease catch by X percent and you do that within the  
24 next fishing season and sometimes those increases or decreases  
25 in catch can be quite dramatic and may cause some instability  
26 issues with the market of the fish.

27  
28 Some of the agencies around the world have been using what's  
29 called a phase-in approach, like the Halibut Commission in the  
30 European Union. Just like our multiyear overfishing definition,  
31 we are limiting this phase-in approach to a three-year period  
32 and we have this caveat that's a little bit more onerous than  
33 the previous one that says you must provide a comprehensive  
34 analysis of how this phase-in approach prevents overfishing and  
35 when this control rule should and should not be used.

36  
37 Comprehensive analysis, we didn't clarify this in the  
38 Guidelines, but we are thinking along the lines of like a  
39 management strategy evaluation as the type of -- We need to make  
40 sure that if you're going to use this approach that it won't  
41 cause the population to decline.

42  
43 The second part about when to use and not use this control rule  
44 comes directly from an example from the Pacific Halibut  
45 Commission that was using the phase-in approach. Their halibut  
46 stock was in a declining trend and they found out, through a  
47 management strategy evaluation, that their actual phase-in  
48 approach that they had been using was actually contributing to

1 that decline in the population because it wasn't conservative  
2 enough to address the declining trends in the population.

3  
4 We need to have, with this phase-in approach, a way to stop  
5 using it if it's showing a decline in population. Another  
6 example might be if your stock is in a rebuilding plan, you  
7 probably don't want to use a phase-in approach that allows you  
8 not to respond immediately to the information you are getting.

9  
10 So what does a phase-in approach look like? This is basically  
11 what you might normally see with a stock that is assessed every  
12 three years. On the top is your overfishing limit and the blue  
13 line on the bottom is your ABC control rule that here I have as  
14 75 percent of OFL.

15  
16 In 2014, they got a new stock assessment and it says in 2015  
17 that you need to reduce your catch from 500 metric tons down to  
18 360 metric tons and so rather than take that 140 metric ton  
19 reduction in one year, if you use a phase-in approach over a  
20 three-year period, what that does is you only take a fifty-  
21 metric-ton reduction in the first year and that also gets you a  
22 catch that is below your overfishing limit still and so you  
23 still have less than a -- More than a 50 percent probability of  
24 not overfishing and then basically over this two and three-year  
25 period, you get down to your normal ABC control rule.

26  
27 The thing about phase-in approaches and the reason that we want  
28 you to have a comprehensive analysis of how it works is that  
29 what you are doing here is basically you're giving up your  
30 normal buffer for scientific uncertainty in favor for this  
31 tradeoff of having more stable catch in your fishery and so  
32 that's a direct tradeoff that you're giving up in your normal  
33 ABC control rule.

34  
35 Lastly here on carryover provisions, basically this is something  
36 that they've been using for a while on the west coast in catch  
37 share fisheries, where they wanted to allow individual fishermen  
38 the opportunity to not have to go out in the last week or two of  
39 the fishing season if conditions weren't very good weather-wise  
40 and such and that if they wanted to not go out those last couple  
41 of weeks of the fishing season, they could carry over their  
42 little bit of their quota to the following year and apply it  
43 there.

44  
45 That was a big safety at sea success story that we saw out there  
46 and also because of carryover provisions working well, what we  
47 were seeing was like 1 and 2 percent carryovers, basically.  
48 Non-catch share fisheries, they started using it here on the

1 east coast and instead of having 1 or 2 percent carryovers, we  
2 were looking at 5, 10, and 15 percent carryovers of catch.

3  
4 What happens when you have that order of magnitude of carryover  
5 is you can often set next year's quota higher than what the SSC  
6 had recommended for their ABC and sometimes even higher than the  
7 overfishing limit and so we were sued over this type of use of  
8 carryover and lost in the courts.

9  
10 What they said in that court case was that if you use carryover  
11 provisions that you need to make sure it doesn't exceed the  
12 SSC's recommended ABC for that following fishing year and so to  
13 address this concern, we put this carryover provision into our  
14 ABC control rule section of the NS-1 Guidelines, to clarify that  
15 if you do have a carryover amount that surpasses next year's ABC  
16 that there needs to be some kind of transparent process in place  
17 that can allow the SSC to revise next year's ABC or it could be  
18 something that's built in already to a stock assessment process  
19 or some other framework to know how to address carryover in the  
20 following fishing years.

21  
22 I just have a simple example here that I don't need to go over,  
23 but essentially the same caveat applies here. If you use  
24 carryover provisions, you need to provide a comprehensive  
25 analysis of how the approach prevents overfishing and when it  
26 should and shouldn't be used.

27  
28 The sixth element kind of gets to a point that was asked earlier  
29 about environmental conditions of a stock, although I think it  
30 was related to ESA.

31  
32 We have heard for more than a decade that the use of the term  
33 "overfished" often puts the blame on fishermen for overfishing a  
34 stock even though sometimes overfishing wasn't occurring and  
35 it's the environment that has not allowed the stock to rebuild  
36 like you thought or the environment has caused recruitment to be  
37 extremely low and cause the stock to fall below this biomass  
38 threshold.

39  
40 What we've done here and what several MSA draft bills have  
41 suggested is introducing this term called "depleted stocks" and  
42 for our Guidelines, the way that we did this was said whenever a  
43 stock falls below its minimum stock size threshold you need to  
44 look at two generation times prior to that stock falling below  
45 MSST and figure out whether overfishing was occurring at any  
46 point over that period.

47  
48 If it was, you call it overfished, but if overfishing wasn't

1 occurring during that period, you can call it depleted and so  
2 it's trying to tease apart the difference between overfished and  
3 depleted and the reason that we assigned this two-generation  
4 time period to it was to try to make the SSC and stock  
5 assessment process a little bit easier for trying to parse out  
6 the difference between what was overfishing versus environmental  
7 conditions, because if we didn't set this time period and make  
8 it a very black-and-white decision, then you're putting a lot of  
9 pressure on your scientists to make them tease apart whether it  
10 was environmental conditions or overfishing.

11  
12 The same thing can apply to stocks that have already been in  
13 rebuilding plans for say three or four years. Those stocks have  
14 already been declared overfished and maybe you're keeping your  
15 fishing mortality rate below  $F$  rebuild, but the stock isn't  
16 showing any signs of rebuilding, like the example I gave earlier  
17 on the crab fishery out in the North Pacific.

18  
19 They have had basically zero fishing effort for more than a  
20 decade, but the biomass of the stock isn't showing any recovery.  
21 If you make it the  $T$  target in your rebuilding and you're not  
22 showing any signs of significant growth in the biomass, you can  
23 stop calling that stock overfished and call it depleted.

24  
25 Here's the big catch though. Just because you are called  
26 depleted, it doesn't mean that you don't have to do a rebuilding  
27 plan. You still have to do rebuilding plans, because we are  
28 mandated under the MSA to do that.

29  
30 All this revision is about is trying to change the terminology  
31 so that it stops putting an onus on the fishermen pressure being  
32 the problem as to clarifying that the stock has declined between  
33 fishing pressure or environmental conditions.

34  
35 In a depleted stock, you still have to do a rebuilding plan and  
36 it actually might identify some additional things you would do  
37 that you wouldn't normally do under a regular rebuilding plan,  
38 like you might want to immediately start looking at your  
39 reference points to make sure that they reflect the correct  
40 productivity of the stock or you might even want to look at  
41 something like habitat improvement methods that the council  
42 could look at to help recover a species.

43  
44 **CARLOS FARCHETTE:** One second, Wes. How many more slides do you  
45 have?

46  
47 **WES PATRICK:** One more slide. This last element here is about  
48 improving the routine review of FMPs and basically this all

1 occurs in the general section of the Guidelines and basically  
2 all we're clarifying here is that we are recommending councils  
3 to reassess the objectives of their fisheries on a regular basis  
4 to reflect the changing needs of their fishery over time.

5  
6 This could include things such as allocation issues and the  
7 reason that we're doing this is we're trying to encourage  
8 councils to basically reevaluate their goals and objectives to  
9 not only help all of their different management committees or  
10 science committees that are trying to develop management  
11 strategy evaluations and such, but it's to also help in the  
12 specification of optimum yield.

13  
14 What we mean by regular basis here is that the council agrees on  
15 some time period for when they go through this process of  
16 looking again at their goals and objectives and determining  
17 whether they are appropriate or not.

18  
19 Regular basis can be three, five, seven, or ten years, whatever  
20 the council thinks is appropriate and that will be kind of a  
21 schedule that they try to keep going forward and that is  
22 basically it.

23  
24 **CARLOS FARCHETTE:** Thank you. A quick five-minute break and I  
25 need a raise of hands of who wants fish, ten; who wants chicken,  
26 fourteen. Eleven fish.

27  
28 **TONY BLANCHARD:** I've got a question on the statement that you  
29 just made here about rebuilding stocks and whether the blame  
30 changes from being the fishermen to being the environment. Once  
31 it becomes the environment's fault, what do we do to change  
32 that?

33  
34 **WES PATRICK:** Sure and that's what I was commenting at the end  
35 of that slide and that was whenever you have a depleted stock,  
36 what you might want to do is the first thing is to reevaluate  
37 your reference points, because reference points for a stock are  
38 often based on a long-term trend of the productivity of the  
39 stock.

40  
41 If the environment has changed say in the last ten years, you  
42 might want to -- Instead of using fifty years' worth of data,  
43 which I know isn't quite appropriate here, but instead of using  
44 fifty years of data, you may be only looking at the last ten  
45 years or give them more weighting on what the appropriate  
46 reference point is for the stock.

47  
48 That might get you to a whole new status determination and the



1 other thing is that if fishing effort wasn't the cause, it means  
2 something else was happening and so maybe, for example, we bring  
3 up habitat issues, like has there been a degradation in habitat  
4 and is there something that the council could do, through EFH  
5 measures or restoration efforts, to try to recover that habitat  
6 so that the productivity of the stock can rebound.

7  
8 **TONY BLANCHARD:** A statement now. As to the looking at the  
9 multispecies when we do the stock assessments, I think it's a  
10 good idea in one way, but the other hand, what I'm looking at is  
11 seeing that we are 36 percent of the time wrong and now instead  
12 of deeming one fish overfished, we have probably got five of  
13 them that we're putting on the overfished list and so really we  
14 want to take a gamble on being 36 percent of the time wrong on  
15 multiple species? That's my statement number one.

16  
17 Number two, I would like to make a motion to find out what the  
18 list of species is that we were wrong on that was claimed to be  
19 overfished which are not really overfished in the Caribbean.

20  
21 **ROY CRABTREE:** If I could, we haven't had any assessments that  
22 showed a stock overfished in the Caribbean. All of those  
23 numbers are for outside the Caribbean. The only stocks that  
24 were ever judged to be overfished in the Caribbean were judged  
25 by just judgment calls by panels that met I think back around  
26 2000 or so, leading up to when the council did the SFA  
27 Amendment. We haven't had any of that effect down here and  
28 you're talking about things that are outside of the Caribbean.

29  
30 **EUGENIO PIÑEIRO:** Wes, let me ask you a question. What are the  
31 steps, the necessary steps, when a council understands that some  
32 other things have caused the depletion or the overfishing like  
33 environmental hazards or habitat destruction? What are the  
34 necessary steps and how do you take those steps? Do you go  
35 through the legal counsel or how do you go about that?

36  
37 **WES PATRICK:** So for depleted stocks, development of a  
38 rebuilding plan would follow the same process you normally do in  
39 your council, where the council begins the process of figuring  
40 out what kind of actions -- Well, first of declaring a time  
41 period for when the stock should rebuild and then identifying  
42 all the different management actions that could be taken to help  
43 rebuild that stock over that time period.

44  
45 **TONY BLANCHARD:** I would just like to respond to Mr. Crabtree.  
46 You say we made a judgment call in 2000, right? Okay. I think  
47 this cup of coffee is half full. Mr. Pemberton might say half  
48 empty and that's a judgment and so my question is this.

1  
2 We've got a list of them stocks that we made a judgment call on?  
3 That's my question, because if we do, I would like to see what  
4 we made a judgment call on and I could put it to a motion if  
5 that's what it needs to be.  
6  
7 **ROY CRABTREE:** No, I mean we have a list of the status of all  
8 the stocks in the Caribbean if that's what you want to see.  
9 That's on the websites and everything and I am sure that staff  
10 can provide you with that. That's easy.  
11  
12 **MIGUEL ROLON:** That's what I was going to say. You have the  
13 report to Congress and you only have five species groups here  
14 undergoing overfishing and we are talking about goliath grouper,  
15 Nassau grouper, and queen conch and that shows suffering  
16 overfishing and now they are adding scups, porgy complex, and  
17 the wrasses complex.  
18  
19 To the point that Tony is bringing, what the council needs to  
20 do, and that's why Bill thought that this presentation by Wes  
21 was important to have it before you go into the discussion today  
22 and tomorrow on the species criteria in the island-based. Now  
23 you see what are the regulations and the implications that they  
24 have now and the guidance that they are putting together.  
25  
26 For any determination of whether a species is suffering  
27 overfishing or overfished, you have to have an assessment made  
28 by the scientists. Here, this is one of the issues that Shannon  
29 brought to the attention before.  
30  
31 At the November meeting, the council, NMFS, the Southeast  
32 Regional Office, and the Southeast Fisheries Science Center are  
33 going to look at this particular issue of data-limited species  
34 and how can we put together an assessment for them.  
35  
36 The SSC, of course, has to go over any species that you will  
37 consider for assessment and the SSC has to provide the  
38 information of what species we're talking about and what are the  
39 rationales behind any stock assessment of a species.  
40  
41 The SEDAR process that we have now addressed that question when  
42 we list the species that we are going to examine using the SEDAR  
43 process, but as we have said before, it may not be working that  
44 well for us and so what Dr. Bonnie Ponwith said to us before, in  
45 another meeting, is that they will have a different approach and  
46 the November meeting is one step towards that direction.  
47  
48 This is why it's important you receive this information and it's

1 very difficult to swallow everything that he said. I just  
2 copied it so I can go home and read it again, because it's very  
3 complex, but it's simple in the way that you have to have an  
4 assessment and what is the status of that stock? Do you have  
5 the information for that? If you don't have the information,  
6 then you have to do something else.

7  
8 In some cases, you have to use other tools, legally supported,  
9 to decide whether a species merits consideration to be cataloged  
10 as overfished or suffering overfishing or close to it. Again,  
11 Mr. Chairman, I believe that when we go into the discussion of  
12 the island-based and following the agenda rearranged by Bill  
13 that you will have more information to discuss.

14  
15 You have half an hour between the chicken and the fish and so  
16 maybe we could ask Bill what would be the next step in the  
17 agenda or the next item in the agenda.

18  
19 **GRACIELA GARCIA-MOLINER:** I have a question and it really has to  
20 do with the island-based and the ecosystem component species and  
21 can they be managed in the sense of having size limits or  
22 seasonal closures, et cetera, once they are part of the EC? The  
23 reason for that is because maybe some of the species that we  
24 already have in place have a kind of management measure that  
25 would be worthwhile maintaining, but they don't have all the  
26 additional data and so they would be part of the EEZ component,  
27 just as an example.

28  
29 **WES PATRICK:** I think that's a great point and I should have  
30 clarified that in the presentation. Yes, just like now,  
31 ecosystem component species can have management measures such as  
32 size limits and prohibited catch and things like that to like  
33 minimize bycatch or whatever other purposes you have.

34  
35 It's kind of a -- The way that we had interpreted the Guidelines  
36 about what stocks need conservation and management is kind of  
37 unfortunate that we have stocks not in need of conservation and  
38 management labeled as EC species, but they can have management  
39 measures on them too, prohibited catch and such, for these other  
40 ecosystem reasons that you may have.

41  
42 **SHEPHERD GRIMES:** I have a slightly different take on that and  
43 it remains to be seen what the Guidelines will say, but I have  
44 advised this council, the Gulf Council, and others that you can  
45 have -- If a stock is in need of conservation and management,  
46 the statute establishes parameters that guide conservation and  
47 management, MSY, OY, ACL, all the things that we talk about.  
48 Those are what is supposed to guide management.

1  
2 It's a little difficult then to say we're going to have a stock  
3 and we're going to have management measures for that stock, but  
4 you don't have any of the parameters that are required for  
5 managed stocks and then say it's ecosystem component and so  
6 we're kind of managing it.

7  
8 There is a lot of tension there and what I have advised is that  
9 you can have incidental impacts on those species. Let's say you  
10 have -- We do this all the time. You close an area to protect  
11 red hind and there is no fishing in this area.

12  
13 You are then indirectly managing the harvest of all kinds of  
14 species that aren't the direct subject of that regulation, but  
15 we are closing the area because there is red hind there and we  
16 want to protect it and we want to get all the hooks out of the  
17 water.

18  
19 You have those incidental regulations on a whole host of non-  
20 managed and managed species and so that incidental effect,  
21 that's okay, because you are trying to protect a managed species  
22 and you have those incidental effects.

23  
24 If you are talking about size limits and bag limits, I think  
25 those things are very difficult to justify, because you are  
26 directly managing that species. You don't put a size limit on a  
27 non-managed species in order to protect one that you are  
28 managing. It's clearly just about that species and how do you  
29 justify doing that when you don't have any of the parameters  
30 that are supposed to guide management for it?

31  
32 My perspective on it and what I think is the most sensible  
33 approach is if you're going to have those kinds of incidental  
34 effects and regulations on those non-managed species, they need  
35 to be tailored to the managed species and not the non-managed  
36 ones.

37  
38 **ROY CRABTREE:** Just to come back to some of the issues that Tony  
39 was raising, I am looking at the list and as best I can tell,  
40 the only three species we have that are overfished are goliath  
41 grouper, Nassau grouper, and queen conch.

42  
43 Now, we did have some others that were listed that way, but we  
44 have taken those off and changed their status to unknown. Now  
45 we have a lot of unknowns and probably some of those unknowns  
46 are overfished and so all of this probability in being wrong  
47 about the status, it cuts both ways and it's far more likely in  
48 the Caribbean that we have stocks that are overfished, but we

1 have listed them as unknown than the odds that we found out at  
2 some point that queen conch, Nassau grouper, or goliath grouper  
3 never were overfished to begin with. I would say the chances  
4 that we find out those three species were never overfished to  
5 begin with is extremely low.

6  
7 **WES PATRICK:** I just wanted to respond to Shepherd's comment and  
8 I think I actually probably overstated the simplicity of  
9 ecosystem component species and I see his point, where on the  
10 west coast you can have prohibited catch applied to ecosystem  
11 component species and that's for bycatch reasons.

12  
13 Whenever you start talking about slot limits, and I didn't think  
14 about this until Shep brought it up, but slot limits seems to  
15 suggest that you have a reason for reducing the take for that  
16 different species for maybe a reason for maximum sustainable  
17 yield or something like that.

18  
19 If you have slot limits, it, to me, kind of sounds like maybe  
20 that stock is in need of conservation and management and is at  
21 risk of becoming overfished or overfishing and therefore needs  
22 to have the full suite of annual catch limits and accountability  
23 measures and such and be moved up another level. Just the slot  
24 limits, this is a little weird, but the prohibited catch for  
25 bycatch reasons is something that is more often done on the west  
26 coast for EC species.

27  
28 **TONY BLANCHARD:** This is a statement for Roy Crabtree. I don't  
29 think it's fair to say that because we only have three listed  
30 species on the overfished list that the other species -- That we  
31 may have more than that that is not listed that is overfished.  
32 I don't think that's a fair statement, number one, because we  
33 see how much of the time we've been wrong already.

34  
35 Number two, I will give you a great example of the goliath  
36 grouper. The goliath grouper in the Virgin Islands was never a  
37 fish that was in numbers yet and for whatever reason, and I  
38 can't give you the answer, this stock I am pretty sure ain't  
39 changed, if any. They ain't a target species and they have  
40 never really been a target species and so explain to me if they  
41 are not a target species why they are on the endangered list.

42  
43 How are they not prospering? That's my question and so I think  
44 it's an unfair statement to say that something may be on the  
45 overfished list when we've been wrong so many times and for some  
46 reason, just like anything else -- I am going to give you a  
47 perfect example.

48

1 Certain reefs, for whatever reason, pristine condition, don't  
2 hold a quantity of fish and others, for whatever reason, they  
3 flourish.

4  
5 **ROY CRABTREE:** I didn't get that last part, but with goliath  
6 grouper, maybe you're right and I don't know. I am no expert on  
7 goliath grouper, but I don't see how you can say with any  
8 certainty that none of those stocks listed as unknown are  
9 overfished. I think it's quite possible some of them are.

10  
11 All I am saying, Tony, is there is uncertainty here and it goes  
12 both ways and I have seen it go both ways. I have seen stocks  
13 we thought were overfished and we got a new stock assessment and  
14 it shows they never were and I have seen other stocks where we  
15 thought they weren't overfished and we got a new stock  
16 assessment and found out that they in fact were overfished and I  
17 have seen it where we had stocks in rebuilding plans and did  
18 everything the stock assessment said we're supposed to do, but  
19 we haven't seen any evidence of recovery of the stocks.

20  
21 I can't explain why that occurs, but I have seen all of that  
22 happen and not in the Caribbean, but in other areas where we  
23 have stock assessments.

24  
25 **MIGUEL ROLON:** I suggest to move forward, because you will never  
26 finish this. There are species, Tony, that haven't -- The  
27 menhaden, it collapsed when it was 10 percent of the spawning  
28 stock biomass and it recovered fully when it was 10 percent of  
29 the biomass.

30  
31 In the case of the goliath, I can speak in the case of Puerto  
32 Rico. The fishermen never, when I used to go around with them,  
33 they never understood why a big, giant grouper in the mangroves  
34 was a baby goliath and for them, it's another species and they  
35 shoot it and so they almost disappeared from La Parguera and  
36 Cabo Rojo and other areas. It's a rare occasion that you see a  
37 goliath and that's what is there.

38  
39 It was never a real target, because people didn't go after it,  
40 except for some recreational divers, crazy guys who grabbed the  
41 goliath by the gill and killed it, because they didn't have a  
42 market for it, but to the Southeast region, the goliath have  
43 been dwindling in their populations and even in the Caribbean  
44 very seldom do you see a goliath grouper and that's mostly the  
45 rationale of why you have it in the called overfished species.  
46 Bill, what would be the next -- Can we do something in the next  
47 fifteen minutes?

48

1 **BILL ARNOLD:** Absolutely. We can't afford to waste any time and  
2 so we need to get started and I don't think -- I think it will  
3 be more than fifteen minutes.

4  
5 **MIGUEL ROLON:** Okay and so what are we going to do now?

6  
7 **ISLAND-BASED FISHERY MANAGEMENT SPECIES SELECTION CRITERIA**  
8 **DEVELOPMENT**  
9

10 **BILL ARNOLD:** I am going to talk and so is Graciela. What we're  
11 going to talk about is our Island-Based Fishery Management Plan  
12 development process and what we're going to focus on today is  
13 step one in this process and that is developing objective  
14 criteria for determining what species should be managed within  
15 each of the three Island-Based Fishery Management Plans.

16  
17 This has been a process that we've been working on for over a  
18 year and a lot of things have gone on to bring us to this point  
19 and what Graciela and I are going to do is talk about what has  
20 been done and how we got where we are and where we are.

21  
22 The first thing is when we convened the Scientific and  
23 Statistical Committee meeting in late March, there was a  
24 question from the SSC to me of why are we even doing island-  
25 based management and so I thought I would just give a quick  
26 summary of why that is and that is to manage the specific  
27 fisheries of each island based on the species targeted,  
28 available markets, economies, sectors, and social and cultural  
29 idiosyncrasies.

30  
31 Now, there may be more reasons, but that's why we're doing this  
32 and the how is really based upon what Wes presented, as far as  
33 the how of choosing species to manage. How you choose species  
34 to manage, as he very clearly pointed out, is based upon these  
35 National Standards are defined in the Magnuson-Stevens Act.

36  
37 We don't just pick species to manage because we think it would  
38 be a good species to manage. In federal waters, there are very  
39 specific criteria to guide this process and what Wes pointed out  
40 is the future of these criteria so far, since those criteria are  
41 only a proposed rule and they won't be in place -- Until that  
42 becomes a fully implemented rule, we are still operating under  
43 the previous National Standards, which are not identical, but  
44 are very similar and they are split up among National Standard  
45 1, National Standard 3, and National Standard 7.

46  
47 Those are the full ten National Standards and I know they're  
48 small, but we're not going to concentrate on all ten of these.

1 We're going to concentrate on NS-1, 3, and 7, with most of the  
2 focus on NS-7.

3  
4 Here is National Standard 7 specific criteria and right off the  
5 start, not every fishery needs management. That's really  
6 important to keep in mind. Just because it's being fished for,  
7 it doesn't mean that the federal government has an obligation or  
8 a need to manage it.

9  
10 When deciding if a fishery does need management, through  
11 regulations implementing a fishery management plan, which is  
12 what we're developing, the following general factors should be  
13 considered, among others.

14  
15 The importance of the fishery to the nation and the regional  
16 economy and so you will see that reflected in the criteria we've  
17 developed and the condition of the stock or the stocks of fish  
18 and whether an FMP can improve or maintain that condition and  
19 you will see that reflected in the criteria.

20  
21 The extent to which the fishery could be or is already  
22 adequately managed by states, by state and federal programs, by  
23 federal regulations, et cetera, et cetera. You will see that  
24 reflected in the criteria, the proposed criteria, that we're  
25 going to present.

26  
27 The need to resolve competing interests. For example,  
28 commercial versus recreational access to that population to that  
29 fishery and there is not -- Actually, we don't know the extent  
30 of that, especially in the USVI, where we have very little  
31 recreational information.

32  
33 That's not necessarily a focus at present of the development of  
34 these FMPs or the determination of what should be managed, but I  
35 would want to emphasize that what we start managing in these  
36 FMPs does not mean that it's the only things that we can manage  
37 in these FMPs.

38  
39 As we've done with other species going along, if we recognize a  
40 new species or a species that is developing a need for  
41 management, by amendment that species could be added to any one  
42 or all of these fishery management plans and so this stuff is  
43 not etched in stone and that's what adaptive management is all  
44 about. Keep an eye on things and if and when -- Not if, but  
45 when and how things change, we'll determine how and when we  
46 modify our management plans to reflect those changes.

47  
48 The needs of a developing fishery and the sea cucumber is a



1 great example of that. That could be a developing fishery and  
2 if it does develop, do we need to add it to the fishery  
3 management plans?

4  
5 The cost associated with the fishery management plan balanced  
6 against the benefits and I personally argue that the benefits of  
7 these FMPs strongly outweighs any costs, because we are  
8 operating within a coral reef ecosystem environment and those  
9 coral reefs are essentially priceless attributes of the global  
10 ecosystem and so how can you even put a price on them? If  
11 that's the case, then the costs of developing and operating  
12 these FMPs is relatively minimal compared to the value of the  
13 ecosystems we're dealing with.

14  
15 Those are the National Standards and they are the start point  
16 for what we're going to be talking about today and, like I said,  
17 these things are in the process of being modified and those  
18 modifications are also almost certainly going to become codified  
19 before we finish this process and so it is very important to  
20 keep in mind what Wes had to say, but until we know -- This  
21 comment period is ongoing and what Wes presented could change  
22 and maybe in minor ways and maybe in major ways, but until and  
23 if that happens, we pretty much are guided by the old National  
24 Standards, the ones that are in place right now.

25  
26 How are we going to develop these species selection criteria?  
27 What we have done so far is the Southeast Regional Office has  
28 developed a general process and we've taken it to the SSC since  
29 March of 2014 and we have worked with the SSC and they have  
30 revised these things and tweaked them to be more functional and  
31 more reflective of the science needed to be applied and we have  
32 worked up -- We developed the District Advisory Panels.

33  
34 Now we've got the District Advisory Panels and a District  
35 Advisory Panel is a fisheries advisory panel for each of the  
36 three districts and the districts being Puerto Rico, St.  
37 Thomas/St. John, and St. Croix.

38  
39 We have a District Advisory Panel for each of those areas and  
40 each of those District Advisory Panels considers species  
41 selection criteria and ultimately the species to be managed for  
42 their district, without any concern, or with minimal concern,  
43 for the other two districts. That's part of this fishery  
44 management plan development at an island-based level.

45  
46 That's where we are now and we held those DAP meetings in March  
47 of this year and then the SSC convened a meeting also to  
48 consider species selection criteria and also in March of this

1 year, following the DAPs.

2  
3 What we're going to present today is basically an overview of  
4 what those species selection criteria are and then I will take a  
5 break and Graciela will take a break and we'll let each of the  
6 DAP chairs report out on the motions and recommendations they  
7 made for modifying these species selection criteria and then  
8 we'll come back and show you how we responded to those DAP  
9 suggested recommendations and then the SSC will discuss their  
10 suggested modifications stemming from their March meeting and  
11 that will bring us up to where we are now, which is getting  
12 council input on what the criteria are and how they want them  
13 changed or revised or whatever going forward.

14  
15 Then what I would hope would happen is we will get those  
16 criteria in place and we, and we haven't decided who and that's  
17 one of the decisions the council has to make, will apply those  
18 criteria to develop a draft list of species to be managed within  
19 each of the three islands.

20  
21 Then my understanding is the DAPs, each of the three DAPs, will  
22 be reconvened in July and we will take that draft list to each  
23 of the respective District Advisory Panels and they will review  
24 the draft and provide any comments as to what should be added,  
25 with rationale, or what should be removed, with rationale, and  
26 then we would move forward from there to bring these back as a  
27 draft final, quote, unquote, a final draft list of species to be  
28 managed to be considered by the council at their August meeting.

29  
30 Now, keep in mind that while I say final, this is nowhere near  
31 final. The SSC may want to step in between the DAPs and the  
32 August council meeting and that's up to the council to decide  
33 and not me, but that decision hasn't been made and my  
34 understanding is the DAP decision has been made.

35  
36 Ultimately, we will take this suggested list of species and  
37 build an FMP with an EIS, environmental impact statement, to be  
38 taken out to the public in the public hearing format for their  
39 consideration and input and so all these steps have to be taken  
40 and we are a long way from finalizing any aspect of these  
41 fishery management plans, but I assure you we will never get to  
42 that point if we don't get moving on the many tasks ahead of us  
43 to finally develop these fishery management plans that I  
44 personally think are very important to get in place, because I  
45 think they will improve management of fisheries in the U.S.  
46 Caribbean. Graciela is going to take it from here.

47  
48 **GRACIELA GARCIA-MOLINER:** You basically said everything that I

1 was going to say and so very quickly, just that this has not  
2 been happening now. This has been going on since the 143<sup>rd</sup>  
3 meeting and so we have had all these meetings going on and the  
4 discussion has always been developing the selection criteria  
5 action and alternatives and that's Action 1 of these island FMPs  
6 and so we're just looking at that one action.

7  
8 Basically, because the island fisher folks think that they might  
9 be harvesting species differently and using a different part of  
10 the various stocks, they want to have these kind of island FMPs  
11 separate information and so it's the stakeholders and it's the  
12 management that might warrant that they be managed differently,  
13 although the council already does manage things differently.

14  
15 For example, red hind only has a seasonal closure on the west  
16 coast of Puerto Rico and it doesn't have a seasonal closure in  
17 the U.S. Virgin Islands and so that already is part of the way  
18 that the council does business.

19  
20 The one action and the three alternatives that are being  
21 considered, this is what was taken to the public and you  
22 received it at the time that we were out to the DAPs and to the  
23 SSC.

24  
25 The actions to determine what species to be included for  
26 management in the FMP, the Alternative 1 is no action and it's  
27 to include everything that you have in the FMPs right now. That  
28 would be for spiny lobster, one species, panulirus Argus.  
29 That's the only one that's in the fishery management unit.

30  
31 For reef fish, you have eighty-one species and fifty-eight  
32 aquarium trade species in that FMP and you have, in the Queen  
33 Conch FMP, one species, Strombus gigas, and for the Coral FMP,  
34 you have ninety-four species or species groups, plus sixty-three  
35 aquarium trade.

36  
37 All the management measures that you have in place, the spiny  
38 lobster minimum size, the no take of corals, et cetera, would be  
39 brought in to each of the islands and so that's the action and I  
40 am just going to go very quickly through the three alternatives  
41 that are there so that you can think about it while you're  
42 having lunch.

43  
44 The Alternative Number 2 would be to identify the species to be  
45 managed in the EEZ waters using all or some of the criteria that  
46 are listed here and so one is species occurrence in the state  
47 waters and so that occur in the EEZ mostly or in the state  
48 waters. Does it occur 50 percent of the time in the EEZ? Does

1 it occur 10 percent of the time in the EEZ?

2  
3 What's the status of the stock? The overfished species or those  
4 undergoing overfishing, et cetera, could be a consideration.  
5 Species as a component of the catch and the ecologically  
6 essential species such as the angelfish and the acanthurids and  
7 the parrotfish, for example, and so they might not all be  
8 occurring in the EEZ, but they are ecologically important for  
9 the reef, et cetera.

10  
11 **BILL ARNOLD:** What the council would do is they would look these  
12 over and they would choose if they want to use all four or if  
13 they just wanted to use a subset of them and then as the process  
14 goes along, they would identify those they want to use as  
15 preferred alternatives.

16  
17 They could even rank them in order and say we want you to apply  
18 the criteria in c first and then d and then b or something like  
19 that or they could say you just apply them all and if it fits  
20 any one of them, you use it. This is the most flexible approach  
21 within the context of the criteria as they presently stand.

22  
23 **GRACIELA GARCIA-MOLINER:** The Alternative Number 3 would be to  
24 identify species to be managed in the EEZ using an integrated  
25 attributes analysis and that -- This is where the information  
26 that Bill talked about and having a set of attributes that will  
27 decide, once you've gone through the process, stepwise process,  
28 what species would be included and what not and this is what the  
29 SSC had actually discussed over the last period of time and that  
30 was one of the alternatives that was presented to the DAPs. The  
31 list of attributes --

32  
33 **BILL ARNOLD:** You need to put the criteria up there.

34  
35 **GRACIELA GARCIA-MOLINER:** That's after the DAPs. This is what  
36 was presented to the DAPs and that wasn't there. We are having  
37 this discussion because this is the information that was  
38 presented to the DAPs and to the SSC and then the DAP commented  
39 on and changes were made in response to the comments that we had  
40 received and so the historical tracking of what we have been  
41 doing is what we are following. This would be the attributes  
42 based on the selection criteria. The SSC had been discussing  
43 this over a period of time.

44  
45 **MIGUEL ROLON:** Graciela, we know that the SSC discussed it and  
46 the DAP discussed it already and you guys discussed it too, but  
47 I want to ask Graciela if this list of attributes incorporates  
48 the discussion of the DAPs and the latest meeting of the SSC or

1 this is the one that you took to the two groups?  
2

3 **GRACIELA GARCIA-MOLINER:** This is what we took to the groups and  
4 so that's why you have the DAPs and the SSC and we have one  
5 slide that already responds to what the DAPs had said and --  
6

7 **MIGUEL ROLON:** Can we see that one, because, Mr. Chairman, this  
8 is the time that we would like to ask the, when we get into the  
9 discussion, the three Chairs of the DAPs to address that part of  
10 your report and not the whole report, but that part of the  
11 report, because when we discussed it, the three of them were of  
12 the opinion that the Action 1, Alternative 3, with the  
13 attributes and everything, they spent most of the time  
14 discussing that one and also from the Chair of the SSC, we would  
15 like to hear what the SSC's thinking is about this part, because  
16 this is the tool that you may use for selecting which species  
17 are you going to manage in the EEZ in each one of the three  
18 areas.  
19

20 It's important that the council understands the whole concept  
21 and so when we take this to the July meeting of the DAPs, they  
22 also will have a reaction, as Bill mentioned before, and by the  
23 meeting in August, you should have a better understanding and  
24 also close to the final draft list of the species recommended by  
25 the DAPs and the SSC.  
26

27 Bill and Graciela, in your presentation here, you will have then  
28 the incorporation of all those comments and do you want reaction  
29 from the council on each one of them or how do you want to play  
30 it?  
31

32 **BILL ARNOLD:** We were going to work up to that. First, we  
33 wanted to take you through where we were including the -- There  
34 is a set of criteria that in Alternative 3 are stepwise and very  
35 specific and then you come out the end of that with a group of  
36 species that weren't dealt with by those criteria and they are  
37 dealt with in the attributes table.  
38

39 Then we wanted to define how the -- We wanted to present how the  
40 SSC had defined those attributes and go through that a little  
41 bit and bring everybody up to the point where the DAP stepped in  
42 and then I thought it would be a good time for lunch and when we  
43 got back from lunch, the DAPs could make their presentations.  
44

45 Ultimately, we will lead up to a list of the steps that the  
46 council needs to take to achieve a forward momentum on this, if  
47 that's okay. If not, just let us know.  
48

1 **MIGUEL ROLON:** Who can say no to that well organized list of  
2 things? Seriously, the other thing is that remember we promised  
3 the guys in Mayaguez to address ABT at 1:30 and so probably this  
4 will give you some time to think about this and then when we get  
5 to the ABT, and hopefully it will be a very quick discussion,  
6 then we will follow with the continuation of this discussion of  
7 the selection criteria. Are you going to break for lunch when  
8 you see the chicken or --

9  
10 **CARLOS FARCHETTE:** Yes.

11  
12 **MIGUEL ROLON:** Because some of us who don't have any chicken or  
13 fish will go upstairs and get a sandwich.

14  
15 **GRACIELA GARCIA-MOLINER:** We were thinking -- I mean the SSC has  
16 discussed this and probably it would be a good idea to listen to  
17 the SSC, because they have been developing the criteria and we  
18 were just going to take you through the draft forms that they  
19 have developed and so do you want to go ahead and do that first?

20  
21 **MIGUEL ROLON:** Whenever you go to lunch, but then let's hear  
22 from the SSC and the DAPs addressing that particular part and  
23 then you continue the discussion.

24  
25 **OUTCOME FROM THE MARCH 2015 SSC MEETING**

26  
27 **RICHARD APPELDOORN:** This is a little background for the  
28 discussions that we had. First of all, and this is in response  
29 to information provided by Bill, is that we are looking at  
30 species selection in a larger context. In other words, this is  
31 just going to be that first step and these are just examples and  
32 they are not anything fixed in concrete.

33  
34 The first one is going to be the species selection, but then  
35 there are going to be steps to look at are we going to be  
36 lumping into FMUs and are we going to be designating indicator  
37 species for those FMUs.

38  
39 Then we will need to have determination reference points and are  
40 there going to be ecosystem species, which are now called  
41 something else? Then the second issue was how we're going to  
42 deal with species under the Coral FMP and so we dealt with all  
43 of these.

44  
45 The guiding principles that we kind of put forth in looking at  
46 this was, first of all, taking an ecosystem-based approach and  
47 so recognizing that the marine ecosystems and the species we're  
48 trying to exploit are very complex and how they can be exploited

1 is also fairly complex.

2  
3 As a starting point, we figured it was better to include a  
4 species within a plan unless there is a basis for exclusion and  
5 the second one is the precautionary principle, which deals with  
6 uncertainty. Again, if there was some uncertainty, it was  
7 better to include a species for management than to exclude it.

8  
9 Now, in contrast to those two guiding principles is the third  
10 one, which is simplification of management. The number of  
11 species that can be individually managed is limited with the  
12 current available resources and probably even in any future  
13 scenario of resources.

14  
15 The first two and the third one are really diametrically  
16 opposed. One is trying to be as inclusive as possible and the  
17 other one is saying yes, but let's simplify, simplify, because  
18 we can't do everything.

19  
20 There is this dynamic tension that's there and it's not going to  
21 be erased and you're just going to have to deal with it.  
22 Because of that, we are also going to be recommending that we do  
23 group species, when we have large numbers, into a much smaller  
24 set of FMUs and go toward indicator species for those so we can  
25 get the numbers down to a meaningful level that can actually be  
26 assessed.

27  
28 I might point out there was not agreement within the SSC as to  
29 where the line falls between inclusion and simplification, but  
30 we agreed to go ahead with what I am going to show you, just so  
31 we can move the process forward, but there is no set place where  
32 simplification rolls over inclusion or the other way around.  
33 This is something that as we go forward we're just going to have  
34 to deal with and realize that's there.

35  
36 We just felt that the availability and quality of the data for  
37 many species are insufficient for developing hard cutoff points  
38 and therefore, the actual selection process will be subjective  
39 and will require collective use of expert judgment in almost all  
40 cases and so we have a formal recommendation that the actual  
41 species selection process be conducted by an independent group  
42 of experts representing key stakeholders and so these would be  
43 NGO and academic scientists, agency personnel, certainly the  
44 fishers, both commercial and recreational and the aquarium  
45 trade, et cetera, anybody who has specific information that  
46 could help with this process.

47  
48 The criteria, these are the ones we actually presented a year

1 ago and these haven't changed and so I'm just going to go  
2 through these quickly.

3  
4 The biology is really referring to its vulnerability versus  
5 productivity and habitat specificity, is there some aspect of  
6 its habitat that is particularly limiting that would make it  
7 susceptible to overfishing?

8  
9 The range is really talking about EEZ, but if it's EEZ and an  
10 HMS, highly migratory species, it's going to go to highly  
11 migratory species and economic importance, we want to take care  
12 of those things that are important and we're looking at overall  
13 value and not just ex-vessel price and the consideration of  
14 that.

15  
16 We are looking at the tradeoff between target species and  
17 bycatch. If something is truly bycatch and is caught  
18 incidentally, maybe we don't want to include it, because it's  
19 not really being impacted in that way. Landings are used  
20 perhaps to look at upper and lower thresholds and I will talk  
21 about specifically how we dealt with that issue.

22  
23 Ecological value, are there species that are perhaps not  
24 commercially really highly important, but because of their  
25 ecological function they are things that we need to take care  
26 of. Examples might include apex predators, key forage species,  
27 et cetera.

28  
29 Then protected management status, if something is already being  
30 fully protected or partially protected because of its management  
31 concerns, we would probably want to take that into consideration  
32 of including it in the FMPs.

33  
34 There is a series of two of these slides and I apologize, but it  
35 was hard getting everything on one slide and so here's how we  
36 felt would be an appropriate way to apply those criteria, given  
37 the guiding principles that I had previously talked about.

38  
39 There is two of these and one is the species that are currently  
40 under management and then there will be another one for species  
41 that are not currently under management. They differ slightly  
42 and one of the ways they differ the most is where's your  
43 starting list.

44  
45 For this one, our starting list is all the species that are  
46 currently under the Reef Fish, Conch, and Lobster FMPs and that  
47 is to say our starting point is they're all included and let's  
48 go through it and see who really doesn't belong there and so



1 we're going through a process of excluding species from that  
2 list.

3  
4 The basis for doing that, of course, will be different for each  
5 of the island groups and the first thing we looked at is, is the  
6 range in the EEZ? In other words, in this case, is it  
7 estuarine, coastal, or intertidal and it just does not occur in  
8 the EEZ? The answer is if it's not in the EEZ, it goes out.  
9 Simple.

10  
11 If it's in the EEZ, it goes on to the next consideration and  
12 that's going to be a ranking and that ranking, as I've noted in  
13 the footnote, is based on expert opinion guided by available  
14 data. We don't think, again, there is going to be hard cutoffs  
15 that can be used, but I think if we have the experts in the room  
16 that they're going to come to a consensus.

17  
18 The issues here are biological vulnerability and is something  
19 particularly vulnerable because of its life history to  
20 overfishing, where this is something that could occur in the  
21 future or is already happening.

22  
23 Habitat specificity, again, is there something about its habitat  
24 that is particularly limiting that would make the species more  
25 vulnerable to overfishing? Then ecological value, again, is it  
26 playing a role in the ecology that warrants that this may be  
27 something that we need to include? The sea cucumber fishery is  
28 something that may fall into that, because of its role in  
29 sediment processing.

30  
31 Our view was that if you hit a high in this ranking on any one  
32 of these three criteria that you would stay included on the list  
33 and if not, you're going to go down to the next system, which is  
34 a similar ranking, and this is going to be based on economic  
35 importance, bycatch, and effective range.

36  
37 Now, economic importance has a footnote and that's just to say  
38 that if you're looking at a species that's important in the  
39 aquarium trade that its economic importance shouldn't be  
40 compared to say the importance in the commercial trade and that  
41 those two fisheries have their own standards for what's  
42 important and they should be assessed on that.

43  
44 Bycatch is just to note that a low score on bycatch means that  
45 you're getting incidental catches from a fishery that's really  
46 targeting something else and so the bycatch score is low. If  
47 the bycatch score is high, then it's saying that you're actually  
48 taking a lot of these species and it may not be your target one,

1 but it's co-occurring with the target ones to a large degree.  
2  
3 Now, effective range, I have written out the footnote for this  
4 one and it's talking about the degree in which a species occurs  
5 or is exploited within the EEZ and so that's different from the  
6 one at the top, which is basically saying does it occur in the  
7 EEZ at all? If it was no, you were out of here and now we're  
8 saying, okay, how much are you in the EEZ?  
9  
10 If you are in the EEZ to a substantial portion, you are going to  
11 score high on that. I have in parentheses at the end "critical  
12 life stage" and so it may be that almost all the time the  
13 species is not in the EEZ, but there may be some critical life  
14 stage where it is.  
15  
16 Maybe you have a species that is basically inshore all for  
17 except its spawning period and then they all move to the shelf  
18 edge and spawn and then all move back inshore and so even though  
19 most of the time it's in the EEZ, if it has that critical life  
20 stage that is in the EEZ, you would probably want to include it.  
21  
22 Our feeling was, again, if you scored low on all three of those  
23 that you would be thrown out of the list and if you got high on  
24 any one of them that you would stay included and that's where  
25 you would end that. That was our consideration for how we would  
26 deal with species currently under management within those three  
27 FMPs.  
28  
29 The next one, this is a similar flow chart, but it's for species  
30 not currently under management and here the starting list is  
31 different. The starting list would be a consideration of any  
32 species that is in commercial or recreational landings that has  
33 not already been considered already or shows up in the TIP data,  
34 which is the biological sampling program, or any other  
35 indicators that somebody might have that a species is in the  
36 fishery in terms of being exploited.  
37  
38 Here, it's the opposite. Here, we're making a decision to  
39 include and not to throw them off of the list, but to bring them  
40 into the list of those to be included for management.  
41  
42 Again, the same step is if it's not in the EEZ at all, we're not  
43 going to include it. The next question is, is the species under  
44 highly migratory species management? If it is, it already has  
45 its venue for management under the highly migratory species  
46 group and so we're not going to include it here.  
47  
48 If it's not under HMS, it goes down to the next thing and is it

1 within 90 percent of the cumulative landings? This could be  
2 either recreational or commercial. If it is, we are  
3 recommending that it be included and I have the footnote there  
4 that if you look at the list for either recreational or  
5 commercial landings if you're within that 90 percent -- Those  
6 species that are at the bottom of that 90 percent, you're  
7 getting down to those that are approximately 1 percent of the  
8 total catch.

9  
10 We are saying if you're below that, you're going to have some  
11 other criteria you're going to need to meet to be included, but  
12 if you're above that, that seems to be a reasonable factor to  
13 bring them in. Again, it's trying to be inclusive in our  
14 philosophy on that.

15  
16 Lastly, you will get into a ranking and it's all the other  
17 factors we've already looked at and if you get high on any one,  
18 you get included and if you don't get high on any of those,  
19 there is really no reason for you to be included under  
20 consideration for management and so that's what our thinking was  
21 on how to apply those criteria for those species not currently  
22 under management.

23  
24 There was one last consideration and those were the species that  
25 are in the Coral FMP and we thought about two options. One is  
26 just keeping the Coral FMP intact for all the jurisdictions and  
27 secondly was what we finally decided on, let's consider these  
28 for how we would include these in each of these separate island  
29 FMPs.

30  
31 Our first recommendation was that all the species that are on  
32 that plan should be brought into each island FMP. We also  
33 thought that all species of stony coral and soft coral that are  
34 documented for the region, both deep and shallow, that are not  
35 currently within the Coral FMP should be added to that list.

36  
37 We did come up with species, particularly mesophotic species of  
38 corals, which are not in the current coral plan and should be  
39 added, for the same reasons that the shallow corals were added  
40 to that plan in the first place.

41  
42 We also recommended that additional species be added based on  
43 ecological value or vulnerability. Now, we did not specify  
44 individual species, but examples were given and a number of them  
45 were particularly from among the sponges, which can be -- Some  
46 of those can be not only highly value in terms of its nutrient  
47 processing and supplying structural habitat, but also some of  
48 those are extremely long-lived and so they would be quite

1 vulnerable, particularly to -- I can't see anybody taking a  
2 really large sponge, but they would certainly be vulnerable to  
3 damage from fishing activities.

4

5 For the aquarium species only, since these are exploited, these  
6 would be then evaluated relative to their distribution to the  
7 EEZ. Most of these species are really not going to fit some of  
8 the other criteria, other than are they in the EEZ, and  
9 therefore subject to being brought in and if they're not in the  
10 EEZ, obviously we would not deal with them. I think that's it.

11

12 **MIGUEL ROLON:** Richard, you have a couple of recommendations to  
13 the council in your presentation and one question is the system  
14 that you have now, it's better to follow than what we discussed  
15 before and, Bill, at the stage that we are now at this meeting,  
16 can the council adopt that system as presented by Richard at  
17 this time?

18

19 **RICHARD APPELDOORN:** If I could first make a comment to that.  
20 That was actually -- How this proceeds was discussed in the SSC  
21 meeting and we made a formal recommendation that all the experts  
22 should be in the room. We didn't make a recommendation on this  
23 point, but we were sort of, I think, fairly unified, if not  
24 adamant, that this is a process that should not be dictated by  
25 the SSC or anyone else.

26

27 Obviously the council has to make a final decision, but that  
28 this is something that requires some back and forth between the  
29 SSC and the advisory panels and it's unfortunate that we're kind  
30 of not being scheduled in a way, and I don't think we can be  
31 scheduled in a way, that makes this go smoothly, because we are  
32 responding to each other and maybe we need some kind of a joint  
33 thing, but we certainly felt that although we are doing our best  
34 from the science side of this in terms of does this look like a  
35 regional approach, if there isn't buy-in from the advisory  
36 panels, I think we're missing something before we go on to what  
37 the next step is.

38

39 I am not sure what the next step is, but we would certainly like  
40 to have that dialogue somewhere in it and so that was our  
41 feeling from the SSC.

42

43 **MIGUEL ROLON:** I asked the three Chairs here to at any time ask  
44 you questions to clarify the report, because that's precisely it  
45 and the next meeting will be in July and we hope that you or  
46 anybody else, if you cannot make it, gives the same  
47 presentation, but I would like to see if we can get hold of one  
48 thing that we can use instead of coming back again in August and

1 thinking about it again.

2  
3 It seems that we are discarding Alternative 1 and 2, but just  
4 not mentioning it. Are we still in the process -- Because we  
5 have to take this to the public, but we are going to present to  
6 the public all the alternatives, as we do with all the  
7 management measures, and then we are going to present to the  
8 public this is what the council's preferred approach is and is  
9 that the way that we're going to do it or can the council decide  
10 this is the decision criteria mechanism that we're going to use  
11 and then the species that will be included or not included in  
12 the FMPs will be dealt with by this special group.

13  
14 **BILL ARNOLD:** Okay and so the NEPA process will require that  
15 each of these three alternatives and any other alternatives that  
16 might be requested to be included are included throughout this  
17 process.

18  
19 Ultimately, what we will be looking for is the council to  
20 identify their preferred alternative. Now, I am curious as to  
21 what Shep or Roy may have to say about this, but right now, for  
22 Alternative 1, we have the list of species that will result from  
23 that alternative, because Alternative 1 is all the species that  
24 are presently under management and that one is easy.

25  
26 Alternative 3 is the one we've been focusing on, a stepwise  
27 process with criteria and attributes that results in a draft  
28 list of species. We haven't talked much about Alternative 2 and  
29 which of the four would be used and what order, if any, they  
30 would be used in and what species list that might produce, but  
31 if that's not the preferred alternative, I don't know that a  
32 list of species has to be generated from that.

33  
34 If it was chosen as a preferred alternative, we would have to  
35 take that to the public and present them not just with the  
36 criteria as we've chosen with the preferred alternative, but  
37 also with the draft list of species that would result from that.

38  
39 Now, the other thing is that what Richard has laid out in some  
40 ways is very -- Obviously, because it's been a cooperative  
41 approach, but it's very consistent with the criteria and  
42 attributes that we have developed following the DAP meetings and  
43 that Graciela put up there a little bit earlier, but in a couple  
44 of ways, and certainly one example I can provide, it concerns me  
45 that they're not consistent with the National Standards and  
46 that's on the screen now.

47  
48 If you look down at the bottom, ranking on economic importance

1 and bycatch and effective range, what you're saying with that  
2 criteria -- These are the discussions that the council needs to  
3 have to make their decisions, but what you're deciding on that  
4 one, and Richard is aware of this, because I made these concerns  
5 known at the SSC meeting, as a non-SSC member by the way, you  
6 have to be low on all three of those to be excluded and so if  
7 you're low on effective range, which basically is stating that  
8 you do not occur predominantly in federal waters, but you're  
9 still an important bycatch and an of important economic  
10 importance in state waters, you would be included.

11  
12 The National Standards clearly state, and especially the new  
13 ones, where number one, as Wes presented, was predominantly  
14 occur or predominantly caught, but "predominantly" being the key  
15 word, in federal waters. That would go against that, because  
16 they are not predominantly and they're just economically  
17 important and bycatch in state waters.

18  
19 I would argue, as an example of the things we need to iron out,  
20 that the feds should not be managing species that occur  
21 predominantly in state waters and it doesn't matter if they are  
22 economically important or they're a big part of the bycatch,  
23 because that's the state's job and the state's obligation and  
24 the state's opportunity to manage those species in state waters.

25  
26 As we see so commonly in the mainland, but also here, the states  
27 don't really want us managing the species that occur in their  
28 waters. That is their domain and they don't really want the  
29 feds in there and so this is one example of the sorts of things  
30 that the council needs to make decisions on.

31  
32 **MIGUEL ROLON:** Okay, because if that's against the National  
33 Standards, we should drop it altogether, but I want to ask Shep  
34 what would be the process of how we would do that, because  
35 that's a lot of information -- I mean a lot of thinking that has  
36 gone into this outline.

37  
38 **SHEPHERD GRIMES:** Just initially, I don't think Dr. Arnold is  
39 saying -- I didn't hear him say that it's per se inconsistent  
40 with the National Standards and I don't have all that draft text  
41 in front of me right now, but those are just considerations and  
42 if it's predominantly in territorial waters, that means there is  
43 still some of it in the EEZ and the question is how much is  
44 harvested in the EEZ and is there a need for conservation and  
45 management.

46  
47 If it's adequately handled by territorial or state regulations,  
48 then wouldn't need to necessarily manage it and so I don't think

1 our record is developed fully and I don't have a problem with  
2 continuing to look at those alternatives and decide on a case-  
3 by-case basis for each species, but it also seems that it's a  
4 little premature, despite the fact that we've been talking about  
5 this for a long time -- We still don't have a document in front  
6 of us.

7  
8 We don't have all the actions and alternatives and this is just  
9 a step in the process and I believe what folks are expecting at  
10 this meeting is yes, are we moving in the right direction with  
11 these and are there other alternatives you would like to add and  
12 then continue the process of developing a draft fishery  
13 management plan with all the bells and whistles and this will  
14 just be the first part of it.

15  
16 **MIGUEL ROLON:** This is what I am trying to do here, because it's  
17 kind of complex. For the sake of argument, let's discuss the  
18 presentation by Dr. Appeldoorn now and develop the record for  
19 that particular alternative. Also, Bill mentioned that we  
20 haven't said much about Alternative 2 and we should spend some  
21 time during this meeting discussing Alternative 2.

22  
23 What is required from you is that when you discuss something, it  
24 doesn't mean that you agree with it, but you want to develop the  
25 record of okay, I don't want this alternative because and I  
26 don't want this other one because. That's what we need for the  
27 record.

28  
29 This one now -- By the way, this will be presented to the DAPs  
30 in July and so they will discuss it more, this mechanism for the  
31 list of species. Mr. Chairman, I believe that Julian or  
32 somebody raised their hand in the back.

33  
34 **JULIAN MAGRAS:** Julian Magras for the record, DAP St. Thomas/St.  
35 John. After speaking here with the other representatives of the  
36 Puerto Rico and St. Croix, I think after we have these DAP  
37 meetings that the SSC meets right after to receive the reports  
38 that came out of these meetings and I would recommend what would  
39 help the process is the three Chairs of the DAPs be present at  
40 the SSC meeting to help clarify some of the questions that they  
41 might have on the report.

42  
43 We are going to receive a report coming back from the SSC, but  
44 at the same time, we haven't had the opportunity to sit down at  
45 the SSC and listen to their discussion and be part of their  
46 discussion.

47  
48 I know in the past, with the regular APs, we have had meetings

1 where the advisory panels and the SSC actually got together and  
2 had meetings and I think in this important process of developing  
3 these fishery management plans that it would be a good idea that  
4 we are part of that process also, to help answer some of the  
5 questions and the outliers that are there.

6  
7 **CARLOS FARCHETTE:** Bill, any objection?

8  
9 **BILL ARNOLD:** It's almost shocking that I disagree with Shep,  
10 because I am always wrong and he is always right, but I think  
11 this time I may have a decent argument and that is the thing  
12 that -- The overarching statement that he made that concerns me  
13 is that we haven't developed the FMPs and we don't have a  
14 document in front of us.

15  
16 I would argue that no, we don't have a full-blown document in  
17 front of us, but we're never going to get a full-blown document  
18 in front of us with all of the analyses and all the comparisons  
19 until we start making some progress on Action 1.

20  
21 I have said this at the council meeting and I have said this at  
22 the DAP meetings and I have said this at the SSC meeting. It's  
23 going to be tough for us to know where we go with Action 2 or  
24 especially Action 3, because Action 3 is reference points.

25  
26 If we're not going to bring any new species into management,  
27 then we're not really obligated to revise the reference points.  
28 We've got reference points for all the species presently under  
29 management already in place. That doesn't mean you can't  
30 develop new reference points or revise the reference points and  
31 establish new ACLs, but it does mean that you're not obligated  
32 to do so, because they are already there.

33  
34 I am going to continue my emphasis on Action 1 and for Action 1,  
35 we do have a list, a complete list, of the draft alternatives  
36 that are included there. Action 1 is bring all species over and  
37 Action 2 is the four criterion in whatever order you want, one  
38 or more of them, and Action 3 is a stepwise approach, as shown  
39 there, ultimately leading up to an attributes table that is used  
40 to determine the final draft list of species to be included for  
41 management.

42  
43 I think it's time to start moving forward with this and as I  
44 said earlier, I think we need to make decisions on the criteria  
45 approach we're going to use and apply that criteria-based  
46 approach to determine a draft list of species and not take a  
47 discussion of the criteria back to the DAPs, but take a draft  
48 list of species back to the DAPs so that they can evaluate that



1 draft list of species, which is drastically different from the  
2 criteria, and determine if there is anything in there that they  
3 can rationally explain should be included or excluded.

4  
5 If the SSC had a step in between there where they met to  
6 evaluate the draft list of species, I would agree with that too,  
7 but -- I may be a minority of one on this, but if we keep  
8 banging away at -- We've been working on this, as Graciela  
9 showed, for literally years and if we keep going back and forth  
10 on the criteria, we're going to continue to work on just this,  
11 just Action 1, just the criteria, for years and it concerns me  
12 greatly and I think it's time to establish Action 1 and start  
13 moving towards the development of Actions 2 and 3 and 4, et  
14 cetera, which we would like to be bringing back to the August  
15 meeting to initiate discussions on the development of those  
16 actions.

17  
18 **MIGUEL ROLON:** I will join you in a minority of two, because no  
19 matter what we do, nothing will be final until we go through the  
20 whole process of public hearings and everything, et cetera.

21  
22 I like the suggestion presented by Dr. Richard Appeldoorn  
23 because it's simpler to follow. It's yea or nay and you have  
24 the rationale behind each one of them and going back to what we  
25 discussed before, this is assuming that we are discarding  
26 Alternative 1 and 2.

27  
28 It seems when we had the three DAPs that that was the direction  
29 that the group was going and that we were going to emphasize or  
30 focus on Alternative 3, which is the outline that was presented  
31 to the DAPs and now modified by the SSC and as presented by Dr.  
32 Appeldoorn.

33  
34 Just move forward with this and call it a draft outline or  
35 whatever and then take it to the DAP in July and we do need to  
36 have a presentation of the new approach, the outline, to each  
37 one of the DAPs so they will know this is where we are in the  
38 process and this is the list of species that could be selected  
39 by this group of people.

40  
41 To me, if we do that, then it will be -- Out of this meeting,  
42 you will instruct the staff to put together whatever needs to  
43 get put together so we can present that to the DAP in July with  
44 a possible list.

45  
46 By the way, of all the DAP members, only one sent me a  
47 communication as to his preference for the species that should  
48 be included in the management unit, only one. If we do that,

1 then it is expected that by the August meeting you will have the  
2 SSC recommendation and you will have the DAP recommendation and  
3 maybe a list of species that could be included or not in that  
4 management unit or the process.

5  
6 Remember you said one of the recommendations is rather than  
7 having the SSC or the DAPs listing the species that we accept  
8 the mechanism or the tool that we are going to use, the species  
9 criteria tool, and then get together with a group of scientists,  
10 NGOs, and fishers sitting down and use that tool to sort out  
11 what species or which species should be included in the  
12 management unit at the end. If you follow and you agree and  
13 it's legal, let's do it.

14  
15 **ROY CRABTREE:** Okay, but I am not clear on what you just said  
16 let's do. Are you talking about getting rid of Alternative 2  
17 and 3 and replacing it with some new alternative based on the  
18 SSC?

19  
20 **MIGUEL ROLON:** We cannot get rid of them because we have to  
21 carry them through the public hearings, but to say that -- Let's  
22 say that -- Humor me on this one. The council prefers  
23 Alternative 3 with all the things that we have here and then  
24 focus, in the following meetings, on looking at the species that  
25 could be selected by those criteria.

26  
27 We cannot get rid of 1 and 2 because we have to carry them  
28 through the process, but at least it will be the preferred  
29 alternative.

30  
31 **ROY CRABTREE:** I guess, Bill, is that what you're asking us to  
32 do, is select a preferred alternative now?

33  
34 **MIGUEL ROLON:** Say yes.

