



St. Thomas Fishermen's Association

Protecting our Natural Heritage and Culture

April 16, 2010

Miguel Rolon, Executive Director
CFMC

Dear Miguel:

The following represents our comment on PUBLIC HEARING DRAFT AMENDMENT 2 TO THE FISHERY MANAGEMENT PLAN FOR THE QUEEN CONCH FISHERY OF PUERTO RICO AND THE U.S. VIRGIN ISLANDS AND AMENDMENT 5 TO THE REEF FISH FISHERY MANAGEMENT PLAN OF PUERTO RICO AND THE U.S. VIRGIN ISLANDS. **(with Draft Environmental Impact Statement).**

1. First and foremost, we find the document to be unreadable. It is almost as if the intention behind this effort was to conceal and mislead. It is our opinion that the entire document should be rewritten so that it is possible to identify specifically what species, island or measure is being referred to instead of this jumble of internal referencing.
2. The approach of creating an overall Caribbean-wide ACL represents a significant change in strategy from that discussed during CFMC meetings over the past two years and should be rejected until such time as a record can be developed supporting this direction and the consequences associated with it.
3. We strongly question the used of average landings as surrogates for the OFL. Average landings contain years when landings may approach MSY and other years when weather, market forces and other exogenous factors conspire to restrict landings. Average landings therefore, already contain a reduction for "uncertainty" which should be credited when developing ACLs.

We took the Regional Director at his word when he said that ACLs would approximate current landings and that is the only reason we agreed to landings as an ACL surrogate.

A single example can be cited during the 2005-06 fishing year when mild weather allowed for heavy fishing pressure on yellow tail snapper. Landings during those years were among the highest ever. These values from the highest years should be used as the OFL not an average.

4. We are not at all clear (for example in section 4.3) that overfishing on one allocation geographic unit (read that as St. Thomas/St. John, St. Croix or Puerto Rico) would not be used to justify implementing accountability measures throughout the ACL area. We do not agree to this as it is our intention to monitor and stay within whatever the quota is for our area.
5. Furthermore, the idea that landings will be counted against the quotas for the area in which they are landed and not where they are caught defies all logic. Fishermen from Vieques regularly land fish in St. Croix. St. Croix fishermen regularly land conch and dolphin in St. Thomas. If the principal of the Magnusan Act is to protect resources, then they must protect them in the geographical area where they are caught. I can easily see where landings will be deliberately be reported in other areas. In addition this position is counter to the Virgin Islands conch regulation which specifically requires that landings must be reported in the area in which they are caught. You will not get computable regulations on this count as the FACs will not agree.
6. We fail to see how species which were not identified as being overfished in the SFA are now suddenly included with those that are. The combining of all snappers, groupers and parrot fish represents a “one size fits all” approach which has (again) only been introduced at this meeting. If the sub-units could have been justified in the SFA Amendment they should continue to be applied. This change casts doubts about the credibility of CFMC management actions.
7. The authors have “cherry picked” and misrepresented literature. On the single issue of by catch they have misrepresented a concern about the effect of observers on fishing boats and ignored, USVI CCR data on discards, Virgin Islands MRAG results, the STFA MARFIN study, the Puerto Rico MARFIN study and specific findings of those studies. Another example can be found in the first paragraph of the Summary where the authors state that “The extent of these regulatory discards is unknown.” The MARFIN study which they ignored documented regulatory discards.

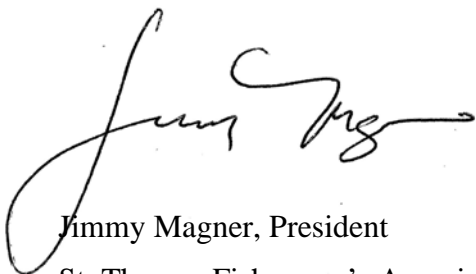
It is not possible to state that they have met the National Standard requirement that “(2) Conservation and management measures shall be based upon the best scientific information available.”

8. We want to make absolutely clear that any Virgin Islands recreational fishing ACL does not take up the portion allocated to the commercial fishery. The ACL was derived from commercial landings with no portion of recreational landings included. If the Council chooses to fabricate a Recreational ACL, it needs to be separate and distinct from the Commercial value.
9. Speaking of information, the STFA has been excluded from the “Data Improvement” process and the current proposals are going to fail because the SEFSC is unconcerned with what is reasonable and possible to expect from our

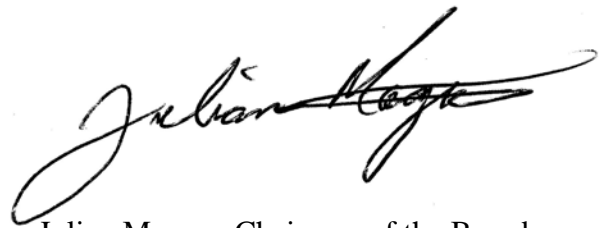
fishermen. None of our input has been considered. We ask the Council to notify those parties of this concern and tell them to address it.

10. Finally, as we said at the meeting-the STFA views management of our resources as a “partnership” where we participate with the Council in setting standards for performance within our fisheries.
 - a. Once standards are agreed upon, it is our responsibility to meet those standards or else face the consequences (Accountability Measures).
 - b. In order to carry out our portion of the partnership, we require information regarding status of the landings. This is to be provided by information that we have agreed to supply to DFW and the SEFSC.
 - c. Dr. Olsen established that it is possible to track landings on a monthly basis while he was at DFW.
 - d. Therefore we do not accept that it can take 2-3 years for landings data to become available and we think that the current document should include a requirement for in-season notification before any accountability measures can be implemented. Management of these resources should place obligations on all involved parties not just the fishermen.

Thank you;



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