



St. Thomas Fishermen's Association

Protecting our Natural Heritage and Culture

December 5, 2010

Hon. Gary Locke
U.S. Department of Commerce
1401 Constitution Ave., NW
Washington, DC 20230

Dear Secretary Locke;

We are writing to object to the process and result of setting Allowable Catch Limits by the Caribbean Fishery Management Council (CFMC).

While we recognize that the CFMC and the Southeast Regional Office of the National Marine Fisheries Service (SERO) are under pressure to establish ACLs for species that they have determined to be overfished by the end of this year, we maintain that they do not, in fact, satisfy certain national standards for setting ACL values. Additionally they are not addressing overfishing in several areas under their jurisdiction.

First and most importantly the CFMC are not addressing **National Standard 1** which requires prevention of overfishing.

In the case of Puerto Rico, overfishing has been documented in numerous studies. The United States Coral Reef Task Force (2005) reported that "Reef fisheries in Puerto Rico's coastal waters have plummeted during the last two decades. It is important to take action in order to revive and attempt to sustain a healthy fishery for the future. Effective fisheries management directed towards restoring coral reef health and the fisheries supported by these reefs is the aim of this focus area." This is apparently the position of the Puerto Rican Government as the then CFMC representative from Puerto Rico is the contact person for this report.

Despite this, the CFMC established ACLs for Puerto Rico's grouper, snapper and parrotfish which were above current landings. There is no possibility that these actions can be considered to address overfishing in Puerto Rico.

In the case of St. Croix, landings have been radically increasing over the past two decades until landings in St. Croix reached 12,000 lbs/nm² in (contrast to 800 in Puerto Rico and 1800 in St. Thomas.) Conch landings reached 6 times estimated MSY, forcing the Territory to institute its own quota in 2007. The CFMC has yet to address this problem in Federal waters and the fishery there continues to be unregulated there.

ACL values set for St. Croix should result in reductions there but because of the rapid increase, it is likely that they will still result in overfishing.

The data upon which these actions are being taken do not represent the best available scientific data as required in **National Standard 2**. Virgin Islands landings data have been available since 1974 and port sampling since the early 80s. These were all

collected, and reviewed under funding from the NMFS South East Fisheries Science Center (SEFSC) throughout this entire period. Following passage of the Magnusan Reauthorization the SEFSC determined that none of these data could be used in setting ACLs. They have not addressed the fact that any problems in the data should have been addressed by them throughout this period.

Despite this, the ACL values were set based upon the most unreliable aspect of these data (reported landings by family group). When paired port sampling and landings data are compared it was found that St. Thomas fishermen were under reporting grouper landings by nearly 50%, snapper landings by 27% and over reporting parrotfish landings by 50%. Thus the ACL values are inappropriate to actual landings.

Development of these ACLs never included analysis such as this of the port sampling data by the SEFSC. The port sampling data involved actual measurements by government officials and should have been an important part of setting ACL values.

In Puerto Rico, only 50% of the fishermen report at all and yet the SEFSC has no problem in using their data.

We also object to the fact that the CFMC simply ignores the **National Standard 4** requirements that management actions not discriminate between representatives of different states. There can be no clearer evidence that the current ACLs which have no impact upon Puerto Rico (where overfishing is well documented) but which require significant reductions in Virgin Islands landings.

The CFMC over its 34 years of existence has only had 2 Virgin Islands employees. Its economic impact favors Puerto Rico by a factor of 5 to 1 even though 89% of CFMC jurisdiction is in areas fished by Virgin Islands fishermen. The CFMC is basically a Puerto Rican organization that makes rules for Virgin Islands fishermen.

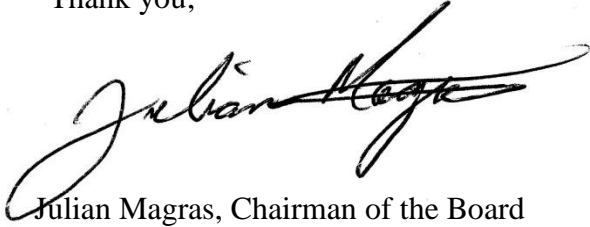
Finally, **National Standard 8** requires that “Conservation and management measures shall, consistent with the conservation requirements of this Act (including the prevention of overfishing and rebuilding of overfished stocks), take into account the importance of fishery resources to fishing communities by utilizing economic and social data....” SERO socio-economic studies have established that both St. Thomas and St. Croix meet the requirements for designation as “Fishing Communities”.

We have been working with our Delegate to Congress since 2005 to achieve such designation. The SERO Regional Director has, at every turn thwarted that effort. This does not change the fact that both St. Thomas and St. Croix have a deep cultural attachment to the local fishery and seafood. This attachment is clearly not understood by either the CFMC nor NMFS and has led to a very antagonistic situation that does not benefit fishery management in the Region.

It is this final point which I wish to address. The St. Thomas Fishermen’s Association supports management of our resources. We are carrying out federally funded studies to reduce bycatch, address lost traps, reduce trap numbers and understand ciguatera fish poisoning. We worked to involve ourselves in the Council process only to be met with

Dictatorial, top-down inappropriate rejection of our input. This will neither benefit the NMFS/CFMC effort or the resources and needs to change.
Thank you for your consideration of our comments.

Thank you;

A handwritten signature in black ink, appearing to read "Julian Magras". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

Julian Magras, Chairman of the Board
St. Thomas Fishermen's Association
8168 Crown Bay Marina, Ste. 310, PMB 379
St. Thomas, USVI 00802

cc. Hon. Donna Christensen