35  
36 **BILL ARNOLD:** No, not really a preferred alternative. I think  
37 it's premature for developing the formal statement of a  
38 preferred alternative. I think we have to have a full-blown  
39 fishery management plan, as Shep said, fully written up, before  
40 we do that, but we need guidance on what your preference is.

41  
42 If you want us to develop a draft list of species, which  
43 approach do you want us to apply to develop that draft list of  
44 species? It's important and I need to emphasize that this  
45 Alternative 3 that we have up there is not identical to how Rich  
46 would construct that Alternative 3.

47  
48 **MIGUEL ROLON:** We can select that at this meeting. Let's forget

1 about the -- What we need to do, and I believe that's -- I will  
2 let Roy say what is on his mind, but my point is that unless we  
3 tell the council how we're going to -- Tell the public and the  
4 DAP and the SSC what -- We are going to spin our wheels again  
5 and at the August meeting, we will come again with another  
6 twitching of the darned thing and we will never finish this.

7  
8 **BILL ARNOLD:** My hope is the council gets Alternative 3  
9 structured the way they want it to be to reflect SSC input, to  
10 reflect DAP input, and to reflect those relative to the  
11 presently structured Alternative 3.

12  
13 If this is not how you want Alternative 3 structured, then we  
14 should leave this council meeting with Alternative 3 structured  
15 the way you want it, so that we can start using it to develop a  
16 draft list of species.

17  
18 **MIGUEL ROLON:** I have a suggestion by somebody who has been  
19 around for some time. The SSC could be Alternative 4 and then  
20 you leave what you have now and then Alternative 4 -- You can  
21 have a motion to have Alternative 4 for the discussion, but at  
22 least you have some direction as to where you want to go.

23  
24 **ROY CRABTREE:** I mean if you want us to go through a specific  
25 alternative and give you guidance, then I think we need specific  
26 questions about specifically what are you asking for guidance  
27 for and it seems to me, at the end of the day, each of these  
28 alternatives is going to have a list of species. You are going  
29 to have to analyze each alternative and they will all produce  
30 different lists of species, I guess.

31  
32 At that point, then we would pick a preferred, but it's still  
33 not clear to me, Bill, specifically what questions are you  
34 asking for guidance on.

35  
36 **SHEPHERD GRIMES:** I think it's reasonable if you wanted to pick  
37 a -- Let's say a preliminary preferred alternative and that this  
38 is the direction the council is leaning now. If that's what you  
39 want to do, that's fine, understanding that it is never going to  
40 be done and final until you make a final decision and vote on it  
41 and so that could always change.

42  
43 I think Dr. Crabtree is correct, at least based on my  
44 understanding, that you're going to have this range of  
45 alternatives, whatever those alternatives are, and then a list  
46 of species that results from each of those alternatives, because  
47 that is what you would have to analyze. This is what ultimately  
48 this alternative or this process would produce in terms of a

1 list of managed species.

2

3 Process-wise, going to your panels and getting feedback on it, I  
4 don't really have an opinion on -- I mean just follow whatever  
5 process you think is best.

6

7 I would think that the SSC's approach, at least my understanding  
8 of that, is it fits pretty well within the structure of the  
9 alternatives that you already have and so rather than creating a  
10 new alternative, it seems most prudent to me that you would  
11 adapt or alter Alternative 3 to suit exactly the advice that you  
12 had gotten from your SSC.

13

14 Then you have those three alternatives that you will move  
15 forward with developing a list of species that comes out of  
16 those alternatives and then we start doing Action 2 and Action 3  
17 and all the other decisions that we need to make in order to  
18 actually create these fishery management plans.

19

20 **BILL ARNOLD:** The question I have to Shep is we're developing a  
21 criterion-based approach and do we have to develop the species  
22 list from each of the different alternatives or can we just  
23 develop the criteria and have those evaluated?

24

25 I mean that's what I am not completely clear on. I mean we can  
26 do it either way. We can develop draft lists, but if we're  
27 going to do this for Alternative 2, the council has to choose  
28 which of those four criteria included with Alternative 2 they  
29 want to have left in there.

30

31 Maybe it's all four, but when we go through the species  
32 selection process to actually create a draft list of species, we  
33 certainly intended to do that to move this thing forward, but  
34 the NEPA-based analyses are on the criteria and not the list of  
35 species.

36

37 **SHEPHERD GRIMES:** I don't know that I can give a definitive  
38 answer to that. My thinking had been that we would have a list  
39 of species for each one of those. I think that would facilitate  
40 the comparative analysis that NEPA requires.

41

42 Maybe you can analyze it -- Just analyze the conceptual  
43 approaches and you could have a meaningful analysis of the  
44 effects on the human environment and what are the biological  
45 consequences and what are the social and economic consequences  
46 and discuss those based just on the concepts that you present  
47 and not the actual species that result, but I don't know,  
48 because I haven't seen that analysis and until we start to

1 develop it, I don't know whether we would consider that  
2 adequate.

3  
4 I also think the answer to whether it was adequate, while it is  
5 a legal question, it is going to be guided tremendously by the  
6 analysts who are doing it and whether the biological scientists  
7 or the social and economic scientists are saying yes, this  
8 provides an adequate analysis of the impacts of these  
9 alternatives.

10  
11 They might say no, I can't analyze this until you tell me  
12 exactly what the species are and don't talk to me about  
13 conceptual approaches and tell me what critters are in and what  
14 critters are out.

15  
16 **ROY CRABTREE:** It does seem to me that any thorough analysis of  
17 these alternatives is going to develop the list of species.  
18 That is what determines what the environmental impacts and  
19 things it's going to have are. I think that's what we we're  
20 going to ultimately want to see, is what species does that leave  
21 in and out.

22  
23 Some of these questions in some of these alternatives with  
24 regard to percentage of landings and those kinds of things, it's  
25 hard to know where you would set those percentages if you're not  
26 looking at a list of species and which ones it would cut out and  
27 which ones it would let in.

28  
29 I don't see how you get at deciding which way you want to go  
30 without seeing what species would it cut out and which ones  
31 would it leave in.

32  
33 **MIGUEL ROLON:** Graciela and I did an exercise and just by  
34 changing the number of records when we were looking at the  
35 criteria of state versus EEZ, just by changing the number of  
36 records, we got four species in for one instance and four  
37 species out in another instance.

38  
39 The point is that this varies and I agree with everybody who is  
40 saying that we need to have the list of species on the three  
41 alternatives before we make any decision, but I propose this,  
42 that Alternative 3 be modified as Shep suggested following the  
43 SSC's new presentation rather than having a fourth alternative.

44  
45 You have those three and then look at the outcome using the  
46 three alternatives. We already have Number 1 with all the  
47 species lists that Graciela and Bill presented to us. We may  
48 need to have Alternative 2 and the same list of species and

1 which ones will be out and which ones will be in and then the  
2 same for Alternative 3.

3  
4 I don't think that we are too -- We have to probably go back to  
5 the DAP for some of this exercise and have a one-day meeting  
6 with them, because the other component of this is that we keep  
7 telling the fishermen that we are going to include them in the  
8 discussions and then we come here and make something totally  
9 different and it doesn't mean anything to them and we skip that  
10 meeting and then at the August meeting we are talking about blue  
11 fish rather than red fish and it's a whole new mechanism.

12  
13 To me, in order to keep them involved and everything and keep  
14 this in the open, that would be my suggestion, to take Shep's  
15 comments and modify Number 3 and take it to the meeting in July  
16 and explain to the DAPs that this is what we are thinking now  
17 and this could be the outcome of the list of species.

18  
19 They do have some species that they would like to include,  
20 because -- Anyway, many reasons and we have found some of that  
21 discussion at the last meeting of the DAPs, actually the first  
22 meeting of the DAPs.

23  
24 Mr. Chairman, maybe we can move it with a motion and allow maybe  
25 Bill to discuss it and I will sit down with Bill and go over  
26 this so we can have something meaningful for you to shoot at and  
27 that way, we make sense out of this.

28  
29 **CARLOS FARCHETTE:** I've got Blanchard real quick and then  
30 Shannon and Bill.

31  
32 **TONY BLANCHARD:** I'm going to agree with Dr. Crabtree and  
33 Miguel. I think we need a list to look at of what's going to be  
34 included and what's not going to be included. I think we need  
35 to do like what Shep is saying and we need to revise that to  
36 meet what Richard was talking about, the last alternative.

37  
38 We talk about including the fishermen, just like Miguel said.  
39 We have a tendency to say we're going to do something and we  
40 really don't do it. We've got the DAPs that we have a group of  
41 representatives, so-called advisors, and we put them on the back  
42 burner.

43  
44 We spent all this money to put the meetings together and we're  
45 going to put them on the back burner like their opinion is not  
46 really a good opinion or really we don't need to listen to it.

47  
48 I think what we need to do is to have the DAPs Chair for each

1 district put in the room with the SSC to hear them how they go  
2 through their process. I will make the motion. If they have  
3 any questions or they need to say what they need to say at that  
4 point in time, it's right there in front of the SSC and they  
5 could get the feedback that they need instead of them having one  
6 meeting and the SSC has got another meeting and we're back and  
7 forth and back and forth all the time and we ain't getting no  
8 place.

9  
10 We are dumping money into two different meetings when we could  
11 shorten up that process by just having three men in the same  
12 room with them.

13  
14 **MIGUEL ROLON:** We will do it the other way around. Richard is  
15 going to go to each one of the three DAP meetings in July and  
16 give this presentation with all the SSC outcomes, because the  
17 other thing is -- I didn't say much about the budget, but we  
18 don't have too much of a wiggling room for meetings in this  
19 year.

20  
21 Following what Tony is saying, and you're right in my way of  
22 thinking, that the way we've set this up is at the July meeting,  
23 Richard is going to give that presentation. The motion that we  
24 need now is whether you would like to follow this discussion a  
25 few minutes before of modify Number 3 and let the staff work on  
26 the three alternatives that we have. We already have one list  
27 of species on Number 1 and so we're missing a list of species on  
28 Number 2 and Number 3.

29  
30 **BILL ARNOLD:** We are very much including the fishermen's input  
31 on this through the DAPs and so what they said at those DAP  
32 meetings is directly incorporated in this revised Alternative 3  
33 approach. Maybe not every bit of it and we will get the  
34 outcomes from the three DAP meetings when they do their reports,  
35 but I did my best -- When we modified this -- This is revised  
36 and we did our best to reflect what the inputs were from the  
37 DAPs.

38  
39 Moreover, we then want to take the SSC inputs and revise this  
40 accordingly at this meeting and then use that to develop a draft  
41 species list, just like we're talking about, that we will take  
42 back to the DAPs for their review.

43  
44 Now, you may argue that there's a slight flaw in that, in that  
45 we are modifying Alternative 3 without the DAP input, but this  
46 could be an iterative process that goes on forever.

47  
48 We modify Alternative 3 and we take it back to the DAPs and the

1 DAPs say, okay, here is some more changes and we bring that back  
2 to the SSC and we bring that back to the council and some more  
3 tweaks and back to the DAP and it's a never-ending cycle.  
4 Sooner or later, we have to make some decisions and this council  
5 meeting is the time to make these decisions so that we can move  
6 forward.

7  
8 If we have to come up with a species list based upon outcomes of  
9 this meeting for each of the three alternatives, we can do that.  
10 That is very possible and, in fact, Alternative 2 is just a much  
11 simpler approach. It's based very similar to 3 and it would be  
12 a subset of 3 and so I don't think it would create any great  
13 complications to whatever meeting develops the species list  
14 based on Alternative 3 to also develop the species list based on  
15 Alternative 2.

16  
17 I had up there the needs we have from the council. You have got  
18 to help us determine what that panel is going to be, what its  
19 composition is going to be, how it's going to make its  
20 decisions.

21  
22 You have to determine what data we're going to use to determine  
23 whether it's predominantly state or predominantly federal. We  
24 were thinking that would probably have to be a panel decision,  
25 but now, based upon what Graciela showed me, it may be possible  
26 to use the data, in spite of what we saw at the SSC meeting, and  
27 it may be that diving deeper into the data will allow you to  
28 make a quantitative determination as to relative state and  
29 federal, et cetera, et cetera.

30  
31 If we can address these issues and make these decisions, then we  
32 can move forward with this process by developing the actual  
33 draft list of species to be managed.

34  
35 **MIGUEL ROLON:** I propose, Mr. Chairman, to stop the discussion  
36 here and let Bill sit down with whomever is going to have a  
37 motion, maybe Genio or Tony, and write something that they can  
38 shoot at and that's a motion.

39  
40 For example, just what you just said. We already have the DAP  
41 comments incorporated into the language that you are discussing  
42 here and if we include the SSC, then Alternative 3 will be  
43 modified by those languages there and so maybe you can sit down  
44 and write a motion that we move forward this process.

45  
46 **BILL ARNOLD:** What we need to do first is revise Alternative 3  
47 to where it's acceptable to the council and then we can make a  
48 motion to move forward in whatever way you want that motion to



1 be made, but this Alternative 3, as I said, does not reflect the  
2 SSC input and I knew coming into this meeting that it's got to  
3 be revised to reflect SSC input, but that's a council decision.  
4

5 **MIGUEL ROLON:** Can you do that while eating fish or chicken?  
6

7 **BILL ARNOLD:** I have to have Richard's involvement, because he's  
8 the Chairman of the SSC.  
9

10 **MIGUEL ROLON:** My suggestion, Mr. Chairman, is to allow these  
11 gentlemen to sit down and write this up and we can read it and  
12 we can incorporate it into the record and discuss it, because  
13 otherwise, we will never be out of here.  
14

15 **SHANNON CALAY:** I will just be very brief. I think ultimately  
16 we just need to remember while we're constructing these  
17 procedures that ultimately we want to choose species that would  
18 benefit from federal management.  
19

20 They need to be able to benefit from federal management and we  
21 need to have data available to us to make recommendations for  
22 ACL. Otherwise, we will just be in a situation where we have  
23 species identified for which data is unavailable.  
24

25 **EUGENIO PIÑEIRO:** Given the fact that the DAP and SSC  
26 participation issue has been solved, I would be willing to sit  
27 and work out a motion with you and Mr. Blanchard, if he wishes  
28 to.  
29

30 **CARLOS FARCHETTE:** That is Bill and Richard.  
31

32 **EUGENIO PIÑEIRO:** Bill and Richard, all right. I would be  
33 willing to do a motion regarding that.  
34

35 **BILL ARNOLD:** Is lunch here? If it's not, I would like to go  
36 through the Alternative 3 as we presently have it constructed so  
37 we all understand it and what its point is. If the food is not  
38 here and we've got time, we should do that.  
39

40 **CARLOS FARCHETTE:** Let me go outside and try and get phone  
41 communication to find out where it's at. It should be pretty  
42 close. While I'm doing that, Ed Schuster.  
43

44 **EDWARD SCHUSTER:** For the record, Ed Schuster. I've got a  
45 question. Does the SSC meet before the DAP or after?  
46

47 **GRACIELA GARCIA-MOLINER:** The SSC met March 23, 24, and 25. It  
48 was while the DAP in the Virgin Islands was meeting, right? You

1 met on the 25<sup>th</sup>, right?

2

3 **EDWARD SCHUSTER:** We met on the 16<sup>th</sup>.

4

5 **MIGUEL ROLON:** That's what I was saying before and sometimes we  
6 have an issue of the chicken and the egg thing here. The way we  
7 would like to try to fix this is that at this meeting we are  
8 going to modify Alternative 3 and that will be language that  
9 will be written by Richard and Bill and then we will take that  
10 to the DAP meeting in July and, with possible, a list of species  
11 so you can shoot at them and you can look at them.

12

13 I personally like the approach, the new approach, of the SSC,  
14 because it's cleaner in a way that is clear what is it that you  
15 want to do and it says if the species go to this criteria, it's  
16 out. If you go to this other criteria, it's in. The other one  
17 that we had before, it was a little bit difficult to follow.

18

19 The process that we are conducting here is that it's very  
20 difficult to have a set of tools that will satisfy everything  
21 that we need and so what the staff has done is that they  
22 prepared those alternatives and they took it to the DAPs and we  
23 had the benefit of having a report from the SSC and the SSC was  
24 leaning toward Alternative 3 and that's what we spent most of  
25 our time discussing.

26

27 Some members of the SSC I talked to, they would like to lump  
28 everything into one and see how it goes, but until we -- The  
29 criteria, the list of species, will be presented to you for  
30 discussion at the meeting in July and then you will still have  
31 more time to discuss it at the August meeting.

32

33 **EDWARD SCHUSTER:** My question would be would it make more sense  
34 for all three DAPs to attend an SSC meeting to help determine  
35 some of these species on the list?

36

37 **MIGUEL ROLON:** We don't have the money for that.

38

39 **EDWARD SCHUSTER:** But then you're allowing the Chair of the SSC  
40 to travel to three different DAPs.

41

42 **MIGUEL ROLON:** Because it's only one guy and we already budgeted  
43 for the whole thing and this is the cheapest way.

44

45 **GRACIELA GARCIA-MOLINER:** The one thing that is happening right  
46 now is that if you really look at the language that the DAP put  
47 together through the Regional Office and the understanding of  
48 what they meant, they are really one and the same.

1  
2 You are going through the same basic stepwise approach and you  
3 are just establishing the criteria that you want to look at. In  
4 this case, those species that are overfished or have some kind  
5 of status determination criteria that needs to be included and  
6 the EEZ versus the state waters and so they are both in the same  
7 track.

8  
9 What I believe the SSC has done is that they have put together  
10 the scoring mechanism and the criteria on top of the language  
11 that we have from the DAP and so basically the two things are  
12 not one against the other. On the contrary, they are very much  
13 in tune and so the language that is on the screen right now is  
14 basically transported into the scheme that the SSC is  
15 presenting, because everything that's on the screen is already  
16 in the selection by the SSC.

17  
18 **BILL ARNOLD:** What you've got here is Alternative 3 with the  
19 steps. Now, what Richard is suggesting is modifications to  
20 this, but what we had coming out of the DAPs was Step A, and  
21 this is very much a stepwise process, but Step A is to include  
22 those species that have been identified in the status of stocks  
23 as overfished and those species whose harvest is prohibited.

24  
25 That would capture Nassau and goliath and it would capture queen  
26 conch and it would capture all the prohibited coral species and  
27 it would capture midnight, blue, and rainbow parrotfish. All of  
28 those presently have an ACL equal to zero and so you take those  
29 species and you set them aside and they are definitely going to  
30 be managed.

31  
32 Then you go to Step B and from the remainder, exclude from  
33 federal management those species that have been determined to  
34 not occur predominantly in federal waters. However you make  
35 that decision, those species that aren't predominantly in  
36 federal waters, according to the National Standard Guidelines,  
37 are set in a separate bin of these are species we're not going  
38 to manage.

39  
40 Then you to 3 and from the remainder, consider the species as a  
41 component of the catch. I think you had this in your thing,  
42 Richard, but if not, we could get rid of it. This is how it has  
43 to be modified to reflect the SSC decisions, but all this was  
44 designed to do is you establish a threshold catch and if the  
45 species average landings are above that catch level, it's  
46 included.

47  
48 The idea behind this is to get the big ones like lobster and

1 deepwater snapper, et cetera, et cetera. You set your threshold  
2 to make sure that the major fisheries down here, the ones that  
3 are important to the nation or the regional economy, are  
4 included for management, right along National Standard  
5 Guidelines.

6  
7 Then after you've dealt with all of that, you have a whole list  
8 of species for which you haven't made a decision and those  
9 species went into the table that the SSC had previously  
10 developed and that's the attributes approach, where you score  
11 based on ecological importance, bycatch, targeted species,  
12 economic importance, and all that stuff.

13  
14 You compare that score to a threshold and if it's above that  
15 threshold, it's included for management. Now, Richard and the  
16 SSC may want to get rid of that approach and say no, we're not  
17 going to do that and we're going to use a different list of  
18 criteria, but, one way or the other, we're not going to put the  
19 flow chart in our list of alternatives. We are going to put a  
20 stepwise process like this in the list of alternatives and so  
21 one way or another, we're going to translate what the SSC has  
22 devised into a verbiage that will reflect that and that will be  
23 Alternative 3 in what I would assume would be its relatively  
24 final form.

25  
26 **ROY CRABTREE:** I followed you on most of that, but towards the  
27 end you started losing me on it. What is it that you're asking  
28 us to give you guidance on then? What is it that you need from  
29 us? This is what I am struggling with here. That all sounds  
30 fine and I am not sure what D means, some tabular approach,  
31 because I don't know who that is going to let in or let out.

32  
33 Obviously I am okay with A and I'm okay with looking at do they  
34 occur in the EEZ. I think what we want to do is we want to  
35 manage fisheries that have some economic importance and occur  
36 mostly in the EEZ and it's pretty simple, but I am still not  
37 clear on what you are asking us to tell you right now.

38  
39 **BILL ARNOLD:** What I need first is for the council to say we are  
40 comfortable with each of the three alternatives as constructed.  
41 It appears that Alternative 1 that the council is comfortable  
42 with and Alternative 2, the council is comfortable with.  
43 Alternative 3, the council is not comfortable with and so we  
44 need to get the SSC revisions into Alternative 3, which is what  
45 we are going to do over chicken and fish, and bring it back and  
46 say, okay, we're comfortable with that structure of Alternative  
47 3.

48

1 Then the council has to say now we've got our three alternatives  
2 and we have to decide -- We have to create the panel and the  
3 council has to say this is how we're going to do the panel and  
4 this is who is going to populate the panel and this is when it's  
5 going to meet, so that it can go through and develop a draft  
6 list of criteria.

7  
8 We have to have the council tell us, since apparently, and this  
9 may not be the case, what we learned at the SSC meeting is that  
10 the quantitative landings data are inadequate to determine  
11 whether these things are coming from state or federal waters.

12  
13 The council has to say this is how we want you to make that  
14 decision. For example, we have constituted this panel and we  
15 want the panel to use expert opinion to determine if that  
16 species is predominantly federal and appropriate for federal  
17 management.

18  
19 I had a list of other questions up there that we need the  
20 council to make decisions on today so that we can move forward  
21 with this process, but first we have to properly construct  
22 Alternative 3 and get a decision from the council that  
23 Alternative 3 is properly constructed and then we get to move  
24 forward from the council.

25  
26 **ROY CRABTREE:** So that's step one, is you need to go properly  
27 construct Alternative 3, right? Okay. Well, go do that.

28  
29 **CARLOS FARCHETTE:** Blanchard and then we'll break for lunch and  
30 they can rig up their --

31  
32 **TONY BLANCHARD:** I know Miguel said when I asked him a while ago  
33 about having the three DAPs going to the SSC meeting -- Really  
34 the clincher here I think is about the money, the cost, and I  
35 could understand the cost, but then again, I think these guys is  
36 the Chairs of the different DAPs and they need to be in the room  
37 with the scientists to find out how they come to the strategy  
38 that they're using, so that if they have any questions or any  
39 input at that time that they put it into play.

40  
41 They can't do that if Richard is representing the SSC and coming  
42 to bring the information to them. That's just me and I would  
43 like to be there when the group of people is coming to the  
44 decision as to the approach they're going to use instead of the  
45 Chair coming to me and telling me this is what we have as our  
46 approach and I want to be able to give my input at that point in  
47 time, because when you come to me, you have put the input into  
48 it already without mine.

1  
2 **MIGUEL ROLON:** First, the Chairs are not the DAPs and neither is  
3 the Chair of the SSC the SSC. The system that we have now, the  
4 Chair will visit the DAP and give the information, because  
5 neither Julian or the two other guys will be able to convey to  
6 the rest of the twelve that this is what happened and this is  
7 all the rationale and this is everything that the scientists are  
8 saying. That will never happen. That is not their expertise.

9  
10 What we need to do now is at the July meeting there were certain  
11 things that they suggested that will be changed at this meeting  
12 and so we'll take it back to them and actually, we will can go  
13 to Alternative 4 and you have what they already saw plus  
14 Alternative 4, so they can look at it at the meeting in July.

15  
16 The DAPs also discussed a lot of other things besides this part  
17 and so I hear what you're saying and probably for next year we  
18 can do that, have the DAPs Chairs attend the SSC meetings. That  
19 way, whomever is the Chair at that time of the DAP will have a  
20 better grasp of what's going on, so he or she can present that  
21 at the DAP, at the opening of the meeting. I came from the SSC  
22 and this is what they are thinking.

23  
24 I agree with that and that's what should happen, but it's just  
25 at this time they have only given us \$45,000 for three months of  
26 the year and they gave us the money in March. Anyway, if we  
27 allow Bill and Richard to sit down and modify Number 3 and  
28 that's something you could do rather easily to discuss and after  
29 they finish, you can have a motion of this is the way we want it  
30 and this is the alternative.

31  
32 You still have the alternative of having the SSC new approach as  
33 Alternative 4 and you don't have to mesh the two of them there,  
34 but Shep mentioned something before and that is that the more  
35 alternatives you have, the longer the process and the more you  
36 have to write about all these alternatives and so remember we  
37 need to comply with NEPA and you need three alternatives for any  
38 action that you have. You need to have at least three  
39 considerations. If we allow -- The lunch is here and allow  
40 Richard and Bill to iron this out for us and you can discuss it  
41 later, after lunch.

42  
43 **CARLOS FARCHETTE:** Okay. Let's break for lunch. I know it's  
44 kind of hectic, but let's break for lunch. I am used to going  
45 without lunch and so I ask for forgiveness.

46  
47 (Whereupon, the meeting recessed for lunch on April 21, 2015.)  
48

1 - - -  
2  
3 April 21, 2015  
4

5 TUESDAY AFTERNOON SESSION  
6  
7 - - -  
8

9 The Caribbean Fishery Management Council reconvened at the Divi  
10 Carina Hotel, Croix, USVI, Tuesday afternoon, April 21, 2015,  
11 and was called to order by Chairman Carlos Farchette.  
12

13 **ABRIR/BAJO/TOURMALINE CONSISTENCY OF REGULATIONS**  
14

15 **CARLOS FARCHETTE:** We have left the fishermen in Puerto Rico  
16 standing by for a little too long and I think we have a quorum  
17 here. There is five out of seven and that's good enough for me.  
18

19 **GRACIELA GARCIA-MOLINER:** Briefly, the history of the ABT, it  
20 was originally -- Tourmaline was originally the site that was  
21 closed to all fishing for red hind and then the fishers gave us  
22 two other areas and so Bajo de Sico and Abrir la Sierra became  
23 the three seasonally-closed areas to protect red hind.  
24

25 However, the forward thinking, and this is before me time,  
26 responsible management of the council had not only prohibited  
27 the take of red hind, but prohibited all fishing. Then in 2005,  
28 bottom-tending gear was prohibited from the area and so the  
29 areas where the fish aggregate for spawning were protected both  
30 in the aggregation per se and in the habitat that it's essential  
31 for them to do so.  
32

33 The 2010 amendment of the Bajo de Sico changed the regulations  
34 to close Bajo de Sico for six months instead of three and so  
35 October through March instead of December through February. It  
36 changed the regulations to prohibiting the catch or the harvest  
37 of reef fish only and so lobster was open and all other types of  
38 fishing. However, it included no anchoring at the area to  
39 further protect the habitat at that site.  
40

41 Since then, there has been a little bit of information from the  
42 SEAMAP Caribbean data that you saw at the last meeting. There  
43 has been a characterization of the three areas already, of the  
44 mesophotic reefs of thirty to fifty meters, and then recently  
45 Michelle Scharer and a number of people have been working at  
46 Bajo de Sico and Grammanik Bank to look at the populations of  
47 Nassau grouper specifically.  
48

1 Nassau grouper has been banned from fishing for a number of  
2 years now and it's banned from the shoreline all the way to the  
3 200 nautical miles in all of the U.S. Caribbean.

4  
5 Given that and the many years that it has been under management,  
6 we need to know if the Nassau grouper are coming back and if the  
7 aggregations are being formed and if we have been successful in  
8 managing the species the way the council and the local  
9 governments have.

10  
11 The work that the council funded in 2012 to look at 2013 and  
12 2014 aggregations of Nassau grouper in Bajo de Sico and  
13 Grammanik Bank will be presented to you by Michelle Scharer and  
14 we have the commercial fishers of Puerto Rico at the Mayaguez  
15 Holiday Inn as we speak and so they are listening to us.

16  
17 This is new information that has just been -- The final report  
18 has been presented to the council at this meeting and so it's a  
19 2015 final report, but you also have a publication that just  
20 came out in the *Marine Technology Society Journal* on the Nassau  
21 grouper also and so there is a little bit of information that  
22 has come up and the council will be hearing from Michelle right  
23 now.

24  
25 We also have online, I believe, Tyler Smith, who has evidence of  
26 damage to the deep corals in Grammanik Bank from anchoring in  
27 that area and so since we are going to -- The council is going  
28 to be looking at the changes in the regulations for Abrir la  
29 Sierra, Bajo de Sico, and Tourmaline and that's also very  
30 pertinent and so they have been able to show that this is direct  
31 impact from anchors at the Grammanik Bank.

32  
33 The only other thing that I have to say is that the council  
34 requested that we took the information from ABT to the fishers  
35 again and on 10 February 2015, that was done, two meetings at  
36 Cabo Rojo and Mayaguez. They were very well attended, both  
37 meetings, and we will be presenting the results from those  
38 shortly.

39  
40 **MIGUEL ROLON:** Graciela, we will try to very briefly say  
41 something in Spanish after you finish the presentations and  
42 Helena will try to translate for the guys over there, but at  
43 this meeting, what do you expect at this meeting? What do you  
44 need from the council at this meeting and when do you think the  
45 final action will take place for the ABT?

46  
47 **GRACIELA GARCIA-MOLINER:** We have followed the requirements of  
48 the council to take it back to the informal meetings with the



1 fishers and the overall recommendation from the stakeholders  
2 present at the meetings deviates from at least one or if not two  
3 of the preferred alternatives that the council had and so the  
4 council would have to discuss that now and if you reach an  
5 agreement, then probably final action at the next council  
6 meeting.

7

8 **MIGUEL ROLON:** Public hearings between here and August?

9

10 **GRACIELA GARCIA-MOLINER:** Or final action in December and then  
11 public hearings between now and then, because we have the DAPs  
12 in July and so it depends on how fast you want to do this.

13

14 **MIGUEL ROLON:** The DAPs aren't going to address ABT and so if  
15 the council makes whatever decision needs to be made now, do we  
16 have a --

17

18 **GRACIELA GARCIA-MOLINER:** If it doesn't dramatically change  
19 what's in the document.

20

21 **MIGUEL ROLON:** Exactly and so if it doesn't do what you're  
22 saying, dramatically, can we have a public hearing sometime in  
23 the summer and have the final action in August or do you think  
24 that will be too soon and maybe postpone the final action until  
25 December?

26

27 The reason for that is because we promised the fishermen on the  
28 west coast that whenever the council will make a final action  
29 that the meeting will take place on the west coast and so we may  
30 need to switch. If we have December, switch the August meeting  
31 to St. Thomas and then the December meeting in Puerto Rico.

32

33 **GRACIELA GARCIA-MOLINER:** I would suggest then that we wait  
34 until we're done with the presentation and the presentation of  
35 the recommendations from the stakeholders and then the council  
36 can decide if they are ready for a final action in August.

37

38 **MIGUEL ROLON:** Mr. Chairman, while they are working with the  
39 technicalities, Tony and I talked and I talked to Angie and for  
40 the next SSC meeting, we will have the three Chairs of the DAPs  
41 attending the meeting and then next year, we will do the same  
42 and next year we will include them. We found some consultant  
43 money that we're going to put it there.

44

45 Helena, when we discuss the actual council actions here, that's  
46 when we need to tell them in Spanish that, guys, this is what is  
47 happening. I prefer your voice than mine.

48



1 it's a very hard area to work, because most of the time the  
2 conditions are not appropriate, we use passive acoustic  
3 monitoring techniques in which we record the ambient sound on  
4 the seafloor and we can recognize different species that are  
5 using the site just by listening to them.

6  
7 The third one is also consider passive acoustic, but it's with  
8 another set of gear in which we implanted tags, acoustic tags,  
9 into fish by doing the surgery in situ, and that is at the  
10 seafloor, in order to maximize their survival.

11  
12 With this information, we could locate where the fish was every  
13 time they came within a receiver, but also these tags have a  
14 depth sensor and so we can have a better idea of the range of  
15 depths that they're using.

16  
17 This is a map of the Caribbean, the EEZ, the sites we're  
18 studying in the south of St. Thomas and west of Puerto Rico. We  
19 actually focused on three main sites in Bajo de Sico, because  
20 it's a known spawning aggregation site. Since 2012, we've known  
21 that there were Nassau grouper there.

22  
23 At the Red Hind Bank, there used to be a historical aggregation  
24 that was described by David Olsen in the 1970s and the 1980s and  
25 we put some microphones there to see if we could pick them up  
26 and at the Grammanik, Rick Nemeth had already described Nassau  
27 grouper aggregating there along with other species of grouper  
28 within the Grammanik Bank.

29  
30 The results basically of our abundance estimates showed us that  
31 the Red Hind Bank historical aggregation site is no longer  
32 forming. We did find a large number of Nassau grouper, 214, at  
33 the Grammanik Bank. At Bajo de Sico, there were only a hundred  
34 fish and so this already gives us an indication of what this  
35 looks like today and so the Grammanik Bank today, in 2013, we  
36 have approximately 214 fish and we know for a fact that there  
37 used to be 2,000 a few generations ago.

38  
39 There is the idea that these fish are a remnant of this  
40 aggregation and they just moved over to the Grammanik and this  
41 represents 11 percent of what we had a few decades ago and a  
42 recent study using both of these technologies have demonstrated  
43 that many of the fish that were acoustically tagged previously  
44 at the Grammanik Bank are actually moving between these two  
45 sites, which are located about three miles apart.

46  
47 I would like to present to the council a publication that  
48 recently came out with Tim Rowell and Rick Nemeth showing how

1 these two sites are still linked by the movements of migrating  
2 Nassau grouper.

3  
4 The next step is what are the characteristics of these spawning  
5 fish, the spawning stock, basically? To do this, we actually  
6 took video of every single individual that we could encounter  
7 assisted with laser pointers that are mounted on a caliper  
8 twenty-centimeters apart. With this method, we can estimate the  
9 size of each individual without killing them.

10  
11 With this, we can look at the length frequency distributions or  
12 the size structure of the spawning stock at both of these sites  
13 and what I have drawn here -- This red line that crosses these  
14 distributions is LM, their length at maturity.

15  
16 For those of you who know about fisheries, everything beyond  
17 this red line is already spawning and prior to this, this group  
18 over here, those are the future generational spawners and so  
19 these are the young fish, which are missing at Bajo de Sico.

20  
21 At the Grammanik Bank, we were able to see almost 8 percent of  
22 all the fish were the next generation of spawners, but we don't  
23 have that at Bajo de Sico and this perspective of population  
24 dynamics is very important, because it indicates that most of  
25 the reproductive success depends on these adults surviving. We  
26 can't afford to lose one more, because they're not being  
27 substituted by the next generation of recruits.

28  
29 Other species that were observed spawning at both these sites  
30 during our visual surveys, and actually some of these were also  
31 picked up by the acoustic array, are the red hind, the yellowfin  
32 grouper, and the tiger grouper. We had black grouper at Bajo de  
33 Sico, but not at the Grammanik.

34  
35 Other council-managed species that are spawning at Bajo de Sico  
36 include the rainbow parrotfish, dog snapper, and ocean triggers  
37 and at the Grammanik, there have been other species documented,  
38 like the Bermuda chubs and cubera snapper, but not at Bajo de  
39 Sico.

40  
41 One important discovery, let's say, of Bajo de Sico is that it  
42 is actually providing nursery habitat for a diverse group of  
43 mycteroperoids, which are some of the largest bodied groupers.  
44 Some of this work had already been proceeded by Reni Garcia,  
45 where he also documented that the shallowest areas of Bajo de  
46 Sico are serving as nursery habitat for these species, but we  
47 did not see any of their nursery habitats for Nassau grouper at  
48 Bajo de Sico.

1  
2 Nassau grouper are very particular of where they recruit. It's  
3 usually algae or submerged vegetation, seagrass, and there is  
4 none of that at Bajo de Sico. We have a very precarious  
5 situation where these fish have to migrate from off the bank to  
6 make it there and this is what their nursery habitat looks like.  
7 It's very fragile coral, but where we find it, we find it in  
8 large colonies, large abundances, and I think this is one of the  
9 main reasons why there is no anchoring at Bajo de Sico, to  
10 protect this nursery habitat for these juvenile fish.

11  
12 The second part of the methodologies we used are this passive  
13 acoustic monitoring and these are the instruments that we set  
14 out on the seafloor. They have a hydrophone, which is specific  
15 for low-frequency sounds, which is where most of these groupers  
16 are making their courtship sounds.

17  
18 This is what it actually looks like in a sonogram. We can  
19 actually pick out species-specific calls and so the red hind  
20 call is different. It's different because it's at a higher  
21 frequency and those of you who know about percussion know that  
22 bigger drums make lower bass sounds and in fish, their swim  
23 bladder is acting like a drum. Smaller fish have higher  
24 frequency and larger fish have lower frequency and we can  
25 measure this, but also the signal, the composition of the  
26 different sounds, is different for the different species.

27  
28 At a multispecies spawning aggregation site, we can actually  
29 quantify when and how many of the different sounds are being  
30 produced and these sounds are only produced when there is  
31 courtship or reproduction and that's the second presentation I  
32 have for the council, is this paper from 2012 when we first  
33 described this call from Bajo de Sico and from Glover's Reef at  
34 Belize.

35  
36 When we quantify these sounds that the Nassau grouper  
37 specifically is producing, when we total every single call for  
38 the whole year at Bajo de Sico in 2013, this is how they  
39 partition out for all the months that we were recording.

40  
41 You can see that Bajo de Sico has a little bit different color  
42 pattern than Grammanik and I will show this again in a few  
43 minutes. Basically, they are using -- Between January and May,  
44 most of the activity at Bajo de Sico and between January and  
45 even June at the Grammanik Bank. This has also been reported  
46 previously for the Grammanik.

47  
48 In order to accurately identify what is happening with these

1 sounds, we don't only sum the total quantities and we have to  
2 also look for a pattern.  
3  
4 What happens is during the day, on any given day, we know that  
5 the grouper have an increase in sound production right after  
6 sunrise of about four hours and also in the evenings after  
7 sunset. We have about seven hours of increased sound  
8 production, but this is different on the different days of the  
9 month and that's why we get these really high variability for  
10 each one of these bars.  
11  
12 The pattern that is important here is that the species itself,  
13 no matter where it is -- If the blue ones are Bajo de Sico and  
14 the red ones are Grammanik, they are still following that same  
15 pattern and what we do with the acoustic data is that we look  
16 for this pattern statistically over the different spawning peaks  
17 to determine when they are actually aggregating to reproduce.  
18  
19 Without being there and just having our instruments there, after  
20 we pick them up we can identify when were those peak moments of  
21 reproductive activity throughout the year.  
22  
23 In the case of Bajo de Sico, we had two years of really good  
24 recordings, 2013 and 2014. This darker bar is 2013 and this  
25 lighter one is 2014 and the pattern that we observe -- This  
26 number here is actually the average of the average call per hour  
27 per month and so when we have high numbers here, it is telling  
28 us that they were consistently calling every day of the hour  
29 throughout that month, which identifies the reproductive  
30 activity going on.  
31  
32 2013, we have activity from December through May. We didn't  
33 have a recording in June and so we don't have any data for this  
34 point, but in 2014, there was activity from December through  
35 May, but more so until April. This is something that we can  
36 always go back when we have better technology and reanalyze  
37 these data.  
38  
39 In the case of the Grammanik Bank, we had technical issues with  
40 the hydrophones in 2014 and that's why these bars are so small  
41 and they're really not comparable between years, but it serves  
42 to give us that pattern where April and May and March had more  
43 activity than the other two, but if we base it on the 2013 data,  
44 we can see that the activity is going on between January and May  
45 with those smaller peaks, although very variable before and  
46 after that.  
47  
48 When we compare the curves of the sounds for the two years where

1 we have good recordings, we can see that Nassau grouper at Bajo  
2 de Sico seem to be aggregating in a greater proportion prior to  
3 the Grammanik Bank and some hypotheses have been put forth to  
4 why this is happening.

5  
6 At Bajo de Sico, the main species that aggregates to spawn is  
7 the Nassau grouper. There are very few of the other species  
8 during that time. There are some black grouper and there are  
9 some yellowfin and there are some yellowmouth, but there are  
10 very few of them.

11  
12 At the Grammanik Bank, there is between 400 and 500 yellowfin  
13 grouper spawning at the same site the Nassau are spawning and we  
14 already know that the yellowfin grouper spawns all the way into  
15 May and so it is possible that the behavior of those species is  
16 getting intermingled at the Grammanik and we don't see that at  
17 Bajo de Sico. These are things that need to be looked at in  
18 more detail to be able to determine why exactly that's  
19 happening, but for a fact, that is what is happening.

20  
21 The last component of this study, which Graciela already talked  
22 about and I would like to present to the council, is the recent  
23 paper by Even Tuohy which is a result of this research. It's  
24 basically a methodological concept of being able to tag fish on  
25 the seafloor at depth to minimize the impacts of barotrauma.

26  
27 This same type of research with implanting acoustic tags was  
28 done in the Virgin Islands with traps, except they were tagging  
29 the fish on the surface of the boat and there were some impacts.  
30 They lost some individuals because of the barotrauma.

31  
32 In this case, all the surgeries were done at depth by rebreather  
33 divers and in the pilot project in 2013, ten fish were implanted  
34 and in 2014, eighteen Nassau grouper were implanted and one  
35 black grouper got confused and got into the trap and so he got a  
36 tag, too.

37  
38 These are the receivers that are on the seafloor around the  
39 shallow, less than eighty meters, part of the bank and so any  
40 time a fish comes within 300 meters of one of these receivers,  
41 we get a detection. For ten of those fish, they also have a  
42 pressure sensor on their tags and so every time it gets  
43 detected, we also get a reading of the depth that that fish is  
44 found at.

45  
46 The combination of this has given preliminary results for 2015  
47 in January, which is when we pulled one of those receivers, that  
48 66 percent of the fish tagged are year-round residents at Bajo

1 de Sico. We did detect them at another station consistently,  
2 day in and day out, and we believe that's their home range.  
3  
4 25 percent of the fish tagged are actually residing at the main  
5 spawning aggregation site and approximately 60 percent of them  
6 returned to the aggregation in January of this year. We will  
7 have to go back and pull the receivers. We have thirteen  
8 receivers in the water right now and for the next three years,  
9 to get a better confirmation of these patterns.  
10  
11 The few data that we have of the depth range that the fish are  
12 using at Bajo de Sico is represented here monthly. This is  
13 based on the first year of data. We have an average depth where  
14 the fish are occurring of sixty meters, with a little bit of  
15 variability, but the range of the minimum and the maximum is  
16 greater when the fish are aggregated for reproduction than the  
17 rest of the year.  
18  
19 This shows us basically the extent of the area that these fish  
20 are using, although Nassau grouper are thought of as a shallow-  
21 water species and they are actually making it to 155 meters out  
22 there and this is something new that hadn't been reported  
23 previously, although this type of technology has been applied in  
24 other studies.  
25  
26 If we take this information and we ask how does this apply to  
27 ABT, as you can see these sites are more connected, are on the  
28 same platform. They are closer together and Bajo de Sico is an  
29 offshore seamount that is disconnected from the rest of the  
30 platform and the relatively shallow parts of Bajo de Sico are  
31 highlighted here in green.  
32  
33 Based on that average that the fish were using of sixty meters,  
34 this is then how we can draw out the habitat being used by an  
35 average Nassau grouper, but if we look at the extremes, which  
36 were between eighty meters, the yellow line, and 160 meters, the  
37 red line, the habitat use of the species is much more than we  
38 expected and it actually draws out --  
39  
40 When we're talking about the use of the space by this threatened  
41 species, we can be clearer about what are the extremes, based on  
42 this information that has been collected.  
43  
44 Finally, I just want to make sure that if you have any questions  
45 you please ask and it's been -- This is what the fish look like  
46 after they've been implanted. They actually have a tag and in  
47 order to make sure that we make responsible choices about the  
48 future of this species, I just hope that this information will



1 be considered in your decisions and I have a short five-minute  
2 video, if there is time, to show you and then we're done.  
3  
4 **MIGUEL ROLON:** Michelle, have you been able to witness the  
5 actual spawning?  
6  
7 **MICHELLE SCHARER:** No, the spawning occurs at night, right after  
8 sunset, and so we're not diving at that time.  
9  
10 **MIGUEL ROLON:** But with the information that you have, you are  
11 certain that they do spawn and with your presentation, my  
12 understanding is that they do spawn.  
13  
14 **MICHELLE SCHARER:** Yes, they are there to spawn. All the  
15 behaviors that we've been able to record, the evidence we have,  
16 is compared to the Caymans work. Yes, they are there to spawn  
17 and right after we leave, that's when they spawn.  
18  
19 **MIGUEL ROLON:** The other thing is can you send us digital copies  
20 of the three papers that you distributed? Do you have that?  
21 Can you send an email so I can distribute it to the council  
22 members?  
23  
24 **GRACIELA GARCIA-MOLINER:** We have a question from the fishers in  
25 Mayaguez. They would like for Michelle to explain again the  
26 distribution with depth, if possible in Spanish.  
27  
28 **MICHELLE SCHARER:** (A description was given of the distribution  
29 of depth.)  
30  
31 **CARLOS FARCHETTE:** I have a quick question. Michelle, when you  
32 showed the green line -- So the red line shows the range that  
33 they traveled or what distance? The red line or orange line is  
34 the --  
35  
36 **MICHELLE SCHARER:** Basically, what I did here was I took the  
37 depth data from the tag returns and just looked for that contour  
38 around the habitat that's on Bajo de Sico. The green line is  
39 that average depth that they're using, which is that contour of  
40 sixty meters.  
41  
42 These green areas here are the shallower parts, which is the  
43 upper limit of the fourteen meters that they're using, and then  
44 the red line is the deepest of the range of depths that they  
45 have that occurs there and so that gives us an idea of the  
46 magnitude of area, habitat, available for these fish and it also  
47 indicates that if some fish are located in the deeper parts of  
48 the bank that they are much more vulnerable to barotrauma in

1 cases of incidental capture.  
2  
3 **EUGENIO PIÑEIRO:** Michelle, have you tried to -- Have you  
4 considered going to Desecheo to do the same project? It's just  
5 anecdotal, but what we're hearing is that the place is loaded  
6 with them.  
7  
8 **MICHELLE SCHARER:** The only detail about applying these  
9 technologies is that you have to have a good idea of where to  
10 go, because if you put a hydrophone down and you're not sure  
11 that's the area, then afterwards you don't know if you didn't  
12 hear them, because they weren't there or they were right outside  
13 of the range of your hydrophone.  
14  
15 **EUGENIO PIÑEIRO:** What about Mona?  
16  
17 **MICHELLE SCHARER:** We still haven't located that, mainly because  
18 we don't have a project to go out there to look for them.  
19  
20 **ROY CRABTREE:** Thanks, Michelle. This is very interesting and  
21 so based on what you're hearing and seeing, you think there is  
22 spawning from December through May basically and then a good  
23 number of the fish are residents at Bajo de Sico and they're not  
24 leaving and is that year-round residents? Is that what I'm  
25 getting?  
26  
27 **MICHELLE SCHARER:** 66 percent were located at one of our other  
28 stations with the internal acoustic tags and so of the twenty-  
29 eight fish that we've tagged, that we actually know who they  
30 are, 66 percent live somewhere on the shallow, less than eighty  
31 meters, part of Bajo de Sico.  
32  
33 **ROY CRABTREE:** Year-round?  
34  
35 **MICHELLE SCHARER:** Year-round.  
36  
37 **ROY CRABTREE:** The other ones, you don't know where they -- They  
38 just --  
39  
40 **MICHELLE SCHARER:** They could be out of range of our array,  
41 because we only have thirteen receivers, or they could be --  
42  
43 **ROY CRABTREE:** They could be dead?  
44  
45 **MICHELLE SCHARER:** They could be dead. There is actually a few  
46 missing in action that we suspect are not coming back. At the  
47 actual spawning site, which is the one we visit more often, we  
48 have 25 percent of the fish that were tagged that actually live

1 there year-round.

2

3 **ROY CRABTREE:** Then at the other two areas, Tourmaline and  
4 Abrir, you're not seeing the Nassau grouper aggregations so much  
5 there?

6

7 **MICHELLE SCHARER:** We don't have any record of there being an  
8 aggregation there and we don't have the funds to look, but the  
9 SEAMAP passive acoustic monitoring array that we do have out  
10 there has not picked up the sounds of Nassau grouper at the  
11 sites we're monitoring red hind. It doesn't mean they're not  
12 there or somewhere else, but we have not picked up spawning or  
13 reproductive sounds of Nassau grouper at those sites.

14

15 **ROY CRABTREE:** Is it likely, given what you know about Nassau  
16 grouper -- I mean at Bajo de Sico, they're kind of on that  
17 seamount and they would have to cross deep water to get -- Is  
18 that something they would normally do or something they are not  
19 likely to do?

20

21 **MICHELLE SCHARER:** I think given the new evidence of the depths  
22 that they are capable of achieving and other tag returns of red  
23 hind that were done on the insular platform of western Puerto  
24 Rico and picked up at Bajo de Sico, I believe they have the  
25 capacity to get there.

26

27 There is a bottleneck right here of relatively shallow, which is  
28 -- It's about a 120-meter bridge that connects Bajo de Sico to  
29 the insular platform of Cabo Rojo and that could be a pathway  
30 that these fish are using for their spawning migrations to make  
31 it out there, but unless we put our array further out of this  
32 box, we are never going to be able to answer that question.

33

34 **ROY CRABTREE:** But if they were going to move from Bajo de Sico  
35 to one of these others, they would move along the bottom. It's  
36 not the nature of these things to swim across in mid-water, do  
37 you think?

38

39 **MICHELLE SCHARER:** Given the behavior of groupers, they need to  
40 be close enough to the habitat to be able to hide from predators  
41 and I would suspect that they will follow the shallowest contour  
42 possible to make their migrations, but we don't have any other  
43 evidence to actually answer that question.

44

45 **ROY CRABTREE:** Thank you and so this would be the largest known  
46 aggregation site for Nassau grouper in Puerto Rico at this  
47 point?

48

1 **MICHELLE SCHARER:** The only.  
2  
3 **ROY CRABTREE:** The only. Gotcha. Thanks. They are the only  
4 known?  
5  
6 **MICHELLE SCHARER:** The only known, sorry.  
7  
8 **MIGUEL ROLON:** Michelle, we put together, years ago, a Nassau  
9 grouper workshop and I don't know if you're familiar with it,  
10 but it was by Yvonne Sadovy. There, the experts told us that in  
11 order for us to have a viable aggregation of Nassau grouper that  
12 you need around 1,000 of them and even sometimes if you have  
13 1,000, all of them will be males and nobody will offer to switch  
14 to female and the aggregation is there, but it's not viable from  
15 the point of reproduction. Have you found new information that  
16 says the contrary or what is the status of that statement?  
17  
18 **MICHELLE SCHARER:** I think most of these people have the benefit  
19 of really large aggregations and so they really haven't had this  
20 experience that we're having of remnant, very small  
21 aggregations, but the fact that we've been able to see and hear  
22 reproductive behaviors two years in a row at this site and in  
23 the video, you will be able to appreciate that there are some  
24 females there and they are aggregating.  
25  
26 It's not very clear still for Nassau grouper if there is sex  
27 change, like red hind do, or if some stay male and some stay  
28 female. That's also still being debated, but I am confident  
29 that the fish that are there are the only chance we have to  
30 recovering this species right now, because they are there to  
31 spawn and they are doing everything that has been described for  
32 those large aggregations, just at a smaller scale.  
33  
34 **TONY BLANCHARD:** I will answer Mr. Crabtree's question. The  
35 grouper ain't going to swim over the deep water. They are going  
36 to stay on the shallowest point and follow it to the next step.  
37 It's like a rat. If you want to catch a rat, you want to put  
38 the trap right against something he is going to -- A structure  
39 that he's going to run parallel to. They do the same thing.  
40 It's an animal you're dealing with and so he's going to stay  
41 with what he knows.  
42  
43 **GRACIELA GARCIA-MOLINER:** I have to go back to the beginning.  
44 Actually, the Nassau aggregation described for St. Thomas was  
45 provided to David Olsen by Joseph Laplace, may he rest in peace.  
46 He was the original fisherman who actually pinpointed where the  
47 aggregation was occurring.  
48

1 Number two, the Bajo de Sico Nassau grouper aggregation is the  
2 only one that is being studied right now and the Grammanik Bank  
3 aggregation also, but there is a report from 2007 that reported  
4 on the number of many Nassau grouper aggregations around the  
5 island, but they are not being studied as we speak.

6  
7 They might be illegally -- There might be illegal harvesting at  
8 these sites and one of the fishers from Mayaguez asked if we had  
9 any reports on people that had been illegally fishing either at  
10 Bajo de Sico or the other aggregation sites, but there might be  
11 other aggregations that need to be looked at, but most of the  
12 comments that we received is that if we tell you where they are,  
13 you are going to keep closing areas.

14  
15 There is a number. There is a big list of sites that need to be  
16 looked at, because they had been reported, these aggregations,  
17 over time. The other thing is that the survival rate, it's  
18 twenty-seven out of twenty-eight, right, of your -- They will be  
19 reporting back as we keep them going if no one fishes for them,  
20 right?

21  
22 **MICHELLE SCHARER:** I have evidence to the contrary.

23  
24 **GRACIELA GARCIA-MOLINER:** No, in terms of the survival of the  
25 Nassau grouper that you have.

26  
27 **MICHELLE SCHARER:** To date, we have one.

28  
29 **GRACIELA GARCIA-MOLINER:** Okay and the other thing is that the  
30 council, through the Coral Reef Conservation Grants, has a  
31 connectivity study ongoing with the University of Puerto Rico  
32 and there have been a number of drifters being set to float  
33 around from the specific sites of Bajo de Sico, Abrir la Sierra,  
34 and Tourmaline that have been placed at different -- Not  
35 necessarily at the surface, because most eggs and larvae will  
36 not be floating at the surface.

37  
38 There are a number of drifters and a number of them are showing  
39 that in a number of hours, sometimes a couple of days, they go  
40 off into the Atlantic and out into the Caribbean and so some of  
41 them are south of Haiti or north of Haiti or directly into the  
42 Atlantic.

43  
44 You will be hearing about that in the near future, because that  
45 has a lot to do with recruitment, because if the spawn actually  
46 gets picked up and thrown off into the Atlantic, it has to find  
47 a way to come back and so your recruitment might not be  
48 continuous from year to year.

1  
2 There are a number of things that still need to be looked at,  
3 but I was just looking at and I just counted five out of the  
4 southern part of Puerto Rico and so there are a number of Nassau  
5 spawning aggregations, but what we don't know is if they are  
6 still in existence and viable and most of the information that  
7 has come to us, the easiest way to find it is through the  
8 fishers and so cooperative research like David Olsen did with  
9 Laplace and what was done out of La Parguera is really the way  
10 to go.

11  
12 **MICHELLE SCHARER:** I would like to respond to that. The reason  
13 that the Nassau grouper has been proposed to be listed as  
14 threatened under the Endangered Species Act is because  
15 Caribbean-wide they have documented a 60 percent reduction of  
16 their population and if we extrapolate what happened in St.  
17 Thomas, we are at an 89 percent reduction of the population and  
18 so a few decades ago.

19  
20 Also, the Ojeda report, many of those fishers actually  
21 recognized that those aggregations have already been extirpated  
22 and we have gone back to some of those sites to listen and look  
23 for them and haven't found them yet and so we have still a lot  
24 of work to do.

25  
26 **ROY CRABTREE:** Michelle, I think I heard you say that this spot  
27 is, I think you said, our best shot to recover Nassau grouper in  
28 Puerto Rico, this aggregation?

29  
30 **MICHELLE SCHARER:** Until we find another one.

31  
32 **ROY CRABTREE:** So I mean we need to be really careful then,  
33 because it sounds like this would be a real priority to maintain  
34 the protections in this site. Thank you.

35  
36 **MIGUEL GARCIA:** We have talked about this before, but I don't  
37 remember very well. We talked about if it was wiser to put more  
38 money on doing some follow-up on these sites or to find new ones  
39 and what did you say about that?

40  
41 **MICHELLE SCHARER:** I said we have the technology to relatively  
42 cheaply continue monitoring this one. We just want to know that  
43 the aggregation is forming and we just have to listen for it and  
44 we already have the equipment to do that.

45  
46 It takes a lot more effort to find these remnant very small  
47 populations, because if you're not there the right day and the  
48 right time of the day, the chance of not seeing them is very

1 great and so there is a tradeoff there, but at the point we are  
2 right now and to be able to compare the effectiveness of these  
3 management measures, we need some controls, other sites that are  
4 subject to fishing, where we can see if there is a difference  
5 with sites that are protected from fishing part of the year.

6  
7 **MARCOS HANKE:** Two questions. First, if you compare the habitat  
8 in which they aggregate in Puerto Rico with the other  
9 aggregations around the Caribbean in similar areas, is there any  
10 relation with the size of the pinnacle of the habitat that they  
11 aggregate for the amount of or number of fish that aggregate on  
12 it? That's question number one.

13  
14 Question number two is are there any reports of any source of  
15 juvenile Nassau grouper on the west coast? On the east coast,  
16 we do have some of them.

17  
18 **MICHELLE SCHARER:** The first part of the question is basically  
19 if the geomorphology predicts the size of the aggregation and I  
20 think the studies have shown that the geomorphology predicts the  
21 occurrence and so many multispecies aggregation sites are  
22 actually focusing on areas of points, peaks, or curves in the  
23 shelf break, but the magnitude of that peak is not necessarily  
24 correlated with the size of the aggregation. For example, the  
25 largest aggregation we have right now is at Cayman Island and it  
26 is a point and it has 3,000 individuals.

27  
28 **MARCOS HANKE:** I would like to clarify my question. For  
29 example, if you have to have a resting grounds, a place where  
30 they hide during the day and they are around, and we already  
31 described the range in which they could be or they have the  
32 capacity to be, that range compared to the other sites, just the  
33 carrying capacity of the area for that amount of fish, if there  
34 is any indication that the Bajo de Sico aggregation could be  
35 restricted by that or it's nothing to worry about and that's not  
36 an element to look for.

37  
38 **MICHELLE SCHARER:** I think the idea that we have of carrying  
39 capacity is shot during the aggregations. That's the revolution  
40 to get as many of them as possible and even if there isn't a  
41 hiding place for every single one, they will be there. That's  
42 why we have a lot of predation marks on the fish and we lose  
43 some, probably to sharks, because they are very well adapted to  
44 that.

45  
46 Some of the other sites that I have visited where there are  
47 spawning aggregations actually have a lot less habitat for those  
48 large amounts of big fish and so that would be a natural thing

1 that really is variable and we couldn't have a clear idea.  
2  
3 When you asked about recruitment habitat for juvenile Nassau  
4 grouper, we published a paper in 2006 where we found very small,  
5 four-centimeter, juvenile Nassau grouper off the east coast of  
6 Mona Island, which is approximately twenty-some miles to the  
7 west of Bajo de Sico.  
8  
9 I am not aware of any study that has documented Nassau grouper  
10 recruitment on the west coast, but there are large areas, large  
11 tracts, of seagrass in that platform that could hold them, which  
12 is their juvenile habitat. We would just have to increase the  
13 effort to look there to document.  
14  
15 Actually, something that I was going to talk about during the  
16 video is that we have genetic samples from those individuals  
17 that we tagged and so if we actually find juveniles in these  
18 seagrass and shallow-reef habitats and we're able to sample  
19 them, we could actually make a link to the spawning aggregation  
20 at Bajo de Sico via genetic methods.  
21  
22 **CARLOS FARCHETTE:** I have Carlos Valasquez and then we need to  
23 move forward to ABT, but I would also like to see the video if  
24 it's short.  
25  
26 **CARLOS VALASQUEZ:** Two questions. How many times did you test  
27 for these groupers, how many times?  
28  
29 **MICHELLE SCHARER:** The study lasted two years and we dove there  
30 sixty-two days.  
31  
32 **CARLOS VALASQUEZ:** What years?  
33  
34 **MICHELLE SCHARER:** 2013 and 2014.  
35  
36 **CARLOS VALASQUEZ:** Okay. What months?  
37  
38 **MICHELLE SCHARER:** Most of the work was done between December  
39 and May, specifically because that's when they were aggregated  
40 and we could maximize our effort.  
41  
42 **CARLOS VALASQUEZ:** On half moon or full moon?  
43  
44 **MICHELLE SCHARER:** After the full moon.  
45  
46 **TONY BLANCHARD:** I've just got one quick question, since you  
47 mentioned it. You say you have the genetics to compare whether  
48 these fish are moving from site to site, correct? Do you ever



1 compare the genetics when they're moving from Bajo to the  
2 Grammanik Bank or the Hind Bank?

3  
4 **MICHELLE SCHARER:** That's actually this last paper that I would  
5 like to present to the council. This is a genetic comparison  
6 from different populations in the Caribbean. When this person  
7 did this genetic study, we only had ten samples and now we have  
8 twenty-eight and so we can increase the resolution to answer  
9 that particular question.

10  
11 This is the way we captured the Nassau grouper at Bajo de Sico.  
12 They are very trap friendly, but in order to put them from the  
13 trap into the catch bag, that separator was used to minimize the  
14 area that the fish can escape from and then coaxed into a catch  
15 bag from which then the surgery could be performed.

16  
17 This is at 140 feet depth and in that paper that I passed around  
18 the of the methods, it shows that it took between eight and  
19 fifteen minutes for each one of these surgeries and so the fish  
20 is in the catch bag and he is turned upside down and most of the  
21 time they cooperate and stay still when they're upside down and  
22 then they can do the surgery.

23  
24 Those are the tags that are inserted in the cavity of the fish  
25 and then they are stapled with a surgery staple gun. They are  
26 measured inside the bag. We already have some tick marks of the  
27 size of each fish and then they're released at the same depth  
28 they were caught and all of these fish we know survived the  
29 surgery, because we detected them at subsequent days at the  
30 spawning aggregation site.

31  
32 There you can see the fin was clipped and from that we got  
33 twenty-eight samples that we can now do genetic studies, if we  
34 find the funds, to compare with other populations of grouper or  
35 with any other individuals that we manage to catch. You can see  
36 the surgery site is closed and these are very strong fish and  
37 they can withstand the surgery.

