



St. Thomas Fishermen's Association

Protecting our Natural Heritage and Culture

August 18, 2009

Mr. Miguel Rolon
Executive Director
Caribbean Fishery Management Council
268 Muñoz Rivera Ave., Suite 1108
San Juan, Puerto Rico 00918-1920

Dear Mr. Rolon;

My name is Julian Magras. I am Chairman of the Board for the St. Thomas Fishermen's Association. The following document provides STFA comments on and recommended changes to the CFMC ACL Scoping Document. Please note that our comments only apply to measures affecting the St. Thomas/St. John District and that we have no comments regarding either Puerto Rico or St. Croix.

Introductory Comments:

We note that our prior comments (dated 7/7/2009) have been largely ignored and we question the Council's sincerity in soliciting comments at all.

1. We note that as of 3 August 2009, notice of this meeting was not posted on the Council Website and the documents not available in digital form. Thus we question the legitimacy of this meeting.
2. We note that a number of options included in this document have not been discussed during CFMC meetings and question any process where non-council members can add or delete options without Council approval.
3. We are particularly disappointed that our suggestions that surplus production techniques be used to develop OFL values for the St. Thomas fisheries which could be subdivided into species-specific values have been totally ignored. As we said in those comments-we will not accept any limits which are not derived from the landings data submitted by fishermen since 1974.
4. At a meeting with NMFS and CFMC representative last night, it was suggested that, instead of our surplus production suggestion an OFL/ACL that was arbitrarily derived from landings data might be acceptable. St. Thomas trap landings have been nearly constant at a level approximating MSY for decades so that the STFA might accept such an ACL determination. We would accept an ACL for the trap fishery that was equivalent to the average of the five highest landings values over the past 30 years.
5. We do not support the use of "species groups" shown in the landings forms. Direct comparison of these values with actual port sampling results shows the CCR values to vary wildly between species groups and do not agree with the

- actual port sampling. Thus we require that ACL values be derived from recent (2005 to present) port sampling results on a species basis.
6. We note that the original STFA proposal that ACLs be established on a fishery by fishery basis is included in Action 8. However, this option has never been discussed or voted on in a Council meeting.
 7. We also note that there has been no response to our comment that following the 2005 SFA action, local governments have taken actions which should have eliminated overfishing. Additionally continues the assumption that “overfishing” occurs uniformly over the three districts. This needs to be addressed and species which were determined as “overfished” need to be reconsidered.
 8. No consideration has been given for the extensive closures on the St. Thomas shelf. These closures (the Virgin Islands National Park, the Virgin Islands Coral Reef National Monument, Hind Bank MCD, Grammanik Bank Closure and Grouper and Snapper Seasonal Closures. These all represent areas which could have contributed to St. Thomas Landings. There should be an additional amount credited for these closures to any estimates of OFL/ACLs. This amount could be credited against any “uncertainty” adjustment.
 9. Finally, the Council is operating completely outside of legally established guidelines for establishment of ACLs which require SSC input. Thus, this entire process fails to comply with MSRA procedures and is probably illegal.

Comments on St. Thomas/St. John Scoping Document Proposals

Action 1: Amending the Stock Complexes in the Reef Fish Management Unit.

We continue to state that species-specific values can be developed for the St. Thomas/St. John district, using historic landings data and recent port sampling. Thus our preferred position is that there be no species stock complexes unless the CFMC accept our contention that the St. Thomas/St. John resources be managed on a fishery by fishery stock complex which combines all of the affected species.

Thus we do not support any of the alternatives provided.

Action 3: ACLs for Parrotfish Unit 1 and Parrotfish Unit 2.

We propose that the Parrotfish Units be eliminated and actions taken by species following the surplus production approach outlined in our prior statement. We propose that interim ACLs for each species be set by this method which will be revised following availability of data from the revised data management program.

Action 4: Annual Catch Limits for Grouper Unit 4.

Comment: “Overfishing” for this unit was based upon the presence of a spawning aggregation fishery in St. Thomas. Our estimate is that annual landings of yellowfin groupers from this fishery were about 15,000 lbs. The spawning aggregation fishery has been closed since 2005 and an additional 3 month seasonal closure implemented. Our current estimate of St. Thomas/St. John landings for yellowfin grouper (*Mycteroperca*

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venenosa) are less than 10,000 lbs annually. Thus, the SFA actions have led to a 60% reduction in landings. The remaining species in this group are highly suspect for Ciguatera poisoning in St. Thomas and are not fished. We have repeatedly raised this point at Council meetings and been ignored.

We propose that this group be removed from over fished status and that OFL/ACLs be developed next year for each species in this group to be set by this the surplus production/recent TIP sampling method and that these will be revised following availability of data from the revised data management program.

