

To express the Legislature's opposition to the closure of any additional fishing grounds in the Virgin Islands, to include but not be limited to the proposed amendments to the Virgin Islands Fishery Management Plans, a result of the federal Magnuson Act.

Senator Louis Patrick Hill

**WHEREAS**, the Caribbean Fishery Management Council (CMFC), announced in its Draft Amendments to the Fishery Management Plans (FMP) of the Magnuson-Stevens Fishery Conservation and Management Act:

1. Amendment 2 to the FMP for the Spiny Lobster Fishery of Puerto Rico and the U. S. Virgin Islands;
2. Amendment 1 to the FMP for the Queen Conch Resources of Puerto Rico and the Virgin Islands;

3. Amendment 3 to the FMP for the Reef Fish Fishery of Puerto Rico and the Virgin Islands; and

4. Amendment 2 to the FMP for the Corals and Reef Associated Invertebrates of Puerto Rico and the Virgin Islands, dated 26 October, 2004, the intent to pursue additional closures to traditional fishing grounds in the waters of the Virgin Islands; and

**WHEREAS**, the Virgin Islands fishing industry and by suit, all Virgin Islands residents, have already been severely impacted in the closure of fishing grounds due to the National Park closures, (Dept. of Interior), prior Caribbean Fisheries Management Council closures, National Coral Reef Monument closures (Dept. of Interior), and the proposed Virgin Islands Marine Park No Take Zones; and

**WHEREAS**, the members of the Legislature learned to their dismay that data from Virgin Islands fishermen landings reports that were collected in the Virgin Islands had been ignored, and other factors such as non-point source pollution, land use, general land based pollution, and tanker anchoring were being ignored; and

**WHEREAS**, the Magnuson Act sets forth ten national standards that must be followed in developing any Fishery Management Plan, the Secretary of Commerce published broad guidelines to assist the Fishery Management Councils in the development of FMP, and these standards and guidelines were generally ignored when the proposed closures were developed; and

**WHEREAS**, the proposed closures are overly restrictive to Virgin Islands fishermen when compared to Puerto Rico's proposed closures and create inequity in two neighboring fishing industries; and

**WHEREAS**, additional closures will threaten the survival of Virgin Islands fishermen, and create overfishing where none existed before by crowding fishermen into the remaining areas of the Virgin Islands shelf; and

**WHEREAS**, additional restrictive management will degrade Virgin Islands' sovereignty over its submerged lands, submerged lands that were conveyed in title and interest in Public Law 93-435, 48 U.S.C. 1705; and

**WHEREAS**, the Legislature asserts that the CFMC proposals can be considered to be inconsistent with any of the national standards but that specifically, the following information should have been taken into consideration before planning for any additional restrictive management:

The Magnuson National Standard 1 which states, **“Conservation and management measures shall prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery of the United States Fishing Industry”**, has generally been ignored, evidenced by the fact that overfishing has not been demonstrated, even though data exists for these analyses and there is a blind commitment by the CFMC to closure without proper consideration of sustainable yield and community impacts.

The Magnuson National Standard 2 which states, **“Conservation and management measures shall be based upon the best scientific information available”**, has generally been ignored as papers from the Virgin Islands National Park scientists and a report from the 9<sup>th</sup> International Coral Reef Symposium clearly indicate that 50 years of closures have not worked and that the National Park has not proved to be a refuge for reef fish, and that their relative abundance, species richness, species

composition and number of fish in traps are similar inside and out of the National Park boundaries, while conch and lobster have decreased in abundance and/or size. In addition, Virgin Islands fishermen have been submitting landings reports since 1974 and these data have been ignored by the CFMC in formulating their proposed plan.

3. The Magnuson National Standard 4 which states, **“To the extent practicable, an individual stock of fish shall be managed as a unit throughout its range, and interrelated stocks of fish shall be managed as a unit or in close coordination; Conservation and management measures shall not discriminate between residents of different states. If it becomes necessary to allocate or assign fishing privileges among various United States fishermen, such allocation shall be fair and equitable to all such fishermen, reasonably calculated to promote conservation, and carried out in such manner that no particular individual, corporation, or other entity acquires an excessive share of such privileges”**, have generally been ignored as Virgin Islands fishing closures are five times greater than those proposed for Puerto Rico.

The Magnuson National Standard 8, which states 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 in order to (A) provide for the sustained participation of such communities, and (B) to the extent practicable, minimize adverse economic impacts on such communities”**, was not considered in so much as the proposed measures threaten the very viability of the Virgin Islands fishing industry, its participants and their families and the community which depends upon them.

**WHEREAS**, the federal government's decision to regularly decrease available fishing areas in the Virgin Islands without proper consideration of the importance of fishing resources to our fishing communities will have an adverse economic and social ramifications; Now, Therefore,

**BE IT RESOLVED** by the Legislature of the Virgin Islands:

**SECTION 1.** That for the reasons set for in the above Resolution, the Legislature of the Virgin Islands, on its own behalf, and on the behalf of the people of the Virgin Islands, hereby expresses its disappointment with the Secretary of Interior's plan to initiate additional closures of fishing grounds in the Virgin Islands thereby adversely impacting the economy and social order of the Virgin Islands.

**SECTION 2.** Copies of this Resolution shall be forwarded to the President of the United States; Delegate to Congress, Donna Christian Christiansen; the Secretary of Commerce, Donald L. Evans; and the Secretary of the Interior, Gale Norton.

### **BILL SUMMARY**

Section 1 of the bill expresses the Legislature of the Virgin Islands' disappointment at the Department of Interior's closure of additional fisheries in the Virgin Islands.

Section 2 mandates the transmittal of this Resolution to certain federal officials.

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