38  
39 **GRACIELA GARCIA-MOLINER:** They want to know, the people in  
40 Mayaguez, why are you using traps if they are prohibited at Bajo  
41 de Sico?

42  
43 **MICHELLE SCHARER:** We had special permits from NOAA Fisheries to  
44 use traps to capture these animals to be able to do this  
45 research, because the information that was granted from these  
46 tags is actually to help protect the species. Here you can see  
47 Nassau grouper in different coloration patterns and some are  
48 very ready to spawn.

1  
2 **GRACIELA GARCIA-MOLINER:** They want to know if you are placing  
3 the traps on top of the corals.  
4  
5 **MICHELLE SCHARER:** Absolutely not. All traps were in gravel or  
6 sand. This is just an example of what we hear after many hours  
7 of video. That's an anchor and a chain in a no anchoring site.  
8  
9 **ROY PEMBERTON:** How deep is that site right there that you're  
10 looking at? 140?  
11  
12 **MICHELLE SCHARER:** That area where we heard the anchoring is  
13 actually the home range of this one grouper. This is not the  
14 aggregation site. This is actually another site that this fish  
15 travels back and forth from to the aggregation site. With this  
16 technology, we can actually provide a quantifiable method to  
17 assess the lack of compliance at this site. That's the end.  
18  
19 I also want to share with you a souvenir during the closed  
20 season, where they're not supposed to be fishing for council-  
21 managed species, so you guys can evaluate the activities that  
22 are going on there that threaten this species.  
23  
24 **MIGUEL ROLON:** Do you have the names of the owners of the hooks?  
25  
26 **ROY PEMBERTON:** Michelle, where were those hooks retrieved from?  
27  
28 **MICHELLE SCHARER:** Bajo de Sico.  
29  
30 **GRACIELA GARCIA-MOLINER:** Let me -- The gears that are  
31 prohibited from that site are the bottom-tending gears and so  
32 there is no prohibition on the use of hook and line. The  
33 prohibition is on the take of reef fish, but that doesn't  
34 include things like jacks that might not be in our managed FMU,  
35 but you could do forensics and there might be a DNA swab of the  
36 hook and you might determine if it's a Nassau.  
37  
38 **MIGUEL ROLON:** Let's go into the ABT and what is the next step?  
39  
40 **CARLOS FARCHETTE:** To take DNA off the hook and see if it's a  
41 Nassau.  
42  
43 **ABRIR/BAJO/TOURMALINE CONSISTENCY OF REGULATIONS (CONT.)**  
44  
45 **GRACIELA GARCIA-MOLINER:** This is the developing consistent  
46 regulations for the three seasonally closed areas off the west  
47 coast of Puerto Rico, Abrir la Sierra, Tourmaline, and Bajo de  
48 Sico. These are the three areas, Bajo de Sico, Tourmaline, and

1 Abrir la Sierra.

2  
3 Only Abrir la Sierra is the one that is completely under federal  
4 management and so you have a slide here that shows all of the  
5 regulations as they are in place right now and so comparing Bajo  
6 de Sico to Tourmaline, the six-month versus three-month closure,  
7 the different times of the year, the gear that's banned, the  
8 species that are managed, the prohibition on anchoring.

9  
10 It's only at Bajo de Sico and so, as Michelle said, there was a  
11 chain and an anchor being lifted for Bajo de Sico and there  
12 shouldn't be any anchoring whatsoever at that site.

13  
14 One thing that we've done is we have put everything, and you  
15 will have it available if you need it, for each one of the  
16 sites, the comparison between the EEZ and the state regulations.  
17 This is part of the consistency that needs to be dealt with, but  
18 in this case, we're only dealing with the consistency among the  
19 three areas and so just for the EEZ of the three areas. The one  
20 thing that they do have in common is that all bottom-tending  
21 gear is prohibited from the area year-round.

22  
23 The council requested at the 151<sup>st</sup> meeting to take the  
24 information back to the public and we did this on two meetings,  
25 one on February 10, one in Cabo Rojo and one in Mayaguez. The  
26 alternatives that the council had considered are all inclusive  
27 and they range from no action and so leave the things as they  
28 are, Bajo de Sico the way it is and the other two the way they  
29 are.

30  
31 To modify the length of the closed season, the council had  
32 decided that the preferred alternative was to close from  
33 December to March at the three sites and this is what we was  
34 taken to the public to hear back from them.

35  
36 What they said about this action was that they would like to go  
37 back to the way things were and to close the three areas from  
38 December through February and this would be Alternative 2 then,  
39 that Bajo de Sico would have to be turned back from being a six-  
40 month closure to a three-month closure. Do you want me to go  
41 through all of them or do you want to take action as we go  
42 along?

43  
44 **MARCOS HANKE:** If I may, I think it's better to go through the  
45 whole presentation, because you are not going to decide now and  
46 just to have the overview of what the fishermen says.

47  
48 **GRACIELA GARCIA-MOLINER:** Okay. This is what they did for

1 modifying the length of the seasonal closure. They want to have  
2 the three areas closed December through February. For Action 2,  
3 which is to modify the reef fish fishing activities, the council  
4 had the preferred alternative was Number 3, to prohibit fishing  
5 for and possession of council-managed reef fish only during the  
6 seasonal closure and so this is what you took to the public and  
7 in fact, this is what they would like to see done except --  
8 There are two exceptions to this.

9  
10 They would like to have a prohibition on the fishing for and  
11 possession of reef fish species, but allow yellowtail snapper  
12 fishing at the three sites and also allow deeper waters areas to  
13 be used for deepwater snapper fishing at the sites.

14  
15 For modifying the Action 3, modify the spiny lobster fishing  
16 activities, the council had Alternative 6 as the preferred  
17 alternative and that was to allow fishing for spiny lobster  
18 year-round at the three sites. Right now, during the seasonal  
19 closure of Abrir la Sierra and Tourmaline, all fishing is  
20 prohibited and so there is no fishing for spiny lobster at that  
21 time.

22  
23 The fishers say that they would like to have spiny lobster  
24 fishing year-round and so they coincided with the council on  
25 that action.

26  
27 Action 4 is to prohibit anchoring and your preferred alternative  
28 was to prohibit anchoring year-round at Abrir la Sierra and  
29 Tourmaline, which are the ones that don't have a prohibition on  
30 anchoring. There is a requirement for a retrieval system in the  
31 anchors at these sites.

32  
33 The fishers, we had about sixty or seventy people that showed up  
34 at the two meetings and so part of the issue that they were  
35 discussing was to allow only commercial fishers to anchor using  
36 a grappling anchor rather than a Danforth. They actually went  
37 ahead and said that we should prohibit anchoring with Danforth  
38 anchors at these sites and that the anchoring would be mainly  
39 for the yellowtail snapper fishery. It's a very economically  
40 important fishery in the area.

41  
42 Remember that right now, the way the regulations stand, is that  
43 Abrir la Sierra and Tourmaline during the three months of the  
44 closure, all fishing is prohibited and at Bajo de Sico, reef  
45 fish fishing is prohibited and so that would include yellowtail  
46 snapper.

47  
48 Action 5 was to modify HMS fishing activities and so in order to

1 be -- If you would like to refer this to the HMS section, then  
2 to have the prohibition on the bottom longline fishing for HMS,  
3 which is actually allowed at this time at Bajo de Sico. It's  
4 not allowed in the other two areas and to actually allow the --  
5 Allow for surface trolling and for some of the BAYS.

6  
7 The public said that they would like to allow trolling and that  
8 they would have to redefine what trolling is as per HMS, because  
9 for the coastal pelagics, it's too fast and so they would have  
10 to -- That would have to be modified.

11  
12 One other issue that came up that had not come up before was to  
13 include the allowance for jigging at these sites and most of the  
14 recreational fishers who brought this up said that they can  
15 discriminate between species and they would be fishing for  
16 things like wahoo and blackfin tuna using this methodology.

17  
18 Finally, Action 6 is to modify spearfishing activities. The  
19 council had a preferred alternative to prohibit spearfishing for  
20 council-managed reef fish during the seasonal closure. This is  
21 kind of a repeat on the issue, but the big issue here is  
22 spearfishing.

23  
24 What fishermen say is that they would like to be allowed to  
25 carry a spear gun while diving for lobster, because then they  
26 can also harvest fish that are not managed by the council, and  
27 to allow for spearfishing for pelagics.

28  
29 There was a lot of discussion about the ethics of fishermen and  
30 if you are carrying a spear gun and you are not permitted to  
31 fish for specific species that they wouldn't be doing so and so  
32 the ethics come on both parts, on the commercial and the  
33 recreational sector.

34  
35 There are some additional recommendations from this group and  
36 they would like to have an allowance for transiting through the  
37 area as long as the gear and the catch are stowed. They  
38 actually -- Everywhere we went, they recommended that we  
39 increase enforcement and, in fact, that's one of the questions  
40 that the fishers who are listening in Mayaguez had, is how many  
41 interventions there had been at these sites and for what and so  
42 they wanted to know about that.

43  
44 They are very concerned about the confusing regulations that we  
45 have at present and that they should be simplified and the  
46 problem is not only among the three federally-managed areas, but  
47 also across the border to the state jurisdiction and that it's  
48 also very confusing because we don't have all the same

1 regulations in place. In fact, if the regulations were  
2 simplified, they would be effective and, therefore, that would  
3 also help enforcement.

4  
5 Finally, there is a need to evaluate the closures to determine  
6 if they are working or not. If they are not working, then they  
7 should be eliminated and I think that that's -- You do have a  
8 copy of the minutes from the two meetings with you and I don't  
9 know if you want to have a public comment period now and that --  
10 Was there a Pew letter or this is for the island-specific?  
11 Okay. I think that's what we have for ABT and so if you want  
12 any -- That is a summary and any specific details, let me know  
13 and I will answer your questions.

14  
15 **ROY CRABTREE:** Graciela, remind me again how big these areas  
16 are. Are all three roughly the same size?

17  
18 **GRACIELA GARCIA-MOLINER:** They are exactly the same. They are  
19 three-by-three nautical miles.

20  
21 **ROY CRABTREE:** Three-by-three nautical miles. One of the  
22 comments was someone said something about they wanted to be able  
23 to fish for deepwater snapper, right? How deep are they fishing  
24 for deepwater snapper?

25  
26 **EUGENIO PIÑEIRO:** They referred to fishing at the west part of  
27 Bajo de Sico, which is 1,200 feet deep, and then on the inside,  
28 which is 1,200 feet deep.

29  
30 **ROY CRABTREE:** We heard with the Nassau grouper that they had  
31 seen them down to 300 meters or --

32  
33 **EUGENIO PIÑEIRO:** 450 feet.

34  
35 **CARLOS FARCHETTE:** I've got a question on that same topic. When  
36 fishing for deepwater snapper off of Bajo, that's drift fishing,  
37 right? You don't anchor and fish, because it -- Okay. In St.  
38 Croix, they anchor on the shelf and drift back out to the deep.

39  
40 **GRACIELA GARCIA-MOLINER:** No and actually, Bajo de Sico really  
41 should -- There should be no anchoring whatsoever at that site,  
42 but we just heard that there is still anchoring.

43  
44 **EUGENIO PIÑEIRO:** I believe, Graciela and Roy, referring to the  
45 deepwater snapper fishing there, some of the folks understood  
46 that it was not necessary and that it served no purpose at all  
47 for conservation of the species to close Bajo de Sico in October  
48 and November, because it has nothing to do with the Nassau

1 grouper. The fishery is too deep and there is no protection for  
2 deepwater snapper fishing.

3  
4 **GRACIELA GARCIA-MOLINER:** You don't have a seasonal closure  
5 October through November.

6  
7 **ROY CRABTREE:** You know what we just heard from the presentation  
8 is those Nassau grouper are staying put in there year-round and  
9 they are residents and so I think there is good reason to think  
10 they should be protected in there year-round, right?

11  
12 **EUGENIO PIÑEIRO:** Yes, but what they say is for fishing for the  
13 deepwater snappers, which is a very deep fishery. That one  
14 thing doesn't touch the other and they don't even get close to  
15 the Nassau grouper by chance, because in order to get to the  
16 Nassau groupers, you have to climb up the cliff seventy feet and  
17 so what they were saying is why -- We should not be closed in  
18 October and November for the deepwater snapper fishery, because  
19 it really makes no difference at all.

20  
21 **TONY BLANCHARD:** I've got a completely different comment. Those  
22 rigs that just came across the table here to me, I think Marcos  
23 might be on the same page. That's an amateur rig. A commercial  
24 fisherman wouldn't use that rig to fish no bottom fish. That's  
25 a recreational fishermen there and a different setup and so  
26 that's somebody who doesn't know what they're doing, because  
27 they never would have rigged the line like that.

28  
29 **CARLOS FARCHETTE:** And someone with some good bucks, because  
30 that's not a very cheap rig.

31  
32 **MIGUEL GARCIA:** I have a question about jigging. These  
33 fishermen have been proposing to keep the water column open for  
34 some jigging and what I know that you can also do is some  
35 deepwater jigging at the same time and I have seen pictures of a  
36 friend of mine fishing for yelloweye snapper and I think that  
37 it's a -- Where you do deepwater jigging, you can fish something  
38 else like a grouper, no?

39  
40 **CARLOS FARCHETTE:** Right and from what I understand in the last  
41 meeting that we were down in Puerto Rico is the only one guy  
42 that wanted to jig, he said if that's the case, he will just go  
43 somewhere else and so I guess it wasn't that much of an interest  
44 for that, but I -- I guess we can discuss more what we're going  
45 to do here, but I do -- That's just my opinion, but I do favor  
46 allowing for the HMS spearfishing, because those guys are only  
47 going down -- Some at eighteen feet and some at -- There's a  
48 certain water column that they won't dive below because they are

1 shooting wahoo, dolphin, tuna.

2  
3 **GRACIELA GARCIA-MOLINER:** I mean we've had evidence of actual  
4 apnea spearfishing going on at sixty or seventy feet and the  
5 target in that case would be reef fish such as parrotfish or the  
6 like. That you have seen at previous council meetings and so  
7 the possibility of free diving at those depths is real and the  
8 possibility of harvesting or targeting any of the other species  
9 besides the coastal pelagics is also real. I am just going  
10 through the testimony that we've had.

11  
12 **MARCOS HANKE:** We are getting into the ethics of the fishermen  
13 now and there is many ways to go around things and one of the  
14 things that the fishermen addressed in many different ways  
15 during those meetings, and I was there, is -- It's stated on the  
16 report by Graciela, but it's not as strong as it was presented  
17 by the fishermen and that's the fact that we should, once we  
18 address this, to deal with the possession of the fish and to be  
19 very harsh on that and try to invite the state to be part of  
20 this and to create a set of regulations that are very specific  
21 and very clear with the possession of whatever we want to  
22 protect in that area.

23  
24 In terms of the blue water hunting, the discussion that came  
25 compared with the jigging and I remember exactly what they said.  
26 The guy that jigged said, listen, I have the ability and the  
27 knowledge not to catch any grouper or anything on the bottom,  
28 because I know how to do it and it's just an ethical procedure  
29 and I can tell you that I will not catch any. I just count  
30 until fifteen or twenty on the descent of my jig and I know that  
31 I'm not getting there and I am fishing for wahoo and for tuna.

32  
33 It's the same as a spear fisherman. It's an ethical thing.  
34 That's why everything came around about the possession and  
35 trying to find other tools to prevent that uncertainty during  
36 the whole process to try to scare the bad people away from doing  
37 something wrong at Bajo.

38  
39 For me now -- I am not saying much during all the discussion  
40 because I want the other council members to participate, because  
41 I have already stated basically what I think about Bajo de Sico  
42 and so on and I have a few things during the full discussion  
43 during Puerto Rico, but I will do it with the fishermen at the  
44 table and around the us listening to what we have to say.

45  
46 We have to take care in what we address right now and obviously  
47 it's a very sensitive thing and I think there is new ways to  
48 approach this and new methodologies or new strategies to do it



1 and we should consider them and not to close to anything new  
2 that maybe is beneficial for the fishermen and for the resource.  
3  
4 One last thing I'm going to say is that Bajo de Sico is  
5 different than Abrir la Sierra and Tourmaline and  
6 socioeconomically, in my opinion, Abrir la Sierra and Tourmaline  
7 have a much bigger impact on the fishing community than Bajo de  
8 Sico, with all the things that are already recorded and  
9 documented for that place there.

10  
11 **MIGUEL ROLON:** Graciela and Bill, what do you need from this  
12 council meeting regarding ABT?  
13

14 **GRACIELA GARCIA-MOLINER:** You already have a set of preferred  
15 alternatives and you either need to let us know that those are  
16 still your preferred alternatives so that we can revise the  
17 document and prepare it for public hearings.  
18

19 **MIGUEL ROLON:** Can we go and look at them and see what the  
20 council is going to do with it?  
21

22 **MARCOS HANKE:** I have a question to Miguel. In terms of the  
23 procedure, are we going to decide today the new preferred  
24 alternative if it's the case or are we going to do that in  
25 Puerto Rico?  
26

27 **MIGUEL ROLON:** Puerto Rico is for final action. You still have  
28 to go to public hearings with this and so you need to tell the  
29 staff what is your preference and you received a lot of comments  
30 here that you need to address, whether you accept or not those  
31 comments or whether you want to modify any of the alternatives  
32 that you have or you need to add any other alternatives.  
33

34 For example, you were talking about jigging and they were  
35 talking about the others and you have to decide what is it that  
36 -- I told Graciela to put together the table to refresh our  
37 memories. You go to Bajo de Sico and you see what Bajo de Sico  
38 is at this time and you have a seasonal closure and it's divided  
39 by EEZ and Puerto Rico.  
40

41 If you look at it, at species managed, there is no species  
42 managed in Puerto Rico, but between the gear, you have the two  
43 differences there and actually, I communicated with Dr. Miguel  
44 Garcia and I asked him -- He can reiterate that here, but it  
45 seems that Puerto Rico DNR is looking forward to finalize this  
46 and prepare compatible regulations. If we have -- We have two  
47 of the areas that are shared by Puerto Rico and the federal  
48 government and we need to, once we finish this -- Puerto Rico

1 can work on it, but we need to, once the council finishes this  
2 process, send a communication to the Department of Natural  
3 Resources in Puerto Rico for adoption of compatible regulations.  
4

5 Otherwise, it will be almost impossible to enforce any of these  
6 areas because some of these areas are almost as large as the  
7 Coast Guard vessel.  
8

9 **EUGENIO PIÑEIRO:** Miguel, I have a question for you and for  
10 Bill. So what you want from us now is to go one-by-one of these  
11 proposed measures and you want us to add or change or add  
12 something? For example, like recommendations of the fishermen,  
13 put them in the paper so that they can go to public hearings and  
14 is that correct?  
15

16 **GRACIELA GARCIA-MOLINER:** They are already. The December  
17 through February issue, that's already included in the  
18 alternatives.  
19

20 **EUGENIO PIÑEIRO:** Okay, but the comments by the fishermen, do  
21 you want us to go over them and include them if we think it's  
22 necessary for the upcoming public hearings? Is that what you  
23 want?  
24

25 **MIGUEL ROLON:** You need to react to the comments by the public  
26 and decide whether you reject whatever alternative they want to  
27 present or do you want to include it in the document that you  
28 can take to the public?  
29

30 Actually, if you have a recommendation from the public that  
31 merits consideration in the process that we follow, we need to  
32 add it to this set of alternatives that we're going to take to  
33 public hearings. Graciela told me that Nelson Crespo from the  
34 group at the listening station wants to say something. Mr.  
35 Chairman, can we allow him to address the group?  
36

37 **CARLOS FARCHETTE:** Sure.  
38

39 **GRACIELA GARCIA-MOLINER:** They are trying.  
40

41 **CARLOS FARCHETTE:** Okay and while that's happening, Roy, do you  
42 want to say something?  
43

44 **ROY CRABTREE:** Yes and I am coming back to what Marcos said just  
45 a few minutes ago and the more I've looked at this, it seems to  
46 me that Bajo de Sico is very different than Abrir or Tourmaline  
47 and so I think potentially there is good reasons why we don't  
48 have the same regulations in both places.

1  
2 I think Marcos said that Abrir and Tourmaline were more  
3 economically important to the fishermen in those areas and so I  
4 think there might be some flexibility there to look at trying to  
5 do some of the things they want, but for Bajo de Sico, I just  
6 don't see how we can back off on the protection we have in that  
7 area. I mean it's the only known spawning aggregation of Nassau  
8 grouper in Puerto Rico.

9  
10 Now, based on what I've seen, I am not convinced the current  
11 seasonal closure of October 1 to March 31 -- It seems that it  
12 would be better, if we want to keep it at six months, to move it  
13 from December to May, but I am almost more inclined to think  
14 with Bajo de Sico that we ought to make it year-round.

15  
16 I guess I am coming around to this thing has been caged as  
17 establishing compatible regulations between these three areas,  
18 but I think there are probably good reasons why we would handle  
19 Bajo de Sico differently. It seems to me what we're protecting  
20 there is a lot more critical to recovering Nassau grouper and if  
21 we want to do something for the fishermen, it might make more  
22 sense to do that at Tourmaline and Abrir, but not at Bajo de  
23 Sico.

24  
25 **MIGUEL ROLON:** Somebody mentioned also that in the case of Bajo  
26 de Sico that fishing -- In the case of Bajo de Sico, following  
27 Roy's statement here, some of the apnea group believes that they  
28 should be allowed to fish at the surface with a spear gun and  
29 they all agree that bottom fishing for any species should be  
30 prohibited in Bajo de Sico. Of course, that was not a unanimous  
31 statement, but some of the group there believed that Bajo de  
32 Sico should be protected for any bottom species and should be  
33 allowed to be used for spearfishing with a special permit at the  
34 surface, the apnea group and some of the other guys there.

35  
36 I distributed a paper some time ago on the economics of Bajo de  
37 Sico, Abrir la Sierra, and Tourmaline and that paper supports  
38 what Dr. Roy Crabtree is mentioning, that for the fishers,  
39 socioeconomically speaking, Abrir la Sierra and Tourmaline are  
40 more important than Bajo de Sico.

41  
42 **CARLOS FARCHETTE:** I would like to make a comment on that too,  
43 because I do agree about the importance of Bajo de Sico and to  
44 me, I think that -- Marcos mentioned about ethics and I think  
45 those apnea guys are very serious about their work and they're  
46 very serious about protecting the bottom of that area,  
47 prohibiting anchoring and prohibiting reef fish.

48

1 I know that, from what they've told me, that opportunity is not  
2 in Tourmaline and Abrir la Sierra. It's only in that area that  
3 they would like to be able to spear those HMS species.

4  
5 **EUGENIO PIÑEIRO:** The economic importance is where you live. If  
6 you live in Rincon or Aguadilla, Bajo de Sico is obviously more  
7 important to you, because that's where you harvest your coastal  
8 pelagics and that is where you harvest your bait and that is  
9 where most of the tourists like to go and charter operating  
10 businesses and so it's two different animals, but it's equally  
11 important economically.

12  
13 Then what we have to ask is the purpose and need was to have a  
14 management -- Manage the three areas in a uniform way to avoid  
15 all this unnecessary harassment and being stopped here with a  
16 different set of regulations.

17  
18 My question to Roy would be then what do you say, that perhaps  
19 we should regroup and go back and treat the thing in a totally  
20 different manner and then that would destroy the purpose and  
21 need of this action that we're having right now?

22  
23 **ROY CRABTREE:** What bothers me is backing off from the  
24 protections at Bajo de Sico and what we seem to be doing, in  
25 order to get them all consistent, is we're backing off. Now, we  
26 could make everything like Bajo de Sico and put that level of  
27 protection in all three places, but that's not what we're  
28 hearing from fishermen and I don't think they want to do that.

29  
30 What it seems to have turned into now is to back off on  
31 protection everywhere, including Bajo de Sico. I think with the  
32 Nassau grouper and the aggregation there that that's just a  
33 mistake and I think we need to protect those fish and we need to  
34 protect that last remaining spawning aggregation in Puerto Rico.

35  
36 If the only way to keep the level of protection in Bajo de Sico  
37 is that we're not going to have consistent regulations in the  
38 three places, then so be it, but if the only way to get the  
39 consistent regulations is to back off at Bajo de Sico, to me  
40 that's not a good thing to do and I can't support doing that.

41  
42 My sense is that this council is not going to expand the  
43 regulations at the other two areas to bring them consistency and  
44 so I don't know how to reconcile that.

45  
46 **EUGENIO PIÑEIRO:** I totally understand what you're saying, but  
47 the important thing also is that if we're going to protect  
48 something, protect it the right way and not shut it down in

1 October and November. It doesn't protect that species.

2  
3 I agree with you that maybe perhaps we have to go back to the  
4 drawing board, but certainly I don't think that the council is  
5 going to expand the closures on the other places. Perhaps we  
6 can talk about the purpose and need, which was trolling on the  
7 surface and all that stuff.

8  
9 **MIGUEL ROLON:** Listen, guys. Graciela, can you put Bajo de  
10 Sico, the table that I told you, up? Let's concentrate on Bajo  
11 de Sico. If we follow what Roy is saying, this is what Bajo de  
12 Sico is.

13  
14 Again, you were talking before about having compatible  
15 regulations through the whole area and you have found, from  
16 meetings with fishers, unofficially and officially, that one  
17 size will not fit all and that perhaps we have to sit down and  
18 look at Bajo de Sico from the point of view of the conservation  
19 and Bajo de Sico right now, you have a long seasonal closure of  
20 October through -- By the way, is Nelson ready to talk?

21  
22 **GRACIELA GARCIA-MOLINER:** They wrote it down because they  
23 couldn't communicate.

24  
25 **MIGUEL ROLON:** Can you read it for the record when I finish?  
26 Bajo de Sico, this is what we have with Bajo de Sico. Seasonal  
27 closure, nothing in Puerto Rico's area of jurisdiction and six  
28 months in the federal government, from October through March 31.

29  
30 From the presentation that we just heard, it seems that we are  
31 missing the aggregation of the Nassau grouper by a month and  
32 Bajo de Sico is October through the 30<sup>th</sup> of March and most of the  
33 fishermen supported that because that's when the bad weather is  
34 there and so if you close six months from January to -- In  
35 essence, you are closing the whole year and that's what the  
36 fishermen told me in Mayaguez.

37  
38 Species managed, no fishing for reef fish. There is no  
39 regulation in Puerto Rico. Gear you have there and then  
40 anchoring regulations all year round is prohibited in Bajo de  
41 Sico and all year round it's prohibited in Puerto Rico and  
42 that's the only one that is really compatible at this time. If  
43 we do nothing, that is the compatible regulation you have.

44  
45 In the case of the gear, you have traps, pots, nets, bottom  
46 longlines and so those two are compatible and so you need to  
47 decide whether you want to modify in Bajo de Sico the closed  
48 season that you have and if you want to move from October

1 through March into some other time of the year and then the  
2 species managed, no fishing for reef fish, but you want to allow  
3 the water column open for apnea and these other pelagic species.  
4 Mr. Chairman, can you please concentrate on that and get  
5 something going so we get rid of Bajo de Sico and the process?

6  
7 **CARLOS FARCHETTE:** How that is reading actually, it's  
8 prohibiting fishing for reef fish and so that means that HMS is  
9 open.

10  
11 **GRACIELA GARCIA-MOLINER:** This is the management now. This is  
12 what you need to decide what you are going to do, if you are  
13 going to change it any which way.

14  
15 **MIGUEL ROLON:** Graciela, what did Nelson --

16  
17 **GRACIELA GARCIA-MOLINER:** He said that the management plan for  
18 the three areas would facilitate enforcement. It's also a  
19 sociocultural issue and the species are already protected by a  
20 prohibition on their capture, meaning the Nassau grouper.

21  
22 That's why they favor the December to February closure rather  
23 than any other months and the months of March and April is Lent  
24 and so these are the times of their highest economic income and  
25 hold on a second. A closure during March and April would  
26 definitely have a very large negative impact.

27  
28 Bajo de Sico is an important economic area not only for the  
29 commercial fishers that carry out their fishing activity there,  
30 but also for the charters and that they do bring a lot of income  
31 to the area and so in his own personal -- His own personal  
32 statement is that the council should protect more of the corals,  
33 because the Nassau grouper and the other species are already  
34 under management. There should be no anchoring whatsoever in  
35 any of the three areas under any circumstances.

36  
37 **MIGUEL ROLON:** Mr. Chairman, can we address Bajo de Sico and see  
38 what we can do with it?

39  
40 **CARLOS FARCHETTE:** Roy, you had a comment?

41  
42 **ROY CRABTREE:** Well, just that it does seem to me, based on what  
43 we heard about spawning activity of Nassau grouper, if we want  
44 to keep that six-month closure that it would make more sense to  
45 have it be December to May, which is one of the options that is  
46 in the document.

47  
48 That would then cover -- I mean Genio brought up make sure we're

1 protecting the right time and if we had Bajo de Sico closed  
2 December through the end of May, that would cover all the time  
3 that they appear to be spawning.

4  
5 **SHEPHERD GRIMES:** Just to follow up with something Mr. Piñeiro  
6 said a minute ago, you don't have to go back to square one with  
7 this. If you want to change the purpose and need, that's the  
8 process and we've been through this and we've gathered new  
9 information and we've heard from the public and maybe the  
10 consistency part of it is not something we want to pursue  
11 anymore and we could just change the purpose and need as guided  
12 by that information and then move forward with it.

13  
14 The other thing I was going to mention is my recollection of the  
15 SSC discussion of this document is that there is good reason and  
16 scientific reason for treating the areas differently and that  
17 they are different.

18  
19 The species that are commonly there, the main spawning species,  
20 are different in these areas and I remember a graph or a table  
21 in one of the presentations Dr. Appeldoorn gave us that laid  
22 this out and had the SSC's thoughts on it and they provided what  
23 I thought was a lot of good information arguing for not treating  
24 these areas identically.

25  
26 **EUGENIO PIÑEIRO:** At this point, when we look at the action, I  
27 think the whole spectrum is covered already. We have from no  
28 action to a year-round closing and December 1 to the last day of  
29 February, which is what the fishermen proposed. Then we have  
30 the current management regime, which is October 1 to March 31.  
31 Then we have December 1 to May 31, which is what the SSC  
32 recommended. I think we have the whole enchilada there.

33  
34 **MIGUEL ROLON:** We don't have it specifically addressing what we  
35 are discussing now in the language that you have there. You  
36 have alternatives to modify Bajo de Sico closed season to  
37 December 1 to the last day of February and there, you want to  
38 add another one. It will be modify the closed season from  
39 December 1 to May 30. Here, when you look at Alternative 4, you  
40 are talking about the three areas and so you need to say  
41 something to the --

42  
43 **ROY CRABTREE:** I will try to make a motion, just to see if we  
44 can get started. **My motion would be that we select in Action 1**  
45 **Alternative 4b as a preferred, which means that Alternative 6b**  
46 **would no longer be a preferred.**

47  
48 **MARCOS HANKE:** Second.

1  
2 **ROY CRABTREE:** So Action 1, Alternative 4b as preferred. I got  
3 a second from Marcos and so what we would be doing there is I  
4 didn't change anything about Abrir or Tourmaline, but that makes  
5 the closure in Bajo de Sico -- It remains six months, but we've  
6 shifted it two months, December through the end of May. That  
7 corresponds with the SSC recommendation and the presentation we  
8 saw of when Nassau grouper are spawning.  
9  
10 Understood in this is that means there is going to be some  
11 changes that staff can work on to the purpose and need. We are  
12 not trying to get total compatibility in these, but we're trying  
13 to optimize the protection in Bajo de Sico and then we can try  
14 to bring some consistency to the other two areas, I guess.  
15  
16 **CARLOS FARCHETTE:** Any discussion?  
17  
18 **MIGUEL GARCIA:** Michelle, refresh my memory again. That  
19 reproduction ends during April and sometimes May and it happens  
20 every year or it depends on the moon?  
21  
22 **MICHELLE SCHARER:** What we've seen of the reproductive behavior  
23 is that the fish are queuing into the full moon and they are  
24 using from seven to fourteen days after the full moon to spawn.  
25 In some years, that occurs from January to May and in others, it  
26 may occur from December to April. During the two years that we  
27 measured it, we saw both of those.  
28  
29 **MIGUEL ROLON:** Michelle, if I appoint you the czarina of the  
30 Nassau grouper, from the point of view of science, which would  
31 be the best period to protect the, taking into consideration the  
32 variability that you just mentioned, for the best protection  
33 that we can offer to the Nassau grouper?  
34  
35 **MICHELLE SCHARER:** If your intent is to preserve the  
36 reproductive event, it would be December to May. If your intent  
37 is to produce a better population that can withstand and restore  
38 the species, it would be twelve months.  
39  
40 **ROY CRABTREE:** Look, if I thought I could get a second and any  
41 votes for it, I would have gone for twelve months, but I am not  
42 sensing that you guys are going to go along with that and so I'm  
43 going for six months and doing the best I can.  
44  
45 **GRACIELA GARCIA-MOLINER:** Do you want me to read -- There is  
46 another fisher who commented on Bajo de Sico. He says that it  
47 should be the three areas during the same period of time and it  
48 would be a demise of the commercial fishers if you are closing



1 March to April, because it would cost them dearly through the  
2 Lent season and you should circumscribe the depth contour around  
3 seventy-five to a hundred depth.  
4  
5 **MIGUEL ROLON:** He is talking about Bajo de Sico or all three  
6 areas?  
7  
8 **GRACIELA GARCIA-MOLINER:** To keep Bajo de Sico the same as the  
9 other two, December through February. You sent around the paper  
10 on the crowding and the allocation conflicts and the community  
11 socioeconomic impacts of regulations.  
12  
13 **MIGUEL GARCIA:** It is my understanding that we are talking right  
14 now specifically only to Bajo de Sico.  
15  
16 **ROY CRABTREE:** Yes and that's all we're changing here is Bajo de  
17 Sico. If you keep your other preferreds for Abrir and  
18 Tourmaline, then they would be closed December 1 through March  
19 31.  
20  
21 **CARLOS FARCHETTE:** On Bajo, it says prohibit the fishing of reef  
22 fish from December to May, but are you going to allow the  
23 pelagic fishers?  
24  
25 **ROY CRABTREE:** That's a different action, right? I don't know  
26 what we're going to do.  
27  
28 **MIGUEL ROLON:** Mr. Chairman, I suggest that we vote on this one  
29 and move to whatever in Bajo de Sico.  
30  
31 **CARLOS FARCHETTE:** Okay and so no further discussion and I am  
32 going to start my vote on my left with Tony Blanchard.  
33  
34 **TONY BLANCHARD:** Abstain.  
35  
36 **MIGUEL GARCIA:** Abstain.  
37  
38 **ROY PEMBERTON:** Yes.  
39  
40 **EUGENIO PIÑEIRO:** No.  
41  
42 **CARLOS FARCHETTE:** Yes.  
43  
44 **ROY CRABTREE:** Yes.  
45  
46 **MARCOS HANKE:** Yes.  
47  
48 **MIGUEL ROLON:** It's four yes, one no, and two abstain.

1  
2 **CARLOS FARCHETTE:** The motion carries.  
3  
4 **ROY CRABTREE:** So Alternative 6b is no longer our preferred and  
5 it's replaced by Alternative 4b.  
6  
7 **MIGUEL ROLON:** Now, Mr. Chairman, we need to address the issue  
8 of the water column and the pelagic spearfishing and what have  
9 you. We are talking about Bajo de Sico only.  
10  
11 I have a question for Miguel that abstained. If this flies and  
12 Puerto Rico has a different regulation, it will be interesting  
13 and so you are not in a position to say anything at this time?  
14 You want to keep your job? Okay.  
15  
16 **ROY CRABTREE:** I certainly understand how you feel about that,  
17 but I mean we don't have a compatible closure now, right? So  
18 that is where we are anyway.  
19  
20 **CARLOS FARCHETTE:** So now we go to the water column.  
21  
22 **GRACIELA GARCIA-MOLINER:** A clarification before we move on.  
23 Tourmaline and Abrir la Sierra remain December through February?  
24  
25 **MIGUEL ROLON:** Let's finish this and then --  
26  
27 **GRACIELA GARCIA-MOLINER:** This is Action 1. This is the length  
28 of the season and do you want me to move on to another action?  
29  
30 **MIGUEL ROLON:** Yes, we want to move on to another action and  
31 once we finish with Bajo de Sico, Graciela, we will go back to  
32 Tourmaline and the others. Now the question is whether the  
33 council would like to allow for spearfishing with the headboats  
34 for species considered pelagic.  
35  
36 **GRACIELA GARCIA-MOLINER:** If you want to go to Action 2, that  
37 means that you want to deal with the reef fish issue and you  
38 don't want Action 2. You have me confused.  
39  
40 **MIGUEL ROLON:** At this time, they don't care what action and  
41 everything. They just want to know the essence of what they  
42 want to do with Bajo de Sico and then we will ask you where in  
43 the document it goes to. At this time, what we need to hear  
44 from the council is do you want to keep the water column open or  
45 not for the spearfishing by the recreational guys.  
46  
47 **MARCOS HANKE:** Yes, to keep the -- This is very clear for  
48 everybody, to keep the water column for the blue water hunters

1 and for the charters to be able to troll over there and the  
2 recreational.

3  
4 **ROY CRABTREE:** Hang on. Status quo for Bajo de Sico, I think,  
5 is that it's closed to fishing for and possession of council-  
6 managed reef fish during the closure, but fishing for and  
7 possession of spiny lobster, coastal migratory pelagic, and HMS  
8 continues to be allowed.

9  
10 **CARLOS FARCHETTE:** So that takes care of that.

11  
12 **ROY CRABTREE:** It would seem so and I think what we were doing  
13 in Action 2 was just modifying Abrir and Tourmaline and is that  
14 correct, Graciela?

15  
16 **GRACIELA GARCIA-MOLINER:** Yes.

17  
18 **MIGUEL ROLON:** In other words, the council reaffirms on the  
19 status quo regarding this particular group for Bajo de Sico.

20  
21 **TONY BLANCHARD:** I will second the motion.

22  
23 **CARLOS FARCHETTE:** So it is clear that in Bajo they can go ahead  
24 and -- Now I've got a question on that. Is that also during the  
25 closed season or only after the closed season. During? All  
26 right. Good thing.

27  
28 **SHEPHERD GRIMES:** I raised this issue before and I don't know  
29 that we ever really did anything to address it. We certainly  
30 didn't change actions and alternatives and so I am thinking in  
31 terms of the regulatory text and how we would codify this --  
32 Normally we don't prohibit fishing for a specific species or a  
33 type of category of fish. You go out there and what are you  
34 fishing for and it's whatever bites or coastal pelagics. I mean  
35 you always have proof issues associated with that.

36  
37 What we've done when we've -- I am thinking Gulf of Mexico and  
38 the Madison-Swanson and Steamboat Lumps areas. When we want to  
39 prohibit bottom fishing, you have prohibitions on anchoring and  
40 the prohibition on possession is a very enforceable thing if  
41 they catch you out there.

42  
43 Otherwise, you kind of define the types of gears that you want  
44 to prohibit, bottom fishing type of gear, the stuff that you're  
45 going to fish for reef fish with. That dramatically improves  
46 the enforceability of the regulations, which is something that  
47 we are required to consider.

48

1 I just raise that because I think the way this is written that  
2 we would end up with a regulatory provision that prohibits  
3 fishing for or possessing council-managed reef fish and that  
4 way, if they have the reef fish onboard, you can enforce it.  
5 Otherwise, if you catch them out there fishing, they have to  
6 admit that they were --

7  
8 **ROY CRABTREE:** I think that's status quo right now, is fishing  
9 for and possession are prohibited. That's what we're planning  
10 to keep, right?

11  
12 **MARCOS HANKE:** I have a comment for the council to think about  
13 it and it's about the chumming. Addressing the same lines that  
14 we are allowing for this activity to take place, if you allow  
15 chumming on the place, we can get in trouble by raising the fish  
16 from the bottom and for the spear fishermen, they have other  
17 techniques that don't attract groupers or bottom fishes, but  
18 they attract the wahoo and the tuna, which are the flashers.  
19 It's a technique that they use.

20  
21 I know that maybe they wish to be chumming to be more effective  
22 or whatever, but in this case, because of this special  
23 situation, they have to pay off a little bit and I think to put  
24 a provision there saying no chumming allowed on this area is  
25 very important and we have to think about readdressing the  
26 yellowtail snapper, because yellowtail snapper they chum. If  
27 you're going to allow it or not, but we have to discuss that.

28  
29 **CARLOS FARCHETTE:** There is no anchoring and so you can't really  
30 catch yellowtail.

31  
32 **MIGUEL ROLON:** Are you still talking about Bajo de Sico?

33  
34 **MARCOS HANKE:** Yes, Bajo de Sico only.

35  
36 **MIGUEL ROLON:** I asked Graciela to put together how Bajo de Sico  
37 would look after the discussions that you've had, so you have a  
38 clear understanding of what you have done so far. When you  
39 finish Bajo de Sico, you can go into another one and then  
40 Graciela will tell you. Is there anything else regarding Bajo  
41 de Sico the council would like to address at this time?

42  
43 **CARLOS FARCHETTE:** Hearing none, we will go to Tourmaline and  
44 Abrir.

45  
46 **EUGENIO PIÑEIRO:** Graciela is going to be working on the paper?

47  
48 **MIGUEL ROLON:** It's not a paper and just a -- Actually,

1 Graciela, if we've got the table there -- Graciela will  
2 summarize it, but you can continue discussing Tourmaline and  
3 Abrir.

4  
5 **CARLOS FARCHETTE:** All right and while she's working on that,  
6 someone has to bring up Abrir and Tourmaline on the screen.  
7 Okay. Action 1 on Abrir and Tourmaline, I heard many people  
8 discussing Alternative 3 and so any comments on a preferred  
9 alternative?

10  
11 **GRACIELA GARCIA-MOLINER:** The no action here means that Abrir  
12 and Tourmaline will remain as they are, December through  
13 February, but you have to let us know that that's what you want  
14 to do. No action means that the regulations that are in place  
15 will remain in place and in the case of the length of the  
16 seasonal closure, Abrir and Tourmaline have a three-month  
17 closure from December through February.

18  
19 **MIGUEL ROLON:** Mr. Chairman, from the meetings that Graciela  
20 mentioned before, the majority of the fishers attending the  
21 meetings in Cabo Rojo and Mayaguez endorsed December 1 through  
22 February 28 for the closures.

23  
24 They stated that March is very important economically speaking  
25 and although they are in favor of a closed season for the  
26 protection of the resources, they believe that the council  
27 should weigh out the importance of March as a very important  
28 socioeconomic month for them and now we are addressing  
29 Tourmaline and Abrir la Sierra.

30  
31 From the paper by Dr. Juan Agar and Tonioli, they interviewed  
32 sixty-five fishers from that area and they came up with the  
33 conclusion that that area is very important for them  
34 socioeconomically speaking. That's the brief summary of what we  
35 received regarding the closed season for Abrir la Sierra and  
36 Tourmaline.

37  
38 **ROY CRABTREE:** That would be status quo, right, December 1  
39 through February 28? Our current preferred is to add March and  
40 so December 1 through March 31, right?

41  
42 **CARLOS FARCHETTE:** Right.

43  
44 **MARCOS HANKE:** I would like to state that from the meeting with  
45 the fishermen and other sources that I addressed that I would  
46 like the status quo to be the preferred alternative and I am  
47 reaffirming on that.

48

1 **SHEPHERD GRIMES:** I was just going to note that we really don't  
2 have rationale in the current document to support preferred  
3 alternatives. I know we waffled a bunch and then this was  
4 shelved for a while and so that discussion hasn't been added.

5  
6 We have had a lot of discussion here relative to the closed  
7 season in Bajo de Sico this afternoon, but we don't have it  
8 relative to the other alternatives and so even if you aren't  
9 modifying a preferred alternative, at some point before you take  
10 final action on this document, we need to articulate why it is  
11 we have the preferred alternatives that we do and all we've  
12 really done that for so far is Bajo.

13  
14 **MARCOS HANKE:** Just to help on your request, Shep, Bajo de Sico,  
15 because of how peculiar and how well documented it is, the only  
16 spawning grounds for Nassau grouper and how far it is, how  
17 isolated it is, the socioeconomic studies that was presented to  
18 us show less -- That it is not as important for the commercial  
19 fishing community in the area.

20  
21 On the other hand, Tourmaline and Abrir la Sierra have a great  
22 multiplicity of species that are fished there and it's a shorter  
23 ride and the socioeconomic study shows that a greater number of  
24 fishermen use that area as their fishing grounds and the  
25 socioeconomic aspect of it is very important. That addresses  
26 the spawning protection for the red hind, which are specifically  
27 on those three months. That's the rationale.

28  
29 **EUGENIO PIÑEIRO:** With that rationale, and thank you, Marcos, I  
30 would like to move to put, for Abrir la Sierra and Tourmaline,  
31 as the preferred alternative to be the status quo, December 1 to  
32 the last day of February.

33  
34 **CARLOS FARCHETTE:** Is there a second?

35  
36 **TONY BLANCHARD:** Second.

37  
38 **CARLOS FARCHETTE:** Is there discussion? Now, I don't see the  
39 status quo there, because December to February, according to  
40 that document, is only Bajo, but from what I see --

41  
42 **MIGUEL ROLON:** No, no action.

43  
44 **CARLOS FARCHETTE:** Oh, no action. Gotcha.

45  
46 **MIGUEL ROLON:** Yes, that's Alternative 1.

47  
48 **ROY CRABTREE:** What you would be doing, I think, is deselecting

1 Alternative 6a and 6c as preferred and then that way the only  
2 thing we're changing is Bajo. Is that right?  
3  
4 **EUGENIO PIÑEIRO:** Roy, what I'm saying is yes, it would be to  
5 select as a preferred alternative for Abrir la Sierra and  
6 Tourmaline December 1 to the last day of February.  
7  
8 **ROY CRABTREE:** I think all you really need to do is deselect  
9 Alternative 6a and 6c. That's what changes it. I mean it's not  
10 up there. You are deselecting a and c and that would leave the  
11 closure period status quo.  
12  
13 **GRACIELA GARCIA-MOLINER:** Here, you would have to deselect all  
14 of them, because you already asked for Bajo de Sico to have a  
15 different date and so all of them would be the preferred.  
16  
17 **ROY CRABTREE:** We already passed a motion deselecting b.  
18  
19 **MIGUEL ROLON:** No, you haven't voted yet.  
20  
21 **GRACIELA GARCIA-MOLINER:** It's the no action for Abrir la Sierra  
22 and Tourmaline.  
23  
24 **ROY CRABTREE:** That was the previous motion that deselected b.  
25  
26 **CARLOS FARCHETTE:** According to this, it was 6b.  
27  
28 **GRACIELA GARCIA-MOLINER:** That was the motion that you passed  
29 before and so now you have a motion to -- Do you want to say it  
30 like that, to deselect the other, or do you want to just go  
31 ahead and select the no action.  
32  
33 **MIGUEL ROLON:** A point of order. You already had a motion that  
34 was by Genio and seconded and so we need to put it on the screen  
35 and figure out what you're going to do with it. Genio, can you  
36 say it again?  
37  
38 **EUGENIO PIÑEIRO:** To select as a preferred alternative for  
39 Tourmaline and Abrir la Sierra the closure of December 1 to the  
40 last day of February.  
41  
42 **CARLOS FARCHETTE:** It was seconded by Blanchard.  
43  
44 **EUGENIO PIÑEIRO:** Tony had the second, yes.  
45  
46 **CARLOS FARCHETTE:** The motion is to select as a preferred  
47 alternative for Tourmaline and Abrir la Sierra December 1 to  
48 February 28.

1  
2 **ROY CRABTREE:** Just so we're clear though, we're really not  
3 selecting Alternative 1 as the preferred, because that would  
4 then be status quo for Bajo de Sico too and so what you're  
5 really -- The effect of your motion is to just deselect  
6 Alternative 6a and 6c as the preferred and so that leaves us  
7 with only one preferred, which is Alternative 4b. There are no  
8 other preferreds in this action. Just as long as we're all  
9 clear on that, that what staff is going to do is just take all  
10 the preferreds go away on Alternative 6.  
11  
12 **CARLOS FARCHETTE:** Are you ready to vote? Okay. I will start  
13 on my right on this time, to keep you confused.  
14  
15 **GRACIELA GARCIA-MOLINER:** It should be the last day in February.  
16  
17 **MIGUEL ROLON:** Marcos, for the record, they are voting to select  
18 as the preferred alternative for Tourmaline and Abrir la Sierra  
19 December 1 through February 28.  
20  
21 **GRACIELA GARCIA-MOLINER:** It's through the last day in February.  
22  
23 **MARCOS HANKE:** I say yes.  
24  
25 **ROY CRABTREE:** Yes.  
26  
27 **EUGENIO PIÑEIRO:** Yes.  
28  
29 **ROY PEMBERTON:** Yes.  
30  
31 **MIGUEL GARCIA:** Yes.  
32  
33 **TONY BLANCHARD:** Yes.  
34  
35 **CARLOS FARCHETTE:** Yes. **Any abstentions? Any nays? Hearing**  
36 **none, the motion carries.**  
37  
38 **MIGUEL ROLON:** To summarize, this is what happened to Bajo de  
39 Sico now, what you would like to see happening in Bajo de Sico.  
40 We will send that to you. We don't have to read it again, but  
41 we will send that to you and especially Miguel, so he can  
42 discuss it with his Houma de Pesca in Puerto Rico.  
43  
44 **MIGUEL GARCIA:** It's a fisheries advisory board.  
45  
46 **MIGUEL ROLON:** Fisheries advisory board of DNER. Graciela,  
47 anything else with these three areas that we need to address?  
48



1 **CARLOS FARCHETTE:** I have a quick question on those other two  
2 areas, Abrir and Tourmaline. The anchoring is still prohibited  
3 in those areas too, right?  
4

5 **GRACIELA GARCIA-MOLINER:** In Tourmaline, you can anchor as long  
6 as you have a retrieval system and so you need to decide whether  
7 you want to change it to no anchoring year-round.  
8

9 **CARLOS FARCHETTE:** Okay. I will let the guys in Puerto Rico  
10 discuss that, but I also believe that even the retrieval system  
11 has some type of impact on coral, but I will let --  
12

13 **MIGUEL ROLON:** The comment that we received from the fishermen  
14 on the west coast of Puerto Rico regarding Tourmaline and Abrir  
15 la Sierra and the anchoring is that they would like to allow the  
16 status quo, which is you can fish using a retrieval system or  
17 anchor as long as you have the retrieval system perpendicular,  
18 but they have comments.  
19

20 They believe that only the grappling anchor should be used and  
21 therefore, anchors should not be allowed and the rationale they  
22 have for recommending that to the council is that there is a  
23 significant yellowtail fishery that is used by Mayaguez and Cabo  
24 Rojo and Anasco fishers and the boundaries there.  
25

26 In the case of Tourmaline, the present regulations summarized by  
27 Graciela and on the table -- For the record, you have a seasonal  
28 closure of three months from December to February and nothing in  
29 the Puerto Rico area. The species managed, no fishing in the  
30 EEZ and no regulations in the Puerto Rico area. Regarding  
31 prohibited gear, you have traps, pots, nets, and bottom  
32 longlines and they are compatible with Puerto Rico.  
33

34 The anchoring regulation, all year anchoring with the retrieval  
35 system and in the case of Puerto Rico, all year anchoring is  
36 prohibited. Miguel, is there anything in the air to modify in  
37 any way the anchoring prohibition in Puerto Rico?  
38

39 **MIGUEL GARCIA:** There is nothing that I recall right now about  
40 changing that.  
41

42 **GRACIELA GARCIA-MOLINER:** I would suggest that we go back to  
43 what you had in the preferred actions and just go Action 2,  
44 Action 3, Action 4, and Action 5 and either keep your preferred  
45 alternatives or deselect them.  
46

47 **MIGUEL ROLON:** Graciela, Genio wanted to address that before.  
48

1 **EUGENIO PIÑEIRO:** What I heard at the meeting in Mayaguez by the  
2 fishermen is that they only want the anchoring for commercial  
3 fishermen with the retrieval system and not for everyone, as it  
4 is right now. Do you recall that, Graciela?

5  
6 **GRACIELA GARCIA-MOLINER:** You should have a copy and let me see.

7  
8 **EUGENIO PIÑEIRO:** The way it stands right now, everyone can  
9 anchor in those areas.

10  
11 **GRACIELA GARCIA-MOLINER:** You have on the screen what the public  
12 recommendation was, to allow anchoring by commercial fishers  
13 using the grappling anchor in all three areas and do not allow  
14 anchoring with Danforth anchors and only for yellowtail snapper  
15 and this is not a consensus and these are recommendations that  
16 they made out of the sixty or seventy people that were present  
17 at the two meetings.

18  
19 This was your preferred alternative when you took it to the  
20 public, to actually prohibit anchoring year-round at the two  
21 areas that don't have that prohibition now.

22  
23 **MARCOS HANKE:** We have a historical problem here with the  
24 anchoring definition for Puerto Rico that we tried to adapt what  
25 is done in the U.S. that is not exactly what is done in Puerto  
26 Rico and the U.S. Caribbean.

27  
28 We use the grappler anchor that is from wire that is bent when  
29 you pull and some fishermen attach the anchor line or the chain  
30 to the end of the anchor and a little string on the top that  
31 breaks away as an extra protection.

32  
33 What I would like to do or like to see there is a the offset one  
34 and the only one to be allowed and just by the commercial  
35 fishermen on the area, because there is two protections on that  
36 anchor. It bends away and usually works just like that and if  
37 it gets stuck, you are going to break away with the upper string  
38 or a tie wrap or whatever the people are using on the top.  
39 That's the system that people truly use.

40  
41 I don't see many people using the retrieval line with a buoy on  
42 the top and everything. I don't see that and that's my  
43 experience. I don't know what the other council members have to  
44 say, but that definition of the truth of what is used and what  
45 is effective by the fishermen, we have to define it and if it's  
46 possible to redefine or to put on the regulation and to use that  
47 methodology, that's what should be done.

48

1 **EUGENIO PIÑEIRO:** Marcos, what you are suggesting is to put as a  
2 regulation for Tourmaline and Abrir la Sierra that only that  
3 type of anchor by commercial fishermen?  
4

5 **MARCOS HANKE:** I think the definition is a grappler anchor  
6 offset and that's the name that you see in the literature and if  
7 there's any correction in terms of the -- Grappler anchor or  
8 hook offset. A grappler hook can be attached from the top, but  
9 what I'm saying is it has to be offset as an extra protection.  
10 That's the one that truly works.  
11

12 **MIGUEL ROLON:** Guys, I was talking to the fishers that fish with  
13 -- You already have that in the regulations, actually. You have  
14 it in a nice drawing in the Federal Register. The thing is  
15 this. Out of the fishers that we talked to, the fishers who  
16 fish for yellowtail, two of them told me that they use -- and  
17 the rest never heard of that before, meaning that they fish with  
18 Danforth anchors and grappler anchors at night for yellowtail.  
19 That's what they told me and that was outside the record and  
20 they keep saying every time I come on an open mic and say  
21 something that you clobber us in the head and so they told us in  
22 the case of a comment made a long time ago by Dr. Valdez Pizzini  
23 -- He found that there was not much information regarding that  
24 fishery and he asked for that information and so we are up in  
25 the air. At this time, you can put any recommendation that you  
26 want there.  
27  
28

29 **MARCOS HANKE:** What was helping me was the English terminology  
30 and what they use in Florida too is a grappler with a breakaway  
31 system. That's the system that should be allowed, a grappler  
32 with a breakaway system. That's the wording, the way it should  
33 say.  
34

35 **EUGENIO PIÑEIRO:** I am going to ahead and make a motion that  
36 only for Abrir la Sierra and Tourmaline that only a grappler --  
37 For Tourmaline and Abrir la Sierra to select as the preferred  
38 alternative -- The breakaway grappler anchor.  
39

40 **MARCOS HANKE:** Grappler anchor with breakaway system.  
41

42 **ROY CRABTREE:** So you're adding a new alternative, right, is  
43 what you're doing here?  
44

45 **EUGENIO PIÑEIRO:** No, a preferred alternative.  
46

47 **ROY CRABTREE:** We don't even have an alternative that does this.  
48 It's going to be a new alternative.

1  
2 **EUGENIO PIÑEIRO:** For commercial fishermen only.  
3  
4 **CARLOS FARCHETTE:** Is there a second to the motion before we do  
5 anything?  
6  
7 **MARCOS HANKE:** Second.  
8  
9 **CARLOS FARCHETTE:** Is there discussion? Before we go forward,  
10 we are going to discuss this and I want to read the motion. For  
11 Tourmaline and Abrir la Sierra, select the grapple anchor with  
12 breakaway system for commercial fisheries only. Is there  
13 discussion?  
14  
15 **BILL ARNOLD:** Does that motion mean that commercial fishers have  
16 to use a breakaway system and the recreational guys can use  
17 anything they want?  
18  
19 **CARLOS FARCHETTE:** That's what we've got to discuss and it can  
20 change.  
21  
22 **SHEPHERD GRIMES:** I think this is fairly confusing, like much of  
23 the discussion related to this action, but right now, you have  
24 preferred alternatives in Alternative 3, Action 4 to prohibit  
25 anchoring year-round in Abrir and Tourmaline.  
26  
27 We already prohibit anchoring year-round in Bajo and so what  
28 this is going to do is it's going to change relative just to  
29 Abrir and if you're distinguishing between commercial and  
30 recreational fishermen, you need to explain what basis there is  
31 for distinguishing and allowing an activity by one and not  
32 another and you need to explain what time of the year this is  
33 going to apply and how it fits in with your existing preferreds.  
34  
35 **EUGENIO PIÑEIRO:** No, it's for commercial and do we have a  
36 preferred alternative? This is adding another alternative.  
37  
38 **ROY CRABTREE:** If I could, I think what you're doing is you're  
39 keeping Alternative 3, but you're adding an exception in there  
40 to prohibit anchoring year-round except for commercial fishermen  
41 using a grapples or whatever it was with the retrieval. I think  
42 that's what you're doing.  
43  
44 Now, the problem I see with this is how do we define a  
45 commercial fisherman? We have no federal permits and so the  
46 Coast Guard gets on the boat and how are they supposed to know  
47 if the guy is a commercial fisherman? They're going to check  
48 for a Puerto Rican commercial fishing license, which is an open

1 access license that anyone can get one or is it limited access?  
2  
3 **UNIDENTIFIED MALE:** Kind of.  
4  
5 **ROY CRABTREE:** Well, kind of doesn't work.  
6  
7 **MIGUEL ROLON:** I have a basic question here. In essence, what  
8 you are doing with this is an allocation to the commercial  
9 sector and what is the rationale for kicking the recreational  
10 out?  
11  
12 **MARCOS HANKE:** What we heard from the fishermen and the study of  
13 socioeconomic impacts is the people that are really impacted  
14 economically if they are not allowed to anchor there, especially  
15 for the yellowtail, are the commercial fishermen.  
16  
17 My fear is that if we want to add the most protection to the  
18 bottom possible, trying to be on that line too, I don't have a  
19 guarantee that the recreational fishermen that bought the boats  
20 last week will not throw the anchor in an inappropriate way and  
21 he doesn't have the expertise. It's less likely for them to  
22 have the expertise to anchor properly.  
23  
24 **UNIDENTIFIED FEMALE:** I would like to point out that the  
25 presentation we had earlier, Michelle mentioned that any  
26 anchoring of any kind is detrimental to the corals on the  
27 bottom, whether it has retrieval or not. You're still going to  
28 damage that coral, which you all want to protect anyways.  
29  
30 **MARCOS HANKE:** To that point, I would like to hear from  
31 Michelle. She is an expert about this and what does she think  
32 about your comment and the discussion?  
33  
34 **GRACIELA GARCIA-MOLINER:** You do have a video of anchor damage  
35 available from Tyler Smith.  
36  
37 **MICHELLE SCHARER:** The anchors we've observed are in a place  
38 where they're not supposed to be anchoring and I think in any  
39 one of those places the probability of damaging federally-listed  
40 coral species with an anchor are irrelevant of what type of  
41 anchor it is and so any type of anchor has the potential to  
42 destroy a colony of the coral and yes, there are ways of doing  
43 it to minimize and to maximize damage, but we don't know enough  
44 of the distribution of those species to avoid that.  
45  
46 **ROY CRABTREE:** That is how it seems to me as well and so I am  
47 just not sure -- This doesn't seem to be a really good idea, to  
48 me. Miguel, to get a commercial fishing license in Puerto Rico,

1 what do you have to do?  
2

3 **MIGUEL GARCIA:** We know that for some time it was kind of an  
4 open access process, but it's not like that anymore and we are  
5 already finishing the first draft of the new fisheries law and  
6 we are working on the new regulations and it's going to be you  
7 have to present everything that you earn and you can have a  
8 commercial license to fish and we have had some problems with a  
9 Secretary that took a very bad decision, but it's not like that  
10 anymore.

11  
12 **ROY CRABTREE:** But I mean you have to show what, landings or  
13 income from commercial fishing? How do you have income from  
14 commercial fishing if you don't have a -- There is no way for  
15 any new entrant to get in?  
16

17 **MIGUEL GARCIA:** Typically you will get the first year and now it  
18 is just called principiante les beginner and it's going to be a  
19 fishermen in transition license and then after that, you have to  
20 get your -- After one year you have to get your permanent  
21 license and for that one, you have to show that you were making  
22 profits out of commercial fishing.  
23

24 **SHEPHERD GRIMES:** Do you have to be a resident of Puerto Rico?  
25

26 **MIGUEL ROLON:** Yes.  
27

28 **SHEPHERD GRIMES:** We can't -- That violates National Standard 4.  
29 Whether or not you could anchor would depend on your residency,  
30 which is discriminating based on residency and that's a pretty  
31 clear violation of the National Standard 4, I would say.  
32

33 **MIGUEL ROLON:** We have discussed this before and the reason why  
34 we didn't have a federal permit using a validation of the local  
35 commercial fishing license was exactly that point, that Puerto  
36 Rico required the residency and that discriminates for the U.S.  
37 fishers.  
38

39 I would like to go back to what we have on the screen and the  
40 motion that you have here. We need to -- This is one of those  
41 times, Miguel, that you can say I move that the federal  
42 government adopt what Puerto Rico has, because you have total  
43 prohibition of anchoring in the area, but what you have so far  
44 is Alternative 3, prohibiting anchoring year-round in Tourmaline  
45 and Abrir la Sierra. Those are your preferred alternatives.  
46

47 If you go to the motion, if you compare what you have in the  
48 preferred with the motion, the motion deselects Alternative 3

1 and now you will allow anchoring with a grappler with a  
2 breakaway system for commercial fishers only. Actually, that's  
3 what you are doing with that one there.