Action 5: Annual Catch Limits for Snapper Unit 1.

It is our understanding from the last council meeting that the status of this species group is going to be changed to “Unknown Status”. However we feel that any St. Thomas/St. John ACL should recognize that this fishery is largely unfished. Thus, while current landings shown in 2005 and Present port sampling can be used to establish the proportional species representation, they cannot be used to set an ACL since this is an under utilized fishery in St. Thomas.

We propose that No ACL should be set for any of these species in the St. Thomas/St. John district until the new data collection program can establish whether or not a stable fishery has been established.

Action 6: Annual Catch Limits for the Recreational Sector.

Given the near-complete absence of data on landings and targeted species we recommend that the St. Thomas/St. John recreational sector quota be set at no more than 10% of the commercial ACL for any species.

Action 7 Accounting for Uncertainty.

There has been no description of methodologies to be employed for determining uncertainty other than to say “the SEFSC will determine uncertainty”. It is our opinion that any proposed reduction from OFL should be offset by the lost production from closed areas and should lead to low uncertainty and, consequently ACLs that are close to OFL values.

However, until we can be presented with the methodology whereby these determinations will be made we can only support Alternative 1 (No action. Set the ACL at the level specified in the previous sections).

Action 8: Alternative Methods for Reducing Fishing Mortality and Establishing ACL Proxies.

We understand from the last CFMC meeting that the proposal for closure of shelf areas is no longer an option under consideration.

We note that Alternative 3 (Establish ACLs by Sector) is basically the STFA proposal for management by fishery sector. There has been no discussion of this within the Council except for dismissal by NMFS. We would support such an approach following discussions with NMFS to make certain that their analytical results are consistent with our own.

We also support the option presented by the STFA at the 130th CFMC meeting to “Work with fishermen to develop measure to reduce fishing mortality towards F_{msy}.”

Action 9: Permits.

In general, we support the idea of Federal Permits. However, until such time as details are presented, we can only support the No Action Alternative (1). Details should include:

1. Relationship to Territorial Permits.
2. Methods for enforcement.
3. Procedures for obtaining permits.
4. Requirements, eligibility and methods for limited entry management.

Action 10: Monitoring and Enforcement of Annual Catch Limits.

We note that none of these alternatives are entirely consistent with the proposals currently under consideration by the Data Workshop.

We support the option presented by the STFA at the 130th CFMC meeting to “Work with fishermen and the SEFSC to develop a data collection form to be used in future data collection efforts adequate to meet ACL monitoring requirements.”

Action 11: Accountability Measures.

We do not feel that there has been adequate discussion of what, exactly, constitutes “Accountability Measures”. Thus, agreeing to conditions under which they might be imposed seems premature and we can only support Alternative 1 (No Action).

At the same time, the STFA recognizes that Accountability measures are a required part of the MSRA and remains willing to enter into discussions regarding such measures and the conditions under which they might be imposed.

We do feel that any accountability measure which might be triggered by over running an ACL should also take into account years in which landings were below ACL levels. Some of this is addressed by the proposed averaging schemes.

Action 12: Allowable Gear for Reef Fish.

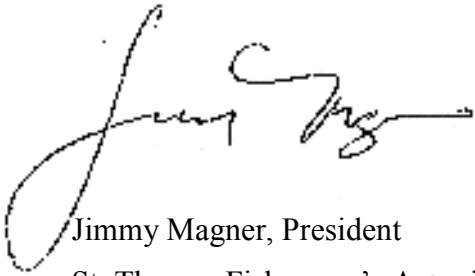
We do not wish to see spear fishing with SCUBA as a commercial technique in St. Thomas. Thus we oppose any actions which might open the door for such a fishery.

Thus we must support Alternative 1 (No Action).

Action 13: Establish Framework Measures for ACLs and AMs in the Reef Fish FMP.

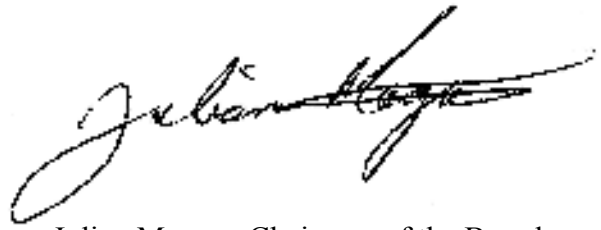
This is nothing but Council jargon and we are unclear regarding what these are. **Therefore we must support Alternative 1 (No Action).**

Thank you;

A handwritten signature in black ink, appearing to read 'Jimmy Magner', with a large, sweeping initial 'J'.

Jimmy Magner, President

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A handwritten signature in black ink, appearing to read 'Julian Magras', with a large, sweeping initial 'J'.

Julian Magras, Chairman of the Board

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