4

5 **GRACIELA GARCIA-MOLINER:** But would that prohibit anchoring with  
6 Danforth by recreational fishers?

7

8 **MIGUEL ROLON:** Graciela, Genio wants to say something with the  
9 motion.

10

11 **EUGENIO PIÑEIRO:** Actually, the Alternative 3 prohibits  
12 anchoring all year-round in Abrir la Sierra and Tourmaline and  
13 what I was trying to do was to try to add another alternative  
14 and not the preferred, but another opportunity for commercial  
15 fishermen to anchor using the retrieval system, but not by any  
16 means substituting the preferred alternative, which is no  
17 anchoring in any of those zones of Abrir la Sierra or  
18 Tourmaline.

19

20 What I have tried to do is -- I will withdraw the motion if I  
21 get a second and we will -- Marcos. Then we will stick with the  
22 -- Let's stick with the preferred alternative of no anchoring in  
23 both areas.

24

25 **CARLOS FARCHETTE:** Okay. I agree. I know yellowtail fishing --  
26 It's not your location and it's if you're off the edge and the  
27 current is right and the moon is right. You don't have to be in  
28 Tourmaline or Abrir. You could be right off that boundary and  
29 still catch yellowtail if the moon is right and the current is  
30 right and you've got the right bait. You will pull them.

31

32 **EUGENIO PIÑEIRO:** Yes and it's going to make it -- That's a  
33 poison pill. If I live that long it's a poison pill, because  
34 it's going to kill it, because then everyone is going to be --  
35 It's going to be too hard even for the Coast Guard even to tell  
36 and so let's stick with the -- **I am withdrawing the motion and**  
37 **let's stick with the preferred alternative of no anchoring**  
38 **anywhere ever.**

39

40 **SHEPHERD GRIMES:** Just to provide you some additional  
41 information, the Code of Federal Regulations Section 622.432 has  
42 the anchoring restrictions that deal with an owner or operator  
43 of any fishing vessel, recreational or commercial, that fishes  
44 for or possesses Caribbean reef fish in or from the Caribbean  
45 EEZ must ensure that the vessel uses only an anchor retrieval  
46 system that recovers the anchor by its crown, thereby preventing  
47 the anchor from dragging along the bottom during recovery.

48

1 For a grapnel hook, this could include an incorporated anchor  
2 rode reversal bar that runs parallel along the shank, which  
3 allows the rode to reverse and slip back toward the crown. For  
4 a fluke or plow-type anchor, a trip line consisting of a line  
5 from the crown of the anchor to a surface buoy would be  
6 required. This is on the books now and not the same thing you  
7 were just talking about, but you have it.

8  
9 **CARLOS FARCHETTE:** Okay. You are going to impact coral anyways,  
10 but let's leave it at that.

11  
12 **MIGUEL ROLON:** Wait. You have to be careful with the record,  
13 what you say on the record. I mean if you don't give a hoot  
14 about corals, fine. On a personal note, you can say that, but  
15 not on the record for the council.

16  
17 You have to decide here what you're going to do. You are  
18 supposed to protect the darned corals that are on the bottom and  
19 if you -- In this area, if you're knocking the heck out of them  
20 with the anchors, let's say so and then you stick to the  
21 preferred alternative that you have there.

22  
23 In other words, outside of those two areas, you can anchor using  
24 what he just read and I've been saying that all along and I  
25 haven't seen one fisherman yet, except for two guys from El  
26 Seco, that use that system.

27  
28 **CARLOS FARCHETTE:** Okay. That grapnel hook thing is the only  
29 method they use in the Virgin Islands to fish for yellowtail.  
30 It's the only method. That's the only method they use with a  
31 retrieval. We have taken care of Abrir and Tourmaline and is  
32 that it for those guys?

33  
34 **GRACIELA GARCIA-MOLINER:** Can I take you back to Action 3 a  
35 second, just for completion sake? What do you want to do with  
36 the spiny lobster? Your preferred alternative is to allow  
37 fishing for spiny lobster year-round and that's still your  
38 preferred alternative for the three areas?

39  
40 **TONY BLANCHARD:** Yes.

41  
42 **ROY CRABTREE:** Graciela, the status quo is you're allowed to  
43 spiny lobster fish year-round in Bajo de Sico, but not during  
44 the closed period in Tourmaline and Abrir? Is that right?

45  
46 **GRACIELA GARCIA-MOLINER:** Exactly. Lobster is allowed all year-  
47 round in Bajo.

48



1 **ROY CRABTREE:** It's only by diving?  
2  
3 **GRACIELA GARCIA-MOLINER:** Yes and that's the preferred  
4 alternative that you had and that reflects specifically that.  
5  
6 **ROY CRABTREE:** For Bill, so we haven't hit the spiny lobster ACL  
7 in Puerto Rico yet, have we?  
8  
9 **BILL ARNOLD:** No.  
10  
11 **ROY CRABTREE:** Have we come close?  
12  
13 **BILL ARNOLD:** Yes, we came like 97 percent or something. I mean  
14 I would have to check the numbers to know for sure, but yes,  
15 we've come close.  
16  
17 **CARLOS FARCHETTE:** Next.  
18  
19 **GRACIELA GARCIA-MOLINER:** Action 5 is to request the council so  
20 wishes that the HMS activities be amended as follows, to  
21 prohibit the bottom longline fishing for HMS at Bajo de Sico.  
22 This gear is already prohibited from Abrir la Sierra and  
23 Tourmaline and is that still your preferred alternative?  
24  
25 **CARLOS FARCHETTE:** Yes.  
26  
27 **GRACIELA GARCIA-MOLINER:** Do we need a motion for this or your  
28 yes is okay?  
29  
30 **SHEPHERD GRIMES:** I would add on this that I mean technically  
31 this is not your action. This is a highly migratory species  
32 management action that's included in this because it's a  
33 combined framework and I think you just indicate what you want  
34 HMS to do and you've done that in the past.  
35  
36 If you don't want to change it, you would just reaffirm those  
37 and this is one where we talked about any kind of bottom-tending  
38 gear is bad for the coral resources in the area and so we don't  
39 want it.  
40  
41 **CARLOS FARCHETTE:** Are we actually forwarding that to HMS for  
42 their consideration?  
43  
44 **SHEPHERD GRIMES:** In the event that you ever finish this  
45 document and submit it to the Secretary, yes.  
46  
47 **CARLOS FARCHETTE:** Okay.  
48

1 **GRACIELA GARCIA-MOLINER:** Additionally, you also have  
2 Alternative 4 in Action 5 that would then make an exception for  
3 surface trolling for all HMS, but this is by the definition of  
4 trolling and so this would be for highly migratory species and  
5 to allow spearfishing for the BAYS. Do you still want to have  
6 that as your preferred alternative?

7  
8 Finally, this is a little bit redundant, but you do have a  
9 preferred alternative of Action 6 and that is to prohibit  
10 spearfishing only for council-managed reef fish during the  
11 seasonal closure at these three areas.

12  
13 **CARLOS FARCHETTE:** All right and from what I understand from  
14 those apnea divers, it's that they wanted to be allowed to fish  
15 during the closed season because they are not touching the reef  
16 fish. I don't see it anywhere. It covers it. Okay. All  
17 right. I've got it. Okay. Yes.

18  
19 **GRACIELA GARCIA-MOLINER:** Okay and so this is what Bajo de Sico  
20 is going to look like following everything that you have decided  
21 today and it's on the right-hand side of the screen.

22  
23 **CARLOS FARCHETTE:** We will take a quick five.

24  
25 **GRACIELA GARCIA-MOLINER:** You have to let us know what you want  
26 us to do to follow through and take it to public hearings.

27  
28 **MIGUEL ROLON:** We have to take it to public hearings. Then at  
29 the next meeting in August, we will take a final action on that  
30 one.

31  
32 **CARLOS FARCHETTE:** So moved. We will take a quick two or three  
33 minutes. Some people need a bathroom break.

34  
35 (Whereupon, a brief recess was taken.)

36  
37 **ISLAND-BASED FISHERY MANAGEMENT SPECIES SELECTION CRITERIA**

38  
39 **CARLOS FARCHETTE:** I guess what we're going to do now is put up  
40 the motion that the group went to conference on in the room  
41 earlier today. What we're going to do for Administrative  
42 Matters is that we're going to move that to tomorrow afternoon  
43 after Other Business and we will continue with the discussions  
44 from earlier today with Dr. Appeldoorn and what the group with  
45 Bill developed a motion to -- That's a big one, so I will leave  
46 that for Bill.

47  
48 **BILL ARNOLD:** So we were dealing with the species selection

1 criteria and we had set up Alternative 1 as bring all species  
2 over into the new island-based fishery management plans.

3  
4 Alternative 2 was we had four criteria and you could choose any  
5 or all of them and then Alternative 3 was the alternative that  
6 had been identified as the DAP's, quote, unquote, preferred  
7 alternative for all three of the District Advisory Panels and  
8 for other constituents, but the problem with Alternative 3 is  
9 that we had written it up as a group in SERO, Southeast  
10 Fisheries Science Center, the council, et cetera, and then we  
11 brought that to the District Advisory Panels and they had made  
12 some recommendations to modify it.

13  
14 We had responded to those as well as we could, but then the  
15 Scientific and Statistical Committee also made recommendations  
16 and we had not been able to respond to those yet and so what we  
17 did was we conferenced back in one of the other rooms with Roy  
18 Pemberton and Richard Appeldoorn and Carlos was there and Julian  
19 was there and Shannon was there, thank goodness, and I was  
20 there.

21  
22 We just took side-by-side what the SSC's flow chart  
23 recommendations were and what the previously established  
24 Alternative 3 was and we blended those to come up with a new  
25 Alternative 3 and that's what you see on the screen and so I  
26 will walk through this for you.

27  
28 Criterion A, and these are stepwise, but Criterion A is we  
29 include for management those species that are classified as  
30 overfished in U.S. Caribbean waters, based on NOAA Fisheries'  
31 determination. That would include Nassau grouper, goliath  
32 grouper, and queen conch. It used to include Grouper Unit 4,  
33 but that overfished status should end in 2015.

34  
35 Next or for which historically identified harvest is now  
36 prohibited due to their ecological importance as habitat and  
37 that includes all of the corals presently included in the Corals  
38 and Reef-Associated Plants and Invertebrates Fishery Management  
39 Plan. All of those would be included for management.

40  
41 Or habitat engineers and that captures the midnight, blue, and  
42 rainbow parrotfish that are prohibited from harvest and are  
43 important grazers and also those species for which seasonal  
44 closures or size limits apply and that recommendation came  
45 directly from the DAPs. Certainly St. Thomas and I think St.  
46 Croix had some input on that as well.

47  
48 Finally, those species presently managed by HMS regulations,

1 which is sort of redundant, but we wanted to make sure we had it  
2 out there and so that's Criterion 1. If you fall into one of  
3 those categories -- We have two bins. One bin is the species to  
4 be managed and the other bin is everything else.

5  
6 Everything captured in Criterion 1 will go into the species to  
7 be managed bin and they will be set aside and they will not be  
8 further considered. They are included for management.

9  
10 Then we go to Criterion B and from the remainder of species for  
11 which we had landings or any kind of landings information in the  
12 U.S. Caribbean, exclude from federal management those species  
13 that have been determined to infrequently occur in federal  
14 waters based on expert analysis guided by available data.

15  
16 That "infrequently" is going to have to be a judgment call by  
17 that expert analysis group and we will talk about that after we  
18 go through the criterion.

19  
20 That is going to get rid of species like snook and bonefish and  
21 probably tarpon, the Caribbean top snail, these things that are  
22 absolutely in state waters and probably some that are  
23 predominantly in state waters. We will use landings or  
24 quantitative data -- Not we, because I may not have anything to  
25 do with this, but the group who is the experts will use whatever  
26 data they have available and then they will have to use expert  
27 analysis to make that final determination as to what these  
28 infrequently occur in federal waters species are.

29  
30 You set those aside and they go in another bin and that is the  
31 bin of species that will not be managed. They won't be managed,  
32 because they are not under federal auspices.

33  
34 Then you go to C, Criterion C. From the remainder, include for  
35 management those species who are biologically vulnerable,  
36 constrained to a specific habitat that renders them particularly  
37 vulnerable, or have an essential ecological value, again as  
38 determined by expert analysis. This comes straight out of the  
39 SSC's flow chart and the SSC's recommendations.

40  
41 Then the next criterion is from the remainder, include those  
42 species possessing economic importance to the nation or regional  
43 economy based on a threshold of landings or value separately  
44 determined for each of the recreational, commercial, and  
45 aquarium trade sectors, as appropriate.

46  
47 For example, that could be the top 90 percent of commercially-  
48 caught species. It could be the top 90 percent of

1 recreationally-caught species. That 90 percent, whatever that  
2 threshold is, again is to be determined by this expert group and  
3 so you can see expert analysis is an absolutely critical  
4 essential part of this entire process.

5  
6 Also, those species representing an important component of  
7 bycatch, all of this, again, is established by expert analysis  
8 and so that's it. These are the four criteria, objective  
9 criteria, that will be used if Alternative 3 is chosen to devise  
10 the list of species to be managed in each of the three islands  
11 and each of these island FMPs can have different lists of  
12 species to be managed. You would think it's probably not going  
13 to be drastically different, but I would expect them to be  
14 different.

15  
16 What this sets up is an absolutely essential decision that has  
17 to be made by the council and that is who are these experts and  
18 how are they going to do their business going forward.

19  
20 **MARCOS HANKE:** That was my question, but you made the question  
21 already and my recommendation is that it should be a combination  
22 of the --

23  
24 **BILL ARNOLD:** Marcos, I would certainly suggest you might want  
25 to throw some scientists in there, too. I mean I know they are  
26 on the SSC, but you will probably want Southeast Fisheries  
27 Science Center representation, because they have a lot of these  
28 data that are going to be needed to make these decisions.

29  
30 **MARCOS HANKE:** At least the SSC, the Chairman or the whole  
31 group, depending on how it works out, but --

32  
33 **MIGUEL ROLON:** What we need to do now is whether you accept or  
34 not the new language for Action 1, Alternative 3. Then we can  
35 talk about the composition of that panel.

36  
37 **MARCOS HANKE:** Do you need a motion for that?

38  
39 **SHEPHERD GRIMES:** Hang on a second. Can you scroll back down,  
40 please, so I can see Paragraph A on the board? I must have  
41 missed this in the presentation, but that last sentence "or  
42 those species presently managed by HMS", we don't have  
43 jurisdiction over those species. The statute gives the  
44 Secretary authority over those and we have no legal authority to  
45 manage those and so we obviously can't include them in an FMP.

46  
47 **ROY CRABTREE:** That just needs to come out and I don't  
48 understand the species for which seasonal closures or size

1 limits apply. I mean say we have a seasonal closure of a  
2 species that doesn't occur in the EEZ and why would we continue  
3 to manage it just because of that?

4

5 **ROY PEMBERTON:** Just to answer your question, these are species  
6 that were located in the EEZ and had closures in the EEZ and so,  
7 for example, some of your grouper species and some of your  
8 snapper species.

9

10 **ROY CRABTREE:** All right and I don't get it, but -- I think the  
11 habitat engineers thing -- So that just means those three  
12 species? It seems to me those are covered by things that are  
13 prohibited and getting into habitat engineers without some  
14 definition of what that means seems a pretty big can of worms.  
15 I mean if you have a fish that burrows on the bottom, I guess  
16 it's a habitat engineer, but I don't think that means we need to  
17 manage it necessarily.

18

19 **MIGUEL ROLON:** Actually, I have a more basic question. Is  
20 habitat engineers already an ecological scientific term? I need  
21 some smarter guy than me to tell me, because, to me -- That is a  
22 term that they use? Then those are not the only three and so I  
23 would say, e.g., midnight, blue, and rainbow.

24

25 **BILL ARNOLD:** Keep in mind they also have to have the prohibited  
26 harvest designation. Now, I mean if you want to take out the  
27 habitat engineer or ecosystem engineer, however you want to word  
28 it, but that was just --

29

30 **ROY CRABTREE:** I read that that you've got an "or" there and so  
31 you've got prohibited harvest or it's a habitat engineer.

32

33 **BILL ARNOLD:** Yes, but no comma. For which historically  
34 identified harvest is now prohibited due to their ecological  
35 importance as habitat or habitat engineers. If you took out the  
36 two parenthetical statements, it would flow as ecological  
37 importance as habitat or habitat engineers. There is no comma  
38 in there to separate them, but these are drafts. This is what  
39 we came up with under a teeny bit of pressure and so you are  
40 more than welcome to recommend modifications.

41

42 **SHEPHERD GRIMES:** One other thing I guess I would clarify and so  
43 the second-to-last phrase "or species for which seasonal  
44 closures or size limits apply", those would be species-specific  
45 seasonal closures, right, because we just talked today that we  
46 have seasonal area closures.

47

48 Bajo de Sico is all reef fish and so that's a seasonal closure

1 for all reef fish and does that mean we're going to include all  
2 existing reef fish because of that? I think you're talking  
3 about ones that are this is the red hind spawning closed period  
4 or whatever species.

5  
6 **BILL ARNOLD:** Not to be overly sensitive, but there is two ways  
7 to approach this. You can either criticize it and tell us  
8 what's wrong or you can provide suggestions as to making it  
9 better. I think it would be a better approach to provide  
10 suggestions as to improve it, because we're putting it out here  
11 as a draft. Tell us how to make it better and we are more than  
12 happy to do so.

13  
14 **MIGUEL ROLON:** Bill, I just mentioned the "e.g." before  
15 midnight, because I believe that habitat engineers may be other  
16 species and so you're saying, for example, midnight, blue, and  
17 rainbow. Can we say that, with e.g. or something like that,  
18 such as midnight?

19  
20 **BILL ARNOLD:** You can reword that any way you want, because  
21 really all it's going to do is capture midnight, blue, and  
22 rainbow parrotfish.

23  
24 **MIGUEL ROLON:** Yes, that's what I said.

25  
26 **JULIAN MAGRAS:** That sentence there, where it talks about a  
27 seasonal closure, Shep, what we are trying to capture is we want  
28 to ensure that the seasonal closures that were implemented with  
29 the Sustainable Fisheries Act ten years ago rolls over already  
30 without having to look at those species until we do some studies  
31 to determine if we need to move them from the seasonal closures  
32 they're in. Right now, we just want to make sure that they move  
33 forward over with the plan.

34  
35 **ROY CRABTREE:** The trouble with that is so those seasonal  
36 closures apply to all three islands and so you may have a  
37 seasonal closure for a species that only occurs on two of them.

38  
39 **JULIAN MAGRAS:** They are different. The timings are different  
40 for the different islands.

41  
42 **ROY CRABTREE:** The spawning season closures, but the species are  
43 all the same on all three, right?

44  
45 **EDWARD SCHUSTER:** If I may, for the midnight, blue, and the  
46 rainbow, it's still allowed for recreational spearfishing.

47  
48 **JULIAN MAGRAS:** That's territorial and we're talking about the

1 EEZ.

2

3 **EDWARD SCHUSTER:** We are talking about EEZ? Yes, it's the same.  
4 I am sorry.

5

6 **ROY CRABTREE:** Back to the problem of the seasonal closure or  
7 the size limit. You may well end up with a species that only is  
8 caught on one of the islands, but it's got a size limit and so  
9 according to this, we're going to keep it in the fishery  
10 management unit on all three island groups and that doesn't make  
11 any sense to me.

12

13 **CARLOS FARCHETTE:** A good example of that is mutton snapper.  
14 It's only closed in St. Croix. There is a seasonal closure in  
15 St. Croix only.

16

17 **MIGUEL ROLON:** Wait. I think we are supposed to be talking  
18 about criteria for each one of the islands, because if that is  
19 what we're talking about, I don't agree with that. You use that  
20 for St. Croix and you will have a list of species for St. Croix  
21 and you use it for St. Thomas/St. John and you will have a list  
22 of species for it. Whatever applies goes to each one of them.

23

24 **RICHARD APPELDOORN:** The rationale in looking at this was that  
25 these are species that have been recognized as being both  
26 important enough and threatened enough that we already have  
27 existing management regulations on them and that is enough to  
28 have them in the plan, but that's going to be island specific.

29

30 If there is, and I can't think of an example, but for something  
31 with a size regulation in Puerto Rico that doesn't have one in  
32 St. Croix, it would be included in Puerto Rico and in St. Croix,  
33 it's going to have to meet another criteria to be included.

34

35 All of these are looked at on an island basis and we are just  
36 trying to say those things that we already know we need to have  
37 management on we're going to keep. It's not trying to -- There  
38 are other criteria further down and so when you talk about the  
39 habitat engineers, really we're talking about all those things  
40 that have ACLs of zero for those kinds of reasons. Those are  
41 the species we're talking about.

42

43 There will be other criteria further down that talk about their  
44 ecological value and so if something else is of ecological value  
45 that we haven't talked about, we can still include it in the  
46 list. Right here, on that first part, basically we're talking  
47 about the ACL of zero species.

48



1 **CARLOS FARCHETTE:** Okay. So we're good and we're going to move  
2 forward?  
3

4 **ROY CRABTREE:** We are not good, because we can't manage HMS  
5 species and so you, at a minimum, need to take that out. I mean  
6 that's set up by the statute and we can't manage them. I am not  
7 sure what the thinking behind that was.  
8

9 **RICHARD APPELDOORN:** If I recall, one was you're already in  
10 unless you're thrown out and the other one was you were out  
11 unless you were brought in. We were trying to come up with one  
12 list and so we did have one where you were in unless you were an  
13 HMS species and then you were thrown out and so I think we  
14 actually got that wording wrong and so yes, that can be taken  
15 out. That was not our intent.  
16

17 **BILL ARNOLD:** Yes, let's hone this thing and get it right. The  
18 first suggestion I would have is what I've got highlighted. We  
19 could delete that whole section if everybody is comfortable with  
20 it.  
21

22 **RICHARD APPELDOORN:** We want to just delete the last clause.  
23

24 **MIGUEL ROLON:** Only delete "or those species presently managed  
25 by HMS" and leave the rest.  
26

27 **BILL ARNOLD:** Okay, but the qualifier doesn't make any  
28 difference. If we deleted everything in blue, we would end up  
29 with the same group of species identified, all those for which  
30 harvest is prohibited.  
31

32 **MIGUEL ROLON:** Yes and you understand that, but the rest of the  
33 group feels at this time of the day to drop HMS and keep the  
34 rest.  
35

36 **SHEPHERD GRIMES:** I would add that I think adding it -- Leaving  
37 it the way it is, at least it shows you did consider these  
38 factors. I mean they may not have had any influence on the  
39 final number of species that goes, but you did consider these  
40 factors and probably, given all the interest in coral reef and  
41 parrotfish and herbivory and all that, it's probably not a bad  
42 thing to leave in.  
43

44 **MIGUEL ROLON:** How about the next paragraph? Are we happy with  
45 B? Bill, are you going to delete or is somebody going to delete  
46 that, so somebody will be happy? Mr. Chairman, B and C,  
47 anything else? On D?  
48

1 **BILL ARNOLD:** Up here, do we want to say species-specific  
2 seasonal closures or size limits, because Shep is right that  
3 Bajo is a seasonal closure. Any objections?  
4

5 **CARLOS FARCHETTE:** Any questions on B, C, and D?  
6

7 **ROY CRABTREE:** With C, we could have a species that's  
8 biologically vulnerable but no one fishes for it and we're going  
9 to include it just because it's biologically vulnerable?  
10

11 **BILL ARNOLD:** Our start point was we have landings on these  
12 species. We are not just pulling this from the universe of  
13 species that occur in U.S. Caribbean waters.  
14

15 **ROY CRABTREE:** Where does it say that?  
16

17 **BILL ARNOLD:** I believe it says that at the very beginning of  
18 this in the action. If it doesn't, we meant to have it in  
19 there, because we had confined the universe to those with actual  
20 landings.  
21

22 **ROY CRABTREE:** Okay. That one is a little worrisome to me.  
23 What does the constrain to a specific habitat that renders them  
24 particularly vulnerable? I don't quite get that. My worry is  
25 we end up with hundreds of species again in the management plan  
26 and I don't think that's where we want to go, but some of this  
27 stuff is so fuzzy that we still end up with lots of species in  
28 the plan that really aren't fished for much and that's how we  
29 ended up with a seven-pound ACL for wrasses on some of the  
30 islands. Maybe it won't work out that way, but that worries me.  
31

32 The expert analysis thing, it seems to me we have many panels  
33 right now of experts that are going to look at this, the SSC and  
34 all of the advisory panels. I am not convinced we need another  
35 group of expert analysis. We have got staff, Center staff,  
36 council staff, Regional Office staff, and it seems what we need,  
37 to me, to do is to have staff come in and take a first cut at  
38 doing all of this and putting all of this together.  
39

40 Then when we have some analysis and lists of species and here is  
41 the way we put it together, then that goes to the advisory  
42 panels and the SSC and if they disagree with some of the ways  
43 it's been done, they let us know, but I am not convinced we need  
44 to convene yet another group of experts to look at this.  
45

46 We are going to end up with so many groups of experts who never  
47 agree on anything that we just continue to spin our wheels and I  
48 think what we really need now is staff to take this thing and

1 work through some of it, but that's just my opinion.  
2

3 **BILL ARNOLD:** I don't disagree. We just need council direction  
4 on exactly how we are going to do this process, whatever that  
5 process may be.  
6

7 **ROY CRABTREE:** Bill, we've amended plans many, many times and we  
8 have IPTs that we put together and they write the documents and  
9 this is no different than the way we always write plan  
10 amendments and we seem to be making it different, but I don't  
11 think it really is.  
12

13 **MIGUEL ROLON:** To that point, it seems that when we developed  
14 the criteria and all the meetings there has been, nobody wants  
15 to say this is the list of species. If we follow what Roy is  
16 saying, the staff can have a list of species and actually, I  
17 have my own list of species here.  
18

19 By the way, Roy, I was kidding Bill, but we were talking about  
20 this over a beer and I bet that we will end up with more species  
21 than the ones that you want to cut if we follow this, but,  
22 anyway, that's my personal opinion. It will be kind of funny at  
23 the end. Not now, but it will be funny at the end.  
24

25 The expert analysis could be then that we throw this at the DAP,  
26 the Center, and the SSC and they come to the meeting that this  
27 is the list of the -- If this group has a consensus of twenty or  
28 thirty or 200 species, that will be it and then we discuss at  
29 the council those species that are not under a consensus.  
30

31 The other way that they were discussing it and the  
32 recommendation by the SSC is if we have this panel of experts  
33 and, guys, every time that we have experts, we end up with the  
34 same people.  
35

36 The experts here will be Graciela and Bill and the three DAP  
37 Chairs and the SSC and whomever wants to say something that has  
38 anything to say about these species and they will provide a  
39 list.  
40

41 **SHEPHERD GRIMES:** I think Dr. Crabtree's point is that all of  
42 those people that you just named are going to review it anyway  
43 and so why go to the trouble and the delay of creating another  
44 group who is going to look at it before they are going to break  
45 into their separate groups and look at it later in the process?  
46

47 I think there is a lot of merit to having the IPT at least take  
48 the first crack at, okay, we applied these criteria and here are

1 the species lists that we came up with and then, subsequently,  
2 through the development process of the document, all those other  
3 individuals are going to get to look at it anyway.

4  
5 **ROY PEMBERTON:** Just what Miguel was pointing out, we didn't  
6 expect, Roy, to develop a whole new list of experts and we  
7 wanted to make sure that it did include the DAP and the SSC  
8 folks, because of obvious reasons, but we didn't want to have to  
9 go out to a whole new level, but the stakeholders are involved  
10 in the beginning and so we want to make sure they stay involved  
11 and complete the process.

12  
13 **RICHARD APPELDOORN:** I think we're confusing the list with the  
14 criteria to get to the list and what we talked about was at that  
15 meeting everybody was together and can we come up with a  
16 consensus that melds an agreement on the criteria that are going  
17 to be used.

18  
19 Then that is going to go out to what we felt needs to be a group  
20 of experts for each of the islands to eventually make the call  
21 on what species fit those criteria. We are not talking about  
22 each group coming up with a list of species and then seeing how  
23 that works and then have it go back to someone else who wants a  
24 different set of species.

25  
26 We were very adamant about the criteria comes first and then you  
27 have to live with that criteria and so they might fall out a  
28 little bit different for each group because each island might  
29 draw their baseline slightly different, but each one of those  
30 has to draw a baseline someplace and they have to adhere to it  
31 for every species, either in or out.

32  
33 They can't be capricious about how they do this and so what  
34 we're talking about is process. When we actually select the  
35 species using that process, that's a different step and that's  
36 the one where we want to have everybody at the same table and  
37 they're not just all in the same committees.

38  
39 I can think of several really good scientists. Michelle, for  
40 example, is here for Puerto Rico who I would want in on those  
41 kinds of discussions and there are people in the Virgin Islands  
42 that are the same way and you want to make sure if the aquarium  
43 people are going to be affected by this that they're at the  
44 table and so that's a step that comes later, but it's also a  
45 step that's needed.

46  
47 I mean the expertise on all this is not sitting in the agencies  
48 and it's not just sitting with the scientists and it's not just

1 sitting with the fishermen. Everybody has a role here and if we  
2 don't get us in together, then we will be going back and forth  
3 forever and so it's better just to settle on the criteria and  
4 then we can apply those criteria and we live with that decision.

5  
6 **ROY CRABTREE:** Yes, but ultimately the council is going to  
7 decide on the criteria and the council is going to decide  
8 whether they live with it or not and the experts may not --

9  
10 **RICHARD APPELDOORN:** That's what we're doing here.

11  
12 **ROY CRABTREE:** The experts may or may not agree with what the  
13 council comes down on and so --

14  
15 **RICHARD APPELDOORN:** The council is going to have to decide  
16 whether they want something that is at this level fairly general  
17 and they're going to let a panel pick the hard numbers as part  
18 of that decision or whether the council itself wants to go in  
19 and pick where those cutoffs are going to be on these things.

20  
21 Having spent at least three SSC meetings trying to do that, I  
22 think you're going to find that you will never get anything  
23 passed if you want to do hard decisions in this kind of forum,  
24 but I think if you have general guidelines and the DAPs and the  
25 SSC were actually in really good agreement on those approaches  
26 that the group can sit down and actually do this in a workable  
27 fashion that would not be possible in this particular forum.

28  
29 **BILL ARNOLD:** My suggestion at 5:45 is I would like for the  
30 council to make a decision on this sequence of criteria. I  
31 think that it might be best for everybody to sleep on the idea  
32 of who is going to apply the criteria and how we're going to do  
33 that and maybe we can get that settled tomorrow after everybody  
34 has had a chance to think it over, but first, I would really  
35 like to see us finalize these Alternative 3 criteria.

36  
37 **MIGUEL ROLON:** That last phrase is what is really keeping people  
38 awake now, established by expert analysis. I would offer this.  
39 Somebody make a motion that this is the new language for  
40 Alternative 3 under Action 1.

41  
42 Then this expert group -- As I said, you can have two staff, the  
43 three Chairs of the DAP, one or two from the SSC, and then we  
44 can invite, plug in, other scientists as we need from the  
45 University of the Virgin Islands or Puerto Rico or whoever has  
46 something to say about these species.

47  
48 Even at the level of that panel, that will not be the last word,

1 because we need to submit that to the scrutiny of the council  
2 and then you will decide that the expert panel gave you this  
3 list of species for St. Croix and you have to decide whether you  
4 agree with that or not. This way, we will move a little bit  
5 further than so far.  
6  
7 **EUGENIO PIÑEIRO:** I move to accept the new language for  
8 **Alternative 3 as presented by staff in Action 1.**  
9  
10 **MARCOS HANKE:** I second.  
11  
12 **EUGENIO PIÑEIRO:** To accept the new language for **Alternative 3**  
13 **in Action 1 as presented by staff.**  
14  
15 **CARLOS FARCHETTE:** Marcos seconded the motion. Any further  
16 discussion? Let me read the motion for the record. It's to  
17 accept the new language of Alternative 3 under Action 1 as  
18 presented by staff. If there is no further discussion, we're  
19 ready to vote and I will start on my left.  
20  
21 **TONY BLANCHARD:** Yes.  
22  
23 **MIGUEL GARCIA:** Yes.  
24  
25 **ROY PEMBERTON:** Yes.  
26  
27 **EUGENIO PIÑEIRO:** Yes.  
28  
29 **ROY CRABTREE:** Yes.  
30  
31 **MARCOS HANKE:** Yes.  
32  
33 **CARLOS FARCHETTE:** Yes. **Any abstentions; any nays? Hearing**  
34 **none, the motion carries.**  
35  
36 **MIGUEL ROLON:** Bill, do you still have energy for another topic  
37 this afternoon? Did we finish the section of the criteria?  
38  
39 **BILL ARNOLD:** We are done with that. We will need direction  
40 from council, but I think we should do that tomorrow as far as  
41 how we're going to proceed with these criteria, but the criteria  
42 have been initially approved by the council and yes, we are  
43 ready to move forward with that.  
44  
45 **MIGUEL ROLON:** Early this morning, we were saying that -- Roy  
46 said would it be possible to have a list of species under each  
47 one of those three criteria for discussion at the next council  
48 meeting?

1  
2 **BILL ARNOLD:** That will depend upon if the council provides  
3 proper direction to get that -- Whatever the expert analysis is,  
4 if they give us direction on conducting the expert analysis.  
5 Yes, we can get it done.  
6  
7 **MIGUEL ROLON:** So the next thing will be the expert analysis.  
8  
9 **BILL ARNOLD:** Yes and just so you know, Miguel, my original  
10 vision on this thing was you guys give us the criteria and the  
11 Caribbean Branch staff at SERO could apply the criteria. We are  
12 experts and we could decide what the species list -- That  
13 doesn't mean that's the way we have to do it, but that's the way  
14 we originally envisioned this thing. Now, if you come up with a  
15 different panel, that's fine.  
16  
17 **MIGUEL ROLON:** My personal feeling is we should have the two of  
18 you, Richard and the three DAP involved somehow in this expert  
19 thing and that way, you will have the practical experience of  
20 the fishers and the science and also we should have one person  
21 from the Southeast Fisheries Science Center, hopefully Shannon  
22 or somebody of that quality, participating. That will be a  
23 small group of people. Remember, we are committing money from  
24 other agencies that I cannot say, but --  
25  
26 **BILL ARNOLD:** Miguel, I would fully support keeping this small  
27 and efficient and getting it done.  
28  
29 **MIGUEL ROLON:** Can I read that for the record? Graciela and  
30 Bill and one Southeast Fisheries Science Center scientist, the  
31 Chairs of the SSC and DAPs. Those are six people and we can use  
32 that group as a crack to have it, but do we need anybody else?  
33 The Chairman of the Council, do you want the Chairman of the  
34 Council there?  
35  
36 **CARLOS FARCHETTE:** Not really. I am not a scientist.  
37  
38 **MIGUEL ROLON:** Leave it at that, at that group, that small  
39 group, and you can have a motion or you can allow the Chair to  
40 have the power of the Chair and so be it and so those people.  
41  
42 **MARCOS HANKE:** I would like to make a motion to give the power  
43 to the Chair to assign the list of people that he just mentioned  
44 for this expert group.  
45  
46 **BILL ARNOLD:** I am just going to put this out there. You might  
47 want -- You are going to have three different decisions to make,  
48 one for each of the FMPs. Each DAP Chair would really only be

1 focused on their individual island's list of species and so you  
2 probably would only one Chair determining each of these three  
3 lists and probably I am thinking it will take about a day to go  
4 through each one, establish each one, and so you would have  
5 these guys only at one of the meetings, but that's just a  
6 suggestion.

7  
8 **MIGUEL ROLON:** No, let's have the three guys there, so they will  
9 know what the other guys are thinking. It's a small group of  
10 people. It's only two staff, one guy, and three guys and that's  
11 four, five, seven. It's an odd number and those people would be  
12 more than happy to work on this.

13  
14 **MARCOS HANKE:** Can you repeat the list of people?

15  
16 **MIGUEL ROLON:** To move the appointment of the panel of experts  
17 to develop the listing of species for the island-based  
18 management units composed of one member of the Southeast  
19 Fisheries Science Center, Dr. Graciela Garcia-Moliner and Bill  
20 Arnold, and the Chairs of the SSC and the three DAPs.

21  
22 **MARCOS HANKE:** So I move as written on the screen.

23  
24 **CARLOS FARCHETTE:** Okay. With no further discussion, we will  
25 vote and I will start on my left.

26  
27 **MIGUEL GARCIA:** Yes.

28  
29 **ROY PEMBERTON:** Yes.

30  
31 **EUGENIO PIÑEIRO:** Yes.

32  
33 **MARCOS HANKE:** Yes.

34  
35 **ROY CRABTREE:** Yes.

36  
37 **TONY BLANCHARD:** Yes.

38  
39 **CARLOS FARCHETTE:** Yes. **No abstentions and no nays. Hearing**  
40 **none, the motion carries.** If anybody is interested in doing  
41 this lunch thing tomorrow, if I can get a hands up here and I  
42 have to make the call at seven o'clock in the morning and so we  
43 will make it. Chicken is twenty-three; fish is four. We are in  
44 recess until tomorrow morning at nine o'clock.

45  
46 (Whereupon, the meeting recessed on April 21, 2015.)

47  
48 - - -



1  
2 April 22, 2015

3  
4 WEDNESDAY MORNING SESSION

5  
6 - - -

7  
8 The Caribbean Fishery Management Council reconvened at the Divi  
9 Carina Hotel, Croix, USVI, Wednesday morning, April 22, 2015,  
10 and was called to order by Chairman Carlos Farchette.

11  
12 **CARLOS FARCHETTE:** Good morning. The continuation of the 152<sup>nd</sup>  
13 Caribbean Council Meeting, being held at Divi Carina Hotel on  
14 St. Croix and it is Wednesday, April 22, 2015. We are going to  
15 do a roll call.

16  
17 **VIVIAN RUIZ:** Vivian Ruiz, council staff.

18  
19 **MARIA DE LOS A. IRIZARRY:** María de los A. Irizarry, council  
20 staff.

21  
22 **MORGAN FOWLER:** Lieutenant Morgan Fowler, U.S. Coast Guard.

23  
24 **TONY BLANCHARD:** Tony Blanchard, St. Thomas, council member.

25  
26 **MIGUEL GARCIA:** Miguel Garcia, Puerto Rico, council member.

27  
28 **EUGENIO PIÑEIRO:** Good morning. Genio Piñeiro, Puerto Rico,  
29 commercial.

30  
31 **CARLOS FARCHETTE:** Carlos Farchette, council chair.

32  
33 **MIGUEL ROLON:** Miguel Rolon, council staff.

34  
35 **DIANA MARTINO:** Diana Martino, council staff.

36  
37 **ROY CRABTREE:** Roy Crabtree, NOAA Fisheries.

38  
39 **SHEPHERD GRIMES:** Shepherd Grimes, NOAA Office of General  
40 Counsel, Southeast Section.

41  
42 **SHANNON CALAY:** Shannon Calay, Southeast Fisheries Science  
43 Center.

44  
45 **BILL ARNOLD:** Bill Arnold, NOAA Fisheries, Southeast Regional  
46 Office.

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

1 staff.  
2  
3 **JACK MCGOVERN:** Jack McGovern, NOAA Fisheries.  
4  
5 **JEFF RADONSKI:** Jeff Radonski, Office of Law Enforcement for  
6 NOAA.  
7  
8 **MICHELLE SCHARER:** Michelle Scharer, independent contractor.  
9  
10 **JENNIFER DOERR:** Jennifer Doerr, NOAA Fisheries.  
11  
12 **RON HILL:** Ron Hill, NOAA Fisheries.  
13  
14 **WES PATRICK:** Wes Patrick, NOAA Fisheries.  
15  
16 **CARLOS VALASQUEZ:** Carlos Valasquez, Chair of DAP, Puerto Rico.  
17  
18 **JULIAN MAGRAS:** Julian Magras, Chair of DAP, St. Thomas.  
19  
20 **ROY PEMBERTON:** Roy Pemberton, DPNR.  
21  
22 **RICHARD APPELDOORN:** Richard Appeldoorn, SSC Chair.  
23  
24 **ALIDA ORTIZ:** Alida Ortiz, O&E AP Chair.  
25  
26 **KATE QUIGLEY:** Kate Quigley, council staff.  
27  
28 **TONY IAROCCHI:** Tony Iarocci, fishermen advisor.  
29  
30 **TOM MATTHEWS:** Tom Matthews, Florida Fish and Wildlife  
31 Commission.  
32  
33 **TOM DOLAN:** Tom Dolan, USVI fisheries.  
34  
35 **JUAN CRUZ:** Juan Cruz, Virgin Islands Fish and Wildlife.  
36  
37 **ERIC WHIDDEN:** Eric Whidden, Virgin Islands Fish and Wildlife.  
38  
39 **CARLOS FARCHETTE:** Marcos, did you roll call?  
40  
41 **MARCOS HANKE:** Marcos Hanke, council member, Puerto Rico.  
42  
43 **CARLOS FARCHETTE:** Okay and we are going to change the agenda  
44 again and so we're going to do Ron Hill's presentation, but  
45 before I do that, I lost the paper for the headcount on lunch  
46 yesterday, but I did make the order this morning and I just want  
47 to verify that I remembered those numbers right and so chicken,  
48 please raise your hand. Eighteen. Fish? Okay. I did do

1 twenty-five and six. Thanks. We are going to continue with Mr.  
2 Ron Hill.

3  
4 **GRACIELA GARCIA-MOLINER:** Online, you have Christina Packish,  
5 Helena Antoun, Maria Lopez, Steve Holliman, Adam Bailey.

6  
7 **DAWN HENRY:** Dawn Henry, Commissioner Nominee, DPNR.

8  
9 **CARLOS FARCHETTE:** Howard, for the record, we need you to  
10 announce your attendance at the microphone. Grab any mic.

11  
12 **HOWARD FORBES:** Howard A. Forbes, Sr., Director of Enforcement,  
13 DPNR.

14  
15 **MORGAN FOWLER:** Real quick, since there is kind of a lull here,  
16 this is my last Caribbean Council Meeting. My replacement, if  
17 you want to write down her email address, is  
18 tara.c.pray@uscg.mil. I will still be in the exact same office  
19 and so if she has any questions, she can just walk right next  
20 door and ask me.

21  
22 **MIGUEL ROLON:** Morgan, can you send me an email later?

23  
24 **CARLOS FARCHETTE:** Thank you for that.

25  
26 **CONTINUING RESEARCH: ASSESSING QUEEN CONCH HOME RANGE, HABITAT,**  
27 **AND MOVEMENT IN THE USVI**

28  
29 **RON HILL:** Okay. I think we have it resolved. Good morning and  
30 thank you for having us here. I appreciate the Chairperson and  
31 the Director inviting us to come and talk to you about some of  
32 the work that we've been doing in the Virgin Islands on queen  
33 conch.

34  
35 Both Jennifer and I work in the NOAA Fisheries Laboratory in  
36 Galveston, part of the Southeast Fisheries Science Center, and  
37 we've been doing various sorts of coral reef research down here  
38 since about 2001, mainly funded through NOAA's Coral Reef  
39 Conservation Program, although we have another project as well  
40 that Jennifer is going to be talking about.

41  
42 I want to talk to you just a little bit about the work that we  
43 did in St. John to begin with. We had a project running for  
44 about six years, from 2005 to 2010, doing mark and recapture  
45 surveys and some benthic habitat characterization and acoustic  
46 tagging and tracking.

47  
48 Then Jennifer is going to talk to you about the work that we

1 have going on here in St. Croix, a fishery-independent survey we  
2 started in 2010, and then some acoustic tracking work that's  
3 going on right now. It's that work that makes me grateful again  
4 that you guys have been able to adjust your schedule a little  
5 bit and get us in, because we will hang around a few minutes  
6 after the talk in case anybody wants to talk to us briefly and  
7 then we'll be heading on out and hopping in the boat. I hate to  
8 sort of rub that in your faces, but we are.

9  
10 As I said, we started work in 2005 in St. John using three  
11 different methods to try to get a better understanding of what  
12 habitats the conch can be found in and look at habitat quality  
13 differences and see if there's a reason that they're in one  
14 habitat and not another.

15  
16 We use mark and recapture and some acoustic tagging work to try  
17 to get a feel for the home range of the conch and their movement  
18 patterns and their migration patterns and trying to get an  
19 understanding also then of the management zones that are down  
20 here and how effective some of those are.

21  
22 Our first method that we started with, we started with these  
23 little numbered tags. It's a little yellow number tag and each  
24 conch has a unique number. We started working in Fish Bay and  
25 this little no-name bay here on the northeast side and so it  
26 gave us areas that were just outside of the national park and so  
27 it gave us a chance to look during repeat surveys.

28  
29 We came down about three times a year, generally in the spring  
30 and the summer. We surveyed as much of the area of those two  
31 bays as we could and found all of the conch and tagged all of  
32 the conch that we could find there to give us some -- With this  
33 Jolly-Seber analysis that we're trying to work through at the  
34 moment with all of our data, it's going to give us some  
35 population estimates that will help with stock assessment  
36 numbers and that kind of thing.

37  
38 After the first three years there, then we extended our study so  
39 that we were working in Brown Bay that's inside of park waters  
40 and, as you know, the fishing is limited to traditional methods  
41 and then within the coral reef monument areas where there is not  
42 to be any conch fishing at all.

43  
44 With our acoustic tag then, the acoustic tag we epoxy on to the  
45 outside of the shell of either a juvenile or an adult and it  
46 sends out a little signal, a little ping underwater, and the  
47 underwater receiver receives that and tells you whether your  
48 conch is within the range of that receiver or not and then

1 according to how we set out our receivers, we get a good idea of  
2 their movement and all.

3  
4 The other thing that we did find in at least three of the bays  
5 that we were working in and not so much in the coral reef  
6 monument, but certainly in Brown Bay and No Name and Fish Bay,  
7 we found a lot of evidence up on the shoreline of subsistence  
8 fishing. It unfortunately included some of our tagged conch.

9  
10 Fortunately, that gives us some measure, a direct measure, of  
11 fishing mortality that we can use, but it also takes away some  
12 of the information that we might learn otherwise and so what we  
13 learned -- This is Fish Bay and it's a fairly enclosed area of  
14 mostly shallow seagrass and macroalgal habitats with some coral  
15 along the edges here and opening into sand as it goes offshore.

16  
17 Within the bay, we tagged about 1,800 conch in Fish Bay in  
18 particular. I skipped over the fact that in total we've tagged  
19 about 7,100 conch in all of these areas where we've been working  
20 and 155 with the acoustic tags.

21  
22 The juveniles that we found within Fish Bay, we were able to  
23 sort of focus in on what habitats they're using. About 30  
24 percent of them are found primarily in a macroalgae habitat. 70  
25 percent are in seagrass of various densities and typically in  
26 really shallow areas from one to three meters.

27  
28 The adults tended to be, about 69 percent of them, out in the  
29 macroalgal habitats, which tended to be a little bit deeper,  
30 more towards the center of the bay quite often, and a depth  
31 variation for them also of two to nine meters.

32  
33 One of the things that we were able to do with this method is  
34 every time we found a conch that we put a tag on, we used our  
35 handheld GPS and we got an exact location of where that conch  
36 was at the time.

37  
38 We put down a one-by-one meter quadrant and we quantified the  
39 benthic habitat that was there so we could get a look at the  
40 macro habitat as opposed to trying to look at a mapped habitat  
41 that's at a scale that may not be as meaningful to the conch  
42 itself.

43  
44 We have that sort of information and then once we mapped all of  
45 the distributions, we were able to come up with what's called a  
46 home range for conch. This is juveniles on this side and the  
47 areas that are in gray here in the centers would be core areas  
48 where we could be sort of 95 percent certain that the conch

1 would be using that as their home range and then the black  
2 extends out to a 95 percent certainty for larger areas.

3  
4 We could identify this as the primary juvenile home range. This  
5 is cumulative of all juveniles within the bay and the adults are  
6 on this far side over here and you can see that it's more  
7 compact and it's moved more towards the slightly deeper and some  
8 of this is a little bit sandier with the macroalgae that we  
9 talked about and the group in the middle is actually the conch  
10 that we tagged as juveniles, but during our study they grew into  
11 adults.

12  
13 This was their habitat and you can see that there is sort of a  
14 melding of the juvenile shape of the home range with the adult  
15 home range there and so we feel like that's a pretty good  
16 analysis going on there and we can do this same sort of analysis  
17 in the other bays where we've been working and get an idea of  
18 where their concentrations are and then also link that to the  
19 habitat characteristics in those areas.

20  
21 This is a little bit on the setup that we had. Each of these  
22 little stars that you can see here, the black dot is the  
23 receiver that we had placed out. At one point we had twelve  
24 within Fish Bay and running out just to the outside and these  
25 little stars that you see in the four directions are the  
26 detection zones that we found where you could accurately detect  
27 whether a conch was within your range or not.

28  
29 If you look at some area like this part up here, you can see  
30 that there's overlap between these two and so if a conch is  
31 within this range, you could say pretty much that it's either  
32 here, because it overlaps these two, or it's here because it  
33 overlaps there or it's on this side.

34  
35 What did we find? In August of 2006, we tagged a conch that was  
36 265 millimeters and so a fairly good sized adult for this  
37 population and he started to move each time that we found him,  
38 either in person or our detections that we found from the  
39 acoustic tracking.

40  
41 He moved, between August and December, up into the really  
42 shallow area of Fish Bay and we suspect that it probably buried  
43 here for part of the winter and then the next time we detected  
44 it was out here in March and it pretty much marched completely  
45 out of the bay and out beyond the range of our hydrophones.

46  
47 That's kind of what we expected. It left about April and so  
48 we're thinking that it's probably a reproductive migration that

1 it's making out of the area and into the deeper and we see some  
2 reproduction going on out in this area where the reef and some  
3 sandy habitat is. It's a little sparse seagrass there.

4  
5 On the other hand, we also tagged a conch in July of 2005 up in  
6 this part of the bay that's only fourteen millimeters and so we  
7 figure he's a juvenile still. He made this little circuit  
8 through and by October of that year, he had moved completely out  
9 of the bay as well and we don't really have a good physiological  
10 explanation. He shouldn't be going out to participate in the  
11 reproductive activities, although there are some small adults  
12 that mature near that size or a few centimeters larger.

13  
14 We did look at environmental conditions and we see a drop in  
15 atmospheric pressure that might be associated with a storm and  
16 we know from work around Tampa Bay and other areas that sharks  
17 and other species can kind of detect those changes and they tend  
18 to move out of the bay and they come back after the storm so  
19 they're not subjected to the high wave conditions and that sort  
20 of thing. It's one possible explanation that we have come up  
21 with.

22  
23 That is the bulk of the work that we have done around St. John.  
24 We still go back sort of periodically and we're not tagging  
25 there anymore, but it gives us a chance to sort of resurvey some  
26 of these areas.

27  
28 We've seen a few interesting trends within the coral reef  
29 monument area, for example. The first year that we went back,  
30 we had almost 50 percent tag retention and so 50 percent of the  
31 conch that we had tagged were still in that area, which we took  
32 to be a sign that the reserve was working fairly well and  
33 nothing was being taken out and they were also not moving out.

34  
35 In the third year when we went, we had actually very low  
36 recovery from our tagged animals and some of them we know had  
37 moved out onto the little points between those bays and so we  
38 don't know if this is a movement or if there was some sort of  
39 fishing event going on in that area and so it could be either  
40 one, really.

41  
42 In 2007, we came to the SEDAR-14 meeting with many of you folks  
43 and there was a conch SEDAR stock assessment going on at that  
44 time and we contributed the information that we had on habitat-  
45 based densities along with information from SEAMAP, which is the  
46 only other really long-term conch monitoring project going on in  
47 this area, and data that was taken from reef fish surveys from  
48 other NOAA surveys going on in the area.

1  
2 We tried to put together an estimate of what we thought the  
3 standing stock of conch would be for each of the islands around,  
4 based on all of those calculations, comparing that to locations  
5 where they do have stock assessments completed and they have  
6 some idea of their fishing pressure versus standing stock and we  
7 were able to sort of rate these areas as being somewhat depleted  
8 and with a fair bit of fishing going on.

9  
10 When they went through the review process then, after all of us  
11 stock assessment people thought that it seemed like a reasonable  
12 approach, they said that the data were not really robust enough  
13 to support our conclusions and you needed more widespread  
14 sampling and more site-specific sampling that would make this  
15 approach go forward and so that's one of the things that we  
16 began in 2010 with fishery-independent population surveys here  
17 and trying to work out a method that would work effectively for  
18 that.

19  
20 That would be a little different from the SEAMAP survey, which  
21 is repeated transect surveys over time, which can tell you about  
22 what's happening around one island, but it doesn't really give  
23 you the inter-island comparisons they might want.

24  
25 Then, in addition, we had the opportunity to do some acoustic  
26 tagging and tracking here and I will turn the talk over to my  
27 coworker, Jennifer Doerr, who is going to tell you about our  
28 work in St. Croix.

29  
30 **TONY BLANCHARD:** I've just got a question. The acoustic tagging  
31 that you put on the conch, if this conch buries under the sand,  
32 would that still ping?

33  
34 **RON HILL:** If it buries completely under, no, but because of  
35 where we place it -- A lot of times, that part of the shell is  
36 still a little bit above the surface and so we might get a  
37 signal or we might not, but yes, that's why we think maybe it  
38 buried in December and we didn't see it again.

39  
40 **TONY BLANCHARD:** Okay and question number two is on the juvenile  
41 conch who completely walked out of the bay, by chance it had a  
42 big rain around that time? Do you know?

43  
44 **RON HILL:** Did they have what?

45  
46 **TONY BLANCHARD:** A flooding and heavy rains.

47  
48 **RON HILL:** I don't know. That would be another thing to look



1 at, because Fish Bay does have a lot of flushing of runoff from  
2 the watershed there.

3

4 **TONY BLANCHARD:** Because I believe if it had that kind of runoff  
5 with the pollutants coming off the land -- A crustacean I would  
6 believe, something like a lobster, he's going to run out of the  
7 bay, because he don't want to be in the polluted water.

8

9 **RON HILL:** Right and we do know that queen conch prefer sediment  
10 that's not too fine and so coming off the land, you might have  
11 some really fine sediments.

12

13 **ROY PEMBERTON:** I was wondering about the retention rate for the  
14 tags. How long do you expect them to stay on the conch?

15

16 **RON HILL:** We have seen at least two years and many of them we  
17 see three or four years, but not much beyond that. We have seen  
18 some tag removal that we think has been from fish in a few  
19 instances, but for the most part they get sort of coated with  
20 algae and they just look like the rest of the conch shell.

21

22 **ROY PEMBERTON:** One follow-up. For the home range analysis, how  
23 long did you run the experiment? How long was the conch at  
24 large for the home range?

25

26 **RON HILL:** That was from our three years of data that we used in  
27 Fish Bay and we only used conch that we had recovered a minimum  
28 of four times in order to calculate that.

29

30 **EUGENIO PIÑEIRO:** Ron, the fishermen cooperation and  
31 participation in this project, have they accepted it or are they  
32 involved or are they engaged at all?

33

34 **RON HILL:** No, they're really not in this one.

35

36 **EUGENIO PIÑEIRO:** Do you plan to do an outreach to them to  
37 involve them in future projects?

38

39 **RON HILL:** Well, we're here. We have talked about this in a  
40 number of other forums where fishermen are here and we certainly  
41 want them to be aware of our information and so any suggestions  
42 that you have, we would be happy to talk about.

43

44 One thing along those lines I will mention is the first part of  
45 the St. Croix study, the fishery-independent study, is actually  
46 something that we started talking to Eddie Schuster and some  
47 other local fishermen and trying to work out something that we  
48 could do cooperatively with them and it was at a time when

1 NOAA's diving program suffered a couple of accidents and one  
2 fatality and we had to sort of clamp down on anything where we  
3 would be working with divers that weren't really under our  
4 control, which is why we took it on more as a pilot study at  
5 that point with just NOAA-certified divers, but that was the  
6 original intent, was to work with local fishermen on that.

7  
8 **CARLOS FARCHETTE:** I have some answers on that one, but we'll  
9 talk after the presentation is done and I will give some  
10 information.

11  
12 **BILL ARNOLD:** Ron, do you have any feel for how your tracking is  
13 representative of the larger population? Are these guys moving  
14 as a herd or are they just individuals on their own?

15  
16 **RON HILL:** I may refer that to my spatial analyst when she gets  
17 up here to talk, because she has mapped 3,000 conch tracks along  
18 in GIS. We did tag with the intention that tagging an adult in  
19 a particular part of the bay, we expected that to be  
20 representative of other adults that were in that location and we  
21 feel like that's mostly happening or tagging juveniles.

22  
23 We tried to sort out where we put adults and juveniles so that  
24 we covered each area of the bay and then we were planning that  
25 they would be representative of other conch that were in their  
26 neighborhood. I will turn it over to Jennifer.

27  
28 **JENNIFER DOERR:** Good morning, everyone. I will try and follow  
29 that up as best I can. As Ron mentioned, we've done a series of  
30 projects here on St. Croix and I am going to sort of cover them  
31 in two different parts.

32  
33 The first part, we focused on conducting radial surveys on the  
34 conch populations on the northern shore of St. Croix. We really  
35 wanted to be able to generate size structured population  
36 estimates that would be suitable for stock assessments for this  
37 part of the project.

38  
39 Something else we wanted to really be able to do was to analyze  
40 the spatial data and be able to describe differences that we  
41 were seeing in the conch densities and distributions by certain  
42 environmental factors and we primarily looked at habitat type,  
43 management regime, and water depth.

44  
45 What we did is we set up a randomly stratified sampling survey  
46 design around Buck Island on the northern shore of St. Croix and  
47 the sample sites were stratified, again, by management regime,  
48 habitat type, and depth.

1  
2 At each site as we arrived at the site we dropped a pair of  
3 divers down and they swam a ten-meter survey line around in a  
4 circle and in that circle, they collected all the conch that  
5 they found. For each conch that they found, they measured the  
6 shell length and the lip thickness and recorded that underwater.  
7  
8 They noted if there was any sort of reproductive activity, egg  
9 masses, or mating in the area and then recorded the benthic  
10 habitat type that they were in.  
11  
12 Over a two-year period, we conducted 503 separate independent  
13 surveys covering a total area of sixteen hectares and this map  
14 roughly shows the distribution of our sample sites within the  
15 Buck Island Reef National Monument, which is indicated by the  
16 black line here.  
17  
18 Everything above that black line is inside of the monument  
19 boundary and everything below that line we just consider to be  
20 an open fishing area outside of the monument.  
21  
22 The main habitat types that we saw here were colonized pavement,  
23 which is given by the orange. We've got some patch reef and  
24 linear reef habitats shown in the pink and some seagrass of  
25 varying densities, which is indicated by the green here.  
26  
27 We found and measured 4,773 total conch during the sampling  
28 period and that represented a cumulative density of 302 conch  
29 per hectare. The densities are arranged in order from low to  
30 high and that's indicated by the size of the red circle here and  
31 so the larger the red circle is, the higher the density was at  
32 that survey site. The black circles up here indicate surveys  
33 that we did where no conch were found.  
34  
35 The top figure shows the density distribution for juvenile conch  
36 and if you can see it, they tend to be sort of congregated south  
37 of Buck Island here, in the seagrass habitats. In the bottom  
38 figure for adults, we've got some higher density areas more  
39 toward the shelf and also they are more utilizing the hard  
40 bottom and colonized pavement type habitats.  
41  
42 When we break the densities out by management regime, we can see  
43 that there is really no difference between the densities that we  
44 found in Buck Island and the open fishing areas at all, but what  
45 gets interesting is when you break this out by age class.  
46  
47 For the juvenile conch, there is really no difference at all in  
48 densities between the two management zones, but when you look at

1 the densities for adult conchs in Buck Island National Monument,  
2 they are double in density those in the open fishing areas.

3  
4 As I mentioned, we really wanted to be able to describe the  
5 densities as they related to the environmental factors that we  
6 were looking at. This is a little busy, but I just wanted to  
7 use this to sort of illustrate the complexity that we're dealing  
8 with when we try and look at the factors that might be  
9 associated with the different distribution patterns of conch.

10  
11 In Buck Island for the juveniles, you can see there is peaks in  
12 densities in the orange, which is continuous seagrass habitat,  
13 and we've got depth along the bottom here and so we broke it out  
14 into depth bins to make the analysis a little bit easier. We  
15 have zero to ten meters and eleven to fifteen meters and sixteen  
16 to twenty meters and twenty-one to thirty meters.

17  
18 The peak in the continuous seagrass habitat in Buck Island for  
19 those juveniles is in the eleven to fifteen-meter depth zone and  
20 we've a very similar picture going on here in the open fishing  
21 areas as well.

22  
23 For adults, there is not a clear indication of what's going on  
24 here. They are found in a wide variety of habitats across a  
25 wide variety of depths in Buck Island and very similar in the  
26 open fishing area.

27  
28 Since we didn't really get a clear picture of what was going on  
29 here, we used what is called a regression tree analysis to try  
30 and decipher some of the interactions that might be driving the  
31 distribution patterns.

32  
33 What a regression tree basically does is it models the variation  
34 of a single response variable and so in this case, we were  
35 interested in conch density and it does this by looking at a  
36 series of predictive variables. Once again, we were looking at  
37 habitat type, management regime, and depth zone.

38  
39 It uses what is called a repeated partitioning process and so it  
40 starts here at the top. This is the base. It starts with a  
41 single group and it wants to split this out two ways, into two  
42 different -- These rectangular boxes are called nodes and so it  
43 wants to split those out into two different nodes.

44  
45 As it goes through, the goal of producing each one of these  
46 nodes is essentially to minimize the variance that we're seeing  
47 within our densities and so the green box here at the top, that  
48 indicates habitat type and that continues through the tree. For

1 juveniles, we see that's where the primary split occurs and so  
2 that would mean that probably the most important predictor  
3 variable for juveniles is habitat type.

4  
5 It splits over to the left here. The left side is going to be  
6 your lower densities of conch and the right side is going to  
7 split out the higher densities and so it splits all other  
8 habitat types here and it splits to the right and it's  
9 continuous seagrass and other patchy seagrasses of 30 to 50  
10 percent and 70 to 90 percent.

11  
12 The secondary split occurs then by management zone and so it  
13 basically splits between the open fishing areas and the Buck  
14 Island Reef National Monument and then it continues on and we  
15 see our final split occurs by depth zone and so if we follow  
16 that, follow the branches of the tree down, it shows that the  
17 highest density occurs in the eleven to fifteen-meter depth bin  
18 in continuous seagrass in Buck Island Reef National Monument.

19  
20 To help you visualize a little bit about what that tree was  
21 doing, these are the important predictor variables that I showed  
22 and their predicted densities when they're considered  
23 independently, but then as those circles move around and they  
24 overlap and they show where the interactions are occurring, you  
25 can see how the densities increase corresponding to those  
26 numbers until we reach our final value of 2,178 juvenile conch  
27 per hectare in Buck Island Reef National Monument in the  
28 seagrass habitat in eleven to fifteen meters of water.

29  
30 Unfortunately, when we turn to the regression tree for adults,  
31 the picture gets quite a bit more complex. The color code  
32 continues on and so the green is habitat and the pink is  
33 management zone and blue is depth and it starts the same as the  
34 juvenile tree.

35  
36 It splits out by habitat type and I know you can't read any of  
37 that here, but basically what that's doing is it's splitting out  
38 colonized pavement, scattered coral rock, and patchy seagrass on  
39 one side versus colonized pavement and I think patch reef on the  
40 other side.

41  
42 Here, the picture changes from the juveniles. The secondary  
43 split occurs by depth bin and so it splits the shallower depths  
44 to the left-hand side and it splits our deepest depth bin of  
45 twenty-one to thirty meters to the right-hand side.

46  
47 Then, finally, it splits based on the management regime and so  
48 we have the open fishing areas on the left and Buck Island Reef

1 National Monument on the right. Actually, what's interesting  
2 here is our area where we would predict to find the highest  
3 densities of adult conch split out fairly early and so that's  
4 going to be a number of 523 conch per hectare as predicted by  
5 the model and that's going to be in Buck Island Reef National  
6 Monument in twenty-one to thirty meters of water.

7  
8 We follow the tree further and it tries to split out the habitat  
9 types a little more so you can see what each habitat type is  
10 doing and as we go down to patchy seagrass of 70 to 90 percent,  
11 the next size density is predicted at 265 and then 204. Then  
12 when we get down to the different depth bins, the shallower  
13 depth bins of sixteen to twenty, we find a density of 180. Then  
14 in the next shallowest depth bin of eleven to fifteen, we find a  
15 density of 170.

16  
17 Basically, all this is saying here is that the basic trend for  
18 adult distribution is that as depth decreases, so does conch  
19 density in Buck Island.

20  
21 For the second part of our now ongoing research here in St.  
22 Croix, we are combining the acoustic tagging and tracking work  
23 that Ron presented to you with more of the radial survey work  
24 that we just talked about here and we wanted to basically  
25 determine what was the connection for conch populations between  
26 the different management areas on the north side of the island  
27 and is there any connection for the conch populations as they  
28 might move between the Buck Island National Monument, say  
29 through the open fishing areas, potentially using the East End  
30 Marine Park nearshore areas.

31  
32 Based on patterns that we saw from some of the acoustic tagging  
33 work, we have set this -- We have sort of set up a sampling  
34 design to show us if there are high densities of juveniles  
35 outside of Buck Island, for example, would they potentially move  
36 northward into the reserve area? For the high densities of  
37 adults that we were seeing in Buck Island, maybe there is  
38 potential that they would move south and potentially cross the  
39 boundary and move into the open fishing areas, where they might  
40 become susceptible to fishing activity.

41  
42 This is part of a large scale effort that's being coordinated by  
43 the National Park Service office here on St. Croix. This is the  
44 acoustic receiver array that they have set up now and there are  
45 sixty-two receivers out in the area at the moment and they are  
46 handling all of the receiver maintenance and data management for  
47 the project for us, which is a huge effort on their part.

48

1 We have other partners that are doing some other tagging work  
2 and so the USGS is tagging sea turtles in the same area and a  
3 couple of different groups from Massachusetts that are tagging  
4 some coral reef associated fish and shark species.  
5  
6 In the first year of our project, which was just last year, we  
7 deployed twenty-six acoustic tags and our goal is to deploy  
8 another twenty-three tags this year. We have got six that we  
9 just put out on Monday and so they are out there pinging away.  
10  
11 The data we've gotten so far shows that adults actually have  
12 really high movement rates and tend to exhibit more movement  
13 than juveniles, which tend to remain really close to their  
14 original tagging location. They are not moving much at all.  
15  
16 These two tracks that I stuck on here are actually adults that  
17 we tagged and we see -- This is only a couple of months of  
18 acoustic data, unfortunately, for now, but we can see for a  
19 conch that was tagged here, it's pretty much moving south and  
20 potentially heading toward that boundary and the same with this  
21 adult over here. It kind of scooted along the fringing reef  
22 here on the south shore of Buck Island for a bit and then headed  
23 south as well and then made a turn here.  
24  
25 That's really about three months of data. We do have additional  
26 data to look through, but that takes quite a bit of time. The  
27 array will be expanded later this year and the National Park  
28 Service is going to deploy more receivers and hopefully we can  
29 get some south of the Buck Island Reserve boundary, because we  
30 want to get some idea of what more of the near-shore conch  
31 populations are doing.  
32  
33 Once that array is in place, we will deploy acoustic tags closer  
34 to the shoreline of St. Croix and hopefully near the East End  
35 Marine Park.  
36  
37 In preparation for that part of the project, we wanted to let  
38 the public know what was going on and so we developed sort of a  
39 short queen conch public service announcement with the Park  
40 Service here that should be displayed at several locations  
41 around the island, we hope, but really what we wanted to do here  
42 was to -- We put contact information on here so that if anyone  
43 recovers a tagged shell or sees a tagged shell somewhere that  
44 they would contact us and hopefully provide some information  
45 about that conch shell, even if it's just a size and a date.  
46 Anything like that would contribute greatly to the project and I  
47 have a few copies of that here as well if anyone is interested  
48 in seeing it.

1  
2 The take-home message from all of this is that even though the  
3 regression tree does a fairly good job of analyzing everything  
4 you put into it and sort of clarifying a lot of the  
5 relationships between distribution patterns and the  
6 environmental characteristics, we are still looking at something  
7 that is highly complex.

8  
9 A lot of the factors habitat-wise and depth-wise vary not only  
10 locally, but regionally as well and so it's really important to  
11 look at more of this fine-scale type of work to see what's  
12 happening in each one of your locations.

13  
14 We also saw that a lot of the predictors, the environment, the  
15 habitat type, the depth, varied in their order of importance  
16 between juvenile and adult conch and so that would be something  
17 important to consider as well.

18  
19 We also wanted to be able to generate fishery-independent  
20 density data that would support stock assessment efforts. As  
21 Ron mentioned, there was the attempt in 2007 to conduct a stock  
22 assessment and that was largely considered unsuccessful and so  
23 we want to be able to provide data to support that process and a  
24 lot of that is going to be done from generating population  
25 estimates that are using our habitat-based density patterns that  
26 we're seeing.

27  
28 Finally, the acoustic tracking work going on will be important  
29 for assessing really the efficacy of the existing marine  
30 reserves in the area and not only looking at the degree of  
31 connection between populations in the reserves, but it also will  
32 give us some idea of reproductive success of adults.

33  
34 We are hoping that by monitoring their movement patterns and  
35 seeing what habitat types they are using that we can get some  
36 idea if reproduction is continuing or perhaps increasing in the  
37 area.

38  
39 When we did the radial surveys before, we found reproductive  
40 activity associated with two-and-a-half percent of the adult  
41 population, which seems pretty low, but there is evidence that  
42 it is ongoing and so if the reserve is going to help support  
43 that process, then over the years, as we continue doing these  
44 surveys, we should see some increase in those numbers.

45  
46 Future efforts related to conch research really need to focus on  
47 standardizing survey methods so that data is readily comparable  
48 between groups and across regions. In particular, as Ron



1 mentioned, the SEAMAP surveys have that temporal component and  
2 so they're really good for examining differences between years,  
3 but not really valuable for any sort of inter-island density  
4 comparisons for conch and also the National Parks Service Office  
5 on St. John is in the beginning phases of developing a long-term  
6 monitoring project around St. John and so we've been fortunate  
7 enough to work with them on some discussions to help design a  
8 valid survey design for what they are planning to do over there.

9  
10 In that same vein, we would suggest that radial surveys really  
11 should be expanded to include St. Thomas and St. John and other  
12 areas of St. Croix that we're not looking at currently.

13  
14 We plan to continue examining our movement patterns,  
15 particularly in relation to the reserve boundaries. The  
16 hydrophone receivers will be out through 2016 we know for sure  
17 and hopefully 2017 and so we'll continue to get about four years  
18 of movement data that we can analyze and hopefully get a better  
19 picture of how conch are utilizing the areas out there.

20  
21 Finally, there are morphological differences that we've noticed  
22 in conch around the U.S. Virgin Islands, but whether this is due  
23 to some sort of environmental factor or whether this is due to  
24 genetic differences could be an important consideration and so  
25 we need to be able to identify if this is a genetic  
26 characteristic difference between the populations and if this  
27 may indicate some sort of bottleneck that might be limiting  
28 conch populations around the U.S. Virgin Islands.

29  
30 That is it and, again, we would like to thank everyone here in  
31 attendance and the council for allowing us the opportunity to  
32 present and highlight some of our work and if anyone has any  
33 questions, I will try to answer them.

34  
35 **MARCOS HANKE:** On the smaller sized conch that you guys are  
36 using for this study, especially the ones that you are tagging,  
37 when you are talking small, how small?

38  
39 **JENNIFER DOERR:** The smallest conch that we've put an acoustic  
40 tag on or any tag is we have tagged -- I believe our record for  
41 tagging is twenty-seven millimeters and so it's about a two-and-  
42 a-half centimeter juvenile.

43  
44 **RON HILL:** Not with the acoustic tag.

45  
46 **JENNIFER DOERR:** Not with the acoustic tag. That was the number  
47 tag.

48

1 **MARCOS HANKE:** But with the acoustic?  
2

3 **JENNIFER DOERR:** The acoustic tag, we try not to go too small,  
4 because by epoxying the tag to the shell, then it grows around  
5 and so we try to stay right around the fourteen-centimeter range  
6 is sort of our bottom limit there.  
7

8 **GRACIELA GARCIA-MOLINER:** This is a question that I have from  
9 someone in the Go to Meeting. They have noticed something like  
10 tumors in a population of conch and I couldn't tell if it was  
11 Culebra or Vieques, but have you noticed anything strange on any  
12 of the shells of the conch that you have surveyed?  
13

14 **JENNIFER DOERR:** Aside from some differences just in the way  
15 they grow, we haven't noticed anything unusual that might  
16 indicate there was some sort of physiological disease or  
17 anything going on.  
18

19 **GRACIELA GARCIA-MOLINER:** Would the epoxy leave a mark that  
20 people might confuse with the tumors that turtles get? I am  
21 just wondering.  
22

23 **JENNIFER DOERR:** It is possible that if they -- We haven't  
24 tagged around Puerto Rico, but it is possible if they found a  
25 shell with an acoustic tag on it -- Since it covers over with  
26 overgrowth, it may look like some sort of a bulbous growth, I  
27 suppose.  
28

29 **GRACIELA GARCIA-MOLINER:** I will ask them to follow up with a  
30 picture.  
31

32 **JENNIFER DOERR:** That would be great.  
33

34 **CARLOS FARCHETTE:** Thank you, Graciela. I know when I met you  
35 all in the council office in Puerto Rico that I did say that I  
36 was going to relay some of the information that you are doing in  
37 Buck Island to the fishers for tag recovery or acoustics and so  
38 I did that, but the one guy that I know who dives in the open  
39 fishing area just to the southwest of Buck Island, I haven't  
40 found him yet, but I will get to him and I will take those  
41 flyers.  
42

43 **JENNIFER DOERR:** Okay. I brought a stack with me.  
44

45 **CARLOS FARCHETTE:** I will distribute them out and also, we did  
46 also talk in Puerto Rico about me getting a fisherman who is  
47 willing to give up his trade secret and so I got him and so he  
48 is willing to show you locations on the southwest, southeast,

1 and northeast of St. Croix where there is a large amount of  
2 conch population.

3  
4 **JENNIFER DOERR:** Yes, especially those southwest and southeast  
5 areas that we haven't had a chance to get to yet.

6  
7 **CARLOS FARCHETTE:** Okay and now I know we'll talk offline,  
8 because he is not sure if he has to be the one to carry you  
9 there or you will have your own boat and he can go and find a  
10 spot and then tell you and you can do your work and he can go  
11 on, but if you need him to stay and show you different things, I  
12 think that it would require some compensation, because they lose  
13 a lot of money on a day's fishing, but we will talk more about  
14 that offline.

15  
16 **JENNIFER DOERR:** Yes, definitely.

17  
18 **CARLOS FARCHETTE:** But he is willing to help as long as you keep  
19 his trade secrets secret.

20  
21 **RON HILL:** We can do that.

22  
23 **GRACIELA GARCIA-MOLINER:** One more thing. The densities that  
24 you show are quite high and Gordon et al. in 2010 from the  
25 SEAMAP data also found very high densities of conch in St.  
26 Croix, but you would need the raw data from that dataset to  
27 actually make the comparison across depth and so maybe you could  
28 use the opportunity to request from the DPNR a copy of the raw  
29 data from the SEAMAP from the years that it's available, because  
30 it would be really worthwhile to have that comparison made.

31  
32 **JENNIFER DOERR:** That is definitely something we're interested  
33 in pursuing, yes.

34  
35 **GRACIELA GARCIA-MOLINER:** Because if I remember correctly, the  
36 densities were also very, very high and so it put St. Croix kind  
37 of aside having very high densities when in fact they also have  
38 a very high total pounds that they land every year, although  
39 there is a quota in place now of 50,000 pounds and they had  
40 reached over 200,000 pounds per year in harvesting. There is  
41 something about St. Croix that keeps producing conch all the  
42 time and so it's just a very, very interesting fishery issue.

43  
44 **CARLOS FARCHETTE:** On that same note, I have always felt that,  
45 in speaking with a lot of the divers, that St. Croix does have a  
46 healthy conch population and I think it's a hundred conch per  
47 hectare is considered a pretty healthy --

48

1 **JENNIFER DOERR:** Yes, that's a pretty high number.  
2

3 **CARLOS FARCHETTE:** I do know that that quota that happened a few  
4 years ago or more was arbitrarily decided on and it was not fair  
5 and we have asked for a revisit of that and we'll see how far  
6 that goes.  
7

8 **GRACIELA GARCIA-MOLINER:** Because in addition to that, you have  
9 a number of -- A trip limit number, number of conch per boat per  
10 day. There are quite a number of regulations on conch that are  
11 in place right now.  
12

13 **RON HILL:** One of the things to say about the densities that we  
14 saw is if you look back at the overall densities from all the  
15 survey sites, then we're talking about conch in the open areas  
16 of about forty conch per hectare, compared to eighty conch per  
17 hectare within Buck Island, but it's as you sort of go to  
18 smaller and smaller scales that you can find some small pockets  
19 that use those different factors where those all overlap that  
20 give you the really high densities that make it look healthier,  
21 but this is kind of the important thing to keep it mind, at  
22 least as a cross-shelf estimate of density, which is still not  
23 terrible.  
24

25 **CARLOS FARCHETTE:** On that same note also, I noticed that the  
26 densities are higher in the Buck Island Monument zone and less  
27 in the open areas for adults and juvenile stays about the same  
28 and so that kind of leads me to think that the fishermen are  
29 being in compliance with the harvest of adults and leaving the  
30 juveniles alone.  
31

32 **RON HILL:** Yes, I think it indicates that there is probably some  
33 benefit going on with the reserve, where you are maintaining  
34 some higher densities, and then the incidence of reproduction  
35 shows there should be some larval export going on to replenish  
36 the surrounding areas and the conch we know are moving most  
37 likely out of that area at certain times of the year.  
38

39 **ROY PEMBERTON:** The question I have was towards the western area  
40 for the Buck Island boundary. I mean historically we've known  
41 that area to have a lot of large, adult conch, but we've never  
42 necessarily seen them move like, for example, all the way to the  
43 east towards the shore of Buck Island, but they tended to stay  
44 out in the deeper water. Have you guys noticed anything with  
45 tracking those conch out there?  
46

47 **JENNIFER DOERR:** We haven't done any of the acoustic work out  
48 there yet, but we did have some surveys really along the shelf

1 edge where we saw some higher densities, particularly of adult  
2 conch.

3  
4 Unfortunately, a lot of that shelf area is deeper than we're  
5 allowed to dive and so that could very well be the case that  
6 there is high numbers there.

7  
8 **RON HILL:** You do have, just to the outside of the boundary  
9 there, there is that area of fairly high densities of adults  
10 right at the shelf edge and so this sort of trend continues  
11 right along this edge with quite a few conch that are just  
12 outside the boundary there.

13  
14 **CARLOS FARCHETTE:** Okay. Any more questions?

15  
16 **MARCOS HANKE:** A very quick question. There is a minimum and I  
17 have a number in my mind that I don't want to say, because I  
18 don't want to confuse anybody, but there is a minimum quantity  
19 of conch per hectare that is like it's under -- Once we reach  
20 below that, it's a problem for the conch reproduction and  
21 biology of them and which number is that?

22  
23 **JENNIFER DOERR:** That actually -- Actually, Rich Appeldoorn  
24 knows a lot about that. That varies a little bit by region, but  
25 it's right around fifty conch per hectare, fifty to sixty conch  
26 per hectare. Anything below that number, you see them not  
27 reproducing, basically because there is not enough around and  
28 they can't find each other to reproduce.

29  
30 Our densities are really high and so we noted a lot of  
31 reproductive activity and so that wasn't a problem here, but I  
32 believe it was in Florida where they found that sort of fifty to  
33 sixty adult per hectare number.

34  
35 **MIGUEL ROLON:** This is to Ron and to Richard Appeldoorn.  
36 Fishermen keep telling us that there is enough queen conch in  
37 St. Croix to raise the quota that they have now from 50,000 to  
38 some other numbers. We are preparing a management plan for the  
39 entire Caribbean for queen conch and actually, Richard is one of  
40 the collaborators.

41  
42 The question is do you think it will be wise to include this in  
43 the agenda and revisit the question of the queen conch to see if  
44 the quota could be increased or not based on these densities? I  
45 know that in some countries, for example, a density of 200 is  
46 healthy and less than 200 is not healthy, by presentations that  
47 we've received in the Caribbean. In others, seventy-five to a  
48 hundred is okay and it varies from place to place and Richard

1 has been giving us presentations throughout the years that  
2 density is one of the key factors, but you cannot take only that  
3 number and run with it and say this healthy.

4  
5 **RON HILL:** Jennifer, it's a trick question and don't answer it.  
6 I think what we would like to offer is that we've got this  
7 analysis that we can sort of scale up beyond what we have  
8 presented here and we are working to revisit that issue of what  
9 we would predict to be the standing stock for St. Croix based on  
10 our new surveys and this tree analysis method that Jennifer was  
11 talking about.

12  
13 We could certainly work with the folks that are looking at that  
14 and try to provide this as the most up-to-date data that is  
15 available to base that decision then on something broader than  
16 what's been there in the past.

17  
18 **RICHARD APPELDOORN:** If we're talking about ACLs and how the SSC  
19 would view this, they're going to want to see some new data or  
20 some reason for saying that the old estimate is inappropriate  
21 and so it's really going to come down to the degree to which  
22 this kind of an approach can generate data for the island as a  
23 whole and say this -- The population, based on its density and  
24 based on the age structure, which would include lip thickness  
25 data, which they are collecting as well, to say this is a -- If  
26 it looks like a very healthy situation, I think there would be  
27 some rationale there for upping what the ACL would be.

28  
29 The problem is that you have a cap on it now so we can't use  
30 like an average landings approach, because the landings are  
31 controlled by the cap and so there has to be some way we can go  
32 and say, okay, maybe on an experimental basis, move forward with  
33 increasing it and then monitoring it in terms of aspects of  
34 density or size structure or something like that and so creating  
35 a new type of metric that's going to be linked to reference  
36 points that relate to that.

37  
38 Those would all have to be developed and the SSC is -- I might  
39 even say anxious to move forward in those directions for a lot  
40 of the species and get away from the biomass-based metric  
41 points, reference points, that we have now to something that we  
42 can track on a more annual basis and so it wouldn't be an easy  
43 process, but this is an excellent start on that and with the  
44 continued work of the SEAMAP project as well and their surveys  
45 and I think we would have the basis for trying to move forward.

46  
47 Perhaps we should try and see how we could maybe collaborate a  
48 little bit more between the two programs, particularly in terms

1 of how habitat is being described, and related to the habitat  
2 map available, because obviously you have to take these results  
3 and others and then expand them out for the island based on  
4 whatever habitat map is available and so you have to be able to  
5 translate what you're actually seeing where the conch are to  
6 something that is scalable.

7  
8 **MIGUEL ROLON:** I believe, Mr. Chairman, that perhaps for the  
9 next SSC meeting we can include that in the agenda and expand  
10 the discussion at that level and the idea is not to give false  
11 hopes to the fishermen, but just to make sure that we are using  
12 the best available data for what we are doing, because maybe at  
13 the end of the process, you will not be able to elevate the  
14 quota, but lower it. You have to go with both axes.

15  
16 Richard mentioned something that is important also for all the  
17 other species. We tend to have these management measures locked  
18 in concrete and nobody monitors and nobody gives feedback to the  
19 fishers and so I believe, at least with the queen conch, it's a  
20 step in the right direction, I believe. Richard, do you think  
21 it will be bad timing for the next SSC meeting or should we do  
22 it for the next one?

23  
24 **RICHARD APPELDOORN:** I think we would -- I mean the SSC could  
25 start talking about new approaches and, as I said, we're fairly  
26 anxious to do that and with the new guidance coming in, it  
27 appears that we can have the flexibility to do that, but in  
28 terms of specifically looking at the situation for conch in St.  
29 Croix, we are going to need the results of this and if you're  
30 going to be going to other places on the island -- It's a longer  
31 term process, I think, to make sure we have all that data.

32  
33 I don't see what they have now is going to be overwhelming and  
34 say this is what we should do. The densities are certainly very  
35 promising, but it's Buck Island and that's somewhat of a special  
36 case and so, again, I would like to know what's going on  
37 elsewhere around the island so that to the degree that this can  
38 be blended with say the recent SEAMAP surveys that might be a  
39 way to go, but this is not a short-term the SSC looks at it and  
40 says okay. This is going to have to be some study and putting  
41 all this stuff together.

42  
43 Having said that, we are working toward island-based plans and  
44 at some point in this we're going to have to revisit ACLs and  
45 how we deal with them and what the reference points are going to  
46 be and so we may, in this process, want to initiate what might  
47 become a wholesale change in how we do things, but it might be  
48 interesting to say start this for a couple of key species and

1 see how it works and if that approach looks promising, then we  
2 can adapt it for as many species as possible. None of this is  
3 going to happen overnight, but I think all of it is kind of the  
4 way we would like to see things move forward.

5

6 **CARLOS FARCHETTE:** Okay.

7

8 **GRACIELA GARCIA-MOLINER:** There is a set of maps that the  
9 council had a grant to recover and so these were paper maps from  
10 the 1970s that are available also for St. Croix and St. John and  
11 St. Thomas and so remind me and I will give you the site,  
12 because it would also be good to compare the habitat changes  
13 over that period of time. I think we have 1970s and 1980s and  
14 then the NOS maps.

15

16 **MIGUEL ROLON:** Graciela and Richard can meet afterwards and you  
17 can put together some thinking about the schedule of the SSC and  
18 when it can be discussed. I forget the name of the Chinese that  
19 said it's a long way, but it starts with one step and this is  
20 one step, because the queen conch is being reviewed now by every  
21 country that has queen conch in the Caribbean and probably here  
22 it's a start and so, Mr. Chairman, I believe at the next meeting  
23 in August we will have a paragraph to show to you of how we can  
24 proceed with this or continue with the process.

25

26 **CARLOS FARCHETTE:** Thank you, Miguel. The last comment is from  
27 Roy, so we can move forward in the agenda, but I just want to  
28 say, and it's going to be on the record, that I believe that the  
29 decision and finally with Ron and Appeldoorn and it will be a  
30 science-based decision instead of what happened when then  
31 Director David Olsen just arbitrarily said St. Croix is taking  
32 too much conch and I'm going to stop it and then just did that.  
33 Whether it goes up or goes down or stays the same, I would like  
34 it to be science-based.

35

36 **ROY PEMBERTON:** I agree with Rich. It's a little premature at  
37 this point to kind of jump towards the SSC, especially when I  
38 haven't had a good chance to sit down with Ron and Tom to kind  
39 of go through some of the similarities or differences between  
40 the SEAMAP sea surveys and yours, but I do think it's warranted  
41 to definitely expand and expand into areas where we already have  
42 information from SEAMAP, like Rich was saying, to kind of move  
43 in that direction.

44

45 Part of it also, I think you will see that some of the  
46 information that we have on the south side would then be more  
47 applicable to then getting an idea of around the St. Croix shelf  
48 kind of population estimate.



1  
2 We didn't, of course, do it to the same rigor that you did. We  
3 did more of a transect belt survey style and so that may have  
4 its differences as well, but I think it would warrant to kind of  
5 start at that point to see what we can put together and then, if  
6 we're going forward, do more collaboration and trying to make  
7 sure that we are now going in the direction of getting a more  
8 viable estimate and population density per hectare, to that  
9 effect.

10  
11 I think at that point we would have a lot more information to go  
12 forward to then looking at whether increasing or decreasing, as  
13 Carlos points out.

14  
15 **RON HILL:** We have been continuing to seek funding to expand to  
16 other areas around the Virgin Islands and even into Puerto Rico,  
17 but, as you know, things are pretty tight, but we would really  
18 love to work with you on comparing what's been done and come up  
19 with a good method that will carry us forward then. I think  
20 that's the best idea.

21  
22 **RICHARD APPELDOORN:** Yes and just -- Roy, I know you've been in  
23 the discussions, but for other people here, in the SEAMAP  
24 committee meetings, especially following the last survey that  
25 was done for Puerto Rico, and we've been working with one of the  
26 statisticians at the University there, we have talked about the  
27 potential for actually changing the way we do these surveys to  
28 get habitat information more tightly controlled in both the  
29 sample selection and then the post-processing analysis for this.

30  
31 Your data is in fact exactly the kind of seed data we would need  
32 to make the assessments of what the trails are going to be  
33 relative to smaller areas surveyed, but much bigger sample  
34 sizes. Basically, we would like your data, please.

35  
36 **RON HILL:** We might trade you for some SEAMAP data.

37  
38 **RICHARD APPELDOORN:** I think we could work that out, but I think  
39 there is a congruence here for the two programs that is really  
40 fortuitous and timely and I think that's the direction we should  
41 focus our efforts to move forward and I think as quickly as  
42 possible.

43  
44 **CARLOS FARCHETTE:** Thank you and thank you both for great  
45 information and I will take the flyers. Edward Schuster had one  
46 last comment and then we will move forward.

47  
48 **EDWARD SCHUSTER:** Hi, Ron. I am glad to see you again. This is

1 just a quick comment in reference to the 50,000-pound quota that  
2 we've been stuck with for a very long time. After the conch  
3 meat is shucked and out of the shell, it goes into the bag and  
4 it's all queen conch and I think that we need to go back and  
5 reevaluate it and somehow differentiate where that actual 50,000  
6 pounds comes from from the queen conch population, because there  
7 is like three or four different species of conch.

8  
9 I think there is a milk and there's another one that is called  
10 the trumpet conch and it's like a short and round and then there  
11 is another species. I mean I hear the local fishermen call -- I  
12 learned from the Puerto Rican population that we have our own  
13 names, but the scientific name is not there, but what actually  
14 happens is that after it goes into the bag, it all becomes queen  
15 conch or conch.

16  
17 The only way that you would know the difference would be when it  
18 goes to the restaurant and some -- Like the queen conch is more  
19 tender and the other conch species are a lot tougher and so  
20 that's something that we have to work on from a local standpoint  
21 and then it's something that we could look at, since the 50,000-  
22 pound quota is both federal and local. That's my comment.

23  
24 **RICHARD APPELDOORN:** You can tell the difference between --  
25 Without the shell, you can tell the difference between the  
26 organisms as long as all the other structures are on them.  
27 There is an example. The proboscis, you know the part that  
28 comes out and they feed with, in queen conch is black and kind  
29 of speckled white, whereas in milk conch it's green, for  
30 example. For those two species, it's very easy to tell apart.

31  
32 I am not that familiar with -- The other species you're probably  
33 talking about is helmet, the helmet shells, and so I suspect  
34 they're just as easy to tell apart and one just has to look at  
35 them to figure out what those differences are. I haven't worked  
36 with those two species much myself, but, like I said, queen  
37 conch and milk conch are very easy to tell apart.

38  
39 **CARLOS FARCHETTE:** Thank you. I need to move forward, but I  
40 know there were a couple other comments and you do a sidebar  
41 with Dr. Hill and Dr. Appeldoorn. We are moving to Update on  
42 Timing of Accountability Measure-Based Closures Action and I  
43 think Kate Quigley will handle that one. Thank you.

44  
45 **UPDATE ON TIMING OF ACCOUNTABILITY MEASURE-BASED CLOSURES ACTION**

46  
47 **KATE QUIGLEY:** Good morning. We have got a Draft Version 3 now  
48 of the Revised Options Paper for Timing of Accountability

1 Measure-Based Closures. We have got Draft Version 3 now and so  
2 I'm going to go ahead and walk you through it and I am going to  
3 provide you a little bit of an update on how things have been  
4 going.

5  
6 If you recall, this amendment consists of two actions and one is  
7 to select an approach to modify the timing of AM-based closures  
8 in the EEZ and then Action 2 is to specify how often to revisit  
9 the approach and so this is just a real basic overview.

10  
11 The previous Action 1 which you saw back in December, which was  
12 the first draft of the options paper, we had a no action option,  
13 a customized approach or mechanism. If you recall, that was the  
14 model that we had. Then we had these predetermined fixed  
15 approaches. We had these fixed dates when a closure could  
16 occur.

17  
18 This has changed a bit. If you recall in December, the council  
19 requested that the customized approach, which was Option 2 that  
20 we just saw, be removed from the document. We talked a lot  
21 about concerns regarding the time requirements to actually use  
22 this model on a year-to-year basis and, number two, the council  
23 requested that the District Advisory Panels review the document  
24 and provide input for fixed dates and the fixed dates are in the  
25 revised paper that we had that we sent to the DAPs and it was  
26 Option 2 and Suboption 3c. It was two different things, remove  
27 the model option and then you sent it out to the DAPs.

28  
29 In March, the DAPs met and they reviewed a revised options paper  
30 based on council input and they had a pretty easy time with it  
31 and they unanimously chose a fixed closure start date of  
32 September 30 and going backwards to the beginning of the year  
33 for all FMUs for a particular island.

34  
35 Each DAP said September 30 and that's what we want and we want  
36 it to go backwards, so that if we have to have a closure, it  
37 will occur in September and if it has to go longer than that,  
38 it's going to occur in August and so forth. This would be the  
39 least negative socioeconomic and cultural effects that they  
40 could imagine, is if you have a start date right then.

41  
42 Now, the DAPs also had the choice to take a look at fixed dates  
43 for each and every FMU for each ACL unit and the DAPs did not  
44 pursue the option for different closure dates for each FMU.  
45 They did not have an interest in identifying different dates for  
46 each and every FMU. They preferred instead to have September 30  
47 apply to all and every instance that came up.

48

1 Just a couple of weeks ago, about a week-and-a-half ago, the IPT  
2 for this amendment met and revised the document based on the  
3 council's input from December and the DAP's input from March and  
4 developed two new options and so I will show you those in just a  
5 couple of minutes.

6  
7 What we would like is for the council to review the current  
8 document, which I believe you received late last week, to review  
9 the current document and provide further guidance on development  
10 and so I'm going to walk you through this most current document  
11 right now.

12  
13 This is just an overview and we've got four options under Action  
14 1. We still have Action 1 and 2, but under Action 1, we have  
15 simplified things a bit and we just have four options. Number 1  
16 is no action and so we've got a start date for any necessary  
17 closure from December 31 and going backwards.

18  
19 Option 2, we've put in the September 30 and going backwards and  
20 that's the DAP's input and then Option 3 is we threw in there --  
21 This is an IPT recommendation of January 1 and going forward and  
22 so we have an end of the year closure start date and then we  
23 have the September 30 start date identified by the DAPs and so  
24 to diversify things a bit, we've got a January 1 start date  
25 going forward.

26  
27 Option 4 is we still have in there different fixed dates for  
28 different FMUs and so even though the DAPs said no, we're not  
29 really interested in that option, of course we still have that  
30 option in there that was carried over since the last council  
31 meeting and so it's up to the council to decide what to do with  
32 those options.

33  
34 Just a little more detail is Option 1, of course, is your no  
35 action and if you recall, continue AM-based closures resulting  
36 from an ACL overage beginning on December 31 of the closure year  
37 and extending backwards in the year for the number of days  
38 necessary to achieve the required reduction in landings. This  
39 is what we've been living with for the past few years.

40  
41 Number 2, Option Number 2, is the new DAP option.  
42 Accountability measure-based closures resulting from an ACL  
43 overage will begin on September 30 of the closure year and  
44 extend backwards into the year for the number of days necessary  
45 to cover the overage and this start date, as I said, would apply  
46 to all FMUs for each of Puerto Rico, commercial and recreational  
47 sectors, and then St. Thomas, St. John, and St. Croix and then  
48 we have the two Caribbean-wide species, tilefish and aquarium

1 trade species.

2  
3 If for any FMU in any year the number of days left in the year  
4 is not enough to achieve the required reduction in landings,  
5 then those additional days would be captured in the opposite  
6 direction and so if you had some horrible situation where you  
7 had this huge overage and you went September 30 backwards and it  
8 still was not enough by the time we estimated that you had hit  
9 January 1, then you would go forward. You would go September 30  
10 forward as well and we would estimate an even larger closure.  
11 That's unlikely to occur, but that's how we wrote it up in the  
12 case that that does occur.

13  
14 Proposed Option 3 is the same type of language and it will begin  
15 on January 1 and go forward the amount necessary to achieve the  
16 required reduction in landings applying to all FMUs.

17  
18 Then we still have this Option 4 where we've got this fixed  
19 fishing closure date for the implementation of AMS for each FMU  
20 and a different start date would be chosen for each FMU. Like I  
21 said, the DAPs chose not to identify dates. They were not  
22 interested in this option at all.

23  
24 Under 4, we have a number of different suboptions and these are  
25 the same suboptions we've had in there since December and so  
26 exactly the same. Suboption 4a was basically you start with a  
27 closure date and you choose the month with the highest landings  
28 and so this is for each and every FMU.

29  
30 You choose the month with the highest landings and then we've  
31 got Suboption b that you choose the month with the lowest  
32 landings and Suboption c was the month with the least negative  
33 social, cultural, and economic effects and that's what we had  
34 gone to the DAPs with, because we don't have an identified date  
35 for that.

36  
37 For the other two, for Suboption 4a and Suboption 4b, we did  
38 analysis and we have tables in this presentation and so those  
39 are the basic suboptions. Now, of course, we have them written  
40 out for Puerto Rico commercial, Puerto Rico recreational, St.  
41 Thomas, St. Croix. It just provides more detail.

42  
43 I believe you have this presentation at this time and so the  
44 closure date starts either the first day of the month and goes  
45 forward or the last day of the month and goes backward.

46  
47 For example, Suboption 4a is the closure is to start either the  
48 first day or the last day of the month that has the highest

1 landings based on the most recent three years of available  
2 landings data.

3  
4 We have tables for each and every one of these and so the IPT,  
5 in particular Maria Lopez and myself, have worked on this and  
6 gotten the data together and identified for each FMU what are  
7 the highest landings month and the lowest landings month and so  
8 identified a start date for each and every one of these.

9  
10 Then we have Puerto Rico recreational and the same thing. We  
11 applied it to the recreational FMUs and you get slightly  
12 different months and so you see that third column there and  
13 you've got Suboption 4c and that's the least negative economic,  
14 social, and cultural effects and we have to be determined in  
15 there, because we don't have start dates identified.

16  
17 The plan right now is we can qualitatively describe what the  
18 impacts would be from that type of suboption, but if you want to  
19 get into specifics, we don't have the specifics yet. We had  
20 asked the DAPs and they were not interested in that option and  
21 so right now we just have to be determined.

22  
23 The same thing for St. Thomas and St. John, the same language,  
24 and we have a table for that and this is all contained in the  
25 options paper and then St. Croix. We also have another table  
26 and so we have specific dates identified if the council leaves  
27 those options in there and then for Caribbean-wide species and  
28 we just have two, like I said, tilefish and aquarium trade  
29 species.

30  
31 We know the type of analysis that's going to be needed for  
32 Alternative 1 or for Option 1. The alternative would continue  
33 the status quo and Alternatives 2 and 3 and 4, these  
34 alternatives would have biological, socioeconomic, and  
35 administrative effects and analyses should consider the effects  
36 of the different proposed closure start dates and so it's going  
37 to analyze each and every start date as well as the effects of  
38 overlap with seasonal closures that are already in place for  
39 particular FMUs.

40  
41 For example, for September 30 going backwards, AMs have to be  
42 applied to Snapper Unit 1, perhaps. This is just an example.  
43 Snapper Unit 1 already has a seasonal closure in effect and it  
44 goes from October 1 through December 31 and so we need to figure  
45 out what are the effects of these two closures combined and  
46 that's possible to do. This is just the type of analysis that  
47 would be done.

48

1 Then we have Action 2, which is specify how often the approach  
2 to set the timing of AM-based closures selected in Action 1  
3 should be revisited. Option 1 is no action and Option 2 is  
4 review every three years and Option 3 is review every five years  
5 and so nothing has changed since December for that one.

6  
7 That's just a real brief overview and I am happy to answer  
8 questions and possible next steps, we would like the council to  
9 discuss management options. We have these four management  
10 options that are just kind of reorganized and we have the new  
11 DAP input as well and then if you would like to see a public  
12 hearing draft for August of 2015, we will probably need a motion  
13 to go in that direction.

14  
15 **CARLOS FARCHETTE:** Before Marcos, we want the Chairs for the  
16 DAPs to make the comments on the timing closure options on your  
17 reports and I am going to start with St. Thomas and Julian  
18 Magras.

19  
20 **OUTCOMES FROM THE MARCH 2015 DAP MEETINGS**

21  
22 **JULIAN MAGRAS:** The recommendation that came from the committee  
23 that day was to use the date of September 30 going backwards.  
24 We found that to be the most feasible time of the year for us to  
25 use it, because sales are very slow at that time and it would be  
26 the least economic impact to St. Thomas/St. John.

27  
28 **EDWARD SCHUSTER:** St. Croix decided on that same date. There  
29 were other options that we had and we chose those because they  
30 would overlap with other closures around the same time and so it  
31 would be more of a hardship on the fishermen and longer days, a  
32 longer period, but not overlapping, for example, the conch and I  
33 think there is a mutton snapper closure and the hind closure  
34 that would have been conflicting or combined and so we chose  
35 from September 30 back.

36  
37 **CARLOS VALASQUEZ:** In the case of Puerto Rico, it recommends to  
38 the Caribbean Fisheries to start on September 30 and move  
39 backwards into the month of August for the required number of  
40 days.

41  
42 **CARLOS FARCHETTE:** Thank you. Marcos.

43  
44 **REVIEW PROPOSED OPTIONS AND PROVIDE GUIDANCE**

45  
46 **MARCOS HANKE:** Can you go back some slides where you divide the  
47 recreational and the commercial? I would like some  
48 clarification on that and if there is no information about it,

1 that should be developed and I would be very happy to help on  
2 that part, but I would like some clarification on that.

3  
4 **KATE QUIGLEY:** Sure and so when I gave the presentation -- This  
5 applies only to Puerto Rico, where we have commercial and  
6 recreational and separate ACLs for each of them. When I gave  
7 the presentation, we talked about that they could make different  
8 recommendations for commercial versus recreational.

9  
10 We had different options in place and for the -- For Option 2,  
11 which was the DAP input, where they had identified September 30,  
12 I had asked for commercial and for recreational and they said  
13 yes. Under here, under Option 4, this is an analytical exercise  
14 and we get different dates for commercial versus recreational.

15  
16 For example, this is the commercial dates analytically and so we  
17 have highest landings, lowest landings, and that is different  
18 data than we would use for the recreational, where we use the  
19 first month in the wave and so we get different dates for each  
20 of those.

21  
22 Option 4 is an analytical exercise, where we do have different  
23 dates identified for commercial versus recreational. Under  
24 Option 2, we have the same fixed date identified for commercial  
25 and recreational and we made it clear to Puerto Rico that you  
26 can choose different dates, but they said that they felt that it  
27 was appropriate for both commercial and recreational, September  
28 30 going backwards.

29  
30 **MARCOS HANKE:** I think there is a little more thought that  
31 should -- A little more time to decide on that, the way I see  
32 it, because the two groups behave totally different and they  
33 respond to different elements and factors.

34  
35 Another question that I am not very clear is they decided, on  
36 the previous DAP recommendation, for commercial fishermen to use  
37 the lowest socioeconomic impact, right?

38  
39 **KATE QUIGLEY:** Option 4c is you choose the month with the least  
40 negative social, cultural, and economic effects and we don't  
41 have any dates identified at all for that.

42  
43 **MARCOS HANKE:** Okay, but the DAP didn't recommend that?

44  
45 **KATE QUIGLEY:** No, they did not. They did not prefer that  
46 option.

47  
48 **MARCOS HANKE:** For either commercial or recreational?



1  
2 **KATE QUIGLEY:** Correct.  
3  
4 **CARLOS VALASQUEZ:** Kate, this is a question for you. Is it  
5 local waters or federal waters?  
6  
7 **KATE QUIGLEY:** This is federal waters.  
8  
9 **CARLOS VALASQUEZ:** All federal waters?  
10  
11 **KATE QUIGLEY:** Yes.  
12  
13 **CARLOS VALASQUEZ:** On the recreational sector and not commercial  
14 or both? For them both? Okay.  
15  
16 **MIGUEL ROLON:** Carlos and Kate, I remember that when we asked  
17 the question to the DAP people in Puerto Rico that the  
18 recreational sector agreed to have the same dates as the  
19 commercial sector. They believe that it will be easier to  
20 follow by them and also less disruption of the fishery, because  
21 they claim that if you have one closure for the commercial and  
22 one closure with recreational that it sometimes will be  
23 conflicting and so they agreed, at least in the case of Puerto  
24 Rico, that the dates will be both sectors.  
25  
26 **CARLOS FARCHETTE:** Thank you. Any more questions for Kate?  
27  
28 **CARLOS VALASQUEZ:** Marcos, a question for you. Is the  
29 recreational sector in Puerto Rico, the high season starts in  
30 September or October or August?  
31  
32 **MARCOS HANKE:** What happens with the recreational sector is that  
33 the different groups that do recreational fishing -- I am not  
34 talking about charters now and I am talking about recreational  
35 fishing in general.  
36  
37 They respond to the marlin season and they respond to many  
38 different species seasons and interests and I am just  
39 brainstorming and it just came to me that they should behave  
40 differently and we have to think carefully about this, but what  
41 just Miguel said and one of the key elements here is hurricane  
42 season.  
43  
44 Maybe it's the best approach to use the same dates for the  
45 reasons that Miguel just mentioned, but I think some thought and  
46 some rationale should be developed on that matter and that's my  
47 point.  
48

1 **ROY CRABTREE:** It's not likely that they're going to be the same  
2 dates for the recreational and the commercial, because you've  
3 got separate ACLs for the recreational and commercial and so you  
4 may have a closure for the commercial one year and no closure at  
5 all recreational or you may have a closure for the recreational  
6 one year and not the commercial and the closures may be of  
7 different lengths.

8  
9 If you want to have them both closed at the same always, then  
10 what you need is to have one ACL that is everybody, but that's  
11 not what we did in the ACL amendment. We split them off, which  
12 means they are very likely going to have different closures.

13  
14 **KATE QUIGLEY:** Right and this amendment certainly does not say  
15 that you will have closures at the same time. It just  
16 identifies a date and if you had a closure for recreational, it  
17 would be the same date that if you have a closure for  
18 commercial.

19  
20 **MARCOS HANKE:** I just realized how important it is to create the  
21 rationale and using the same lines that Roy was saying, if you  
22 have somebody that exceeds the ACL on commercial and  
23 recreational and to have the whole fishery starting at the same  
24 point, I think the effect on the closure or the effect for the  
25 resource will be more beneficial if -- Let's say if both exceed  
26 the ACL and to be closed at the same time and to be closed and  
27 it's more enforceable and both are going to be having the same  
28 effect at the same time and so on. I mean there is some things  
29 that I am just learning about them now that we should think  
30 about.

31  
32 **MIGUEL ROLON:** To that point, you are missing two things. What  
33 Roy is addressing here is that you have two ACLs and what Kate  
34 responded is in case you have an ACL overage for the  
35 recreational sector, the recreational sector prefers, for the  
36 same reason as the commercial sector, September 30 backwards.

37  
38 Technically speaking, we need to ask Kate whether that will make  
39 any difference. However, what they said at the meeting is we  
40 are willing to have -- This is an example.

41  
42 Let's say that the overage for the commercial sector amounts to  
43 fifteen days of closure and so you will close from September 30  
44 to September 15, but you may have a particular year that the  
45 overage for the recreational sector will be equivalent to ten  
46 days and so September 30 to September 20 you will have the  
47 closure for the recreational sector.

48

1 The idea is if you have the overage that is equivalent to  
2 fifteen days in September that you will have September 30  
3 through September 15 a commercial closure and that's what they  
4 are saying and it's kind of a little bit cumbersome and the  
5 recreational sector does not want to be in conflict with the  
6 commercial sector. That's the whole discussion that they had at  
7 the DAP.

8  
9 Roy is asking another question, which is do you want to combine  
10 both for the two sector ACLs and you have to discuss it, because  
11 you don't know whether that is good or bad. Actually, you don't  
12 know nothing, because you don't know what is going to happen  
13 with the fishery until you have that overage, but here you have  
14 to discuss it and then pick a preferred option.

15  
16 If you want to leave it at this time, leave the two sectors  
17 separate, for all the rationale that you developed before, so be  
18 it and so you will have an ACL for recreational and an ACL for  
19 commercial for queen conch and remember we are talking about the  
20 -- Not queen conch, but the fisheries, whatever fisheries we are  
21 talking about.

22  
23 Then you have to discuss why and I believe, Marcos, that's why  
24 you're talking about the development of rationale and so the  
25 first question is to you and if you feel that to leave the two  
26 ACLs alone, one for each, and then your discussion will be do  
27 you want to take the DAP recommendation, three DAP  
28 recommendations, for both sectors of September 30 backwards as  
29 your preferred alternative.

30  
31 **MARCOS HANKE:** My first question to that is we have to decide  
32 that today? It's important to decide that today?

33  
34 **MIGUEL ROLON:** The preferred that you have now is for the staff  
35 to continue developing the document regarding the timing.

36  
37 **TONY BLANCHARD:** I could be completely wrong, but I think what  
38 Kate was trying to do here was she had the two ACLs separate,  
39 because they are already separated by commercial and  
40 recreational, but they all have a starting date and so they all  
41 abide by their own ACL.

42  
43 If one needs to be shut down for a certain amount of time, that  
44 does not affect the other sector. I am pretty sure that's what  
45 she was trying to convey and I think, in all honesty, if we put  
46 a DAP to be in charge of a sector, and let's say the DAP for St.  
47 Thomas/St. John, and this is the decision they came to -- We  
48 gave them the authority to make their own decision and we go

1 back and change it to what we want and then really we didn't  
2 give them that decision and we made the decision for them.

3  
4 **MIGUEL ROLON:** Point of order, Mr. Chairman. The DAPs don't  
5 have any authority to make decisions for us. The authority they  
6 have is to discuss it thoroughly and give their recommendation,  
7 but to your point, it would be, for lack of another word,  
8 cumbersome when you have two days of discussion for people who  
9 know about this stuff and then you wash away their --

10  
11 **TONY BLANCHARD:** Exactly.

12  
13 **MIGUEL ROLON:** It's not that we are going to always adopt what  
14 the DAPs will tell us, because the final decision actually rests  
15 on the Secretary, but the final decision as to what document to  
16 submit to the Secretary will be the council's and so there are  
17 ample opportunities to do that, but I believe that this council  
18 decided to seriously consider the recommendation of the DAPs and  
19 remember, for the people who are not familiar with it, there we  
20 have scientists, local government, NGOs, and folks from the  
21 recreational and commercial sectors altogether discussing these  
22 issues. Anyway, I just wanted to clarify that for the record.

23  
24 **TONY BLANCHARD:** Maybe I worded it wrong, but the thing was I  
25 was saying if we are giving them -- We have them in a group to  
26 give their opinion and we don't seriously look at their opinion  
27 and then we are wasting our time and we should have never had  
28 them there before and it's like an advisor and you don't take  
29 the advisor's advice or why do we have the advisor to begin  
30 with? I understand and my wording was wrong, but I understand  
31 the process.

32  
33 **EUGENIO PIÑEIRO:** Very good discussion and I just want to point  
34 out that what Marcos said is very correct and it's a de facto  
35 thing, a reality, that in the Caribbean, not only the American  
36 Caribbean, but throughout the Caribbean that hurricane season is  
37 September and October and late August and all the economic data  
38 points that those are the slowest months of the economy in the  
39 whole Caribbean, because tourists simply don't come down here at  
40 that time of year.

41  
42 They choose to stay mostly on the east coast seaboard. It's  
43 very nice weather and after Labor Day, we have sixty days of  
44 very slow economic activity and I just wanted to point that out.  
45 Thank you.

46  
47 **CARLOS FARCHETTE:** Thank you. I guess we will be discussing the  
48 draft timeline and what options we are going to -- Kate.

1  
2 **OVERVIEW OF TIMELINE AND POSSIBLE NEXT STEPS**  
3

4 **KATE QUIGLEY:** I just wanted to give a quick overview of the  
5 timeline and then I can go back to possible next steps. Today,  
6 the council discusses management options and chooses a preferred  
7 if you wish and then the council passes a motion to develop a  
8 public hearing draft.  
9

10 The IPT can come back to the council in August with that public  
11 hearing draft for the council to review and select preferred  
12 alternatives at that time and approve for public hearings and  
13 then the council would schedule public hearings for the fall.  
14 In December, we would come back and discuss the outcomes of the  
15 public hearings and from then we would revise and approve the  
16 codified text and approve the amendment for secretarial review  
17 and so on, with a final rule effective in late spring or early  
18 summer of 2016. That's just to give you an idea of what the  
19 timeline could be if the council chooses to move forward at this  
20 time.  
21

22 **TONY BLANCHARD:** I would like to move it forward and I need to  
23 know what we need to do and whether a motion needs to be made or  
24 what.  
25

26 **CARLOS FARCHETTE:** Pick an option and make a motion.  
27

28 **TONY BLANCHARD:** I would like to make a motion to move forward  
29 with the development of a public hearing draft. Did I get a  
30 second?  
31

32 **MIGUEL ROLON:** Mr. Chairman, we have a long list of stuff to  
33 discuss and can you move this? Then, Kate, the timeline that  
34 you have for the next meeting in August, they can pick the  
35 preferred alternative.  
36

37 **BILL ARNOLD:** Would you please include in that motion what  
38 you're moving forward on, because after we get away from this  
39 thing, all we have is a motion that says public hearing draft  
40 and it doesn't say of what and it can get a little confusing and  
41 so just for clarity.  
42

43 **CARLOS FARCHETTE:** For the timelines presented by Kate on timing  
44 of accountability measures. The motion is move forward with  
45 development of a public hearing draft for the options timing  
46 document. **Any objections? All in favor say aye; any**  
47 **abstentions. Hearing none, the motion carries.** Now we have the  
48 Update on Puerto Rico Commercial Landings and Comparison to

1 Annual Catch Limits by Bill Arnold. Bill, while you get ready  
2 here, we're going to take a quick five or six minutes.

3  
4 (Whereupon, a brief recess was taken.)  
5

6 **CARLOS FARCHETTE:** Before we continue, I want to let everybody  
7 know that it's Earth Day, along with Hump Day. It's Roy's  
8 wedding anniversary. Give him a hand. Since it's Earth Day,  
9 think of something good to do and do it and somebody cover for  
10 me, because I just polluted the air outside by smoking  
11 cigarettes. This will be the Puerto Rico Commercial Landings  
12 Comparison to Annual Catch Limits 2011 to 2013. By the way, my  
13 wife is bringing a cake for everybody to have for dessert after  
14 lunch and so enjoy.  
15

16 **MIGUEL ROLON:** Mr. Chairman, while they get this together, we  
17 would like to -- When Bill finishes, we have a discussion about  
18 the data, the way they collect the data, and that will be  
19 Graciela and Cruz. I believe that Kate and Julian would like  
20 also to address the data and the feedback that we need to have  
21 especially from those areas that have been closed and we need to  
22 know what is happening inside those areas and so those three  
23 topics will be discussed at that time.  
24

25 **CARLOS FARCHETTE:** Okay.  
26

27 **UPDATE ON PUERTO RICO COMMERCIAL LANDINGS 2011- 2013 AND**  
28 **COMPARISON TO ANNUAL CATCH LIMITS**  
29

30 **BILL ARNOLD:** As you know, we have annual catch limits and that  
31 is the maximum allowable harvest in any given year for any  
32 species or management unit and if that annual catch limit is  
33 exceeded, we implement accountability measures.  
34

35 Accountability measures are basically the same for all of our  
36 fisheries species units except for queen conch. These don't  
37 really apply to queen conch because we have separate management  
38 measures in place for those.  
39

40 What we do is we do a three-year average of landings and compare  
41 that three-year average of landings to the annual catch limit  
42 and if that average exceeds the annual catch limit, then  
43 accountability measures are applied.  
44

45 As you heard from the previous discussion, those accountability  
46 measures are an amount of pounds that have been taken out of the  
47 fishery and to do that, we close a certain number of days that  
48 will ensure that that amount of pounds is not again caught in

1 the next year. Right now, we start from December 31 and count  
2 backwards into the year to account for the number of days the  
3 fishery has to be closed.

4  
5 We are going to be talking about -- Where we are right now is  
6 assessing any closures that need to be implemented for the 2015  
7 fishing year, the one we're in right now. This may seem a  
8 little late, but in fact that's not the case. We have settled  
9 this for most of our sectors and for most of our islands and  
10 that was all presented at the December council meeting.

11  
12 What we had determined, because the data were available for both  
13 islands in the USVI and for the recreational sector in Puerto  
14 Rico, we identified no necessary closures. Now, we did identify  
15 some overages, but those overages were determined to be due to  
16 enhanced reporting rather than an actual increase in catch that  
17 would lead to an ACL overage and if it's due to enhanced  
18 reporting, the idea is to not alienate the fishermen from  
19 enhancing their reporting. We weren't going to punish them for  
20 landings going up due to better reporting.

21  
22 What we did not have to present at the December 2014 meeting was  
23 Puerto Rico's 2013 commercial data. Those data were late coming  
24 in due to date entry problems that really essentially have been  
25 solved since then and so we don't anticipate this being a  
26 problem in the coming year, but we did have to wait for those  
27 2013 commercial data.

28  
29 We got those 2013 commercial data in February and so we got  
30 those data and we ran the analyses and we're presenting the  
31 outcomes for Puerto Rico's commercial fishing sector to identify  
32 any closures that need to be implemented in 2015.

33  
34 **DAWN HENRY:** Because I am new, what is an example of enhanced  
35 reporting? Like what would a fisherman do?

36  
37 **BILL ARNOLD:** That's a good question. It doesn't necessarily  
38 have to be the fishermen. For example, one thing we have done,  
39 beginning in July of 2011, is modify the data reporting form and  
40 so species that weren't reported specifically on the forms now  
41 have a specific line devoted to that species and so now you've  
42 got fishermen reporting landings that they probably were  
43 receiving in previous years and they just weren't reporting  
44 them.

45  
46 All of a sudden, you see this giant jump in landings for a  
47 particular species and you have an extreme annual catch limit  
48 overage, but that's not a real overage and it's an overage due

1 to better reporting and so that would be a good example and that  
2 has happened in a couple of cases.

3  
4 The enhanced reporting is a good thing and we all recognize that  
5 the annual catch limits and the reference points need to be  
6 modified to reflect those changes and we are working in that  
7 direction. That is hopefully going to be a part of developing  
8 these new fishery management plans.

9  
10 Just quickly, this is our data and assessment timeline. I can't  
11 read it either and so don't worry about that, but ultimately it  
12 boils down to by December 31 of each year that we have all the  
13 data in and all the data analyzed and we have made a decision as  
14 to which fisheries on which islands or which sectors of which  
15 fishery have to be closed in response to an annual catch limit  
16 overage.

17  
18 We also have a late data timeline and that's what I am  
19 presenting here and that's a similar timeline, but it's more  
20 flexible, because if it's late data, we don't know exactly when  
21 we're going to get it and so you look at the bottom box on this  
22 flow chart and see that it's basically as soon as possible  
23 following the SSC/council notification that seasonal closure  
24 dates are required and are published in the Federal Register.

25  
26 What we found for Puerto Rico commercial is based on the 2011 to  
27 2013 average landings that no commercial annual catch limits  
28 were exceeded and so no commercial accountability measures will  
29 be implemented and no commercial closures will be necessary for  
30 2015 and, overall, this is not just for Puerto Rico commercial,  
31 but for Puerto Rico recreational, for St. Croix fisheries, and  
32 for St. Thomas fisheries. We will have no season shortenings in  
33 2015.

34  
35 This is just a quick overview so you can look at the percentages  
36 and, in fact, this question was asked yesterday of how close are  
37 we getting to the ACLs for some of these species and you can see  
38 this is for what we call our 2010 species, snapper, grouper,  
39 parrotfish and queen conch. The only one that really came close  
40 at all was Snapper Unit 2 at almost 94 percent of their annual  
41 catch limit.

42  
43 For the 2011 species, those species that hadn't been identified  
44 as undergoing overfishing, basically all of the other species,  
45 nothing really came close. You have got 85 percent for wrasses  
46 down here, but that's about it.

47  
48 We have also got to deal with overfishing overages and these are



1 based upon a single year of landings and not upon a three-year  
2 average, because overfishing is an annual event. If you  
3 overfish that species in a single year, that's a significant  
4 event and it has to be reported to the NMFS Headquarters and  
5 those species are then listed in our status of stocks report as  
6 undergoing overfishing and we have had that in the past.

7  
8 Just quickly on this, you look at the OFL, which is equal to the  
9 maximum sustainable yield proxy, which is that average landings  
10 we developed for each of these 2010 and 2011 groups of species.  
11 You look at that one year of data and compare it to that OFL and  
12 like I said, if you're talking about the ACL, that's a three-  
13 year average, but if you're talking about the OFL, it's a single  
14 year, the most recent year, of landings that we have available.

15  
16 For all of these species, all of these fisheries, right now,  
17 that most recent year of data is 2013 and the important point  
18 here to keep in mind is it's possible to exceed the OFL without  
19 exceeding the ACL and we have had instances of that and so  
20 they're not over their annual catch limit, but they are  
21 undergoing overfishing.

22  
23 Anyway, what we have for that is -- This is mostly focused on  
24 the overages are here and you can see the percent of OFLs for  
25 scups and porgies and wrasses in Puerto Rico. These had  
26 previously been undergoing overfishing, but they have fallen  
27 below that and so we have notified NMFS Headquarters that they  
28 can be removed from the status of stocks as being identified as  
29 undergoing overfishing and they have received that notification  
30 from us.

31  
32 For Puerto Rico recreational, the same scups and porgies and  
33 wrasses and way below their OFL. Now, for the USVI, we have  
34 angelfish, squirrelfish, and wrasses and these are the usual  
35 suspects. These are the three species that, as the Commissioner  
36 asked, have been added to the reporting forms and their landings  
37 have gone way up relative to those ACLs and so they are  
38 exceeding their OFLs.

39  
40 In all three instances -- Well, not in the wrasses, but the  
41 other instances, but they are not being listed as undergoing  
42 overfishing because it's due to enhanced reporting and it is not  
43 due to an actual increase in the harvest and that's the way we  
44 interpret that. That's it and that's just a quick overview to  
45 let you know where we are with this stuff.

46  
47 **SHEPHERD GRIMES:** I was just going to note, as I have said  
48 before when we've talked about this and I said I would keep

1 saying it, is that we've set ourselves up relative to the  
2 species where we've made a determination that overages are a  
3 result of enhanced reporting and we end up in this rather  
4 nonsensical situation that we're not exceeding an ACL, yet we've  
5 exceeded the OFL and you have species listed as subject to  
6 overfishing but no accountability measures.

7  
8 If it's due to enhanced reporting and we never come in and reset  
9 the ACL, we're going to do this again and again and again and  
10 again until we change the ACL to reflect what we think it should  
11 be based on this new information and so I would just, once  
12 again, say that this is something that we need to be thinking  
13 about addressing.

14  
15 I don't know what the answer is, because everything else is  
16 catch-based. Our ACLs and OFLs are catch-based and these were  
17 not reported at the species level and so we don't have  
18 historical landings to use for making a catch-based OFL or ABC  
19 recommendation, but we need to come up with something or we're  
20 going to be doing this every year.

21  
22 **MIGUEL ROLON:** Just a question to Shep. What could be a  
23 possible course of action for us to address that issue?

24  
25 **SHEPHERD GRIMES:** I think it's a science or biological question.  
26 We need new ABCs and OFLs and ACLs for those species and ones  
27 that are based on -- I don't know what, but on some number that  
28 reflects an acceptable level of harvest and then we can keep our  
29 catch within that acceptable level of harvest.

30  
31 **ROY CRABTREE:** I think the thought had been that we would  
32 address that when we put together the island-specific management  
33 plans and it's conceivable we'll decide we're not going to  
34 manage some of these in some areas and I don't know. Plus, we  
35 need at least a couple of years' worth of landings under the new  
36 reporting to have some kind of baseline to set the ACL, but I  
37 think that's how we had envisioned doing it, is updating all of  
38 these ACLs when we moved to the island-specific plans.

39  
40 **BILL ARNOLD:** The other thing is, as Wes mentioned yesterday  
41 during his presentation on NS-1, 3, and 7, one of the  
42 modifications that may take place in that is that we are allowed  
43 to use, rather than a single year of data, for the OFL  
44 determination that we'll be able to use a three-year average and  
45 then the ACL and the OFL will operate in concert.

46  
47 If that option becomes available, we are almost certainly going  
48 to want to take advantage of it and that will create consistency

1 in these two measures of the health of these fisheries.

2  
3 **CARLOS FARCHETTE:** Bill, before you move forward, for the  
4 Commissioner, can you explain about the -- Because we were  
5 showing that Puerto Rico has commercial and recreational, but  
6 the USVI is strictly commercial and do a little touchup on that?

7  
8 **BILL ARNOLD:** We have a Marine Recreational Fisheries Statistics  
9 Survey operating in Puerto Rico and that survey provides us with  
10 the recreational landings data that we need to establish  
11 reference points, maximum sustainable yield, the overfishing  
12 level, et cetera, et cetera, down to the annual catch limits.

13  
14 We don't have similar programs in the USVI and so we don't  
15 really have the data to make separate recreational activity  
16 determinations and so we allow the recreational fishery to be  
17 guided and controlled, to some degree, by the commercial  
18 fishery.

19  
20 If we implement a closure due to commercial harvest overages,  
21 that closure applies to the recreational fishery as well and I  
22 would say that is not necessarily an ideal situation, but we are  
23 working to rectify it. The NOAA Fisheries is funding work in  
24 the USVI to develop that recreational survey now and Barbara  
25 Kojis and Toby Tobias have been doing the work on the ground and  
26 we expect that to go forward.

27  
28 I don't anticipate having a recreational survey, a recreational  
29 survey that we can be confident will work and will give us the  
30 data we need and will be able to survive through the years --  
31 Because we tried this once in 2000 and the whole thing just fell  
32 apart and so we've got to have one that we'll be confident that  
33 will go forward, because one year of data is worthless. We need  
34 years and years of data.

35  
36 I would anticipate we won't have a program in place for several  
37 years. I would think -- I am deeply involved in this and so I  
38 would hope we would be ready to go in three of our years and  
39 then it's going to take, as Roy said for the commercial data,  
40 it's going to take several years before we have enough data to  
41 be confident to make decisions and so we're talking about not a  
42 short-term, but a medium-term process. In the meantime, we will  
43 continue having the commercial landings govern both the  
44 commercial and recreational sectors.

45  
46 **CARLOS FARCHETTE:** Thanks, Bill. Is that it?

47  
48 **MIGUEL ROLON:** Genio is on the agenda for ACLs for Puerto Rico

1 and we are discussing this already and I guess your questions  
2 already have been answered and this is the only way that we can  
3 increase ACLs and it will take some time, but would you like to  
4 introduce on the record what it was that you were thinking with  
5 the fishers?

6  
7 **EUGENIO PIÑEIRO:** Thank you, Miguel. I am quite concerned and I  
8 am asking the council for guidance. In the case of Puerto Rico,  
9 it's very unique. We've been in the red for the last nine years  
10 and the economy is in a spiral. We have lost 800,000 people and  
11 our population is declining and it's the only U.S. jurisdiction,  
12 Hispanic jurisdiction, with a declining trend.

13  
14 You guys have benefited in NMFS with Miguel and Maria and I want  
15 to bring up to your attention and guidance that whenever any  
16 jurisdiction is in such a dire economic situation that people  
17 put first the family and second -- They set aside the truth,  
18 because they are going to lose a lot of benefits.

19  
20 I just want to let you know that I would really encourage, when  
21 the time comes, to the island-specifics to address the ACLs of  
22 Puerto Rico, because there is a lot of underreporting. It's  
23 blatant and we have to address this either by assigning more  
24 funding to the DNR lab for port samplers and we're going to have  
25 to do more enforcement. We're going to have to get creative in  
26 order to get the correct data.

27  
28 I am using this few minutes to let you know that that is my  
29 request and that in the same measure that we help the DNR lab  
30 from 2010 to now and that we gave them financial assistance and  
31 now it's working and it's a very functional lab, which it was  
32 not for the past years, I trust that with our guidance and the  
33 Science Center and DNR and I even have asked Todd Gedamke down  
34 here to put in his two-cents' worth of ideas of how to address  
35 this, because the trend is that when there is need, as I said,  
36 you put your family first and then you worry about writing the  
37 correct data and I would appreciate any guidance that I can get  
38 on this one.

39  
40 **BILL ARNOLD:** When Kate gave her overview of the timing model,  
41 there were two actions and the second action was how frequently  
42 do you revisit this and reconsider it. That's a consideration  
43 that also applies to ACLs.

44  
45 Now, I believe, and Roy or Shannon can correct me if I'm wrong,  
46 but other regions have established time periods for revisiting  
47 annual catch limits and reference points in general and  
48 reconsidering them.

1  
2 We don't have anything like that. When we set up our 2010 and  
3 2011 annual catch limit amendments, we didn't include in there  
4 anything that said we will come back in five years or ten years  
5 or fifty years and revisit our reference points and so right now  
6 it's completely arbitrary.

7  
8 We're hoping that we can, as part of the development of these  
9 fishery management plans -- Action 3 is designed to be  
10 reestablish or reconsider the reference points. At that time,  
11 included in that amendment, just so you have this in your minds,  
12 you may want to include some provision to revisit the reference  
13 points on a periodic basis and reconsider them, so that you have  
14 a formal structure for this instead of the arbitrary structure  
15 or the non-existent structure we have now.

16  
17 **TODD GEDAMKE:** Shannon, I am not sure if you're going to jump in  
18 directly and so I am going to ask Shannon to give just a very  
19 brief background, but the reason I am here is that -- I am  
20 pleased to announce that the Southeast Fisheries Science Center  
21 has obtained some funding to address the concerns that are  
22 generally being discussed right now. If I could just give the  
23 mic to Shannon for one minute here to give the background on the  
24 initiative, that would be great.

25  
26 **SHANNON CALAY:** I won't steal your thunder, Todd. The Science  
27 Center recently received about \$500,000 in funding to set up a  
28 pilot study and the primary objective of that pilot study is  
29 catch validation and also life history information and that  
30 contract was recently awarded and I will let Todd tell you more  
31 about that.

32  
33 **TODD GEDAMKE:** I think Genio just, with his concerns regarding  
34 the reporting and differences in reporting -- This is an issue  
35 that we've discussed in this room and with this group for my  
36 entire tenure working with you and I am really happy that this  
37 process is moving forward.

38  
39 First of all, I have not signed on the dotted line yet. I am in  
40 the last few moments of doing that right now, but the funding  
41 has been obtained and so if all goes well, I will be the person  
42 on the ground heading this up.

43  
44 The idea, as Shannon mentioned, it's a pilot study and so when  
45 we did an early evaluation of the data, there were some  
46 questions about the different usages of different ports. What  
47 this pilot study is going to do is to put a lot of people on the  
48 ground for thirty to forty-five days. We are talking about

1 sixteen port samplers in Puerto Rico and eight samplers in the  
2 Virgin Islands.

3

4 If all goes well, we should be able to get people on the ground  
5 by September and the reason that I am here is that you are going  
6 to be bugged by me via email and by phone and everything else to  
7 try to develop some partnerships and develop some collaborations  
8 and really see if we can get the project smooth and, in  
9 addition, my big hope with this is that we end up with  
10 relationships through the universities and through some training  
11 programs that will lead into the future.

12

13 I think I am not going to go outside my realm, Shannon, to say  
14 the intent of this project is a pilot study which will allow us  
15 to determine better variances for each of the different ports  
16 and that will then be used to pitch for funding and work for a  
17 legacy longer-term port sampling project.

18

19 This has been many years in the works for the Southeast Center  
20 to get ahold of this money and I think everyone should be  
21 pleased that it is going down that road and, if I may, just a  
22 couple of things, concerns, with the implementation of this  
23 project and I will be speaking to folks individually.

24

25 There is a question about compliance and if we get people, pilot  
26 samplers, on the ground for thirty days, fishermen are going to  
27 see biologists with clipboards more often than they ever have  
28 before and so I am going to have to work with the territorial  
29 agents to determine if we can put an interim reg or how we go  
30 about doing that. We may just be able to record information  
31 from those that want to comply. The ideal would be to have them  
32 required to comply.

33

34 The other one is it's going to be a big concern with people  
35 having their catch counted repeatedly. What are the data being  
36 used for?

37

38 So if I can get the approval from territorial agents and the  
39 Center, we may be able to have the option of putting "this data  
40 will not be used for enforcement" right on it and this is me  
41 speaking right now and it needs approval from those that are  
42 above and control the data.

43

44 Then the other one that I would like to just pitch out right now  
45 if people have someone in mind, I am also looking for local  
46 regional managers, people that have environmental consulting  
47 firms, people to handle personnel and so on. I want to get a  
48 list of names of people and partnerships developed and so I will

1 be sending emails and calling and so I think this is good news  
2 for everyone and I look forward -- I am happy to be back here  
3 working again and I will be on the ground down here later this  
4 fall getting this going and so any questions? Expect to hear  
5 from me. Thank you, Mr. Chair.

6  
7 **CARLOS FARCHETTE:** Thank you, Todd.

8  
9 **MIGUEL ROLON:** I guess, Mr. Chairman, we covered two agenda  
10 items. That was your Other Business presentation. Anything  
11 else, Todd?

12  
13 **TODD GEDAMKE:** That does it. That was the main thing that I  
14 just wanted to get across. I wanted everyone to know that it's  
15 happening and that I'm going to need some support getting this  
16 going.

17  
18 **MIGUEL ROLON:** Excellent and then Genio has covered already in  
19 the agenda, but the Commissioner asked the question before and I  
20 was addressed by Bill, but also we have some basic needs and  
21 some things that we can do to improve the way that we collect  
22 the data.

23  
24 As an example, and this is for everybody, of course, but as an  
25 example, I asked Graciela to look into these datasets that we  
26 have for St. Croix, Virgin Islands, and Mr. Cruz, which is your  
27 data entry person in St. Croix, was available and I asked  
28 permission to Roy Pemberton and he was more than willing to  
29 participate.

30  
31 They are aware of this and they authorized Cruz to work with  
32 Graciela on these datasets and just to give you an idea, when we  
33 were talking about whether a species is within the state waters  
34 or the EEZ waters, just by looking at the records, you may show  
35 that four species are within the EEZ, but when you expand the  
36 number of records and you look at the percentages, they are not  
37 in the EEZ and they are predominantly in the state waters and so  
38 that's why it's so important.

39  
40 They also found that in some cases there are fields in the forms  
41 that are not being reported by fishers and that are not being  
42 tracked by the agency and this is important because, for  
43 example, you will see that in the area of St. Croix you have  
44 squares where the fishers can say my fish came from this square  
45 and report it and that can be used then to tell apart which  
46 species come from the EEZ and which species come from mostly the  
47 state waters, the area of jurisdiction of Puerto Rico.

48

1 Graciela is going to address that and hopefully it's very quick  
2 and then also the fishers asked us -- You know, you are closing  
3 these areas, but we don't have any feedback of what is the  
4 benefit of those areas and Julian and Kate worked on this issue  
5 and they will follow Graciela with a presentation on their ideas  
6 and how we can move forward.

7  
8 It is important to provide that feedback to not only the  
9 fishers, but the governments, the federal and the local  
10 governments, as to what our actions are doing to benefit the  
11 fisheries. Graciela, please.

## 12 13 **DISCUSSION OF DATA COLLECTION AND USAGE**

14  
15 **GRACIELA GARCIA-MOLINER:** Very briefly, I thank especially Juan  
16 Cruz for helping out with this. We just did a very quick query  
17 of the dataset and the reason for this is because in July of  
18 2011, the U.S. Virgin Islands started working on a new format  
19 with the fishers collecting information that addressed both the  
20 species, species-specific data, and actually, let me bring that  
21 up so that it looks bigger.

22  
23 The information that is included in this format includes area-  
24 specific data, and so I am just pointing to that right there,  
25 for the area that they are harvested and so this is new data  
26 that started being collected in July of 2011. It changed the  
27 form that the fishers were using up to that point.

28  
29 They also were asked to fill spatial information based on the  
30 squares that are here and so these are named like AP30 and AP29  
31 and AQ27, et cetera, so that they would let the scientists know  
32 where they were actually harvesting the data.

33  
34 Here we have the three-nautical-mile state territory, state  
35 border, and the mutton snapper area, the Buck Island, East End  
36 Marine Park, and the Lang Bank. They would tell us what species  
37 they were harvesting with what gear and in what area and so it's  
38 been since July of 2011 and it's April of 2015 and so we're just  
39 starting to look at the information in more detail based on the  
40 island-based FMPs that the council wants to develop.

41  
42 One of the first questions that everyone asks is that if the  
43 fishery is taking place in the EEZ or whether it's taking place  
44 in the state waters.

45  
46 We went through the database for St. Croix and this is just an  
47 example and this is the first query that we did with all the  
48 errors that you can make when you are actually acquiring the



1 data, but we came up with almost a hundred -- More than 100,000  
2 records, of which 82,000 plus are from St. Croix specifically.  
3 For the number of fishers, that's 180 that have been providing  
4 this information to the territory and to the Southeast Fisheries  
5 Science Center, because now the data gets uploaded directly to  
6 the Science Center.

7  
8 Once the paperwork is in to the DPNR, then that gets input into  
9 the computer and uploaded directly to the Science Center and we  
10 looked at just a quick review of how many of those records  
11 actually had spatial information, any kind of spatial  
12 information, just that those fields would be filled.

13  
14 We found out that 76 percent of those had some information, but  
15 there are a couple of problems with that. For those records  
16 that -- For the total amount of records, you have over a million  
17 pounds that were landed in St. Croix and so now we wanted to  
18 know where were we actually harvesting these species that are  
19 under management.

20  
21 We did a quick list of species and you don't have to look at the  
22 numbers. This is just a first cut, but we looked at things like  
23 parrotfish and groupers and snappers and just selected a few  
24 species to make the example and the first approach was to look  
25 at the specific areas that are within the EEZ and those areas  
26 that are only state waters.

27  
28 Quickly, you can tell that one of the issues that we had is that  
29 some of these squares cross borders and so the data that's  
30 available for that square is -- We don't know exactly if it was  
31 in the state or in the EEZ waters, but one of the good things  
32 about that is it's a mutton snapper and so mutton snapper has a  
33 seasonal area closure that crosses the jurisdiction and so  
34 that's okay, because we will get information from that specific  
35 spawning area.

36  
37 The other thing was that the first query yielded very few  
38 records and so we were exploring the database to see why it was  
39 and we -- But before we did that, we went to the percentages and  
40 low and behold, from those few records that we looked at, most  
41 of the fishery seems to be taking place in the EEZ, but this is  
42 just based on very few records and just the first query that  
43 happened.

44  
45 If this is the kind of information that we need to decide  
46 whether a fishery is taking place in the EEZ or in the state  
47 waters, the information is in there and so we could pull it out  
48 and find if we can truly get to what percentage of each fishery

1 is taking place within each jurisdiction.

2  
3 Juan looked more closely into the dataset and populated the  
4 table with more information and this is not by any means the  
5 final. This is just an example of the query that was done and  
6 in this case, the percentages changed and so now most of  
7 everything is taking place -- The higher percentages are in the  
8 state waters.

9  
10 Now, there are a couple of issues with this information. We  
11 haven't queried the -- We have queried the complete dataset for  
12 St. Croix, but we haven't gone through the process of doing  
13 QA/QC, but because it was so specific for the squares that were  
14 in the EEZ and those squares that in the state waters, we think  
15 that it was pretty --

16  
17 **MIGUEL ROLON:** Graciela, what's QA/QC?

18  
19 **GRACIELA GARCIA-MOLINER:** Quality assurance and quality control.  
20 It changes what we're looking at and so one of the things that  
21 the DAPs discussed was what percentage of the fishery had to be  
22 within the EEZ to be federally managed, 10 percent, 20 percent,  
23 50 percent, 75 percent?

24  
25 At least with this kind of information you can get -- If you  
26 said, for example, 25 percent of the fishery has to take place  
27 in the EEZ, then, well, the wenchman would be one and the  
28 spotlight and that's it and everything else is within the state  
29 waters.

30  
31 This is the kind of information that's available. Now, the  
32 issues are a few with the dataset. As I said, quality control  
33 of the data has to be revised. It's been four years since we  
34 began this process of changing the form and so it's time to go  
35 back and find out why all the questions that are being asked of  
36 the fishers are not being filled, if that's the case. What is  
37 happening in the database that we're getting, instead of AP30,  
38 A]30? That's a quality issue.

39  
40 **TONY BLANCHARD:** I've got a question for you, because I am a  
41 little confused. We had the same discussion at the meeting in  
42 St. Thomas the other night and it's kind of -- I really don't  
43 know how you could come to the conclusion of percentages in the  
44 EEZ compared to the territorial waters, for the mere fact that  
45 if you look at the grid and you look at our paperwork, it does  
46 not ask you what percentage of alewife or whatever fish you  
47 caught in the EEZ compared to the territorial waters. You  
48 understand what I'm saying, right?

1  
2 When Roy was asked this question, Roy said if that's the case  
3 that it will go to a 50/50, which really is a neutral position  
4 in deciding percentages and so I don't understand how the  
5 spatial information is going to show that 8 percent of a species  
6 is in federal waters and the other 92 is in territorial waters  
7 and that's what is confusing me there, because I can't see you  
8 getting that information off of the current catch reports,  
9 unless I am completely wrong.

10  
11 **GRACIELA GARCIA-MOLINER:** Okay, but let me try and explain.  
12 This is the example for St. Croix and so that's -- Everything  
13 that's in here is within the state waters, right?

14  
15 **MIGUEL ROLON:** Graciela, what Tony is asking is how can you tell  
16 a fisher -- The way that Graciela and Cruz have done this, they  
17 have taken the raw data and the data is not whether you ask the  
18 fishermen how much fish you catch on this trip or caught on this  
19 trip in the EEZ versus what you caught in the area of  
20 jurisdiction of the Virgin Islands, but what they do have on the  
21 form is a cell and they say, well -- By the way, they have a  
22 problem with that, but they have a cell that they have to fill  
23 and they check my fish came from this cell.

24  
25 When you add those numbers, you get the percentage and in the  
26 case of Puerto Rico, it's a little bit different, because they  
27 are asking the fishermen a different question and that's what  
28 Graciela is addressing at this time.

29  
30 **TONY BLANCHARD:** I still think that you're a little confused on  
31 what I'm saying, because this is what I'm looking at. If I give  
32 you this paper and this is a box and this box here I catch fish  
33 in this box and I've got my traps in this box and so I drew a  
34 line in this box or whatever the case is, when I go home I also  
35 had -- This box may be in territorial waters, but the other  
36 places that I fished would be in different boxes that would  
37 represent the EEZ.

38  
39 When I come to shore, it does not ask me about how much pounds  
40 of a triggerfish or alewife, whatever you want to call them, you  
41 caught in the EEZ and how much pounds you think you caught in  
42 territorial waters.

43  
44 Yes, this represents the box and this box will tell me whether I  
45 am in the EEZ or not or in both, but this still does not tell me  
46 how much fish -- How much pounds of fish of that type I catch  
47 for that day.

48

1 **GRACIELA GARCIA-MOLINER:** This is the form and so you have a  
2 form like that, but this is the one for St. Croix. Where it  
3 says area fished right there, you fill out AP30, as an example.  
4 I don't know exactly how, but I think that's also the way that  
5 it's done in St. Thomas.

6  
7 AP30 and then you go down the list and it tells you what species  
8 you harvested and so red hind, 1,000 pounds. That information  
9 goes -- I know where AP30 is and I know that you told me that it  
10 was red hind and so I go to my database and I actually put, for  
11 your trip, the AP30 and the poundage.

12  
13 I go through the database and find every single species that is  
14 red hind and I look at the lines where it says "red hind" and  
15 the columns where it says "species" and "site". Your AP30 and  
16 your red hind have 1,000 pounds and so I add up all the  
17 information that's for that AP30 and so everyone who is fishing  
18 in AP30, if that's in the EEZ, it's coming from the EEZ.

19  
20 That depends on the fact that you are telling me that AP30,  
21 which I know is in the EEZ, is where you are actually fishing  
22 and so if I take your word for it, and I have no doubt that I  
23 should do that, I add up all my pounds for red hind and then I  
24 add up all the pounds for every square that is within the EEZ  
25 and for every square that is in state waters and so I have my  
26 total poundage of state plus EEZ and this is my total annual  
27 pounds of red hind harvested from St. Croix.

28  
29 **BILL ARNOLD:** That's not what is being asked. If you look up  
30 there at the top of the form, there are multiple area fished  
31 boxes that can be filled in and so a fisherman can come in and  
32 he can have hit three different areas, but he is only going to  
33 report one poundage and so you have no way of knowing how much  
34 of those pounds came from one of the areas fished and how much  
35 came from a second area fished and potentially how much came  
36 from a third area fished.

37  
38 As Roy Pemberton explained, if they've got two areas, one of  
39 those areas is in federal waters and one of those areas is in  
40 state waters and they caught a thousand pounds on that trip and  
41 Roy's staff is going to assign 500 pounds to the federal area  
42 and 500 pounds to the state area, when in reality, 900 pounds  
43 could have come from the federal area and 100, or any other  
44 combination. We have no way of knowing where the landings  
45 actually took place.

46  
47 **GRACIELA GARCIA-MOLINER:** One of the problems that we had right  
48 off the bat is that there is some problems that we have with

1 where this is coming from. The point is that there is some  
2 information in here that the forms have not been looked at in  
3 four years and so we're finally starting to get the information  
4 out of here to see how we can improve on actually providing the  
5 dataset that you need to decide what percentage comes from one  
6 or the other.

7  
8 Now, that can be taken care of by actually looking, and this is  
9 the next thing that we were going to do and that's where we  
10 stopped because we were getting to all this trouble, to every  
11 single square and what's being harvested from where and how many  
12 actual pieces of paper come in that actually tell you that there  
13 are three areas where you are fishing, whether that's 100  
14 percent of the time or whether that's 5 percent of the time.  
15 That will make a big difference, but we haven't gotten that far.

16  
17 **MIGUEL ROLON:** Mr. Chairman, we are close to twelve o'clock and  
18 hopefully the fish and the chicken will be close. The whole  
19 idea of this exercise that Cruz and Graciela did is exactly what  
20 we are having now.

21  
22 We have four years of collecting data and we don't know much  
23 about the results of that data until we start analyzing the data  
24 and asking these kinds of questions. When the Vice Chair was  
25 talking about Puerto Rico and I almost cried when 800,000 people  
26 left Puerto Rico -- Some of them, we would like them to get the  
27 hell out of Puerto Rico, but anyway, that's another point.

28  
29 The data has to be -- The data form has to be reviewed and the  
30 way that we collect the data also has to be reviewed. The  
31 fishermen are eager to give you that information and actually,  
32 the way that we managed to change the data is because years ago  
33 fishers met in St. Croix and by the way, Roy and Julian was the  
34 head of the delegation and at that time, we had a spreadsheet  
35 with hundreds of species and then people were collecting  
36 information once a month or once a year and we improved that.

37  
38 Perhaps now is the time to look at this and what I propose is  
39 that Graciela can take the lead and talk about it with the  
40 Center and the local folks in the Virgin Islands to see what can  
41 be done to improve the way that we collect the data and the  
42 other thing is about you will never, never -- If I were a  
43 fisherman and you asked me where I fished, I would never tell  
44 you. I don't care who you are, but I would never tell you if I  
45 have a spot that I get money from it and I will never tell you  
46 exactly where it is. I will tell you more or less where it is.  
47 South of St. Croix and that's where I fish and so the square  
48 will be as huge as I can make it.

1  
2 The datasets that we have now, the squares are kind of discreet  
3 and we can analyze the data as Cruz and Graciela have done and  
4 then come up with the kind of issues that they are talking  
5 about.

6  
7 Quality assurance and quality control, the forms and bringing  
8 the information back to the fishers, we need to have again and  
9 again that feedback, because the fishers give you this  
10 information, but if you don't tell them what you are doing with  
11 that -- That was a key part of the MRIP exercise, by the way.

12  
13 What can be done to improve the data collection set? We can  
14 talk to the key fishers and discuss what and why and other  
15 issues that we have and so I don't -- We do not pretend,  
16 Graciela and I, to solve all these issues in fifteen minutes,  
17 but what we wanted to give you was the point of reference of  
18 what the issues are and how we can improve it.

19  
20 We are talking about ACLs and we have a jackknife approach to  
21 ACLs. If you go over this limit, you have an overage and if you  
22 go over the limit of overfishing, then you have to report to  
23 Congress and we're using data that is kind of shaky.

24  
25 **SHANNON CALAY:** My comments are really exactly what Bill was  
26 going to say. I was going to clarify the issue and my  
27 understanding, from a note from Nancie Cummings, is that the  
28 logic for having those multiple area cells on the form was in  
29 fact feedback from the fishermen at the time we went through a  
30 data collection improvement project in about 2009 and 2010.

31  
32 It was to accommodate a need not to give precise information,  
33 but in fact to give a more aggregated, larger cell. The team  
34 then moved to allowing the multiple areas on this form and, in  
35 fact, the Science Center would prefer, of course, to improve  
36 that to allow species-specific information by area, however that  
37 could be accommodated.

38  
39 **MIGUEL ROLON:** To that point, Mr. Chairman. Also the fishers  
40 who were discussing electronic reporting addressed that same  
41 issue and I believe it was Tony and the others who believe that  
42 -- The reason why they support an electronic system is that they  
43 would like to see the contours of the different areas around the  
44 U.S. Virgin Islands and Puerto Rico, where the fish come from.  
45 That is information that they need and they aggregate.

46  
47 That's why, again, the point is that we need to have these smart  
48 minds around the table to get together sometime between here and

1 August. It doesn't have to be physical and you can do it by  
2 email or Skype and come up with some recommendations that  
3 actually can be followed and please include some of the key  
4 fishers in the discussions. We have the Chairs of the DAPs and  
5 we also have the Chairman of the SSC that can also be included.

6  
7 **GRACIELA GARCIA-MOLINER:** The thing is that these are some of  
8 the issues that we have that we need to get back to the fishers  
9 and find out. It's been four years and so the paper forms are  
10 still available and people can go back and fill in the blanks.

11  
12 The other thing is that the database actually records everything  
13 that is on your paper and one of the things that I asked Shannon  
14 earlier was to find out -- Okay, so we're talking about discards  
15 and, for example, Nassau grouper. Is it in the form where it  
16 says discarded fish alive or dead? Does it say Nassau grouper?  
17 It doesn't and it just says fish and number or poundage.

18  
19 It does have, however, lobster. Assuming that it's panulirus  
20 Argus, then we're in great shape, because it tells you how many  
21 lobsters are being returned alive and with eggs, et cetera.

22  
23 The whole exercise was here is the database that we have formed  
24 or the last four years and let's take a good look at it and see  
25 where we can improve and what information we can return back to  
26 the fishers who are filling this out, because it's very  
27 important that we do this now rather than ten or thirty years  
28 from now, when we will be in the same place that we were in 2005  
29 when we discussed the SFA.

30  
31 **JULIAN MAGRAS:** I totally agree and I am very pleased to see  
32 that we are revisiting this form after four years. The  
33 fishermen played a very important part in this process and we  
34 are looking forward to being part of this process again. We do  
35 see some ways to capture some important data that's needed and  
36 we were just talking about the discards.

37  
38 With all these seasonal closures, which we will discuss here  
39 coming up shortly, some of the fishermen might report the actual  
40 discards of certain species during the closed season, but some  
41 of them just put a poundage and we need to relook at that area  
42 to see how we can capture that information.

43  
44 At the same time, there are some species that can be pulled off  
45 that we're reporting on and put more important species that need  
46 to be captured that would help the council in their management  
47 process of the ACLs and so we realize the importance of the form  
48 and we look forward to working through this process.

1  
2 While I have the mic, I would also like to say it's good to see  
3 that Todd was awarded this project, because we haven't seen any  
4 port sampling for the last two years and this is very, very  
5 important to the fishermen. We are part of the process and I  
6 would say for me, being the Chairman of the St. Thomas  
7 Fishermen's Association, that we will be in full support and  
8 ensure that our guys will be in support of this project, to  
9 ensure that we capture the information that's needed. Thank  
10 you.

11  
12 **BILL ARNOLD:** I have said this at previous meetings and I will  
13 reiterate it. All of these different parts work together in  
14 very important ways and so as we develop our island-based  
15 fishery management plans and we develop a new list of species to  
16 be managed and we revise our reporting forms and we conduct  
17 dockside sampling and we do all of these things, permits and  
18 everything, they all have to work in an integrated fashion.

19  
20 If we're going to consider modifying the reporting forms, that  
21 needs to reflect not just what Graciela's analyses have  
22 determined, but also what species we're going to be managing  
23 when we get the new FMPs in place. That sort of gives you a  
24 timeline and a target for when you need these analyses done.

25  
26 Once the smoke clears and these new fishery management plans are  
27 in place, a lot of things are going to have to be done in new  
28 ways to reflect these management plans and the council needs to  
29 keep that in mind and use that as a target date for bringing all  
30 of these parts together.

31  
32 **RICHARD APPELDOORN:** More or less along the same lines -- I  
33 guess we're all thinking about the same thing, but the SSC  
34 actually had a specific recommendation coming out of their  
35 recent meeting and that was that an assessment of the  
36 performance of the new reporting forms be conducted to ensure  
37 that they are providing necessary information for future stock  
38 assessments and so it's exactly the point Bill was making and  
39 basically everybody else has been making, too.

40  
41 We need an evaluation of how this is working and then an update  
42 based on that evaluation and that would include the kind of  
43 QA/QC that Graciela is talking about, but also ideas about  
44 whether there are better ways or other information that we need  
45 to be looking at that would not be captured in the QA/QC  
46 situation.

47  
48 **DAWN HENRY:** This is a fundamental question, just for my



1 understanding. The objective of this discussion or where we're  
2 trying to go in terms of managing new species, what triggers the  
3 council's decision to even consider that there may be a need to  
4 look at a specific species? What do you think about in deciding  
5 that, okay, we have a list right now and this is what the  
6 fishermen are reporting on and we have decided to add additional  
7 species to this list? What's the thinking behind that?

8  
9 **ROY CRABTREE:** We have a long, long list of species that are in  
10 our fishery management plan and were put in there a long time  
11 ago. When Congress changed the Magnuson Act in 2006, they  
12 required us to have annual catch limits for all of our  
13 fisheries.

14  
15 We went through an amendment process to do that and then the  
16 problem became we had annual catch limits for species that were  
17 never listed on the forms, but they are in the fishery  
18 management plan and that's kind of how it got out of sync.

19  
20 Now we're going through a process of potentially changing over  
21 to island-specific fishery management plans and we may decide  
22 that we don't need to manage some of these species and there may  
23 be some things that go out of the fishery management plan and  
24 there will likely though be some other species that we don't  
25 currently manage, like dolphin and wahoo, that we will add to  
26 the fishery management plan and make adjustments to it, but  
27 that's kind of where we are now and that's partly what led to  
28 trying to cover more of these species on the catch reporting  
29 forms, because we have annual catch limits for them.

30  
31 **DAWN HENRY:** So are we trying then now to determine island-  
32 specific -- What our list is going to look like and then when we  
33 have the list, then we will determine how we would add species  
34 on accordingly as time goes by?

35  
36 **ROY CRABTREE:** Yes, because we -- We are looking at things like  
37 how much of the catch occurs in federal waters versus  
38 territorial waters and how big are the landings and does it have  
39 ecological significance and a whole host of things like that.

40  
41 We have several different alternatives of different criteria we  
42 would look at that the District Advisory Panels have looked at  
43 and others. We are trying to figure out how to decide which  
44 species we ought to manage on which islands.

45  
46 **DAWN HENRY:** Just one final question. It has been decided that  
47 we do have the ability to come up with our own list?  
48

1 **ROY CRABTREE:** Certainly the council has the ability to modify  
2 what species we manage and change that.

3

4 **DAWN HENRY:** But the VI, we can come up -- Through the council,  
5 we can come up with our own management list and that has been  
6 decided by the council?

7

8 **MIGUEL ROLON:** What the council has done is rather than having a  
9 management regime for the entire EEZ, covering Puerto Rico and  
10 the Virgin Islands, we divided it in three and so we call it an  
11 island-based management approach.

12

13 The island-based management approach, you may have a list  
14 supported by the fisheries of St. Thomas/St. John that might be  
15 different from the list that you may be adopting for St. Croix  
16 or Puerto Rico. How we come up with that list, we have the  
17 District Advisory Panels composed of fishers and government  
18 officials. Mr. Roy Pemberton is an ex-officio member.

19

20 We have NGOs present and commercial and recreational fishers and  
21 processors, anybody who has experience and/or knowledge about  
22 the particular fisheries.

23

24 Yesterday, we were talking about the possibilities of how to  
25 develop a tool that will allow us to select the species in each  
26 one of those areas and that's what we have done so far. We are  
27 working towards developing that tool and consulting with  
28 scientists and the DAPs, the District Advisory Panels, and the  
29 government, of course.

30

31 The idea is that once we develop that tool that we will be able  
32 then to have that list and the list will be submitted to the  
33 public, because the list is not finished until we finish the  
34 process and it will be included in each one of the management  
35 units.

36

37 One key aspect of that discussion is that we may have a dream of  
38 including every species under the sun, but also we have to be  
39 very practical of what can we do on the federal side to manage  
40 those fisheries? What can we do on the state side to manage  
41 those fisheries? That's where we are right now.

42

43 It is important because if we include let's say a hundred  
44 species in the EEZ and we only can manage five of them, it's an  
45 exercise in futility, but at the same time, we have to be  
46 mindful of what is going to happen with the other species and  
47 how can we keep managing those species.

48

1 Mr. Chairman, also, if we have satisfied the questions, the  
2 Chairman of the SSC made a recommendation and I believe that the  
3 council should express if we want to adopt that and move forward  
4 and then let Graciela and the staff come up with something on  
5 how to evaluate the forms and the way that we collect the  
6 information. Richard, would you like to repeat that  
7 recommendation that you just mentioned, please?  
8

9 **RICHARD APPELDOORN:** If you can pull up my presentation.

10  
11 **SHEPHERD GRIMES:** While they're pulling that up, I just wanted  
12 to follow up. The basic legal question and what's in the  
13 statute is that we have to develop -- Councils develop fishery  
14 management plans for fisheries that are in need of conservation  
15 and management. That's the fundamental legal question.  
16

17 What record, what administrative record, and what facts do we  
18 develop that support the need for conservation and management of  
19 a specific fishery or species, which is really how we have  
20 handled it and defined it?  
21

22 If you go around the country, some councils have developed the  
23 record that they need to manage everything that's out there and  
24 they have comprehensive ecosystem plans that include everything  
25 that swims, walks, or crawls through that area. Others have  
26 listed one or two species and manage only those one or two  
27 species.  
28

29 As we develop the facts and we decide which ones we believe are  
30 in need of conservation and management and it's not a static  
31 determination. That may change through time. People may stop  
32 catching one thing or start catching another or you may have  
33 some natural environmental conditions that suddenly making  
34 harvesting one a bigger deal than it had ever been before.  
35

36 **MIGUEL ROLON:** Just for the record, Mr. Chairman, that's the  
37 recommendation of the SSC and I believe it's one of the most  
38 important ones that we have to address and just for the record,  
39 again, to repeat it, the SSC recommends that an assessment of  
40 the performance of the new reporting forms be conducted to  
41 ensure that they are providing the necessary information for  
42 future stock assessments.  
43

44 If you adopt this, it's just a matter of letting the staff  
45 pursue the way that this could be accomplished. It could be one  
46 person or it could be two persons or it could be a contract and  
47 somebody will sit down and figure all this out for us.  
48

1 **CARLOS FARCHETTE:** So can I just order it to be done or does it  
2 need a motion?

3

4 **MIGUEL ROLON:** No, actually you have the power as the Chairman  
5 to do so.

6

7 **CARLOS FARCHETTE:** So ordered. Roy, to finish up and then  
8 Schuster.

9

10 **ROY PEMBERTON:** I just wanted to add -- I mean everybody pretty  
11 much brought in a lot of the issues that we thought of before we  
12 started this process, Graciela and Cruz. I mean we foresaw a  
13 lot of issues coming forward.

14

15 There are a few forms that only have the information from the  
16 territorial waters and there are some that only have the  
17 combination of all one, two, and three. It's not going to be an  
18 easy process, but it's a process that we will have to go through  
19 to investigate what we have available to kind of tease out  
20 territorial versus federal waters.

21

22 Also, it's very important to note that a lot of the fishermen  
23 have come forward with suggestions to put in on those forms by  
24 writing in and turning the forms to us and so we've been taking  
25 tallies on that, to make sure that we have that information as  
26 well.

27

28 Inside the shop, we've been working on also trying to figure out  
29 -- Again, fishers are not trying to give you the exact, exact  
30 spot, but at least if we could get a general area fished in  
31 terms of four or five of those blocks, fine. The one thing that  
32 Graciela did not show, and I believe I gave them copies of those  
33 jpegs, was how the forms evolved in terms of the area fished.

34

35 As Carlos and I think Eddie and Howard would recognize, there  
36 used to be a lot broader designations for St. Croix. It used to  
37 be C1 through C6 and now it's boiled down to those more -- I  
38 think they're like two-by-two-mile blocks. We have come a long  
39 way in terms of getting the information and in some cases, some  
40 fishermen feel like that's too close and so we have to kind of  
41 work within those confines.

42

43 **EDWARD SCHUSTER:** Okay and, Graciela, can you go back to the St.  
44 Croix map and can I get a clicker? I will just talk quickly and  
45 thanks to Shannon for bringing back to my memory 2009 and 2010.  
46 We were back in Ponce with Steve Turner and Nancie Cummings and  
47 Julian Magras and other fishers when we reduced this grid.

48

1 Like what Roy said, it was a larger area and it was like too  
2 large for them to actually get back accurate information that  
3 they were looking for, but if you look at the map, where there  
4 is a line that indicates the three-mile radius with the EEZ,  
5 right here is our shelf edge.

6  
7 A lot of the fishing that is council-managed species, which you  
8 have the daily fishers going out, they won't exceed that EEZ and  
9 so most of your markings on the south side of the island would  
10 come within here, in this area.

11  
12 If you're fishing on the west coast of St. Croix, outside of  
13 that three miles, unless you're doing like pelagics or some  
14 deepwater snapper fishing, you would go outside, but mostly  
15 everything would come within here. Your north side is extremely  
16 deep.

17  
18 I have fished in this area and with the exception of maybe three  
19 boats at the most, sometimes four, and Tom Daley is here and  
20 he's the one that would mostly fish on the east end side on the  
21 outside of this mark. Jens Skov and Gerston Martinez and maybe  
22 one other fisher may exceed it, but the daily use, due to small  
23 boats, would be within this three-mile area, within it.

24  
25 To answer the question, a lot of the fishing comes within  
26 territorial waters and hardly you would have it, with the  
27 exception of four months out of the year, when the weather  
28 breaks, this area rolls in bad weather and you would have most  
29 of the fishers -- I think that what needs to be brought to the  
30 fishermen when they fill out these forms is they are not  
31 actually in the Lang Bank area, per se.

32  
33 I mean three miles is a big distance and from here to here, it  
34 may seem like I'm in Lang Bank and I'm up in this area and at  
35 times, I doubt it. When the weather is extremely flat, you  
36 would see these guys venture outside the three-mile mark, but  
37 mostly all the fishing is done within here close to the  
38 coastline and all in this area here.

39  
40 It was told to me and I always said the fish know no boundaries  
41 and there is no fence lines and stuff, but it all comes within  
42 the territorial seas and that has always been my question. How  
43 much of it are we actually going into the EEZ and harvesting  
44 from there? The majority of the time, due to small vessels, we  
45 are harvesting in territorial seas.

46  
47 **CARLOS FARCHETTE:** Thank you. We are going to have Tom Daley.

48

1 **TOM DALEY:** Good morning or good afternoon, whatever it is.  
2 What Eddie has said, I just wanted to reiterate it. Right now,  
3 recently, we have some of the worst winds and not to say bad  
4 weather, but winds and so most of our fishing, except for myself  
5 and maybe Gerson Martinez, who has traps, most of our fishermen  
6 are divers.

7  
8 If they go out this morning and it's pretty, they may venture  
9 outside, but most of that fishing is done inside because of the  
10 weather. The boats are small and you just can't do it and so a  
11 lot of times when I fill out a form like that I will give them a  
12 rough idea where I fished, but you cannot possibly put on that  
13 thing just how much pounds you catch here or there, because  
14 sometimes you don't even know where you are.

15  
16 **CARLOS FARCHETTE:** Thanks, Tom. We are going to continue and we  
17 have to get to the feedback from Julian and Kate's project.

18  
19 **KATE QUIGLEY:** What I've got here is kind of a very nebulous  
20 project proposal idea for the council to discuss. For many  
21 years now, fishermen in the USVI have requested that council  
22 staff or someone begin development of a way to systematically  
23 review the seasonal and area closures currently in place.

24  
25 Ultimately, what they want to find out is what level of success  
26 the various seasonal and area closures in place have had. As a  
27 starting point, they would like a review of the lane and mutton  
28 snapper seasonal closure that has been in place for the last ten  
29 years.

30  
31 The fishermen, including the Chairs of the St. Thomas  
32 Fishermen's Association and the St. Croix Commercial Fishermen's  
33 Association, are very much interested in ensuring that the lane  
34 and mutton snapper seasonal closure and other closures that are  
35 in place have had the intended effect since the closures also  
36 have some negative economic tradeoffs.

37  
38 Specifically to the lane and mutton snapper closure, due to the  
39 high mortality of lane snapper associated with discards, the  
40 fishermen suspect that the seasonal closure may not be having  
41 the intended effect. Therefore, the fishermen have asked  
42 council staff to review the available data for lane snapper and  
43 take a look at the data of release data, if they have written in  
44 that they've released lane snapper.

45  
46 So take a look at the data available, the information,  
47 available, to find out and to provide the council with guidance  
48 about the future of this type of closure and so at this time,

1 council staff and the USVI Fishermen's Association's heads would  
2 like feedback from the council on their thoughts regarding this  
3 project and I think the DAP Chairs have something to say about  
4 it first as well.

5  
6 **JULIAN MAGRAS:** From the SFA, when we implemented a lot of these  
7 seasonal closures, five years after, we have been asking to have  
8 some kind of study and some investigation on where we're at and  
9 another five years has passed and now we're at ten years and a  
10 lot of the fishermen have concerns in St. Thomas and St. John  
11 with especially the lane and mutton snapper closure, where the  
12 lane snapper is pretty much a high mortality rate, because if  
13 they are caught in the traps, the speed the traps are coming up  
14 and if you throw them over, they don't survive.

15  
16 It clearly stated in the SFA, page 370, whether any of the  
17 closures would contribute significantly to rebuilding the stocks  
18 for reasons already discussed and it's debatable.

19  
20 From the very beginning when these seasonal closures went into  
21 effect, it was stated in that document that there was some kind  
22 of uncertainty that the closures would work and so from the  
23 representative for the DAP of St. Thomas and also the Chairman  
24 of the St. Thomas Fishermen's Association and a commercial  
25 fisher, I would like the council to move on this that we can at  
26 least start looking to see where we're at and see what  
27 information is available and where we have to go from there.

28  
29 **TONY BLANCHARD:** I agree with Julian. We have closures that are  
30 implemented, closed seasons, and we ain't sure whether they are  
31 working or not and so really what have we got them there for?  
32 We ain't bothered to check on them and we ain't bothered to look  
33 for no information and to be honest with you, I think it's a  
34 tradeoff, because we might be doing more bad than good by having  
35 a closed season on these lanes, because just like he said, a lot  
36 of times they don't go down and either the shark is going to eat  
37 them or the bird is going to eat them, because they blow up.  
38 The bloat up with getting pulled from the bottom.

39  
40 Really, are we doing more harm than good is what we need to find  
41 out and to be honest with you, and I'm coming back to it again,  
42 I think we was dragged into some of these closures because of  
43 information, and I am not picking on Puerto Rico, that came in  
44 from Puerto Rico that affected our snapper -- How our snapper  
45 population was looked at.

46  
47 I think that the pressure was put on us and we are taking the  
48 blows and it wasn't us that deserved the blows and so I think we

1 need to step in there and we need to look at starting with the  
2 lane snapper, among other things, because we've got more than  
3 one closure, and find out whether these things are really  
4 working or not instead of just sitting back here and having a  
5 closed season and we don't know if it's working, but we have it  
6 for the sake of having it because it's on the books.

7  
8 We are obligated to look at these things and so I think we need  
9 to make a motion to move forward with this and start with the  
10 lane and we're going to see what comes out of this and whether  
11 it's working or not, but if we don't do nothing, we ain't going  
12 to know what's going on.

13  
14 **MIGUEL ROLON:** One question and I believe we are ready for your  
15 motion. Kate, what will it take to do something like this with  
16 the proposal that you have on the table?

17  
18 **KATE QUIGLEY:** Like I said, what I've talked about is very  
19 nebulous and it's kind of an open discussion, but if you wanted  
20 me to take a look at the data for lane snapper, or lane and  
21 mutton snapper, that's something that I could do an answer a  
22 couple of questions that were raised in the SFA document itself  
23 about whether this is going to be a successful closure or not.

24  
25 Looking at broader seasonal and area closures in a systematic  
26 review of some of these things I think would be a team effort,  
27 but I could start off by putting together some sort of  
28 questions. What kind of questions do we really want answered  
29 and take a look at data. That's something that an individual  
30 could do.

31  
32 **MIGUEL ROLON:** You can do this by a motion or allow the Chair  
33 authority to do it, but my proposal is this. If you can do that  
34 between here and August -- Can you do it or between here and  
35 December?

36  
37 **KATE QUIGLEY:** I need to make a data request to the Science  
38 Center for data that includes comments from fishermen about what  
39 they released and so that might take a few months, several  
40 months, to get that data request answered and so I am not sure.

41  
42 **MIGUEL ROLON:** In that case, Mr. Chairman, this is another step  
43 in the right direction and my proposal is this. Allow Kate to  
44 work this out during this year and whenever they are ready,  
45 because the Center has a lot of other requests from everybody,  
46 but when they are ready and they have the information, at least  
47 provide the council with the analysis.

48



1 It doesn't have to be a thorough analysis, but at least  
2 something that gives us some trends as to what are the effects  
3 of these closed seasons for those two species at least and maybe  
4 we can also add a list of future species or species that we can  
5 work in the future to analyze. That way, we have a direction to  
6 tell Kate to work with and then probably by the end of the year,  
7 in December, you might be able to have a report as to where we  
8 are, the status of this proposal and analysis.

9  
10 **EDWARD SCHUSTER:** I had a question. The lane snapper would be  
11 for St. Thomas, but I was just wondering -- Can I make a  
12 suggestion or even say that for St. Croix can we do the mutton  
13 snapper?

14  
15 I mean that closed area has been in existence, but then we had a  
16 blanket coverage from shoreline to 200 miles and, Carlos, you  
17 know as a recreational shoreline fisher that wherever there is  
18 bait there is mutton snapper and there has been reporting of  
19 recreational fishers catching ten and twelve and sixteen-pound  
20 mutton snappers from the shoreline.

21  
22 Not only this, but it created an economic hardship on fishers  
23 that fished for mutton snapper outside of the closed area and so  
24 it's always good to revisit these things. There is other areas  
25 and I know Tom and this is his baby for a long time, which would  
26 be the red hind. He has always talked about, since the lionfish  
27 came about, he always wondered what is happening in that red  
28 hind spawning aggregation out in the Lang Bank area. I won't  
29 take up much time, but that's my concern.

30  
31 **MIGUEL ROLON:** Kate, I believe that you mentioned mutton snapper  
32 and lane as the two species that you are going to be addressing  
33 and so that will be covered. You also mentioned something  
34 important, which is that at the end of this process, when Kate  
35 identified the next work that can be done, it will be a team  
36 effort and so we have to plug in other people that can help us  
37 with this.

38  
39 **CARLOS FARCHETTE:** That's not going to have a motion and we can  
40 just go ahead and -- Okay. All right. We will move forward  
41 with the proposal to instruct the staff to work on discussion of  
42 closed area monitoring for mutton and lane snapper.

43  
44 **MIGUEL ROLON:** Let me say something and you can say so I order  
45 it. The instruction from the council to the staff, and at this  
46 particular time to Kate, is to examine the closed season for  
47 lane snapper and mutton snapper in the U.S. Virgin Islands  
48 and/or Puerto Rico and report back to the council in due time

1 and this could be at the December meeting, provided that she  
2 receives the database she needs from the Center.

3  
4 **CARLOS FARCHETTE:** So ordered. Okay. We are going to go to  
5 Permits Scoping Paper, but before we go into that, I had a note  
6 here that when Bill was talking about ACLs and exceeding ACLs  
7 and what is happening with that -- This is just food for thought  
8 and I think I mentioned this before in one of the meetings.

9  
10 For the possibility, since when we exceed the ACLs and there is  
11 accountability measures that basically punishes the fishermen,  
12 if an ACL is not met and let's say they're 1,000 pounds below  
13 the number, can that remainder be given to the fishermen the  
14 following year and roll over?

15  
16 **BILL ARNOLD:** First, we are not punishing the fishermen. We are  
17 constraining the fishermen to their annual catch limit. If they  
18 can achieve their annual catch limit in less than 365 days of  
19 fishing and we allow them to fish for 365 days, then they fished  
20 too long and caught too much and so they still get their ACL and  
21 so there is no punishment.

22  
23 A punishment would be a payback provision when they are actually  
24 docked in the next year for landings as a punishment for going  
25 over their ACLs and we don't have any provisions like that and  
26 so let's be clear that we are not punishing the fishers by  
27 implementing accountability measures.

28  
29 The second part of this is, as Wes described yesterday as part  
30 of the new National Standards provisions development, there may  
31 be included in that the opportunity to carryover unused quota to  
32 the next year and the degree to which that opportunity is  
33 developed is still not totally clear to me.

34  
35 I don't know if Wes wants to comment on it, but I kind of got  
36 the impression it would sort of be an early year type of thing  
37 or whatever and it might be a proportion of the total or it may  
38 have a cap on how much is allowed, et cetera, et cetera, but  
39 that sort of approach is being developed.

40  
41 **CARLOS FARCHETTE:** Okay and that's good news.

42  
43 **BILL ARNOLD:** Punishing the fishers is making them come to these  
44 meetings and listen to me. That is punishing the fishers.

45  
46 **MIGUEL ROLON:** Mr. Chairman, I propose that we break for lunch  
47 at 12:30 and then maybe pick one of the easier ones like sea  
48 cucumbers. Miguel, what do you want to do with it? We asked

1 for a -- There was a motion at the last meeting to have an  
2 emergency action in the EEZ for the sea cucumbers and we just  
3 received the data. Actually, you send me the email and I will  
4 give it to Graciela and so where are we in terms of the sea  
5 cucumber? I mean we don't have to have a full-blown discussion  
6 again about the sea cucumber.

7  
8 **EMERGENCY RULE TO PROHIBIT SEA CUCUMBER AND SEA URCHIN HARVEST**  
9 **FROM U.S. CARIBBEAN EEZ WATERS**

10  
11 **MIGUEL GARCIA:** As of today, that fishery is closed in Puerto  
12 Rico in territorial waters and the intention is to include that  
13 prohibition as part of the new regulations for subsequent years.  
14 I understand that the data, the data that we submitted in the  
15 presentation, the raw data that was needed, got onto the  
16 Caribbean Fishery Management Council site late, because of some  
17 miscommunication between staff. It's already there and so we  
18 won't be talking about this yet and basically, that's my point.  
19 I think that we are on the territorial jurisdiction to include  
20 that in the new regulations and I encourage you to do the same,  
21 I guess.

22  
23 **ROY PEMBERTON:** I basically brought the -- I guess the folks  
24 that we met with just prior to this was the Lobster Committee,  
25 just to let them know what was going on, and the FAC, as to  
26 where this is going. We already got contacted by the folks at  
27 U.S. Fish and Wildlife who were enquiring about the information.  
28 We provided our information to them two weeks ago as to relative  
29 to the sea cucumber harvest in the USVI, which there is none  
30 documented.

31  
32 I did explain to them about the couple of requests that we had  
33 and so they have received all the information and they told me  
34 they were tallying everything to put forward to the Center.

35  
36 **GRACIELA GARCIA-MOLINER:** One of the things is that the  
37 information that we received, the database doesn't actually  
38 include spatial distribution of the harvest and so unless the  
39 state knows that everything is within state waters, then we  
40 don't have any information from anything from the EEZ regarding  
41 cucumbers.

42  
43 **CARLOS FARCHETTE:** Okay and so I guess we're going to break for  
44 lunch and I hope that -- What are we going to do with the  
45 cucumber? Didn't we also include the black and white sea  
46 urchins with that proposed emergency rule?

47  
48 **GRACIELA GARCIA-MOLINER:** The database doesn't contain anything

1 on sea urchins and it's only on sea cucumbers and it doesn't  
2 actually tell you what species they were harvesting or the  
3 spatial distribution or the number of people involved or any  
4 effort information on that.

5  
6 **MIGUEL ROLON:** Just a question to be answered after lunch is to  
7 the federal folks here. Do we have anything to have emergency  
8 action for the sea cucumbers and sea urchins in the EEZ or do we  
9 have anything to move forward with the emergency action on  
10 closing the EEZ to sea cucumbers?

11  
12 **ROY CRABTREE:** I don't have anything and at this point, the  
13 council hasn't requested an emergency action. That means you  
14 send me a letter with all of the information and supporting  
15 analysis and I have not gotten anything.

16  
17 Now, I know there was a motion passed, but I don't have any  
18 information from anyone that would give us a basis for an  
19 emergency rule at this point, because we haven't gotten  
20 anything.

21  
22 **MIGUEL ROLON:** That's precisely my point. I just received this  
23 this week and we don't have anything to show or to tell you to  
24 do an emergency action and an emergency action is a tool that  
25 you have to be careful to use. It's like a big gun and we don't  
26 want to abuse that and so unless we have something that I  
27 haven't seen yet, I don't have anything to tell the Regional  
28 Administrator to go ahead with a proper analysis for an  
29 emergency action. Nothing.

30  
31 **TONY BLANCHARD:** My personal opinion on this is we don't have  
32 the information and we need to table it until we get it and then  
33 we decide what we do from there.

34  
35 **CARLOS FARCHETTE:** Okay and make that motion.

36  
37 **SHEPHERD GRIMES:** I would just inform you that if you're going  
38 to request an emergency rule, you can't continue to talk about  
39 it meeting after meeting after meeting and then request an  
40 emergency rule, because then it's not an emergency and you won't  
41 meet the emergency criteria in the agency's guidelines.

42  
43 **MIGUEL ROLON:** Precisely my point. When I went to a workshop in  
44 Washington, emergency was a crash landing of a commercial plane  
45 and nothing to do with fisheries and so you have a motion and  
46 can you second it and then table the darned thing so we can go  
47 to lunch?

48

1 **ROY CRABTREE:** You don't need a motion to table, because there  
2 is nothing to table. You passed a motion at the last meeting  
3 and if you want to pass a motion saying that you don't want an  
4 emergency rule, I guess you can do that, but there is really not  
5 -- I mean you table a motion that's made at the meeting you're  
6 at and so there is really nothing to table at this point. I  
7 don't know what you want to do with sea cucumbers, but I think  
8 Shep is right and it's seeming, to me, to not be an emergency  
9 situation now.

10  
11 If you want to come in and close the sea cucumber fishery down  
12 or do something like that, okay, but you would need to go  
13 through your process to do that.

14  
15 **CARLOS FARCHETTE:** From what I see, I think it's a local water  
16 harvest or fishery and I am not really sure what would happen in  
17 the EEZ, because I don't see anybody going out there to do it.  
18 All right. We will break for lunch.

19  
20 (Whereupon, the meeting recessed on April 22, 2015.)

21  
22 - - -

23  
24 April 22, 2015

25  
26 WEDNESDAY AFTERNOON SESSION

27  
28 - - -

29  
30 The Caribbean Fishery Management Council reconvened at the Divi  
31 Carina Hotel, Croix, USVI, Wednesday afternoon, April 22, 2015,  
32 and was called to order by Chairman Carlos Farchette.

33  
34 **CARLOS FARCHETTE:** We are going to get started again, but before  
35 we move forward with Bill Arnold, we have a follow-up by Kate,  
36 but also, before I do that, I want to show how our outreach and  
37 education is working in the Virgin Islands and particularly for  
38 St. Croix. We have Reef Responsible and Seafood Sustainably and  
39 so the Nature Conservancy, along with DPNR, Division of Fish and  
40 Wildlife, the NOAA CRCP, Coral Reef Conservation Program, UVI  
41 Marine Science, and St. Croix Reef Jam developed a suite of  
42 outreach materials and teamed up with Taste of St. Croix to  
43 provide training to local restaurants on St. Croix.

44  
45 Participating restaurants receive information on seasonal  
46 closures, size restrictions, and the good choice, go slow, and  
47 eat seafood list, which were all developed based on current  
48 fishery regulations and the best available science and there are

1 eighteen restaurants that are participating in this now and one  
2 of the things that we're also pushing for and the Nature  
3 Conservancy is going to help us is to -- Although it's not law,  
4 but we are asking them to only purchase seafood from licensed  
5 commercial fishermen, which I think that's important, because  
6 that's one of the biggest complaints the commercial fishermen  
7 are having, is that recreational fishers are selling  
8 particularly pelagics under the table to them and that's  
9 actually illegal.

10  
11 At least eighteen restaurants will not purchase from unlicensed  
12 fishermen and we will just try to do more, because I think St.  
13 Croix has over 150 restaurants and so we have a long ways to go,  
14 but we're working on that.

15  
16 I know that you will hear some more about our outreach from  
17 Alida Ortiz, who is the chairperson of the Outreach Committee, a  
18 little later. With that, Kate.

19  
20 **KATE QUIGLEY:** Just about an hour ago, an hour-and-a-half ago,  
21 the council made a motion to move ahead with a public hearing  
22 document, which would require for the IPT to do analysis and to  
23 come back with a document in August, but members of the IPT  
24 since then have made it aware to me that we need a little bit  
25 more clarification for Option 4.

26  
27 This is the option where we would identify a start date for a  
28 potential closure for each and every FMU and so we have this  
29 language in here down near the bottom that says the start date  
30 will either begin on the first day of the identified month and  
31 go forwards toward the end of the year or begin on the last day  
32 of the identified month and go backwards towards the beginning  
33 of the year.

34  
35 If you recall, we have three suboptions and one suboption is use  
36 the low landings and have that be the start month and then 4b is  
37 choose the highest landings and have that be the start month and  
38 just for viewing purposes, Maria Lopez and I had identified the  
39 first day of the month as the start date, in order to just put  
40 something in there.

41  
42 We said this is an example in these tables that follow from  
43 these suboptions, but we need to know from the council, so that  
44 we can do the rest of the analysis for the public hearing  
45 document, we need to know do we begin on the first day of the  
46 identified month and go forwards toward the end of the year or  
47 begin on the last day of the identified month and go backwards  
48 toward the beginning of the year?

1  
2 Under Option 2, the DAPs had identified September 30 and they  
3 said September 30 and going backwards and so the IPT is coming  
4 to the council now, I am coming to the council, and asking if  
5 you guys could possibly make a motion stating that under Option  
6 4, Proposed Option 4, that you would like to revise the language  
7 to say starting at the end of the month and going backwards,  
8 since that's more consistent with Option 2, just so we can do  
9 the actual analysis and so looking to revise Option 4 to instead  
10 of giving it a choice on that last line and instead of we have  
11 going backwards towards the beginning of the year.

12  
13 **MARCOS HANKE:** I am more than willing to help you to run this  
14 process, but I would like to know if any of the three Chairs  
15 from the DAPs have any objection to your recommendation. Did  
16 you guys hear? Can you repeat, please?

17  
18 **KATE QUIGLEY:** Under Option 4, we have language at the bottom of  
19 Option 4 that says, and this is identification of a closure  
20 start date, to go -- It says the start date will either begin on  
21 the first day of the identified month and go forwards towards  
22 the end of the year or begin on the last day of the identified  
23 month and go backwards toward the beginning of the year.

24  
25 This has nothing to do with Option 2 that the DAPs had  
26 identified as their preferred, but because you guys and the DAPs  
27 had said start September 30 and go backwards, we would like, for  
28 consistency purposes and for the purposes of being able to do  
29 the analysis, to revise the Option 4 language to say going  
30 backwards toward the beginning of the year. We would identify a  
31 month and analyze it going backwards toward the beginning of the  
32 year.

33  
34 **MARCOS HANKE:** Julian, what she is explaining is just to have  
35 the alternative and not to have the two options and to decide in  
36 one of them in order for them to make the analyses that they  
37 need to make. That's basically the objective of what she is  
38 presenting and please correct me if I am wrong. I would like to  
39 hear from you guys and then we can move.

40  
41 **CARLOS FARCHETTE:** So you're asking to revise that one thing and  
42 is that what we're --

43  
44 **KATE QUIGLEY:** Yes, we're looking to revise Option 4, which was  
45 not even the preferred of the DAPs anyway and so it's a minor  
46 request in the purposes of analyses and so I don't think there  
47 would be an objection, but --

48

1 **JULIAN MAGRAS:** What we would like to see, if we have to change  
2 the language, is it would be the end of the month going  
3 backwards. That would be the language similar to -- It would  
4 match similar to what we said earlier with the dates, the month,  
5 that we picked. We would like to see the end of the month going  
6 backwards.

7

8 **MARCOS HANKE:** Do you need a motion for that?

9

10 **EDWARD SCHUSTER:** On behalf of St. Croix, I concur with what  
11 Julian said, from the end of the month going backwards.

12

13 **CARLOS VALASQUEZ:** The same for backwards of the month.

14

15 **TONY BLANCHARD:** Just to clarify this, backward meaning you're  
16 going to August and you're moving from the end of the month and  
17 going towards August. If that's what you're want calling  
18 backwards.

19

20 **CARLOS FARCHETTE:** This is a question for Miguel. Does this  
21 require a motion or it's a revision of Option 4?

22

23 **MIGUEL ROLON:** I believe that at this time you are just  
24 developing a document and so if the sense of the council is  
25 there, then by the next time we meet, you will have the full-  
26 fledged documentation.

27

28 **CARLOS FARCHETTE:** Okay. Great. Okay, Bill, it's all yours.  
29 We are going to work on Permits Scoping Paper.

30

31 **GRACIELA GARCIA-MOLINER:** Bill just changed sex and so it's me.

32

33 **CARLOS FARCHETTE:** It must be the cake.

34

35 **PERMITS SCOPING PAPER**

36

37 **GRACIELA GARCIA-MOLINER:** You know groupers are hermaphrodites  
38 after all. There were scoping meetings to consider the  
39 development of federal permits in the U.S. Caribbean EEZ and  
40 this is something that the council has been talking about for a  
41 time now.

42

43 The goal of the scoping meeting was to allow the public to  
44 comment on the options considered and to provide alternatives to  
45 present to the council and NMFS and so we did that and we went  
46 to scoping meetings between March 11 and the 25. We had two in  
47 Puerto Rico and one each in St. Croix and St. Thomas.

48



1 There was a brief document that was presented that was mailed  
2 out to the constituents and then a little scoping document that  
3 was available either by request or on our website and NMFS  
4 website, so that people would have access to that, but this is  
5 the summary of the needs and issues of the permitting system.

6  
7 There are a number of, seven, them that had been included in the  
8 document thus far and the idea is to present to them why a  
9 permitting system in the EEZ would be valuable, the reasons why.

10  
11 There were some aspect to implement the permitting system and  
12 the options that were presented to them are as follows and these  
13 are not by any means limited to these and you will see that some  
14 recommendations were specifically made. I am going to read out  
15 the options for those who are not familiar with the scoping  
16 document.

17  
18 Require commercial fishers to obtain a federal permit to fish in  
19 the U.S. Caribbean EEZ and so in the Virgin Islands beyond the  
20 three nautical miles and in Puerto Rico beyond the nine nautical  
21 miles.

22  
23 Require the commercial fishers to obtain a commercial fishing  
24 license from either Puerto Rico or the U.S. Virgin Islands to  
25 fish in the EEZ. Require commercial fishers to obtain a federal  
26 permit or a commercial fishing license. Require species group  
27 or fisheries-specific permit to fish in the EEZ. Require a  
28 gear-specific permit. Require a dealer permit to purchase fish  
29 harvested from the EEZ and conduct a pilot study with some or  
30 all fishes from some or all island groups to evaluate the  
31 practicality of permits in the U.S. Caribbean.

32  
33 This is something that the council had seen before over the  
34 years and it's gone a bit further in terms of the development of  
35 the scoping document per se and what I have done is that -- What  
36 we've done is that you have the recommendations in white and  
37 then all the other slides, everything that repeats itself from  
38 any of the other islands, is in black.

39  
40 The main issue was that they don't want it to be expensive and  
41 they don't want it to be cumbersome and they want it unrelated  
42 from the Department of Natural and Environmental Resources.  
43 They are having problems with the fishing licenses in Puerto  
44 Rico specifically and so they wanted to -- If there was going to  
45 be a permit, for the permit to be completely -- To be federal by  
46 itself, but that it would actually allow you to transit through  
47 the state waters with that permit when you are fishing in the  
48 EEZ and you are landing in the state waters.

1  
2 The validation of each jurisdictions' permits, that is something  
3 that needed to be required and so the item of the transiting  
4 specifically has to do with the queen snapper issue. The  
5 Department of Natural and Environmental Resources have set a  
6 permitting system for queen snapper and so there are only a  
7 number of fishers who can fish for that and most of the fishing  
8 is done in the EEZ and so they are not allowed to fish in the  
9 EEZ and bring it back, because when they cross over the state  
10 waters, then the permit is required. It's an issue that Puerto  
11 Rico specifically has.

12  
13 The other thing that they wanted was to have it available  
14 locally, because electronically the problems that they've had  
15 with getting a federal permit via the internet, et cetera, have  
16 not been too forthcoming.

17  
18 In Mayaguez, basically the same issues were brought up. They  
19 wanted to add another option, but we think that that one is  
20 covered by the Number 1, federal and state permits should be  
21 validated in each jurisdiction, but if not, the wording is here.  
22 The federal permit will be valid for both state and federal  
23 waters around Puerto Rico and this would eliminate the issue  
24 with the -- It should say DNER and not DPNR.

25  
26 **MIGUEL ROLON:** Just to clarify what Graciela is saying, there  
27 are specific recommendations, and it was made by a fisherman  
28 representing a bunch of other fishermen, and that is that they  
29 would like to see the federal permit and if they have a federal  
30 permit, then they will be considered valid for the entire area  
31 of jurisdiction and then they will not need a license from the  
32 Department of Natural Resources. That's the language they had.

33  
34 I told them that in the case of Puerto Rico the council cannot  
35 dictate, National Marine Fisheries Service, to have a say or nay  
36 regarding what DNER is going to do within the area of  
37 jurisdiction of Puerto Rico.

38  
39 **GRACIELA GARCIA-MOLINER:** So 1 and 2 basically the federal and  
40 state permit is validated and allow to transit through waters  
41 and so it would be -- This one would be another option that had  
42 not been included.

43  
44 The recommendations from the USVI is to actually carry out a  
45 pilot study and see what is needed and what they want and what  
46 the government wants regarding this permit and I did not attend  
47 the ones in the USVI and so I am saying this from the minutes  
48 that we all have.

1  
2 We need something in place and I don't want to see a fisher from  
3 the further -- Okay. So that there will be no one coming in  
4 from other jurisdictions into the EEZ.

5  
6 **MIGUEL ROLON:** Basically, the overall concern by the three areas  
7 by fishers and people who were present there is that they were  
8 seeing the federal permit as a way to control who fishes in the  
9 EEZ surrounding the U.S. Virgin Islands and Puerto Rico and this  
10 was discussed before and the law does not allow the federal  
11 government to discriminate between citizens of the U.S.

12  
13 An example was if somebody comes from Alaska and intends to fish  
14 in the EEZ surrounding Puerto Rico and the Virgin Islands, if  
15 that person complies with the requirements, he or she has to be  
16 allowed to fish in the EEZ. With a federal permit, still that  
17 could happen, but at least you will have better control.

18  
19 The other issues that were related to the discussion was that in  
20 the case of Puerto Rico, fishermen claim that they are having  
21 problems with the Department of Natural Resources in Puerto Rico  
22 regarding the renewal of the licenses and they offered that if  
23 they obtained a permit to fish in the EEZ from the federal  
24 government, provided it's feasible and it's not a burden in  
25 terms of cost to them, that Puerto Rico then -- Ask Puerto Rico  
26 to recognize that permit from the federal government as a  
27 commercial valid license in Puerto Rico, the equivalent of a  
28 license.

29  
30 **ROY PEMBERTON:** This question is for the NOAA folks, Shepherd  
31 Grimes and Roy Crabtree. I understand that you can't  
32 discriminate against other U.S. citizens, but can you look at  
33 what kind of gear is being utilized and can you discriminate by  
34 length of gear and amount of gear and so forth that's utilized?

35  
36 **ROY CRABTREE:** Yes. I mean you can require different permits to  
37 use different gears and we already only allow certain type of  
38 gear and so you can do that. You just can't discriminate based  
39 on state residency.

40  
41 **CARLOS FARCHETTE:** On that same note, this was one of my  
42 concerns, was gear. The fishermen don't want to see longliners  
43 with sixty miles of fishing line in the U.S. Caribbean waters  
44 and so if we can -- I don't know how it's going to work or if  
45 it's going to -- I know we can't allow them from the longlining,  
46 but maybe minimize the length of miles that they can use of  
47 gear, trawl nets and things like that.

48

1 **ROY CRABTREE:** Well I mean if you're talking about HMS fisheries  
2 and pelagic longline and that kind of thing, that is not in our  
3 jurisdiction. That is highly migratory species and so that's  
4 not something we can do, but if you want to prohibit longlining  
5 for species you manage, then I think you can do that. I am not  
6 aware that any of that is going on, but --

7  
8 **CARLOS FARCHETTE:** So let me ask you, is there a way that the  
9 fishermen can lobby the HMS to consider something like that in  
10 the U.S. Caribbean waters?

11  
12 **ROY CRABTREE:** Fishermen can -- Certainly they can write  
13 Washington and ask HMS to change things and there is an advisory  
14 panel that advises the HMS folks. The territories can write  
15 letters to Silver Spring and request certain things be done and  
16 this council can write a letter to the Highly Migratory Species  
17 Division, but I think if you have concerns about something that  
18 they're doing that the place to start might be with a telephone  
19 conversation with Alan Risenhoover or someone like that, but I  
20 don't know what the specific concerns we have are.

21  
22 **ROY PEMBERTON:** Just to go back to some of the concerns that Roy  
23 was asking about, we had a condition here back in the 1980s  
24 where they were setting multiple lines or lengths of gear into  
25 the EEZ and it was drifting into our territorial waters as well,  
26 but they were wiping out a lot of our stocks and the bycatch was  
27 high.

28  
29 I know a lot of that has been checked out lately in terms of  
30 what they can do with the marlin and so forth and so forth, but  
31 it pretty much wiped out our swordfish for a good number of  
32 years. That has now started to come back in certain numbers and  
33 to be honest, HMS has been working with us to provide for the  
34 local fishers the small boat permit to allow them to harvest  
35 swordfish.

36  
37 I think you are correct that we can contact them directly to see  
38 what else that we can work with them on, because we do have a  
39 new resurgence of longliners coming down here as far as from New  
40 Jersey that are fishing around the territorial waters and I know  
41 they land in Puerto Rico and offload there and ship their  
42 product to the states.

43  
44 We are just concerned about having another issue like we had  
45 back in the 1980s where the longliners show up and they harvest  
46 and they take it right out of the territory and none of it is  
47 seen in our local economy or otherwise.

48

1 **ROY CRABTREE:** I get that. That's really separate from whether  
2 we require a council permit or not, but that's something you  
3 could always have someone from HMS come down and talk to you  
4 about.

5  
6 **MARCOS HANKE:** Just like Roy presented, we have a permit, a  
7 specific Caribbean permit, for small boats that addresses gear,  
8 size of the boat, and everything that you mentioned before that  
9 is -- It also addresses other problems with HMS that are fixed  
10 and we are now working under that permit to include some quota,  
11 maybe, for sharks for that permit. That is we have that permit  
12 for sharks, but there was no quota right now.

13  
14 Something that would be helpful for me, once I go to the AP, is  
15 that if the council or you as a Chairman requests something  
16 under the same lines to see the possibility or which way -- This  
17 can be the only permit used in the Caribbean or whatever and I  
18 don't know how legal it is or whatever, but I can check on that.

19  
20 **CARLOS FARCHETTE:** On that same note, now that you mention it,  
21 we have one of the AP members who is a sport fisherman and I  
22 will talk to you offline about it, but he mentioned that there  
23 is an area thirty miles east of St. Croix that they fish at and  
24 it seems to be a nursery area for marlin and sailfish and all  
25 that stuff and they would like to have maybe a seasonal closure  
26 be looked at in that area, but we will talk offline and I will  
27 show it you online. Graciela, can you finish?

28  
29 **MIGUEL ROLON:** What we need to hear from the council is it seems  
30 that the overall majority of the people attending the scoping  
31 meetings favored a federal fishing permit for this area in any  
32 fashion that you may think is appropriate.

33  
34 They also would like to hear whether adoption of a federal  
35 permit for the EEZ could be validated by the local government of  
36 Puerto Rico as a fishing commercial license. Those are the two  
37 issues they have.

38  
39 I believe that the second question is not something that we can  
40 even address with some logical information at this time, but  
41 certainly we can tell Miguel and he can take it back home and  
42 discuss it with the Department of Natural Resources and see,  
43 especially with the legal division, whether this is something  
44 that can be done. Do you have any comment, Miguel?

45  
46 **MIGUEL GARCIA:** I have been going through the presentation and  
47 many of the things that the federal permit will -- That the  
48 fishermen will gain from the federal permit, I think it's

1 another scenario that -- I mean most of the problem with the  
2 commercial license in Puerto Rico that I know of are related to  
3 the renovations and the situation with the reporting the  
4 landings on time in order to have your license on time.

5  
6 You talk with the fishermen and they claim that they did it on  
7 time and then you show the record and most of them did not.  
8 Some of them did, but most of the time it's not the majority and  
9 we can talk about it with Helena Antoun and other people who has  
10 taken the time to go through the real data and check. With the  
11 supervision of NOAA and NMFS, we have improved a lot our putting  
12 the data into the system. We have a new Director in the Marine  
13 Research Laboratory who is taking care of this in an expedited  
14 manner. We were way behind and so he's been doing a lot of  
15 work.

16  
17 In general, I think that many of the advantages that we are  
18 putting here in terms of the problems that the fishermen came to  
19 have with the renovation is something that -- It is my  
20 understanding that it's going to be a little easier improving  
21 the local commercial fishermen license system.

22  
23 Besides that, I believe that we are going to be sharing or  
24 extending the federal permit to fish in the EEZ, but those  
25 fishermen are Puerto Rico citizens or constituents. Sorry about  
26 that. The law is very clear and it has to be changed within the  
27 law and those funds, which is not enough money, that we get from  
28 the commercial fishermen is forty-dollars a year, which is not a  
29 lot, and it's used for a lot of things within the fishing.

30  
31 In general, we will go back and consult with the lawyers from  
32 our agency, but I see this as maybe a pilot study, a pilot  
33 program, might be a good idea to get started, but at this point,  
34 I think it's going to be very complicated to implement this as  
35 it is stated right now.

36  
37 **SHEPHERD GRIMES:** I just wanted to mention one other thing and  
38 so if we do consider this, we'll take a comprehensive approach  
39 to it and I think I have mentioned it before, but in addition to  
40 the issues with residency, the federal system only allows us to  
41 charge the administrative costs of issuing the permit.

42  
43 Let's say Puerto Rico or the USVI had one that in no way  
44 discriminated based on residency and that anybody could get it  
45 and it otherwise satisfied the requirements of federal law and  
46 the charges could not exceed the administrative costs of issuing  
47 the permit and so it's not used as a source of revenue for the  
48 agency and it's cost neutral, I guess.

1  
2 **MIGUEL ROLON:** The question that we have in front of the council  
3 at this time is whether you would like to pursue a federal  
4 permit, yes or no. You asked us to go to scoping meetings and  
5 we did so and it seems that it's yes. The general consensus of  
6 the people attending is that they would like to see a federal  
7 permit provided and this is covered already by Shep, but it's a  
8 minimum cost and you already heard that.

9  
10 They understand, because we explained to them the issue of  
11 residency and in the case of Puerto Rico, it's not the same as  
12 in the case of the Virgin Islands and so in order for us to move  
13 forward, we need to know from the council if you want them to  
14 continue the development of a federal permit for the U.S.  
15 Caribbean.

16  
17 Then the details of what the shape and form of the federal  
18 permit will be can be discussed today, so we can allow the staff  
19 to continue developing the documentation that they have to  
20 provide to the council.

21  
22 **BILL ARNOLD:** A little quick history. What we have presented to  
23 the council so far is the general concept in white paper format  
24 of a federal permit and the many different shapes and forms it  
25 could take and so that led up to the scoping hearings that we  
26 held on each of the three islands and we got different responses  
27 depending upon which island we were on.

28  
29 I don't want you guys thinking that everybody felt the same way  
30 about this. My understanding in Puerto Rico, and, Graciela,  
31 correct me if I'm wrong, is they were enthusiastic about it. I  
32 think we will get some council input on that and they had some  
33 permit preferences and this permit is not a general you can fish  
34 for any fish in the Caribbean EEZ. It's more of a specific  
35 permit dealing with specific sectors or groups of fishers.

36  
37 For example, in western Puerto Rico, and not that the permit  
38 would simply pertain to western Puerto Rico, but the real  
39 interest was in a deepwater snapper grouper permit and not a  
40 permit for fishing in the EEZ. I think Genio, and maybe not,  
41 but I think Genio may discuss that a little bit more.

42  
43 When I was on St. Croix, the interest in a permit was pretty  
44 much non-existent. Now, Eddie may want to respond to that and  
45 he may have a different viewpoint on it, but the perception I  
46 got was that at the present time there is no interest in a  
47 permit in St. Croix EEZ waters. Keep in mind with the permits  
48 there is no deadline on this. This is an open-ended thing and

1 come back five years from now and say we want a permit and we  
2 can start working on it and so it's not like up we're up against  
3 any pressing deadlines on this anywhere.

4  
5 Then I went over to St. Thomas and in St. Thomas, they had sort  
6 of an in between attitude and Julian may want to talk about  
7 that, but it's like -- What they had said was we're interested  
8 and we need to talk about it a little bit more and really, what  
9 happened was at the beginning of the hearing the general feeling  
10 was we have no interest in permits, but by the end of the  
11 hearing, they were starting to warm to the idea and maybe this  
12 wouldn't be such a bad idea.

13  
14 Again, not for everything, but for maybe St. Thomas fish trap or  
15 really, I think the one they were most interested in at that  
16 time and the one we discussed the most was a permit for the  
17 lobster fishery.

18  
19 I went through a lot of convolutions of that form. You know you  
20 could have a lobster trap permit and so it's a gear-oriented  
21 permit or you could have a lobster fishery permit that requires  
22 a permit for all aspect of harvesting, hand harvest, traps.  
23 However you get them, you would have to be permitted to  
24 participate in them.

25  
26 That's where we are now and what staff is looking for is  
27 direction from the council to actually start developing a  
28 scoping-type document, separate scoping documents, an island-  
29 based sort of approach, perhaps a scoping document to look into  
30 the specific details of developing a permit for the deepwater  
31 snapper grouper fishery or whatever, because this should be a  
32 fishermen-driven initiative and not a manager-driven initiative.  
33 Then perhaps St. Thomas would start exploring the details of  
34 what would be involved in developing a lobster permit for that  
35 EEZ.

36  
37 Then if the St. Croix guys want us to, then we could start  
38 developing -- These are already two separate documents and we  
39 would start developing potentially a third document to look at  
40 the EEZ in St. Croix and we could have separate documents.

41  
42 Say another group of Puerto Rico fishers wants to look at a  
43 permit for another aspect of the fishery. That could be a  
44 separate document exploring that and we could explore through  
45 those two and find out that the deepwater snapper permit, they  
46 do want to try to go forward with developing that and the conch  
47 permit, for example, they don't want to go forward to developing  
48 that.



1  
2 What we're looking for now is we've taken the general approach  
3 and now we're looking to start honing it down and narrowing it  
4 and focusing it and moving forward with that and so what you  
5 need to give us is much more specific direction on where you  
6 want to go with this.

7  
8 **EUGENIO PIÑEIRO:** You are absolutely right, Bill. It started  
9 very cold and then eventually, as the meeting went on, the  
10 people began to realize what they had in front of them and they  
11 showed much more interest in the federal permits.

12  
13 Regarding the deepwater snapper, yes, they were part of the  
14 driver of the meeting and one of the last -- Miguel, I don't  
15 know if you recall, but they were very interested in the pilot  
16 project. You told them that it was a random thing and that it  
17 was not that people would be chosen to do special things and so  
18 there was some interest in the way -- Curiosity in the way  
19 things are done and how it's going to be done.

20  
21 **MIGUEL ROLON:** Regarding that point, Mr. Chairman, what they  
22 were talking about is, first, they didn't know what a pilot  
23 project was and so we explained to them what it was, because  
24 they thought a pilot project could be a project where you have  
25 only the people that you know in the system and then all the  
26 others will be out.

27  
28 We explained to them what a pilot project was and everything and  
29 then they agreed that if this permit is implemented that one way  
30 of showing the benefits or the negative of the permit system  
31 will be to have this pilot survey and they also added that it's  
32 not for the west coast of Puerto Rico. They would like to see a  
33 permit for the entire U.S. Caribbean surrounding Puerto Rico.  
34 They didn't talk about the Virgin Islands.

35  
36 **TONY BLANCHARD:** I could speak for St. Thomas, because as far as  
37 we agreed to -- We had a big discussion around permits and  
38 licensing and we went towards the permit side of things and what  
39 we're really looking for a permit in is dealing with lobsters at  
40 this point in time.

41  
42 Now, we could see that this is beneficial to us and decide to  
43 move on to other permits in the EEZ, but what we asked for or  
44 what we would like to ask for from the council is a white paper  
45 to develop a permit so we would have an idea of what we're  
46 looking at and the pros and cons to having a permit and, like  
47 Miguel just mentioned, a pilot program, because it might look  
48 good on paper, but that don't necessarily mean it will work

1 right and so that was a big discussion around the lobster permit  
2 and a white paper to show what it actually looks like or to give  
3 us an idea of what it would look like, to some degree.

4  
5 **ROY CRABTREE:** I guess I am kind of having time understanding  
6 any of this. I am not hearing from anyone -- What is the  
7 problem we're trying to solve that requires us to have a permit?  
8 I mean that's what I am not hearing here and I saw a number of  
9 things from the fishermen, but I am not clear on what is it that  
10 we want this permit to fix or to do.

11  
12 **CARLOS FARCHETTE:** It seems like Julian has the answer for that.

13  
14 **JULIAN MAGRAS:** One of the things that we're trying to  
15 accomplish, and we looked at the lobster, is we're trying not to  
16 have someone come in from the United States, Florida as an  
17 example, and use Tony as an example, and come in and drop 1,200  
18 lobster traps into the EEZ.

19  
20 We are trying to create some kind of permit, and we don't know  
21 how it's going to be created, that we can stop that from  
22 happening and not stop them from fishing, but if there is a  
23 limit, through the process of the permit, then you won't have  
24 somebody that will be interested in coming and harvesting  
25 lobsters on a large scale. Does that clarify what you were  
26 asking?

27  
28 **ROY CRABTREE:** Well, I mean not really. If we created a lobster  
29 permit, it would just be a permit that I guess that anyone could  
30 get and so how does it fix anything? Now, if you're trying to  
31 set up a limited entry program, that's a whole different thing,  
32 but I haven't heard anyone talk about we want to use this to  
33 limit effort somehow, because that's a whole different  
34 situation.

35  
36 **JULIAN MAGRAS:** We haven't given the lobster report from the  
37 lobster meeting that took place on April 19 and when we give  
38 that report, you will hear the discussions that the lobster  
39 committee for St. Thomas/St. John had and the motions that were  
40 passed. We had a quorum. Then you might understand it a little  
41 bit more, but yes, it's somewhat like a limited entry program  
42 for the EEZ for the lobster fishery.

43  
44 It's out there for discussion and we need to see something, some  
45 type of white paper, on how we do this. The fishermen don't  
46 know, but we are ready to look at it and be part of the process.

47  
48 **ROY CRABTREE:** Well, so I think that's part of what the

1 discussion needs to be here though. What is that we're trying  
2 to accomplish by having a permit? My memory was is where we got  
3 started on this had to do with recreational fishermen selling  
4 their catch and so if that's the problem we're trying to solve,  
5 that's one situation.

6  
7 If trying to reduce capacity in the lobster fishery or something  
8 like that -- If that's the problem we're solving, that's a whole  
9 different situation, but I don't think we're being -- Just a  
10 permit in itself is not going to provide you any landings  
11 information at all. It's just going to be a piece of paper that  
12 people have to have to fish for something.

13  
14 The only way you're going to get landings information is if you  
15 then institute a logbook requirement and now you're going to  
16 have another form that the fishermen are going to have to fill  
17 out on top of the one they already have to fill out for the  
18 territories, but it's not clear to me if that's what you're  
19 talking about or exactly what we're talking about.

20  
21 **CARLOS FARCHETTE:** I think that if the approved trap reduction  
22 plan that was approved by DPNR becomes compatible with the EEZ,  
23 I think that would probably resolve a lot of the trap issues,  
24 because there is a limited entry in there and am I right?

25  
26 **ROY CRABTREE:** So if that's what we're trying to do, then that's  
27 a whole different situation. It's just not clear to me at all  
28 what we're really about here or what it is that we're trying to  
29 do.

30  
31 **CARLOS FARCHETTE:** I think there is more than one gear that's  
32 being looked at and we have to maybe think that over some more.

33  
34 **JULIAN MAGRAS:** To rebuttal what you said there, Roy, it makes a  
35 lot of sense and we had a lot of discussion about this at the  
36 meeting, because one of the things that we're looking for in  
37 this pilot study was actually electronic reporting and actually  
38 trying to capture as much as possible out of this lobster permit  
39 so we can see if we are getting the information that's needed  
40 for this fishery.

41  
42 We have the trap reduction program which has nothing to do with  
43 the lobster. The lobster management plan and the trap reduction  
44 program that we did that we're waiting for the appeals process  
45 to take place with DPNR and so then after that is done, we can  
46 move forward with requesting that the council adapt this plan,  
47 which will be the only way that the reduction, the 20 percent  
48 reduction, that we are trying to implement for the trap fishery

1 can work.

2  
3 Now, I heard some discussion also where there can be an issue  
4 where in the EEZ, because of federal laws, that you cannot like  
5 put some of these restrictions and the limited gear and the  
6 quantity of gear that's going to be used and that raised a lot  
7 of conversation among us, because we were all part of the trap  
8 reduction program and we were thinking all along that the  
9 council, once we are finished with the appeal process in the  
10 state waters, that the council would adapt this plan and  
11 implement it in the EEZ also.

12  
13 I think we're all trying to accomplish the same thing, to ensure  
14 that we did the reduction and the data that we are collecting is  
15 what the council needs to move forward with any plans.

16  
17 **CARLOS FARCHETTE:** On that same note, I kind of heard about the  
18 appeals process through DPNR, but DPNR does not run the appeals  
19 process. There is an appointed appeals board that actually  
20 oversees that. It's not overseen by them. The DPNR  
21 representative is a member of the board, but they don't control  
22 what the board wants. He is just a member, a participating  
23 member.

24  
25 **ROY PEMBERTON:** Again, it's really about making sure that the  
26 fishermen and all of us as resource managers are able to manage  
27 in the EEZ as well, because we don't want to have a runaway  
28 situation.

29  
30 You heard Julian just eloquently talk about the trap reduction  
31 and the lobster committee and our concern is that we're limiting  
32 ourselves, but then, low and behold, somebody, like you said,  
33 Roy, can come down from Florida or we used Tony as an example  
34 with 1,200 or 1,300 -- That's why I asked you specifically about  
35 the gear restrictions and potentially -- I know it's on the  
36 realm of HMS with longlines, but in terms of some of the other  
37 bottom-tending gear and those are the kinds of things we would  
38 like to formulate so that we can get an idea as to what is going  
39 on in the EEZ and that we're not complicating things with our  
40 reduction of effort process.

41  
42 Second to that, yes, we may need to have a second information  
43 sheet or data log or logbook or whatever and that's fine. The  
44 whole thing is about managing and having the information so that  
45 we can manage and if we can reduce the amount of gear and the  
46 effort on our part, then we shouldn't let it be a runaway  
47 situation in the EEZ. That's mainly our concern, to make sure  
48 that we have some control of that.

1  
2 **EUGENIO PIÑEIRO:** Briefly, Roy, the driver for the Puerto Rican  
3 permit issue was the -- They discussed how people were not happy  
4 the way the DNR was conducting the business with their licensing  
5 and their permitting issue and it was not in a timely fashion  
6 and so I guess that was the driver behind asking for more  
7 information regarding the federal permits.

8  
9 On that note, I spoke with Dr. Garcia and by the end of the  
10 summer, they are going to finish the regulations or the law and  
11 once you get the law -- We have made some recommendations of how  
12 to expedite the process and dividing the renewal of licenses and  
13 permits and the new entrants and try to put them to get a class  
14 of navigation and Coast Guard regulations and species  
15 identification. That way, we can expedite and make it swifter.  
16 I guess sometime this summer we will know if this comes to be a  
17 reality and the attitude changes.

18  
19 **ROY CRABTREE:** I was just going to say okay, but it's not --  
20 Because they're not happy with how the territory is handling  
21 permits, that's not a reason to have a federal permit. That's  
22 something they need to address with the territory.

23  
24 **EUGENIO PIÑEIRO:** I know. Don't shoot the messenger. I just  
25 told you what I saw.

26  
27 **MIGUEL ROLON:** We have on the screen the rationale or the  
28 benefits of having a permit and actually, I would like to go  
29 back to what Roy said. The whole thing started when we were  
30 talking about managing competing interests for the resources,  
31 which is really commercial versus recreational and selling the  
32 fish that they catch.

33  
34 At that time, Miguel Garcia said that by June, this summer, you  
35 will have a recreational fishing license in Puerto Rico and that  
36 will be valid or hopefully. We have been saying that for the  
37 last four years, but it's not Miguel's fault. If this time it  
38 comes true, you will have that license issued by the government  
39 of Puerto Rico and that cannot be, by the way, validated by the  
40 federal government.

41  
42 In order to develop a record, if you want the staff to pursue  
43 this, Bill gave us more or less a map of what could happen. You  
44 could have three documents, one for each area, and then you will  
45 address the particular issues of each area.

46  
47 We heard that in the case of the U.S. Virgin Islands, St. Thomas  
48 and St. John, lobster fishing is triggering the request for a

1 federal permit and in the case of St. Croix, it's not much of an  
2 issue. In the case of Puerto Rico, it is because of the license  
3 and so you have from 1 through 7 on the screen and let's say the  
4 benefits of providing a permit.

5  
6 You have accurate and timely data on landings and Roy Crabtree  
7 addressed that. Allow estimation of catch per unit effort of  
8 fishing effort, et cetera, et cetera. Usually when a  
9 statistician asks you -- If you ask any statistician for a  
10 sample, they ask you what's the universe and this could provide  
11 a universe of people fishing in the EEZ and that's one thing.

12  
13 The fishermen don't care about statistics. They just want to  
14 know the realities of life. If I have a permit, what can I do  
15 with it? Would it help my fishery or will it not help my  
16 fishery? Again, in the case of Puerto Rico, they are fed up  
17 with the DNER way of doing the -- Whether they are right or not,  
18 I don't know and they see this as a way of then having a permit  
19 that will say I am a commercial fisherman and Puerto Rico cannot  
20 do anything to me at this time, because I am a commercial  
21 fisherman with a license from the federal government.

22  
23 That might be a rationale for the council to pursue a federal  
24 permit, but it's something that you -- Then the quality of the  
25 socioeconomic importance, et cetera, et cetera, is all on the  
26 screen.

27  
28 If you want to pursue this, we have to tell the staff whether  
29 you want to do it or you want to kill the bird right now and say  
30 forget about it and we have other fish to fry and other more  
31 important issues, but it seems that you wanted to have a federal  
32 permit scoping document and we did that. The next step will be  
33 to ask you if you want to continue and we will go to another set  
34 of scoping meetings with specifics as to how a federal permit  
35 will look in each one of the areas.

36  
37 **TONY BLANCHARD:** I would just like to clarify something. The  
38 board, the appeals board, is under the direction of the Director  
39 of Fish and Wildlife. He was the one that put it together and  
40 so I would assume that that's his jurisdiction, unless I am  
41 completely wrong.

42  
43 **CARLOS FARCHETTE:** The council developed the whole plan and the  
44 Chairman of the Board is actually who directs what needs to be  
45 done and I don't know who the Chairman is.

46  
47 **TONY BLANCHARD:** I am talking about the appeals board.

48

1 **CARLOS FARCHETTE:** Yes, the appeals board is part of the plan,  
2 but there is no lead agency there.  
3  
4 **TONY BLANCHARD:** No, there is no agency there. There is five  
5 voting members.  
6  
7 **CARLOS FARCHETTE:** Right, but the Chairman is who controls the  
8 whole meeting and who -- You know they bring -- Correct me if  
9 I'm wrong, but I think what Fish and Wildlife's role is is that  
10 if the Chairman says, okay, we have this list of people who are  
11 appealing, we need data from Fish and Wildlife to say, okay, how  
12 long -- The Chairman would say how long have these people been  
13 fishing and send me some documents and then he calls a meeting  
14 with the board and they discuss the issue and then they decide  
15 yea or nay if this guy can do it, but Bill and then Graciela.  
16  
17 **TONY BLANCHARD:** If that's the case, I don't know who the  
18 Chairman is and I am one of the members, but anyway, we are  
19 going to bypass that, because Roy is going to deal with that. I  
20 would like to put a motion on the table that the St. Thomas  
21 fishers as well as St. John fishers would like to look into  
22 developing a white paper for a lobster permit in the EEZ and  
23 what it would look like, to give us an idea whether we would  
24 like to go farther with it or whether we would like to just drop  
25 it.  
26  
27 **CARLOS FARCHETTE:** Do we have a second? We have a second by  
28 Genio.  
29  
30 **MIGUEL ROLON:** With this motion, we would like to see a paper  
31 with the pros and cons, a white paper.  
32  
33 **TONY BLANCHARD:** Okay. Let me repeat what I just said. Really  
34 what we're looking for is a white paper developed by the council  
35 to give us an idea as to what a federal permit for the lobster  
36 fishery might look like. That way, we will decide whether we  
37 want to keep it, keep down that road, or just give up, give up  
38 on it.  
39  
40 **ROY CRABTREE:** I guess I am confused when you say what it would  
41 look like. I mean all the federal permit is going to be is a  
42 permit, a piece of paper, that you get to fish -- If we did it  
43 to fish for spiny lobster in the EEZ. You will get it from my  
44 office in St. Petersburg and we're probably going to charge you  
45 forty-bucks for it and it's going to be available to anyone in  
46 the United States who wants one.  
47  
48 You have to tell staff what's the problem you're trying to fix

1 here and then they can develop it, but if the problem is that  
2 you're afraid some fisherman from Florida is going to come down  
3 and put a bunch of traps out, then that's not a St. Thomas  
4 problem and I guess that's an EEZ-wide problem, because that  
5 could happen anywhere.

6  
7 If that's the problem you're trying to solve, then that's one  
8 thing, but to just ask staff -- I mean we have federal  
9 commercial fishing permits and some of them are open access and  
10 anyone who wants one can get them and sometimes we have income  
11 requirements, but we've largely gotten rid of those and so like  
12 for Spanish mackerel, if you wanted a Spanish mackerel  
13 commercial permit, all you would have to do is apply to my  
14 office and you would get one.

15  
16 Now, we have other permits that are limited entry and we don't  
17 issue them at all. You have to buy one from somebody who  
18 already has one and so I am just not sure what it is we're  
19 trying to solve here and I don't think just asking staff to come  
20 up with a white paper, unless they understand what the problem  
21 you're trying to solve is, is going to get you very much.

22  
23 **MIGUEL ROLON:** Let me see if I can create a problem. The  
24 problem is in the St. Thomas/St. John area there is not enough  
25 lobster for everybody and they have a moratorium in the U.S.  
26 Virgin Islands of up to 300 fishermen and the fishermen of St.  
27 Thomas/St. John would like to see a limited entry lobster  
28 fishery for the St. Thomas/St. John area. Given that the St.  
29 Thomas/St. John area of jurisdiction is only three miles, a  
30 limited entry within those three miles will not cut it and you  
31 have to cover the entire area, the entire shelf.

32  
33 That means that we have to get into the EEZ with a limited entry  
34 sort of a permit, because, personally, I am 100 percent with Roy  
35 Crabtree here, because you don't issue anything until you are  
36 trying to solve something in the federal government and so if  
37 you're -- If we can put it bluntly that this is what you want to  
38 do in the Virgin Islands and see what it looks like, then this  
39 will be included in the paper and, actually, I can write a paper  
40 now with Graciela with three paragraphs that can tell you what  
41 is going to happen with the federal permit. I will just copy  
42 what he said and I will add that nothing else will happen.

43  
44 If you want to create a federal permit to help out, or whatever  
45 phrase you can use, with a limited entry program for the lobster  
46 fishery of St. Thomas/St. John, say so. Here, you are just only  
47 looking at the possibility of establishing that and you don't  
48 even have a limited entry by law, as far as I know, in the U.S.



1 Virgin Islands in St. Thomas and St. John. We have talked about  
2 it and you have talked about it and then someday, but you  
3 haven't done that.

4  
5 The fish traps is another issue. You wanted to control the  
6 number of fish traps at one time and you have an issue there  
7 too, because you said there is a lot of traps in the EEZ that we  
8 cannot touch unless we have a federal permit for limiting the  
9 number of traps compatible with what we have in the U.S. Virgin  
10 Islands St. Thomas/St. John area. If that's a problem that I  
11 created, then we will see if we can solve it with a white paper.

12  
13 **BILL ARNOLD:** As we've discussed over the last X number of  
14 years, there is no shortage of problems with our fisheries  
15 management in the U.S. Caribbean. Some of these problems could  
16 be addressed with a permit, depending upon the form of that  
17 permit.

18  
19 For discussion's sake, what I would suggest is that, for  
20 example, for the St. Thomas lobster fishery that we could  
21 develop a white paper that stepped through the different levels  
22 of permitting and the problems that each of those levels of  
23 permitting would address.

24  
25 We would start with the most basic of permits that is just  
26 something you get and simply provide you with a roster of people  
27 who are fishing in that fishery. You have no additional control  
28 over them, but it just tells you these are the people that are  
29 actually fishing for lobster and we would take that all the way  
30 to the limit and at that limit, you would have a limited entry  
31 controlled access program where you've taken your historic  
32 landings and used that to determine what the fishermen in the  
33 fishery catch and allocate access according to that, et cetera,  
34 the most controlled type of permit that you could have.

35  
36 Then we could come back with that white paper and you could have  
37 a better idea of this is the level of permit and this is the  
38 issues that that permit could be used to address, from basic  
39 data collection on effort and on participation to getting some  
40 effort data and maybe getting some spatial data and getting  
41 better, more comprehensive landings data, for example by  
42 creating a requirement that if you're going to be in this  
43 fishery that you have to report your data and you have to follow  
44 these protocols up to, as I said, the full-blown limited entry  
45 program.

46  
47 We could do a similar white paper for not the west coast, but  
48 the deepwater snapper fishery in Puerto Rico, because there was

1 never any intention to restrict this to a particular coast, but  
2 that's just where the interest was, but that doesn't mean the  
3 permit is not going to be needed on the east coast or the south  
4 coast, if you similarly want to fish for these species in this  
5 fishery.

6  
7 Like I said, I will put this out for discussion purposes,  
8 because my boss's boss's boss is here and so is my boss and I am  
9 sure they are going to want to comment, as will the General  
10 Counsel and everybody else. Let's just put it out there and see  
11 if that's where you want staff to go with this.

12  
13 **MIGUEL ROLON:** Bill, at the risk of accompanying you to the next  
14 unemployment line, I concur with -- I believe that what you just  
15 said is exactly what Tony's intent was. If the only thing that  
16 you require is the Chairman to say go ahead and do it, by the  
17 next meeting or the meeting in December, that's it and we have  
18 in the record all the elements of the white paper that we're  
19 talking about and you expanded to the deepwater snapper fishery,  
20 which is swell, because those two are the ones that are  
21 triggering the interest of fishers in this area for the federal  
22 permit.

23  
24 **BILL ARNOLD:** Okay, but what I would like before I commit  
25 Southeast Regional Office staff is for this discussion to take  
26 place.

27  
28 **GRACIELA GARCIA-MOLINER:** I need some clarification on something  
29 specifically dealing with the queen snapper off the west coast.  
30 The fishers there are fishing in the EEZ, but are limited by the  
31 lack of a permit from the state to land in Puerto Rico. Is  
32 there anything that the federal government can do to establish a  
33 permit to allow them to fish in the EEZ that would be validated  
34 by the local government to fish in the EEZ and land in Puerto  
35 Rico without the Puerto Rico permit? That's the main issue that  
36 they were bringing to the table.

37  
38 **MIGUEL ROLON:** Yes, but that's another twenty dollars, as we say  
39 in Spanish, because what you are doing is going around the law  
40 in Puerto Rico and we don't want to get into that one and so  
41 let's take it one at a time. Is the council satisfied with the  
42 explanation by Bill of what can be done under this motion with  
43 the spiny lobster? If you agree with that, let's go with it and  
44 see what happens.

45  
46 **ROY CRABTREE:** So you're wanting to look at effort control for  
47 spiny lobster and that's what I am getting?

48

1 **MIGUEL ROLON:** Effort control includes all that and it doesn't  
2 mean that they are going to end up with an effort control, but  
3 it's just they want to know the shape of the devil before they  
4 commit to any of that.

5

6 **ROY CRABTREE:** So you're wanting basically a trap certificate  
7 program for them to design?

8

9 **MIGUEL ROLON:** What they would like to see is what Bill just  
10 mentioned, how a federal permit will look if you want to control  
11 the gear, the fishery, or the effort. If you want to control  
12 the effort, then we have a basic permit and will it do it or not  
13 and it won't do it and then we have a second tier kind of permit  
14 and that's all they want to know before they commit to having a  
15 permit.

16

17 Given all the workload that your staff has, is this something  
18 that can be done as you mentioned before, Bill? If the council  
19 decides to yes, go ahead and do it, is it something that can be  
20 done and if it can be done, what could be the schedule that we  
21 need to follow or expect?

22

23 **BILL ARNOLD:** If I was given direction to move forward on this,  
24 then I don't think we're under any pressing deadlines and I  
25 would suggest you don't ask for anything before the December  
26 meeting, because we've got other things to deal with for the  
27 August meeting. As I said, there is no pressing deadlines on  
28 this.

29

30 **MIGUEL ROLON:** Probably we could say we have that and a  
31 gentlemen's and ladies' agreement that by the March meeting of  
32 2016 that we will have a white paper that we can look at.  
33 Because with all the things that we instructed staff to do, they  
34 probably won't be able to --

35

36 **CARLOS FARCHETTE:** I got a message that they would like to  
37 include St. Croix in that.

38

39 **BILL ARNOLD:** That's not what we were really talking about.  
40 What we were talking about was very specific situations and so a  
41 St. Thomas lobster permit concept --

42

43 **ROY CRABTREE:** Hold on a minute. Why is this a very specific  
44 situation? Why is it we would only care about effort exploding  
45 off of St. Thomas but we don't care if it happens off of Puerto  
46 Rico or St. Croix? You know there's got to be some consistent  
47 logic behind this and I am not hearing any of that.

48

1 **SHEPHERD GRIMES:** The other thing I would add to the discussion  
2 is under the Magnuson Act, you can only limit access to a  
3 fishery in order to achieve optimum yield. The way it's  
4 specified now, and correct me if I'm wrong on this, but the ACL  
5 for spiny lobster is Caribbean-wide and how we --

6  
7 **MIGUEL ROLON:** You don't have any separation of the spiny  
8 lobster so far and so you have components that we are supposed  
9 to adopt.

10  
11 **SHEPHERD GRIMES:** Had we ever had an accountability measure?  
12 Have we hit the ACL yet?

13  
14 **MIGUEL ROLON:** St. Croix and we lost it for ten days because  
15 they had an overage.

16  
17 **SHEPHERD GRIMES:** Under existing federal law, those are the  
18 things we've got to look at. It's in order to achieve optimum  
19 yield and however we've defined optimum yield and if we have  
20 broken it out by island area, then perhaps that is an option,  
21 but I would tend to come down on the side of what I understand  
22 Dr. Crabtree to be saying.

23  
24 Identify a problem and then permits as a potential solution to  
25 that problem and if you are talking about going limited access,  
26 you have to have a -- Well, we usually have a permit and the  
27 permit is in existence for some period of time and then you  
28 limit access to the fishery. Typically we do not come in and  
29 say we've never had a permit and here is the permit and as soon  
30 as we implement it we limit access somehow. That would be an  
31 unusual circumstance.

32  
33 **MIGUEL ROLON:** The whole thing boils down to this. You guys  
34 have experience in two other councils and experience throughout  
35 the entire range of the fisheries and so you know what a permit  
36 does and what it doesn't, but here they don't. They do not know  
37 that part.

38  
39 The ACLs now, if they come into play, you have one for St.  
40 Thomas/St. John and one for St. Croix and another one for Puerto  
41 Rico, but they cannot adopt more than -- Go over the limit that  
42 is supported. Maybe we are creating a storm in a glass of water  
43 and so if we --

44  
45 **ROY CRABTREE:** Look, a lot of these permits came about as  
46 exemptions from the bag limit so that in order to possess fish  
47 in excess of the bag limit you had to have a commercial fishing  
48 permit and in order to sell the fish you had to have a

1 commercial fishing permit. That's where a lot of them  
2 originally came from.

3  
4 Then there have been various reporting requirements, logbooks in  
5 some cases, that were associated with them and those have had  
6 very mixed success in how effective they've been, but in almost  
7 every case, the permit existed for some period of time before  
8 the limited entry came.

9  
10 Usually when the limited entry came, it said everybody who had a  
11 permit as of this date is in and we're not going to issue any  
12 new permits from this date forward.

13  
14 Now, otherwise, what you would have to do is say, all right, in  
15 order to get one of these permits, you're going to have to show  
16 landings over some historical time period and I guess you could  
17 do something like that if that's what you wanted to do and so  
18 anyone who wants to have a spiny lobster permit would have to  
19 show a history of spiny lobster landings, but I don't know that  
20 you're going to be able to say and they had to have landed in  
21 St. Thomas to get it, because I don't know how you're going to  
22 say someone who lands in Puerto Rico can't qualify.

23  
24 For all I know, there are fishermen that fish in the EEZ -- You  
25 know when we did the separate ACLs, we kind of drew these lines  
26 that broke up where the EEZ is, but there may be people in  
27 Puerto Rico who fish in the EEZ that is part of St. Thomas but  
28 they land in Puerto Rico and you're not going to be able to  
29 exclude those just because they aren't in St. Thomas.

30  
31 It's just not clear to me -- If the whole issue was back where  
32 we started with this had to do with recreational sale, that's  
33 one thing and I know we've got the trap reduction program and  
34 everything in the Virgin Islands and there has always been some  
35 thought that we would get to some kind of compatible regulation  
36 there, but I am really not sure yet what has happened in the  
37 Virgin Islands and how to do that.

38  
39 I just think a lot of this is still too vague and I am not quite  
40 sure what staff is going to come up with with much of it,  
41 because the problem that we're trying to solve is still not very  
42 clear in my mind, but that's all I'm going to say about it.

43  
44 **MIGUEL ROLON:** You are the big guy and so we listen to what you  
45 have to say, but the question is, Roy, in order to -- Following  
46 your discussion here, what could be an acceptable, for lack of  
47 another word, rationale for developing a federal permit? What  
48 do you need from the council that will say yes, okay, that makes

1 sense?

2

3 **ROY CRABTREE:** Like I've said, you need to identify clearly what  
4 the problem you're trying to solve is. If it's recreational  
5 people selling fish, then say that's the problem. If it's you  
6 want to reduce effort somehow, I guess that's it, but I am just  
7 not -- If it is that you want to have a logbook requirement or  
8 something like that, then that's what we want to do, but it's  
9 not clear to me what it is you're trying to fix, what the  
10 problem you're trying to solve is.

11

12 If it's fear that someone from Florida may come down and fish a  
13 thousand traps somewhere, okay, I guess, but I am just -- You  
14 know when I look at the things on that slide up there, none of  
15 those have anything to do with effort control. That's all about  
16 data reporting and so it just seems like we're bouncing all  
17 around about what it is we're trying to accomplish with this.

18

19 **MIGUEL ROLON:** In that case, maybe what we should do, following  
20 your train of thought, is that, number one, we want to try to  
21 solve the issue of recreational fishermen selling -- Don't write  
22 anything yet, Graciela, just in case it scares people.

23

24 We are trying to solve the issue of recreational fishing and  
25 selling their catch illegally, because they don't have a permit,  
26 and that creates a problem, because it's unfair competition with  
27 the commercial fishermen. That will be one problem.

28

29 The other problem -- I don't like to see on the -- That's why I  
30 said don't write it, because I have been in many meetings  
31 outside and whenever you say you are going to discriminate with  
32 U.S. citizens, you have a big problem with everybody and so if  
33 solving or trying to solve the issue of selling by recreational  
34 fishers of lobster or whatever other species we're talking about  
35 unfairly is a problem that can be addressed by the federal  
36 permit, that will be it, one of them.

37

38 Then the second one could be better data handling or whatever,  
39 but that will be almost a byproduct of the federal permit and  
40 what will trigger the permit will be solving that problem,  
41 which, by the way, Roy has said that before in the whole issue  
42 was started to be discussed when we were talking about that  
43 issue of recreational versus commercial.

44

45 **TONY BLANCHARD:** Let me clarify this up a little bit. The issue  
46 is for the recreational coming in and catching lobsters and  
47 selling them on the market and undercutting and that's one  
48 problem.

1  
2 The second problem, which is not really a problem at this point  
3 in time, but sometimes you need to take action before it  
4 actually happens and so we're taking a proactive approach to it,  
5 let's say. What we do not want is that we are limited to an  
6 amount of traps to fish. In other words, let's say that our  
7 guys normally fish 300 traps apart in the federal waters, just  
8 to be a conservative number, which I have a lot less anyway.

9  
10 We don't want a guy from Puerto Rico or Florida or wherever he  
11 comes from coming and dropping a thousand pots in our fishery  
12 and we are responsible for that ACL, because you know what is  
13 happening? We are getting the licks and he's going to pack up  
14 his boat when he's done and he is gone back north and guess who  
15 is holding the bag, because he will go fish someplace else next  
16 year because we just overrun our ACL and that's the problem  
17 we're trying to avoid.

18  
19 We are not trying to stop him from coming in, because we know  
20 that's not legal, but what we are trying to do is put a cap, to  
21 a certain degree, that is not monetarily -- In other words, the  
22 money ain't there for him to come down and just hit and run and  
23 that's what we're looking for. That's as straightforward as I  
24 think I'm going to make it. Now, I don't know how that would be  
25 worded in a motion, but that's the intent.

26  
27 **ROY PEMBERTON:** Tony Blanchard couldn't have put it more  
28 bluntly. I mean we the territory, fishers and DPNR, Fish and  
29 Wildlife Division, we don't want to be held to this mandate that  
30 we're reducing effort and we're trying to be more conservative  
31 and protect our resources as well as our ACL and then to have  
32 somebody show up from Florida, namely Tony, with 5,000 traps and  
33 drop it in the EEZ.

34  
35 I mean what you're saying, Roy, is that there is really nothing  
36 to stop that and then now our ACL is held accountable to exactly  
37 that action.

38  
39 **ROY CRABTREE:** He wouldn't be able to land the lobster unless  
40 the territory issued him a permit, right? So he would, in  
41 theory, in your scenario, he would come down from Florida and  
42 fish his traps and then take all his lobster back to Florida?

43  
44 **ROY PEMBERTON:** He doesn't have to go back to Florida. He could  
45 ship them out of Puerto Rico like the other fishers are doing,  
46 but my statement still stands is that we will hurt and we will  
47 look and see a reduction in our fishery that has nothing to do  
48 with the local fishers that are acting in the fishery and,

1 therefore, we may have a substantial crash or loss of resources  
2 and not really know what happened, because somebody is not --

3  
4 **ROY CRABTREE:** I understand where you are coming from. Just  
5 understand that it's a bit of a problem, because you're  
6 essentially telling me you don't want anyone from outside the  
7 territory to be able to come in and fish a lot of pots and the  
8 Magnuson Act is pretty clear that we can't discriminate based on  
9 state residency or any of those kinds of things and so it's not  
10 clear to me how we prevent someone from Florida fishing out  
11 there and how we do that.

12  
13 **ROY PEMBERTON:** Then what Tony -- Just to follow-up, what Tony  
14 was pointing out to have some amount of limited gear restriction  
15 or so forth and say if it's -- 300 pots is the example that he  
16 used and then we only allow 300 pots per fisher in the EEZ and  
17 that way, we can have some kind of control that is not a runaway  
18 situation where somebody is just not limited.

19  
20 **ROY CRABTREE:** Okay and so some sort of permit that has a fixed  
21 number of pots attached to it and you would have to have a trap  
22 certificate of some type issued with it for all the traps or  
23 something like that.

24  
25 **ROY PEMBERTON:** Something to that effect, yes.

26  
27 **TONY BLANCHARD:** Yes, something to that degree and like I said,  
28 most of us have never dealt with a permit. The only license we  
29 ever know is when we go to DPNR and they give us a license and  
30 they told us we could fish and I am being point blank about it.  
31 That's as straightforward as forward could be and that's all it  
32 is.

33  
34 When you mention a permit, while you might know exactly what  
35 you're talking about, we don't know. I don't know. I want to  
36 see something in front of me and I want a test run, to a certain  
37 degree, before I am going to say, you know what, let's buy into  
38 this, because I know -- Whoever knows me knows that I just don't  
39 follow because somebody tells me that you need to follow me.

40  
41 I is the man leading the herd and I ain't following the herd and  
42 so I want to see what I'm dealing with ahead of time before I go  
43 back to the rest of the guys who are fishing and say I think  
44 it's a good idea, because I is the man who will take the lead  
45 leading them down that road and so guess who is going to get  
46 hanged first? It's me who is going to get hanged first because  
47 I was the one who took them down that road and so I want to see  
48 what the permit looks like, to be quite blunt and



1 straightforward. That's what it is.

2  
3 We ain't committing to nothing and we want to see what it's  
4 going to look like, because, like I say, none of us really have  
5 any experience with that and so don't act like you know  
6 something if you don't know it. You have to say you don't know.

7  
8 **DAWN HENRY:** For the council and for Mr. Crabtree, I think  
9 that's important to recognize, at least in how the council  
10 should approach this, is that with whatever limits that we're  
11 talking about that it's not just about persons who don't live in  
12 the territory, but these limits will apply to everybody.

13  
14 **ROY CRABTREE:** Yes, I am understanding better what it is you're  
15 asking for from this discussion.

16  
17 **DAWN HENRY:** So there will be no discrimination and so if you  
18 are from St. John or St. Thomas or St. Croix and you want to go  
19 in the federal waters to fish for lobster, you are going to have  
20 to get this same permit, just like if somebody coming from  
21 wherever else. It's going to apply to everyone.

22  
23 **MIGUEL ROLON:** Anyway, you have two rationales that we have  
24 discussed now and we also said on the record that establishing a  
25 federal permit today doesn't mean that you have a de facto  
26 limited entry today.

27  
28 We are moving toward that direction. We are saying to staff to  
29 come back by March of next year with some information that you  
30 can work with. Just to let you know, you don't have to go to  
31 Timbuktu or to Alaska to get a U.S. citizen fishing in your  
32 waters, but Puerto Ricans are fishing in your waters. Right now  
33 is the peak and you guys are fishing in their waters and they  
34 are reporting that catch as the St. Thomas/St. John fishery and  
35 it's Puerto Rican caught and the lines that we mentioned before.

36  
37 I have a guy who I keep telling him that those guys in the  
38 Virgin Islands know what you're doing and you have a problem and  
39 you had better get yourself a permit and all that and he is  
40 doing that right now, as we speak.

41  
42 The problem is not that far away and so, Mr. Chairman, do we  
43 have enough to satisfy questions by Dr. Crabtree that the staff  
44 can pursue this and provide the council with a paper, white  
45 paper, by March and then, staff, do you have enough information  
46 as to the direction the councils wants to follow?

47  
48 **BILL ARNOLD:** Yes, I think I have enough information for us to

1 build a white paper.  
2  
3 **MIGUEL ROLON:** So can you vote?  
4  
5 **CARLOS FARCHETTE:** Okay. I think we've discussed this long  
6 enough and I am going to start with voting on my right with  
7 Marcos.  
8  
9 **MARCOS HANKE:** Yes.  
10  
11 **TONY BLANCHARD:** Yes.  
12  
13 **ROY CRABTREE:** Yes.  
14  
15 **DAWN HENRY:** Yes.  
16  
17 **MIGUEL GARCIA:** Yes.  
18  
19 **EUGENIO PIÑEIRO:** Yes.  
20  
21 **CARLOS FARCHETTE:** Yes. **The motion carries.**  
22  
23 **BILL ARNOLD:** That motion was to develop a white paper for the  
24 St. Thomas lobster fishery and now I would ask do you want a  
25 similar motion for a similar white paper for the deepwater  
26 snapper fishery in the Puerto Rico EEZ and/or anything else.  
27  
28 **MIGUEL GARCIA:** **I so move.**  
29  
30 **CARLOS FARCHETTE:** Do I have a second?  
31  
32 **MARCOS HANKE:** Second.  
33  
34 **CARLOS FARCHETTE:** Any further discussion? Hearing none, we  
35 will take it to a vote and I will start on my right again with  
36 Marcos. **Actually, all in favor say aye; any abstentions; any**  
37 **nays. Hearing none, the motion carries.**  
38  
39 **GRACIELA GARCIA-MOLINER:** Next is Modification of Accountability  
40 Measure Guidance.  
41  
42 **MIGUEL ROLON:** Who will take that?  
43  
44 **GRACIELA GARCIA-MOLINER:** Shep, is that you, the Modification to  
45 Accountability Measure Guidance in FMPs? Do we have anything on  
46 that?  
47  
48 **BILL ARNOLD:** The FMP language, Shep.

1  
2           **MODIFICATIONS TO ACCOUNTABILITY MEASURE GUIDANCE IN FMPS**  
3

4   **SHEPHERD GRIMES:** I am not sure what I am expected to do. I  
5 mean we talked about this and we got a motion from the council  
6 to go forward last time and begin development of a fishery  
7 management plan to address the current inconsistency between  
8 what our FMP says we are going to do and what we are actually  
9 doing and what we codified in the regulatory text.

10  
11   **BILL ARNOLD:** Let me give this presentation. General Counsel  
12 had pointed out one or two meetings ago that we have an  
13 inconsistency between the language included in our 2010 and 2011  
14 Caribbean ACL Fishery Management Amendments regarding how we  
15 handle accountability measures and the language that's contained  
16 in our regulations covering those accountability measures and in  
17 the way we've been doing accountability measure applications.

18  
19 In the FMPs, our language includes the phrase "the needed  
20 changes will remain in effect until modified by the council".  
21 That's interpreted as the council has to take formal action,  
22 including a rule that says we are no longer going to be  
23 implementing in the coming years the accountability measure, the  
24 seasonal shortening that we have instituted.

25  
26 Until that action is taken, those accountability measures carry  
27 over from year to year and that language is not contained in the  
28 regulations and, as you know, that's not the way we've been  
29 doing things. We institute an accountability measure, a  
30 seasoning shortening, for example, for 2014 and when the 2014  
31 fishing year is over, that accountability measure goes away and  
32 we either initiate or don't initiate another accountability  
33 measure based upon the situation at hand and the appropriate  
34 average landings over three years and so that situation cannot  
35 stand and we've got to fix this one way or the other.

36  
37 That's the language as it's actually written in the codified  
38 text and there is no reference to "until modified by the  
39 council".

40  
41 The recommendation that we're bringing to the council is to  
42 remove the inconsistent text in the fishery management plans  
43 through a comprehensive amendment that applies to all four of  
44 our presently extant fishery management plans: Lobster, Conch,  
45 Reef Fish, and Corals.

46  
47 The FMP would then read if AMs are triggered, then reduce the  
48 length, et cetera, et cetera, but the point of that is there is

1 no phrase saying "until modified by the council". That phrase  
2 would be removed.

3  
4 The council asked us to move forward on this and a motion passed  
5 to direct staff to begin work on a plan amendment to address the  
6 problem with the accountability measures as outlined by me and  
7 Shepherd and then bring the amendment to us to review at the  
8 spring 2015 council meeting and here we are.

9  
10 Here is our comprehensive amendment. The draft purpose and  
11 need, as we always need a purpose and need, and the purpose is  
12 to resolve inconsistencies between the language in the fishery  
13 management plans and the language in the regulations and then  
14 the need is to correct this deficiency to ensure the regulations  
15 are consistent with their authorizing fishery management plans  
16 and to ensure that the accountability measures for species or  
17 species groups that exceed their annual catch limit in a  
18 particular year are appropriately applied.

19  
20 We have several alternatives, as usual. These are draft  
21 alternatives and we are presenting them to you for comment and  
22 adjustment.

23  
24 Alternative 1, as usual, is no action and we do not modify the  
25 language describing AM applicability in the text, in the fishery  
26 management plan text, or in the regulations. The effect of  
27 this, as noted below in the italics, is this alternative  
28 establishes the baseline and the alternative would have no  
29 practical effects, because it would continue the status quo and  
30 so nothing changes, including the problems with the legality of  
31 this situation.

32  
33 Alternative 2 is revise the language describing AM applicability  
34 in the FMPs to reflect what we're doing and the language in the  
35 regulatory text and so the phrase "the needed changes will  
36 remain in effect until modified by the council" will be removed  
37 from the fishery management plans.

38  
39 The effects of this are basically null, because, again, this is  
40 what we're doing and have been doing and so this alternative  
41 would have no practical biological or socioeconomic effects,  
42 because it would not change the way we are currently  
43 implementing AMs.

44  
45 It would have a procedural administrative effect and a legal  
46 effect. The administrative effect would be because we have to  
47 revise the fishery management plans and so that's an effect. It  
48 may be a minor one, but it is an effect. It has a legal effect

1 because it does create the necessary consistency between the  
2 fishery management plan text and the regulatory text.

3  
4 The third alternative is the opposite of that, modify the  
5 language describing AM applicability in the codified text rather  
6 than in the fishery management plans and so we bring the  
7 regulatory text and the practices of the council around to  
8 reflect that fishery management plan regulation, which means  
9 that any accountability measures that we establish maintain  
10 themselves through the years until the council takes active  
11 action to remove that accountability measure.

12  
13 This is, again, the changes will remain in effect until modified  
14 by the council and modified doesn't mean that, okay, we want you  
15 to change it. It means a formal modification. Shep can address  
16 that specifically as he wishes.

17  
18 In Alternative 3, we continue to review annual catch limits  
19 annually relative to the established moving year average.  
20 However, the rulemaking that implemented the accountability  
21 measures in response to an overage would maintain those  
22 accountability measures in effect indefinitely unless and until  
23 they were changed by the council or NMFS through a subsequent  
24 rulemaking.

25  
26 For example, if accountability measures need to be applied for X  
27 species from September through December 31, that same  
28 prohibition would apply every year until changed.

29  
30 The effects, this alternative would have biological,  
31 socioeconomic, and administrative effects. If an ACL overage  
32 occurred in a subsequent year despite the AM being in place,  
33 then another, more restrictive and similarly indefinite  
34 accountability measure would need to be implemented to address  
35 that additional overage.

36  
37 Using the previous as an example, you would continue your  
38 September 1 closure, but now you would extend it even further by  
39 establishing, for example, a July 1 closure and those would stay  
40 in effect indefinitely. The potential outcome of this over the  
41 long term is you gradually completely collapse your fishery  
42 through accountability -- I mean that's the extreme, obviously,  
43 because the council could come back and propose a new rule to  
44 rescind the accountability measure. The real point being it's a  
45 timely and labor-intensive effort.

46  
47 If an ACL underage occurred in a subsequent year, then there may  
48 be positive biological and ecological effects, because more fish

1 would be left in the water. You wouldn't be getting to your ACL  
2 because you would have this unnecessary but previously  
3 established accountability measure in place.

4  
5 There could be short-term negative socioeconomic effects,  
6 obviously, because you are not achieving OY. Also, if an ACL  
7 underage occurred, the council may consider another rulemaking  
8 to redefine the AM and that would have administrative effects.

9  
10 Our next steps are to discuss these management options and  
11 either move or not to develop the comprehensive amendment and  
12 what we would hope to do is bring that comprehensive amendment  
13 back to the August meeting for the council to take final action  
14 and we feel confident we can get that done.

15  
16 Here would be our timeline. It's kind of small text, but you  
17 get the basic idea. Today, staff provided the update and  
18 council discusses the management options and the council passes  
19 a motion to develop the draft comprehensive amendment, whatever  
20 form they want that to take, and the council may take final  
21 action at the August meeting.

22  
23 At the August meeting, the council reviews the draft  
24 comprehensive amendment and selects the preferred alternative  
25 and the council can take final action and the council can revise  
26 and approve the codified text that we would also bring to that  
27 meeting and the council could approve the comprehensive  
28 amendment for secretarial review.

29  
30 If that's the case, during the fall of 2015, the council would  
31 submit the comprehensive amendment to the Secretary of Commerce  
32 for review and we would initiate the comment period for both the  
33 amendment and the proposed rule and then we would anticipate in  
34 early 2016 that NOAA would publish the comprehensive amendment  
35 and final rule and the final rule would take effect. That's  
36 what I've got for you.

37  
38 **SHEPHERD GRIMES:** From my perspective, this is simple and  
39 straightforward and as easy as it gets. We have an  
40 inconsistency between what our fishery management plan said and  
41 what we've said in the regulations.

42  
43 You cannot leave that in place and the law requires us to  
44 determine that they are consistent before we implement the regs  
45 and so we didn't do that very well and now we have this  
46 inconsistency. You either fix the regs to be like the plan or  
47 you fix the plan to be like the regs.

48

1 Given that we're doing everything like the regs -- I know there  
2 are bumps with that, but it's an annual determination based on  
3 information that's available and any accountability measures are  
4 the one season and your slate is clean the following season.  
5 We've got every indication from you in the past that that's  
6 better than what was originally included in the FMP.

7  
8 It seems to me you had the motion at the last meeting to direct  
9 staff to start to do this and I don't think you need to do  
10 anything other than yes, as we told you and please continue with  
11 it and bring us as complete a document as you can at the next  
12 meeting.

13  
14 You will look at it the next meeting and it will have as much  
15 analysis as can be performed in that time and you can pick a  
16 preferred alternative based on that and we can get this done.

17  
18 **ROY CRABTREE:** I agree with Shep that we've already given staff  
19 all the guidance we need and we just need them to do it and  
20 bring it to us to vote up and so I don't think we need to spend  
21 time on this for now.

22  
23 **CARLOS FARCHETTE:** So ordered and so staff will take care of it.

24  
25 **BILL ARNOLD:** Just a quick question and I think I know the  
26 answer, but just to make sure. We don't need to have public  
27 hearings on this, correct?

28  
29 **CARLOS FARCHETTE:** I hope not.

30  
31 **MIGUEL ROLON:** I have the same question actually.

32  
33 **SHEPHERD GRIMES:** We have been through this and so this is a  
34 public hearing and the prior meeting where we talked about it is  
35 a public hearing and in August it is a public hearing. What I  
36 don't think you need to do is go out and hold an additional  
37 round of public hearings.

38  
39 You did all of that in the process for the 2010 and 2011 ACL  
40 Amendments and all that stuff has been vetted. If you would  
41 like to hold additional public hearings, you are welcome to do  
42 so, but the law requires that you hold public hearings in the  
43 development of fishery management plan amendments, plans,  
44 amendments, and regs, and we've done that.

45  
46 **ROY CRABTREE:** It's clear the regulations reflect what we  
47 intended. The problem is -- I have been shown in the minutes  
48 where we said that and it just didn't get changed in the

1 amendment and so there's this conflict that we need to fix.

2  
3 **CARLOS FARCHETTE:** I agree. I think that since these are public  
4 hearings that that should cover that aspect and then we won't be  
5 violating anything. Okay. We're done. Next is ABC Control  
6 Rule for Data-Poor Stocks and that would be Shannon and the SSC.  
7 Are we handing it over?

8  
9 **SHANNON CALAY:** I am not actually on the SSC and so --

10  
11 **CARLOS FARCHETTE:** That's right. You are the Science Center.  
12 Dr. Appeldoorn.

13  
14 **MIGUEL ROLON:** Wait, it's Shannon.

15  
16 **CARLOS FARCHETTE:** It is Shannon? It says here "Report from  
17 SSC" and so who is dealing with it?

18  
19 **ABC CONTROL RULE FOR DATA-POOR STOCKS**

20  
21 **RICHARD APPELDOORN:** It really doesn't make a difference,  
22 because there is really not a whole lot to say and it was  
23 basically a go-between between the Science Center and the SSC at  
24 the last meeting and basically it was just kind of a status  
25 report on where the thinking is at the moment, but there is  
26 going to need to be more development to actually move in that  
27 direction to make it a reality.

28  
29 The idea is to view stocks in kind of a tiered system depending  
30 on the amount of information available, specifically toward  
31 being able to do a stock assessment, and none of our stocks are  
32 in the higher tiers where there are lots of data and we would be  
33 looking at the lower tiers and the data-poor tiers really would  
34 kind of be split into two.

35  
36 One would be basically -- The lowest one would be what we're  
37 doing now, which is basing ACLs on some level of catch history,  
38 and then there would be one slightly above that where we do have  
39 some data and then using one of the methods that are currently  
40 available or perhaps under the new guidance coming up with some  
41 other ones and implementing things either using the ORCS  
42 procedure or using the depleted catch curve -- It's DCAC, but I  
43 forget what it stands for and there is a couple of other methods  
44 that are acceptable in there.

45  
46 That would be another tier and the difference really in those is  
47 that by saying you have a slightly better source of information  
48 to be able to apply these techniques, you would have less



1 uncertainty in where you are and therefore the buffers that  
2 would be added to these OFL determinations to get finally down  
3 to your ACL would be reduced and so that's the thinking and the  
4 implementation is still a ways away. I don't know if you want  
5 to add anything to that, but that was how I took it.

6  
7 **SHANNON CALAY:** I think Rich captured it very well. The basic  
8 idea is that we have a variety of assessment tools that we could  
9 use and we want to make sure that as new approaches become  
10 available that the system is flexible enough to use those  
11 approaches within the management context and so we'll be working  
12 carefully with the SSC and with the council to assure that the  
13 control rule is in line with the suite of products that are  
14 available to us for stock assessment.

15  
16 **CARLOS FARCHETTE:** Next on the agenda we have --

17  
18 **MIGUEL ROLON:** Mr. Chairman, with that, we have finished  
19 yesterday's agenda. Today's agenda we already covered Ron  
20 Hill's presentation and the ACL concern for Puerto Rico and the  
21 proposed rule presentation by Wes was given the first day and  
22 now here we are and the next one will be Results and Plan  
23 Actions from the SEFSC's Stock Assessment Programmatic Review.

24  
25 **SHANNON CALAY:** We actually gave that the first day. I gave it  
26 right after Roy's presentation.

27  
28 **MIGUEL ROLON:** I wanted to just make sure.

29  
30 **SHANNON CALAY:** Unless you have additional questions.

31  
32 **MIGUEL ROLON:** But you don't have anything else to add?

33  
34 **SHANNON CALAY:** No.

35  
36 **MIGUEL ROLON:** But I do have something else to add and it's just  
37 to convey to you our appreciation to Bonnie Ponwith and the  
38 staff for the half-million dollars that she was able to secure  
39 with the data here, as presented by Todd. Please convey our  
40 appreciation for what she did.

41  
42 **SHANNON CALAY:** Thank you very much. I will.

43  
44 **MIGUEL ROLON:** Now, Mr. Chairman, we have Update on Project  
45 Entitled "Connecting Fishers and Fisheries Data Using a  
46 Cooperative Gear Development Project to Improve Catch  
47 Reporting". It will be our friend, Tony Iarocci.

48



1 beginning to get it in. Tony actually -- Tony, I should have  
2 asked beforehand, but is it okay to show around the data you  
3 just provided? I was pretty sure it was.

4  
5 We will be using that data and what this data provided by the  
6 fishermen does is it's essentially logbook information. It  
7 provides catch per trap information, which is very important to  
8 determine if anyone ever did want to try to understand the  
9 appropriate number of traps in the fishery, and the second thing  
10 it does is it gives individual measurements of lobsters.

11  
12 Onboard, we actually get measurements of undersized lobsters  
13 that aren't landed. That is very important for building annual  
14 stock assessments and knowing the age structure of the  
15 population.

16  
17 Each fisherman basically gives us data on twenty-five traps,  
18 twenty-five lobsters every day. It's only probably twenty  
19 minutes of work while the fisherman is on the boat. It's small  
20 amounts of data and hopefully representative. The more we can  
21 get that from the fishermen, just like any logbook data, we can  
22 then do an awful lot of analysis from that.

23  
24 The other thing we're getting is this is an experimental gear.  
25 It's essentially a top entrance, partial wood and partial wire  
26 trap. It degrades if left in the environment and so you don't  
27 have some of the long-term ghost fishing issues and it's a more  
28 lobster-specific trap. Having partial wood sides allows a lot  
29 of the fish to leave.

30  
31 Fish and lobsters don't get along in a trap and so it's not the  
32 classic fishing gear, but what it does allow is for the more  
33 higher value lobster. Price of lobster has actually tripled on  
34 the open market in the last three years and that trend is  
35 probably going to continue a little bit and so it's a change  
36 from traditional finfish fisheries to a more higher value. It's  
37 just another option for a gear that we've put out there.

38  
39 Now, working with the fishermen, we have identified that there  
40 is not much of a difference between the traps they make to  
41 target lobsters versus to target fish. There are very subtle  
42 differences in the throats and dimensions like that and so we  
43 talk about lobster and fish traps in both Puerto Rico and St.  
44 Thomas and St. Croix and it's really hard to define the  
45 difference between them and I wouldn't want to have to come down  
46 -- The fishermen know what they're doing when they make this,  
47 but each of them does it a little bit different.

48

1 This is just another type of gear, but I would sort of include  
2 it in the whole range of trap fisheries instead of trying to  
3 separate definitions of traps.

4  
5 The next thing we're trying to do is in closing out the program,  
6 we'll go back and interview the fishermen and get their basic  
7 impression about the use of the gear, the potential for it, if  
8 they like it or if they don't. That's what we'll be reporting  
9 back to the council I believe in August. Are there any other  
10 questions?

11  
12 **TONY BLANCHARD:** I've just got a comment on the statement you  
13 made about ghost traps. I think we clarified the ghost trap  
14 situation when we had that report from the college in St.  
15 Thomas, UVI, where they had mounted cameras to the trap and they  
16 were showing the fish going in and out and in and out of the  
17 trap and so really this thing about ghost traps -- In my  
18 opinion, that don't exist.

19  
20 What it is, to me, is fish and lobster habitat, because if they  
21 are going in and out, all you're doing is making a place for  
22 them to hide in and the coral is going to grow on it and the  
23 sponge will grow on it. By the time you turn around, it looks  
24 just like a shoal already and so we need to get off of this  
25 thing. I mean it was a wrong statement that you made there and  
26 this thing about ghost traps, because we've proved that point  
27 wrong. Before it was proven, I was saying so all along. The  
28 fish are going to go in and they're going to come out.

29  
30 **CARLOS FARCHETTE:** Any more questions? Thank you.

31  
32 **TONY IAROCCI:** Thank you, Tom. Before I do turn this meeting  
33 over to Julian, we did have a meeting the other night and I wish  
34 Roy -- I might wait until Roy gets back in the room to make this  
35 comment about the permitting process and some of the things that  
36 were said. Julian, why don't you go ahead and do that, because  
37 I do want to say something and I want Roy to hear it, if you  
38 would.

39  
40 **JULIAN MAGRAS:** I am not going to go through all of the minutes  
41 from the lobster meeting, the lobster management plan meeting,  
42 that we had on December 19 at Windward Passage. What I'm going  
43 to mention is we did have a quorum and we did have advisors,  
44 Tony Iarocci, and we had Roy Pemberton also on the phone.

45  
46 The committee made some motions on how they would like to see  
47 the management plan moving forward in the next direction and one  
48 of the things that was mentioned here earlier in the discussion

1 was about the white paper about the lobster permits and that was  
2 one of the motions that was put forward.  
3  
4 Another motion was to request all the data for the St.  
5 Thomas/St. John lobster fishery for the last twelve months,  
6 which Roy Pemberton said that he can provide in a quickly  
7 manner.  
8  
9 We also had a motion to adapt the eight-by-eight escape panel in  
10 federal waters and the same biodegradable composition using the  
11 jute twine and sixteen-gauge non-galvanized wire and wood lid as  
12 a biodegradable panel for all and top entrance traps.  
13  
14 We had another motion concerning the floats on either ends of  
15 the strings of traps and what the fishermen made the motion for  
16 was at least one of the buoys on either end of the traps must  
17 display the color and on the other end, it can be a white buoy  
18 with their initials and/or the fisherman's color also and that's  
19 instead of requiring to put the boat number on the buoys,  
20 because the amount of floats we use, it would be ridiculous to  
21 continue that process.  
22  
23 What would be required is on each trap it would have a tag that  
24 would identify the license number and the vessel number and the  
25 fisherman's name and the color that is used by each fisherman.  
26 These were the motions that were put forward by this committee.  
27  
28 I know the funding -- I heard it might be depleted for this  
29 project, but I would like to request that if the council can try  
30 to find some money that we can finish this management plan and I  
31 think we are very close and we are looking at doing the white  
32 paper for the permit, I think, and the report that will come out  
33 of this committee I think might be able to help in the  
34 preparation of the permit for the EEZ for the lobster fishery.  
35  
36 Also, while on this same topic, we started to have some  
37 discussion maybe of a control date and should one be implemented  
38 and how should it be implemented. We tabled that to the next  
39 meeting, to see what the decision of the council would have been  
40 today about the white paper and I saw that that moved forward  
41 and so at our next meeting, if we have one, we will make some  
42 decisions on what we would want to do with a control date and  
43 also look at maybe the limitation of gear, which we had a  
44 discussion to come up with a number that is similar to what we  
45 did with the trap reduction program.  
46  
47 Now, we would really like to see the trap reduction program move  
48 forward in a quick time and manner. You know it's been two

1 years and the only thing that's missing is the appeals process.  
2 The plan has been approved and we need to just get the appeals  
3 process completed and then we can present to the council and get  
4 it adopted and finish the lobster management plan and I think we  
5 would have accomplished a lot of uncertainty that was out there.  
6 Thank you.

7  
8 **TONY IAROCCHI:** Thank you, Julian. Before I go into this -- Roy,  
9 I would really -- This pertains to the permitting and the  
10 discussions we had and, Bill, as always, the fishermen and  
11 myself especially thank you for all the work you put into these  
12 committee meetings, because it is very important to these guys  
13 and they've put a lot of time and effort into discussing this.

14  
15 These permits, Roy, I can say there is a desire -- Roy  
16 Pemberton, we've talked about this in the past too and he always  
17 brings up the longliners. This whole thing with this lobster  
18 fishery right now -- You heard Tom say the price has gone way up  
19 and different people, the Chinese and different Europeans, they  
20 are looking to source lobster in different places and go to  
21 areas where they can fish.

22  
23 You bring down -- Say me and it was a joke that I would come  
24 down here with a boat. If I was to come down here with a boat,  
25 I would bring down either a New England lobster boat with a hold  
26 below deck tank or a boat fishing in federal waters similar to  
27 "Deadliest Catch", where I could come down here and catch 10,000  
28 or 20,000 pounds of these lobsters and bring them to either  
29 Puerto Rico or back to Miami and ship them to the Orient.

30  
31 There is that loophole for these boats to come down here and  
32 develop that fishery. A lot of people don't know, but the  
33 longliners have already done it and some are -- I have been  
34 contacted by guys up in the Mid-Atlantic and I told them that  
35 you better not talk to Roy Pemberton about this and he doesn't  
36 want you there and that's jokingly. I wouldn't put Roy on the  
37 spot like that, but that does happen and there are people  
38 looking at that.

39  
40 I just want that to be thrown out. Is there a need for this?  
41 Whether you limit it to so many traps to be fished in the EEZ as  
42 an alternative or other ways to look at it, but the white paper  
43 will go into that.

44  
45 The next thing to talk about is the second trip to Rincon and  
46 this deals with the phase-out of the trammel net fishery there.  
47 We were able to build some wire traps and a single-wall  
48 entanglement net and what we did was in the wire traps we used

1 these escape gaps and different biodegradable panels on the end  
2 of the traps. We are still working on that and the fishermen  
3 are deciding which kinds work best and we are trying to do a  
4 study in the future on stuff like that.

5  
6 The single-wall entanglement net takes -- I think everybody  
7 knows what a trammel net is. If not, you will see it in the  
8 video that's going to be shown. It's a three-wall net and maybe  
9 right now what I should do is show -- Let the video show first  
10 and then we can get into that and then Genio can add to some of  
11 this stuff.

12  
13 (Whereupon, a video was presented.)

14  
15 **TONY IAROCCI:** Once again, I have to say thank-you to Helena for  
16 putting this together and the one thing I want you all to know -  
17 - Like I said, when I show you these, these are attached and as  
18 a panel, we're looking at -- In one of the meetings in St.  
19 Thomas the other night, the fishermen were endorsing eight-by-  
20 eight and when these are hinged and these are tied with  
21 biodegradable -- They panel and open up, but we're looking at  
22 also different sizes.

23  
24 I think, for compatibility and other -- After the meeting the  
25 other night, the eight-by-eight escape panel or biodegradable  
26 panel will work and those traps are not totally finished. The  
27 finished product and the nets, like I said, and you did see and  
28 a lot of the times through the presentation, when Nelson was  
29 saying the trammel net, he was saying trammel net for the three-  
30 wall net and the single-wall net.

31  
32 A single-wall net is an entanglement. It's a one-wall net and  
33 the smaller fish go through the bigger mesh and the trammel net  
34 they all get caught in the bag and no matter what it is, a fish  
35 or a lobster, will get caught and entangled in that net. With  
36 the single-wall net, you have that option and they use these  
37 nets all the way from New England and it's a deepwater -- They  
38 can use them in deep water or shallow water, but the main thing  
39 to address is this fishery here, you will not have the bycatch  
40 of that trammel net.

41  
42 These traditional gillnetters in Puerto Rico, they have used  
43 these trammel nets for years and at the beginning, I felt like  
44 it was my first meeting coming to St. Thomas, when the fishermen  
45 were like, oh, boy, what's this gringo doing here with -- Roy's  
46 boy is what I was called.

47  
48 By the time, the end of the trip, with these guys in Puerto Rico

1 and Nelson hit the nail on the head. These guys all are aware  
2 that trammel nets are bad, but they want to figure out how,  
3 whether it be with the lighter wire traps and that's why we  
4 phased to wire, because they were too heavy for those little  
5 boats and it wouldn't be a very good thing to do and to use the  
6 straight-wall nets.

7  
8 These guys are all at the table and trying to the future to do  
9 the right thing and I know gillnets are bad in some people's  
10 eyes, but when you look at trying to mediate and come to a  
11 compromise situation, I think that the single-wall net hung  
12 incorrectly is going to eliminate a lot of bycatch and a lot of  
13 problems in this fishery and it's going to give these guys a  
14 viable alternative with some traps.

15  
16 Not all guys are going to be able to phase in the traps where  
17 they fish and they've used these nets and we're looking at  
18 trying to help and support this in the future and with that, I  
19 would like to turn this over to Genio, unless there is any  
20 questions.

21  
22 **CARLOS FARCHETTE:** Yes, we have a question from Tony Blanchard  
23 and in addition to that, talk about tending the nets. I think  
24 it's important that they know how to -- You have to be careful  
25 and a gillnet cannot stay out in the water for a week or two  
26 weeks at a time. It needs to be tended regularly, like every  
27 four hours or something.

28  
29 **TONY BLANCHARD:** I would just like to comment on the traps. The  
30 trap that Tony gave us, they work, but on their own in places  
31 that -- I am sure somebody will back me up on this, but places  
32 the tide runs hard, it's not a good idea to just keep those  
33 traps by themselves, because they will be up and running with  
34 the tide and that's why we use different traps, because they  
35 don't have that drift effect, but in shallow waters, like in  
36 Florida, which I am pretty sure Tony is throwing them in, you  
37 don't get that kind of effect, but the type of tide and rip, I  
38 am pretty sure Puerto Rico has the same tide, because I fly over  
39 Puerto Rico enough and we know they are going to find the same  
40 problems.

41  
42 I don't think that that is the solution to the problem. Yes,  
43 they work and I think you should introduce them to something  
44 different as well as those, because what you're going to find is  
45 that they're going to start losing them fast.

46  
47 **TONY IAROCCI:** To that point, Tony, I talked to Winston about  
48 that and Winston is fishing these trawls in 170 feet of water



1 and he has made them heavier with the heavier traps. We have  
2 them move -- We have a storm, and Tom can verify this, but when  
3 we get the weather all traps move, whether they are wire or  
4 whether they're wood.

5  
6 That's why we're phasing into the wire traps here. I don't care  
7 how big of a trap or whatever, but traps move. Wire traps move  
8 less and there is less resistance to the movement in the wire  
9 traps and yes, definitely these traps work in shallow water or  
10 deep water. They've been used in a lot of places and I  
11 definitely think the wood trap is not the way to go, especially  
12 there.

13  
14 I think the combination wood/wire trap would be the way to go,  
15 but also, like I said, for these small boats and these guys who  
16 are traditional net fishermen, try to work them into a single-  
17 wall net.

18  
19 **ROY PEMBERTON:** I saw that you were hanging the nets, Tony, and  
20 so I was just asking, since you were actually hanging them, what  
21 kind of method did you use to hang? Was it on the half or on  
22 the third? Because that increases or decreases the entanglement  
23 factor.

24  
25 **TONY IAROCCHI:** Wow, I am impressed, Roy. Wow, a technical net  
26 hanging. You know, Roy, I had a lot of -- Before I started this  
27 project and I said, okay, I'm going to introduce a net to these  
28 guys and I said, okay, I can hang it on a third, a light third,  
29 or I can hang it on a half, which is -- I will try to explain  
30 it.

31  
32 It depends on how many meshes you hang to the tie and how big  
33 your tie is and how loose the webbing is and how tight it is.  
34 When I tried to explain it to these guys and I made a tie line  
35 to mark -- It had the marks on it and they said, what is this?  
36 I said this is where we mark and we hang. They said, oh, we  
37 don't use that here and I said, wait a minute, let me show you  
38 what I mean. We were able to hang where you didn't have to hold  
39 up and measure every one and we were able to do that.

40  
41 That is hung on -- I couldn't decide and so it was hung in  
42 between a third and a half and now, a fuller, heavier net, the  
43 webbing with more webbing to the tie, it would be looser,  
44 depending on the weather and the roughness. Like I said, this  
45 is in the trial period, where I don't know what is going to  
46 work.

47  
48 These have been used in different other places, but here they've

1 never used it and that's why we want to try to get these things  
2 and see in the future to be able to hang in the right sized net  
3 and the right mesh and these are shallow nets.

4  
5 **ROY PEMBERTON:** Just to follow up, then the only other thing you  
6 can manipulate along those lines would be then the actual  
7 thickness of the net in terms of the count, like where there is  
8 1.1 or 1.2 or 1.75?

9  
10 **TONY IAROCCHI:** No, we do not want a heavy net, number one, and  
11 we also, to Carlos's point, we want to be able to make sure if  
12 Miguel or the powers to be in Puerto Rico say, you know what, we  
13 are going to let you use -- We are going to give you a phase-out  
14 and in X amount of time these trammel nets are out of the  
15 picture that we're going to allow you to either do a pilot  
16 project to study this single-wall net, but this single-wall net  
17 is going to be so long and it's going to be fished -- Like  
18 Carlos said, you give it a period and either overnight or only  
19 so many nets to the fishermen and they have to be hauled.

20  
21 Yes, granted, you heard the report and some days when we were  
22 there -- Bill, we looked at it and we saw these nets that were  
23 sitting there and it was like, how long has this been since  
24 these nets were hauled? It is a bad practice and you're right,  
25 Carlos, that they need to address that and they are going to  
26 address it, but it has to be a plan.

27  
28 You have to come up with a management plan and there is guys  
29 that do not have licenses and there is the same thing in all the  
30 fisheries here and illegal netters that are fishing the wrong  
31 way and doing the right thing and you've got to get a list of  
32 the guys and these are the legal guys and these are the guys  
33 that are part of the program, part of the project, and they're  
34 going to be licensed and documented and get a gillnet permit and  
35 then you come up with a management plan, but that's for Miguel  
36 and the boys to do.

37  
38 **CARLOS FARCHETTE:** I used to fish single-wall nets and I know  
39 what can happen.

40  
41 **ROY CRABTREE:** I am just -- I assume they're only doing this in  
42 territorial waters, because a gillnet -- I am reading from the  
43 regulations and a gillnet or trammel net may not be used in the  
44 Caribbean EEZ to fish for Caribbean spiny lobster. Possession  
45 of a gillnet or trammel net and any Caribbean spiny lobster in  
46 or from the Caribbean EEZ is prima facie evidence of a violation  
47 of this paragraph.

48

1 It also says a gillnet or trammel net used in the Caribbean EEZ  
2 to fish for any other species must be tended at all times and so  
3 you can't use these to fish for spiny lobster.

4  
5 **SHEPHERD GRIMES:** I would just add that the exact same language  
6 is relative to reef fish elsewhere in the regulations and so you  
7 can't have either of those onboard and I don't know what other  
8 species they are using them to fish for, but they are obviously  
9 disfavored.

10  
11 **MIGUEL ROLON:** That's what I was going to mention, but I am glad  
12 that both of you did it, because this is entirely for the area  
13 of jurisdiction of Puerto Rico and I have a letter here that the  
14 fishers are going to send to the Secretary of DNER in Puerto  
15 Rico and most of them, including Nelson and the group that you  
16 saw in the video, mostly what they are saying is they would like  
17 to see the possibility of a three-year moratorium for the  
18 trammel net in Puerto Rico.

19  
20 These fishers who are sending this letter only fish trammel net  
21 for lobster and it's about a hundred fathoms wide and eighteen  
22 to twenty-four inches tall and they believe that they can  
23 convince the other fishers to come into this project, but they  
24 would like to see if the Secretary will receive them and so they  
25 are asking for the moratorium and they are asking for an  
26 audience so she can hear from them, a delegation of the fishers,  
27 four or five of them, what this is all about and what is the  
28 issue that they want to address with them.

29  
30 They already are mindful that in the federal government, because  
31 I explained it to them that the whole thing is prohibited and if  
32 you have it that you have to follow the rules and they  
33 understand that, but the issue is really related to the  
34 government of Puerto Rico.

35  
36 **CARLOS FARCHETTE:** Okay and forward on to Genio or --

37  
38 **TONY IAROCCI:** Yes and, Miguel, thank you for that and we are  
39 aware and it is definitely a territorial Puerto Rico issue and  
40 Genio can touch on that, but the guys who have been involved  
41 dealing with the lobster trap project and it was through the  
42 Caribbean Council and they were very thankful and very  
43 appreciative of the council support on all their issues.

44  
45 **EUGENIO PIÑEIRO:** Briefly, because almost all has been said, but  
46 this comes as a sequel of the fisher's board and there is a  
47 decision to phase out eventually this net and so they want to  
48 ask the Secretary to give them more time to develop alternative

1 ways of fishing.

2  
3 As Tony mentioned jokingly, but it's true, we had all sorts of  
4 issues and the project started later and we lost some gear and  
5 we found it later and so we're asking the Secretary for some  
6 time and in the meantime, meet with the fishermen and they want  
7 to talk to her, because they are -- They know how important it  
8 is to avoid bycatch and to protect the environment, because  
9 that's what they have been living with for all their lives and  
10 they intend to do so and follow the tradition, the cultural  
11 tradition, to the kids and so it is a very interesting project  
12 and they wanted me to tell the Caribbean Council thank you for  
13 the support and ask Dr. Garcia for a meeting with the Secretary  
14 as soon as possible. Thank you.

15  
16 **TONY IAROCCI:** Thank you for the -- It has enlightened me and  
17 lit the fire under me to see those guys on the west coast of  
18 Puerto Rico who were hardcore trammel net fishermen admit to  
19 themselves in the reality of what's going on in Puerto Rico and  
20 times are changing and that they've got to change and try to do  
21 the right thing.

22  
23 Dr. Garcia, if I may, the timing on this and the letter is  
24 drafted and drawn and the timing in looking at requesting a  
25 phase-out into a moratorium on trammel nets, do you have any  
26 idea if we could look -- At least get the notice out, number  
27 one, that this is actually happening and it's a reality and,  
28 number two, getting a list of the existing permitted trammel net  
29 fishermen so they can be aware of what's going on.

30  
31 The illegal ones will have to be c'est la vie and look at this  
32 and doing this in a timely manner so we can get this thing  
33 started and hopefully in the future look at getting a funding  
34 source to do some bycatch analysis on the nets and the  
35 feasibility of the wire traps so we can give these guys  
36 something to do and it could be a ballyhoo fishery. We've got  
37 to look at the alternatives for these small boats to work in the  
38 future.

39  
40 **MIGUEL GARCIA:** Let me show you a quick slide that we already  
41 prepared for this for the trammel nets. This is the information  
42 that was presented and summarized by Daniel Matos for 2011 and  
43 the number of fishermen that were actually reporting their  
44 landings and according to our data, there are only thirty-three  
45 fishermen with permits.

46  
47 **CARLOS FARCHETTE:** Thank you. Tony, are you finished? Okay.  
48 All right. Moving forward, we now have -- We will take a five-

1 minute break for the recorder to change out the disk here.

2

3 (Whereupon, a brief recess was taken.)

4

5 **CARLOS FARCHETTE:** We are going to do the Marine Resource  
6 Education Program with Carlos Valasquez and Marcos Hanke.

7

8

#### MREP REPORT

9

10 **MARCOS HANKE:** Today we are going to present to you an effort  
11 made in Puerto Rico and in which many, many people have been  
12 involved with it, which is the MREP, and NOAA and the Caribbean  
13 Fishery Management Council and the Nature Conservancy. They are  
14 the main responsible for this initiative and also I want to  
15 highlight the great support from Richard Appeldoorn, Julio --,  
16 Roy Armstrong, Stacey Williams, and Jorge -- as a collaborator  
17 and thank you very much for them.

18

19 In the meantime, I want to highlight that Carlos Valasquez and  
20 Roberto Silva and myself was the three fishermen involved during  
21 the three days that we had the meeting and especially Carlos,  
22 because he was the first person to attend the meeting in St.  
23 Petersburg and he was very enthusiastic and the enthusiasm was  
24 big enough to involve so many people in this initiative that it  
25 has been a big success story.

26

27 We had to change the date that we had originally scheduled for  
28 this workshop because of a hurricane and I will leave you with  
29 Carlos on this slide.

30

31 **CARLOS VALASQUEZ:** There was organization and participation from  
32 the workshop moderators and I, Roberto Silva, and Marcos Hanke  
33 and it was the first time -- It was very happy for me and it was  
34 the first time Puerto Rico for the union of recreational sector  
35 fishermen and commercial sector at the same table at the same  
36 meeting in the same workshop. This is the first time in Puerto  
37 Rico and that was very happy for me.

38

39 For the participants, there were twenty-seven commercial  
40 fishermen and eight recreational fishers and two others and  
41 there were thirty-eight participants total in this workshop and  
42 it was the first MREP of the Caribbean. It was the first time  
43 for the Caribbean, but we are so happy for this first MREP in  
44 the Caribbean.

45

46 One day is the start for the science workshop for the morning  
47 and it was all science and all morning was the science workshop  
48 to learn for the knowledge of the fishermen for statistics and

1 for the management plans and et cetera for the -- Graciela  
2 explained the role of the council and statistics and Daniel  
3 Matos is the Chairman on the statistics on DNER of Puerto Rico  
4 and the recreational statistics from the Puerto Rico. It was  
5 very interesting for the people at this meeting for the  
6 questions for the first day in the morning.

7  
8 For this first day in the afternoon, the group went to the  
9 laboratory, science laboratory, in La Parguera and the fishers  
10 said it was very instructive for me too and I don't know if it  
11 was the female and males and --

12  
13 **MARCOS HANKE:** Once you finish, I would like to say something.

14  
15 **CARLOS VALASQUEZ:** Dr. Richard Appeldoorn for the groupers and  
16 groups underwater for studies and for the seagrass and a new  
17 project starting and it was very interesting. The second day --

18  
19 **MARCOS HANKE:** Before we get to the second day, I would like to  
20 say that I was able to attend the second day as a moderator and  
21 because of this part that Roberto and Carlos took care of on the  
22 first day, the people were so happy and enthusiastic about all  
23 the information that they received on that day that I felt a  
24 very big responsibility of keeping up the same level of  
25 expectations, because for the fishermen before that -- This is  
26 the intention of this workshop, but everything was a mystery and  
27 little by little, that mystery started to unfold and to get more  
28 and more clear and everybody started to get on the same page of  
29 understanding and those exercises are extremely, extremely  
30 important. The second day, please.

31  
32 On the second day was the hard part in which they explained all  
33 the parameters and all the definitions about the graphic and the  
34 growth of the fish and all the parameters of how the stock  
35 assessments are built.

36  
37 It was very technical and it was very harsh for the fishermen,  
38 but even though, they kept going and making questions that you  
39 understand right away that they were on the same page and  
40 following the lines of the presenters and obviously there is a  
41 lot of things that we have to improve in terms of creating  
42 methods to simplify the material in order to be more effective,  
43 but the second day, even though it was the harder part, it came  
44 along very well.

45  
46 **CARLOS VALASQUEZ:** The third day was law enforcement workshop  
47 day and in the morning, they came to visit, the Rangers of DNR  
48 and NOAA and Len Rios and the U.S. Coast Guard. The guys asked

1 questions and it was difficult for these guys and the presenters  
2 and the moderators -- In Puerto Rico, the enforcement is too  
3 hard and the participants evaluation and comments. In the  
4 council meetings and process prior to the workshop, we looked at  
5 the table --

6  
7 **MARCOS HANKE:** Basically, what you should see here, and actually  
8 it's what we felt on the public, but remember that we have  
9 recreational and commercial from different species and so on and  
10 it's the change of the thirty-six to ninety-one willingness to  
11 participate on the process and just that in itself speaks to how  
12 effective was this workshop and this initiative.

13  
14 **CARLOS VALASQUEZ:** Next steps, this is our group and the next  
15 steps is plans to hold steering committee meetings to discuss  
16 the results and outcomes for the tentative days and that is all.

17  
18 **MARCOS HANKE:** Like Carlos says, just to make sure and  
19 highlight, we are now with the expectation that we want to keep  
20 this effort going and with the involvement of the same people  
21 that have been supporting this and the next step is to  
22 reorganize for the next MREP and we are already working on it,  
23 through phone calls and emails.

24  
25 **MIGUEL ROLON:** A couple of comments. First, you missed the  
26 participation of fishermen from St. Croix and that person is  
27 interested in having, in 2016 or whenever appropriate, a similar  
28 workshop, MREP workshop, in the U.S. Virgin Islands. It could  
29 be in St. Croix and bring in fishermen from St. Thomas/St. John  
30 or it could be in St. Thomas and bring the fishermen from St.  
31 Croix, but the interest is there.

32  
33 Helena Antoun, which, by the way, was the hero behind the whole  
34 thing, because she put it all together with Alexa and there is a  
35 lot of work before and after and during this meeting that she  
36 did and I spoke a little bit with her and if we want to have a  
37 similar meeting in the U.S. Virgin Islands, we have to start  
38 working now, because it takes some doing securing the funding  
39 and getting the hotel and getting everything.

40  
41 The next steps is you will have a meeting in Puerto Rico of the  
42 Steering Committee, the after work meeting, and then from that  
43 meeting we will have recommendations that we can use for the  
44 meeting in the U.S. Virgin Islands and/or any other future  
45 meeting of MREP on the east coast of Puerto Rico to cover these  
46 issues. The council participation will be added also to the  
47 2016, depending on the budgetary constraints that we may have,  
48 but we will be there for the U.S. Virgin Islands, too.

1  
2 **MARCOS HANKE:** That is perfect and thank you for rounding up the  
3 whole scenario and this is truly an initiative that has to be  
4 extended to the whole U.S. Caribbean. It's the missing link  
5 that we have been dragging along for many years that is a good  
6 tool to address.

7  
8 **MIGUEL ROLON:** I would like to have a last comment. This is a  
9 byproduct of a conversation that I had with Tony Iarocci. I  
10 squeeze the hell out of that guy. When we talked about this, I  
11 didn't know such a thing existed and he told me that yes, there  
12 is a new thing of fishermen talking to fishermen, which is  
13 something very important that you didn't mention.

14  
15 This is something that was created by fishermen to fishers and I  
16 attended one in the states and there we had presentations by  
17 Shep and by Roy and they all support these efforts in the  
18 continental U.S. and so we also want to thank the people at the  
19 Regional Office.

20  
21 I keep saying this, but the best presentation in many years that  
22 I have seen of the whole process was done by Maria. It was very  
23 concise and very thorough and everybody understood everything  
24 that she presented and whenever she didn't know the answer to a  
25 question, she passed the mic to the people who were there who  
26 could answer it and so we hope that for the 2016 that we will  
27 have a similar presentation by her or whomever will be there  
28 from the Southeast Regional Office.

29  
30 Miguel Lugo and other members of the staff were key participants  
31 and we also had Bonnie Ponwith authorize the scientists from the  
32 Southeast Fisheries Science Center to participate and actually  
33 we had a Puerto Rican scientist there and she came and it was a  
34 thrill for her to explain to the fishers and also we had another  
35 scientist, Mandy Karnauskas, and she was there and it was a very  
36 good team effort and the rapport with the fishers, both  
37 commercial and recreational, was excellent and I believe that  
38 the consensus of everybody there was that it was a worthwhile  
39 effort and they would like to see it repeated elsewhere, as well  
40 as in Puerto Rico again.

41  
42 **MARCOS HANKE:** I didn't receive any comment from anybody that  
43 they didn't like it or they would not attend it. They are  
44 willing to attend again if there is a second part of it and I am  
45 still receiving phone calls nowadays from that MREP, from people  
46 asking and trying to get involved. It's a success story and  
47 thank you very much for the support for this group.



1 **CARLOS VALASQUEZ:** Yes, the people is so happy for this program  
2 to help us for the knowledge of marine sectors and science  
3 sectors. Thank you.

4  
5 **GRACIELA GARCIA-MOLINER:** You have Helena online who has been  
6 following the whole presentation.

7  
8 **CARLOS FARCHETTE:** Okay. Any questions for Marcos or Carlos?  
9 Okay. Thank you. I do agree. I attended that meeting and the  
10 involvement of the fishermen, I was very impressed and I learned  
11 something new when I went there. I never knew where the otolith  
12 was in a fish and when we went to the laboratory and I got  
13 involved -- I wanted to go back to St. Croix and dig out more  
14 otoliths from fish heads and so I think that was a very good  
15 thing and I do know that a lot of the fishermen really  
16 appreciated that workshop. Next we have Alida Ortiz and the  
17 Outreach and Education Report.

18  
19 **OUTREACH AND EDUCATION REPORT**

20  
21 **ALIDA ORTIZ:** Great. I think this is going to be the best talk.  
22 My presentation today is about the need for that outreach and  
23 education that sometimes we find out that whenever they have to  
24 take off money from any budget, the first thing that goes away  
25 is outreach and education, but this is very important and it's  
26 necessary and it's part of the learning and preparation of the  
27 fishers.

28  
29 The first thing we are celebrating is the Earth today and that's  
30 what Carlos reminded us this morning and so it's a little beyond  
31 the day, but we still celebrate the Earth every day and what we  
32 are going to do is this part of the substance and the  
33 fundamental need of outreach and education doesn't come from  
34 outside.

35  
36 If you go to NOAA's education mission, on page 4, it makes a  
37 very specific point that education plays a significant role in  
38 supporting NOAA's mission. In order for society to become more  
39 resilient, individuals must have the ability to understand  
40 scientific processes and some of the things that in the council  
41 we find all the time is that that science sometimes needs to  
42 have a lot of explanation and a lot of translation to everyday  
43 language and that's what outreach is all about.

44  
45 They have to consider uncertainty and reason about the ways that  
46 human and natural systems interact and therefore, it is not  
47 enough for NOAA to research systems and NOAA must also deliver  
48 this information into the hands of individuals who in turn

1 understand the science and know how to respond accordingly and  
2 this is what outreach and education is all about.

3

4 Also, the MSA Act is one of the strategies that sustain NOAA's  
5 education strategy and so we are sustained by NOAA's mission in  
6 education and also by the same law that makes the councils alive  
7 and yesterday I heard and I was very impressed and very happy  
8 that SERO's strategic goals include also aims to promote public  
9 stewardship of NOAA trust resources and increase capacity to  
10 achieve organizational priorities and so outreach and education  
11 should be, no matter how little or how it is done, it has to be  
12 there and it has to be consistent. Once you erase that  
13 enthusiasm that MREP did and that PEPCO has done around the  
14 island -- We have to continue that.

15

16 What has been the experiences today? Remember that it was about  
17 three or two years ago and I don't even remember and sometimes  
18 it sounds like a long time and sometimes it looks like very,  
19 very little time, but when we delivered to you the plan for  
20 outreach and education, we had put some projects and some of  
21 them we have worked on.

22

23 PEPCO and MREP, the Caribbean initiative, probably have been the  
24 most important activities with fishermen, with fishers, with  
25 consumers of fish, of seafood, in Puerto Rico.

26

27 **MIGUEL ROLON:** Alida, what is PEPCO?

28

29 **ALIDA ORTIZ:** PEPCO is a program for education for commercial  
30 fishers, PEPCO. That is very similar to MREP, except it is very  
31 dedicated to laws and regulations and licensing processes and  
32 Helena does both, because Helena part of her twenty-four hours  
33 is in the council and the other rest of the twenty-four hours is  
34 in the DNER.

35

36 Don't Stop Talking Fish, St. Croix Fishing Heritage, the fishers  
37 participation in scoping meetings, I think that has been very,  
38 very important, first in the stakeholders understanding what is  
39 the council process and what is the participation and what is  
40 the responsibility of the citizens that the measurement of the  
41 management strategies are adequate and they will be as adequate  
42 as the participation of that stakeholder.

43

44 We have done calendar and fact sheets to clarify scientific and  
45 management concepts and we have results from that. We have  
46 evidence of increasing the participation and the interest in  
47 learning more about the science on the fisheries management  
48 decisions and I will share a little bit more in a while of the

1 comments that the fishers that participated in MREP said about  
2 this.

3  
4 Fishers are participating in field research and what we did with  
5 the Fajardo River and the east coast for the forage fish was  
6 done with people from the field and now we saw what Tony Iarocci  
7 presented on the lobsters and we have seen the work with the  
8 octopus traps also and then there has also been presentations to  
9 college students to promote interest in fisheries biology,  
10 economics, and management.

11  
12 Many times we go into the marine sciences studies and we are  
13 taken into oceanography and many other fields, but there are not  
14 that many people in fisheries biology and we have to get these  
15 people sort of enticed to go into fisheries biology from when  
16 they are in high school and when they are at the levels of  
17 undergraduate education.

18  
19 MREP was a great success and our friends did that already and  
20 this is one of the comments. I think that this is the start for  
21 me. This is the first thing for me. As a fisher for years, I  
22 have never participated in a workshop that helped me to learn  
23 more about the laws and the statistics and about fishing.  
24 That's a fisher. That's a person that has been working in the  
25 field for many, many, many years.

26  
27 This one says the workshop was very well coordinated and Carlos  
28 and Roberto were very well prepared and Helena did excellent  
29 work to be the first activity of MREP. One other comment is  
30 this person found for the first time the amount of work that it  
31 takes to accomplish the work necessary and that it is not  
32 something that you can do in half an hour or in some small  
33 sessions.

34  
35 In PEPCO, the Programa de Educación de Pesca Comercial, these  
36 are -- The funds are provided by DNR and part by the council and  
37 part by the Nature Conservancy and I have seen the final report  
38 and I have seen the evaluations and they are just as excellent  
39 as those that MREP. Actually, PEPCO, and I have been working  
40 with Sea Grant for probably thirty-five years and we did the  
41 first extension, marine extension, program in Puerto Rico and  
42 the Virgin Islands.

43  
44 At our meetings, even to the 1970s and the 1980s, we didn't have  
45 more than ten people in a session and usually they would never  
46 come for a long time and it was only after six o'clock in the  
47 afternoon or much earlier in the morning and in this session  
48 that Helena had, they were expecting eighty to 160 persons

1 attending and they had 292 participants and 225 participants  
2 completed the certificate. These are fishers that are willing  
3 to give up their time and that are willing to learn and that are  
4 willing to collaborate with what the managers are doing.

5  
6 What do we need for 2015 and 2020? I think MREP should continue  
7 and MREP in the Virgin Islands and Dr. Crabtree said this  
8 morning it's important and Carlos has said that too and the  
9 person that came from St. Croix to the MREP said it is important  
10 that a program, a similar program, is done here.

11  
12 We have to initiate it. We are planning on initiating that  
13 campaign for sustainable seafood like what Carlos Farchette read  
14 this morning and we would like to see it in terms of educating  
15 the consumer to learn about closed seasons and to learn about  
16 why some species should not be requested in a restaurant when  
17 they are closed seasons and also to eat not what we were taught  
18 to eat twenty years ago, but whatever is available. There are  
19 many species that are underutilized that are just as nutritious  
20 and can be prepared as well as any of those that you pay a lot  
21 of money for them.

22  
23 We should continue with the calendar, because when you initiate  
24 a calendar, people keep expecting it the next year and we should  
25 finish the Caribbean Fisheries Resource Book, because still we  
26 need that people understand that we have a lot of water and we  
27 are islands, but we really don't have fisheries the same way  
28 that you have in the Atlantic or the same way you have in the  
29 temperate sun and we have to learn about the mangroves as a fish  
30 nursery and about the seagrasses also and that has to go from  
31 school.

32  
33 We should produce those fact sheets in a way that they are  
34 attractive in the infographic way that they are doing it now and  
35 with those things that we have been gathering from talking with  
36 the fishers about these new lobster traps and about the new  
37 trammel net that they are working and about the octopus life  
38 cycle and forage fish and how to handle fresh tuna. To us, tuna  
39 still grows on a tree in a little can and tuna should always be  
40 white and not red, because that's the way we see it and it is  
41 not so.

42  
43 Fresh tuna is something very different and we should give more  
44 information about those essential fish habitats and the fishing  
45 calendars and regulations should be distributed far more than  
46 just to the fishers. It should go to the restaurants and it  
47 should go to the marinas and it should go to anywhere where the  
48 people will take seafood. With that, fact sheets, you can also

1 make small posters, because some things you take with you and  
2 other things you can put on the wall or on the tables.

3  
4 So, guess what we propose for 2015 and 2020? I think outreach  
5 and education is very, very essential to the well functioning of  
6 whatever you want to do with the public. Are there questions or  
7 comments?

8  
9 **MARCOS HANKE:** I have a comment. Once the effort of outreach  
10 and education starts, like any process, we have some pieces of  
11 the puzzle isolated, but now you can see a comprehensive system  
12 that addresses all the users the way it is and as a council  
13 member, I see that as a good thing, because this is the way I  
14 expect it to be and I am very happy to see the way it is right  
15 now.

16  
17 **ALIDA ORTIZ:** To me, MREP was a very, very good experience,  
18 because in MREP you have, like Carlos said, fishers from all  
19 ways and from all type of gears, whatever they do, sharing  
20 information about the same resource. I really don't care  
21 whether they take it with a longline or with a trap, but it's  
22 the same population and so we should learn all about that.

23  
24 Then the other thing is that they heard in a different way the  
25 resources, the scientists that develop the information, and  
26 those scientists were forced to explain what they were doing in  
27 very, very layman vocabulary and that's not very usual and so  
28 once you begin that, it's very difficult to let it go and we  
29 will need to develop new partnerships, probably TNC and probably  
30 the other NGOs that are in the area.

31  
32 I think that sometimes even the fishermen's associations could  
33 be a partner, because they can somehow make fellowships for the  
34 members to participate in these programs and then that's  
35 something where the council could put some funding and the state  
36 put in other funding and then we could get more people into the  
37 program.

38  
39 **TONY BLANCHARD:** I would just like to make a statement. The  
40 numbers that jump out to me is for the number of participants  
41 that you had and the response and whatever you're doing, you're  
42 doing it right and so that really grabs it right there, because  
43 when you've got 91 percent of the people I think it was that was  
44 up on the board saying that they would come back and participate  
45 again, I mean it had to be good.

46  
47 **MIGUEL GARCIA:** First to congratulate the group. I wasn't able  
48 to be present. I really wanted to and that money that we

1 allocate for that position is actually from a fisheries special  
2 account and it should be written as very important and thank  
3 you.

4  
5 **CARLOS FARCHETTE:** I also want to congratulate Helena Antoun for  
6 all her hard work she did. That was a great success story and  
7 to the moderators. I think they did a great job. With no more  
8 questions, next on the agenda is Enforcement Issues and I know  
9 that DPNR will wait until the August meeting and Coast Guard has  
10 left and Puerto Rico DNER.

11  
12 **ENFORCEMENT ISSUES**  
13

14 **MIGUEL GARCIA:** I was not available to present that during the  
15 last meeting and we have combined the information from October  
16 to December of 2014 and the information from January to March of  
17 2015. The red is from October to December and the blue is from  
18 January to March.

19  
20 What we can see from that graph is that the major interventions  
21 were the two people selling land crabs without permits to the  
22 extreme left and then fishing in protected areas.

23  
24 **GRACIELA GARCIA-MOLINER:** Can you tell which protected areas?

25  
26 **MIGUEL GARCIA:** I don't have that information. I just get the  
27 summary from the Rangers, but that's a good point for the next  
28 presentation to be specific to where that happened. Undersized  
29 lobsters and snook and queen conch in excess and tarpon fishing.  
30 You know that in Puerto Rico tarpons are catch and release only.  
31 Undersized queen conch and queen conch in federal waters and I  
32 don't remember where it was, but I will ask that too.

33  
34 In summary, that's what I have to present at this time and this  
35 is a nice picture and I think it was in La Parguera where it was  
36 during last November, I believe. There were three-hundred-and-  
37 something illegal conch fished during the closure and that's it  
38 for today.

39  
40 **CARLOS FARCHETTE:** Thank you, Miguel. Next we have National  
41 Marine Fisheries.

42  
43 **JEFF RADONSKI:** I did supply to the staff our quarterly report  
44 which is for October through December and it's up on the board  
45 and hopefully they will throw it out to all of the council  
46 members and interested parties. This is a document that can be  
47 put out for public use, but it covers the Southeast Region and  
48 all the different types of cases that we worked or completed in

1 that quarter.

2  
3 The other thing I would say is that I -- I get a lot of  
4 questions of what do we do and who we are and I would like to  
5 invite everybody to go to the OLE website and you can Google  
6 "NOAA Office of Law Enforcement" and it will take you there.  
7 Right now, we have a very interesting video that NOAA produced  
8 on investigations and we also have a lot of different press  
9 releases and activities that we've been doing and so I would  
10 invite you to go there and, as well, I would invite you to go to  
11 the Office of General Counsel website. There they have  
12 decisions made in administrative courts and so that's all I have  
13 for this time.

14  
15 **CARLOS FARCHETTE:** Great. Thank you so much. I think there was  
16 only one meeting attended by council staff and I think that was  
17 council members and staff and that was Miguel Garcia to -- I  
18 think it was Canada or someplace.

19  
20 **MEETINGS ATTENDED BY COUNCIL MEMBERS AND STAFF**

21  
22 **MIGUEL ROLON:** Roy Crabtree at the last meeting suggested that  
23 most of the time we discuss issues relevant to the council when  
24 we come back from meetings and perhaps we could change this and  
25 so in the future we would like to receive a written report and  
26 we will keep it in our files from our meetings and then to the  
27 council you will only bring the relevant issues that could be  
28 discussed at the council.

29  
30 By the way, we will discuss the SOPPs, but the Chair from now on  
31 has to supply a report to Headquarters on every trip made by  
32 council members and so having a written report after each  
33 meeting -- Not the council, because we already know what you are  
34 doing here and the staff will include that, but for those  
35 meetings that are related to the council, but not the council  
36 meetings, we need to have that report and that way, we can  
37 eliminate this part of the agenda, because most of the time you  
38 guys are tired and this way, it will be more effective.

39  
40 **MARCOS HANKE:** Miguel, those reports, because we are going to be  
41 doing it, is there a form of specific information that you want  
42 from there?

43  
44 **MIGUEL ROLON:** We can prepare kind of a template that you can  
45 follow and that will be easier, but why we do it at the council  
46 meeting is because years back the council members were sending  
47 also reports and at one time, a council member got tired of the  
48 reports and they asked the lawyer at that time and they said,

1 well, you can have the report at the council meeting, but now,  
2 with everything that we have, ACLs and everything, Dr. Crabtree  
3 suggested that this probably would be a better way of doing it  
4 and we document every trip that you make.

5  
6 **CARLOS FARCHETTE:** Okay. Thank you. Then we have the five-  
7 minute public comment period and I think Leda Dunmire has a  
8 report. Miguel, you will be the test subject and you will be  
9 the first one to submit a report on your travel.

10  
11 **PUBLIC COMMENT PERIOD**  
12

13 **LEDA DUNMIRE:** Good afternoon and thank you for the opportunity  
14 to provide public comment. I would like to address progress  
15 made by the council on the transition to island-based FMPs and  
16 the amendment to modify regulations at the three western Puerto  
17 Rico MPAs.

18  
19 We were pleased to participate in the series of three District  
20 Advisory Panel meetings last month in Puerto Rico, St. Croix,  
21 and St. Thomas.

22  
23 The meeting discussions were productive and collaborative and  
24 provided an opportunity for a variety of stakeholders to engage  
25 in fishery management issues in a small group forum. We look  
26 forward to continued collaboration with these important groups.

27  
28 We also provided written comments last week and earlier this  
29 week on the choice of species selection criteria and subsequent  
30 steps in the process, including the organization of species into  
31 FMUs, the choice of management reference points, and the  
32 development of goals and objectives for island-based FMPs.

33  
34 We are pleased that the council decided at this meeting to  
35 incorporate recommendations of the SSC and the DAPs into the  
36 step-wise species selection criteria outlined in Alternative 3  
37 as approved by this council yesterday and we were also gratified  
38 that the council has agreed to convene expert panels to apply  
39 the criteria and develop a draft list of species for each island  
40 FMP.

41  
42 It is vitally important that the panels finish their work ahead  
43 of the July DAP meetings. This will allow the DAP members an  
44 opportunity to review and comment on the species lists for each  
45 island management area prior to council decisions at the August  
46 meeting.

47  
48 As part of this process, we urge the expert panels to err on the



1 side of caution and to recognize the critical roles that many  
2 species play in the functioning and health of the coral reef  
3 ecosystem.

4  
5 Selecting species to include in island FMPs is only the first  
6 step. Subsequently, the council must decide how to organize  
7 species into FMUs and establish management reference points.  
8 Each of these decisions will require SSC input.

9  
10 In determining how to organize species into FMUs, the SSC has  
11 recommended grouping species into stock complexes with indicator  
12 species, where possible. This will simplify the process of  
13 specifying management reference points such as OFL, ABC, and  
14 ACL. For example, the current Reef Fish FMP has nearly 140  
15 species, but they are organized into only twenty-two units for  
16 purposes of specifying ACLs.

17  
18 This greatly simplifies management while being inclusive and we  
19 recommend that FMUs be designed to protect key ecological  
20 functions such as the roles of predators, forage fish, grazers,  
21 and habitat builders.

22  
23 A final note on the island-based management transition, as we  
24 wrote in our letter, is each of the three new FMPs must have  
25 specific ecosystem goals and objectives. We urge the council at  
26 its next meeting to initiate a process for seeking input from  
27 the SSC and stakeholders on how to lay out FMP goals and  
28 objectives. This will help guide and inform your upcoming  
29 decisions on this matter.

30  
31 On the ABT Amendment, we are encouraged by the shift in a six-  
32 month spawning season closure at Bajo de Sico to include the  
33 range of months during which Nassau grouper are known to spawn.  
34 We also support the addition of a year-round no anchor provision  
35 at Abrir and Tourmaline.

36  
37 These are important conservation gains that will help protect  
38 the internationally endangered Nassau grouper, seven threatened  
39 coral species, and a myriad of other marine life critical to the  
40 health of the region's ocean ecosystems.

41  
42 However, we are disheartened by the opening of Abrir and  
43 Tourmaline to surface trolling and lobster fishing year-round,  
44 as these are steps backwards in the long-term conservation and  
45 management of important ecosystem components.

46  
47 In August, the SSC unanimously recommended full protection from  
48 fishing on a year-round basis to protect both Nassau grouper,

1 which is listed as endangered by the IUCN, and seven species of  
2 corals that are listed as threatened under the federal  
3 Endangered Species Act.

4  
5 Yesterday, the council acknowledged that Bajo is distinct from  
6 the other two areas. It has characteristics that provide unique  
7 ecological functions and is prime spawning and nursery habitat.  
8 In addition, Dr. Scharer presented the results of recent  
9 council-funded research and scientific evidence that supports  
10 the need for full protection of this special area year-round.

11  
12 We urge the council to heed the advice of its science advisors  
13 and the research commissioned by the council by extending the  
14 spawning season closure to be year-round and prohibit the  
15 harvest of lobster, which could damage corals.

16  
17 As has been consistently pointed out, enforcement is key to  
18 successful protection and we strongly urge you to prioritize  
19 enforcement and monitoring by working with Coast Guard, NOAA Law  
20 Enforcement, and DNER to coordinate and focus patrols at these  
21 sites, especially during spawning months at these areas.

22  
23 Thank you again for the opportunity to share this feedback. We  
24 look forward to working with the council to move forward on  
25 meaningful protections for fisheries that support the region's  
26 valuable marine life and the coastal communities that depend on  
27 it.

28  
29 **MIGUEL ROLON:** Leda, will you send us an email with your  
30 testimony? Can you send it to us later?

31  
32 **LEDA DUNMIRE:** Yes.

33  
34 **EUGENIO PIÑEIRO:** Any other public comment? Being none, the  
35 next meeting.

36  
37 **NEXT COUNCIL MEETING**

38  
39 **MIGUEL ROLON:** We also have a closed session this afternoon that  
40 was supposed to be yesterday and we also have -- Before that, we  
41 have -- We are going to talk about the budget update and the  
42 SOPPs and actually, the next meeting will be on the west coast  
43 of Puerto Rico if we are going to take final action on ABT.

44  
45 The Chair can switch it and, as I said before, if that is not  
46 going to happen, then we can switch Puerto Rico and St. Thomas  
47 for the meeting.

1 **ADMINISTRATIVE MATTERS**

2  
3 At this time, Mr. Chairman, we can tell you about the budget  
4 update for FY2014 and 2015. We received the monies in March at  
5 the council and so this time around it was a very difficult time  
6 for all the councils and we have to rely on the ingenious ways  
7 that Angie put together a plan so we could cover the expenses  
8 for those three months.

9  
10 Right now, we received around \$40,000 extra from the budget and  
11 across the board, everybody is suffering in the federal  
12 government with the budget situation that we have so far and so  
13 during this year, we were not allowed to add an increase in our  
14 budget, but Washington people were able to get some monies here  
15 and there to add it to the total budget for the councils in  
16 2015.

17  
18 We have to be very careful and mindful of the budget, but rest  
19 assured that we can finish what we started in January, meaning  
20 all the meetings that we have in the budget will be taking  
21 place. We will have some funding to participate in some  
22 activities in Washington and, as I said before, we have come up  
23 with some money so the three Chairs of the DAPs will be  
24 attending the SSC meetings from now on.

25  
26 Regarding the SOPPs, as you know the SOPPs have been around for  
27 ten years and the SOPPs are the standard operating procedures  
28 for each council and there you have a compendium of all the  
29 rules and regulations that apply to us and also describe how do  
30 we operate to carry out our mission.

31  
32 The draft that was prepared and sent to all of you was revised  
33 and reviewed by NOAA legal advisor Mr. Shep Grimes and we  
34 included everything that you told us to and we also discussed it  
35 with the Chair, Mr. Carlos Farchette, and so we believe that  
36 these SOPPs that we sent to all of you encompasses all the  
37 requirements so far.

38  
39 There are some sections that are going to be reviewed by NMFS  
40 and also there are some sections that are in place for further  
41 development of language in the future if such is the case and I  
42 believe, Shep, that we need to have a discussion and a motion  
43 and if you want to submit it as a final draft to the people or  
44 what is the next step?

45  
46 **SHEPHERD GRIMES:** It's a requirement under -- I believe it's  
47 under the statute, but anyway, all councils have to have their  
48 SOPPs approved by the Secretary and I don't think you need any

1 particular discussion of it, but you do need a motion from the  
2 council to forward it to the Fisheries Service for review and  
3 approval and then there's a -- I think it's a policy directive,  
4 but the process is now the same as any fishery management plan  
5 action and so once you approve it, you submit it to St. Pete and  
6 everybody there will review it and it will go up to Headquarters  
7 and it will be reviewed there and then we will find out if it's  
8 approved.

9

10 **MARCOS HANKE:** So moved.

11

12 **ROY CRABTREE:** Second.

13

14 **CARLOS FARCHETTE:** All in favor say aye; any abstentions; any  
15 nays. The motion carries.

16

17 **MIGUEL ROLON:** Mr. Chairman, this ends the regular session of  
18 the council and we will have now a closed session for discussing  
19 the membership of the SSC and the panels that we have.

20

21 (Whereupon, the meeting adjourned on April 22, 2015.)

22

23

- - -