



June 5, 2009

Mr. Eugenio Piñero-Soler, Chairman  
Caribbean Fishery Management Council  
268 Muñoz Rivera Ave., Suite 1108  
San Juan, Puerto Rico 00918-1920

Re: Scoping for 2010 ACL deadline

Dear Chairman Piñero-Soler,

On behalf of the Pew Environment Group's Ending Overfishing in the Southeast Campaign, thank you for the opportunity to provide input regarding the establishment of annual catch limits (ACLs) and accountability measures (AMs) for the fisheries of the U.S. Caribbean. Pew Environment Group is the conservation arm of the Pew Charitable Trusts. Our aim is to strengthen environmental policies and practices in ways that produce significant and measurable protection for the natural environment and the rich array of life it supports.

We are pleased to see the Caribbean Fishery Management Council (Council) moving ahead with amendments to the appropriate fishery management plans to comply with the reauthorized Magnuson Stevens Fishery Management and Conservation Act (MSA). In 2006, Congress mandated an end to overfishing in all US waters by 2010. We recognize that this is no easy task, and that the Caribbean Council faces particular challenges. We believe that all of the necessary data and structure is before you, however, and all that is necessary is the foresight and dedication of this body to conserve the public trust resource of our fisheries for generations to come.

#### **Accounting for Uncertainty**

Accounting for both scientific and management uncertainty is the backbone of the reauthorized MSA. We believe the Council has developed a good range of alternatives to account for scientific uncertainty. However, management uncertainty must also be accounted for through the use of an annual catch target. We urge the Council to be highly precautionary in this action, as the state of fisheries information in the region does not allow for a risk-prone style of management.

#### **Annual Catch Limits for Species Undergoing Overfishing**

We are supportive of managing the exclusive economic zone (EEZ) and territorial waters as an integrated area. However, species undergoing chronic overfishing should not have their allowable catch increased without proper scientific justification. An example of this is the

proposal to base the queen conch ACL on the 90,000 lbs. average landings, when those landings were overfishing by 80%. The option to utilize a 50,000 lbs. ACL for St. Croix is a better option, but is not a sustainable level of catch for this species that is chronically and severely overfished. This makes it all the more imperative that the Regional Administrator have the authority to close the season when the ACL is met.

At the March CFMC meeting, the Science and Statistical Committee (SSC) representative expressed concern over the status and vulnerability of the proposed parrotfish unit 2. As such, it would not be appropriate to include Unit 2 in the Unit 1 ACL, as it is not consistent with the SSC recommendation to afford extra protection to the Unit 2 stocks. Again, we feel it is not appropriate to base an ACL on average landings when a stock is undergoing overfishing (as are all species affected by this amendment). The SSC recommended that there be no catch of parrotfish unit 2, and the Council's management decision must be based on the informed scientific judgment of the SSC.

### **Annual Catch Limits for the Recreational Sector**

We are pleased to see the Council moving forward with this crucial part of the reauthorized MSA. The expanding recreational fishery does need limits and buffers, whether those are derived from the best available Marine Recreational Fishing Statistics Survey (MRFSS) data or appended to the commercial fishery. We believe that either option will serve the purpose of limiting the recreational fishery in the same way that the commercial fishery is being limited, which is a necessary step to comply with the legal requirement to end overfishing.

### **Accountability Measures**

Accountability measures are required by the Magnuson-Stevens Act. The Council and staff have developed a good range of alternatives for accountability measures. For each of these measures, the territorial governments should consent to align their regulations to the federal regulations. If they do not, then complete closure of the EEZ to certain species may be a good option. In addition, we feel that the Regional Administrator should have closure authority for all fisheries as one accountability measure. The National Standard 1 guidelines stipulate that fishery management plans should give National Marine Fisheries Service (NMFS) in-season closure authority to prevent overfishing, and the Council should include this and other in-season management measures (where possible).

### **Amending the Stock Complexes in the Reef Fish Fishery Management Unit**

We are supportive of measures recommended by the Council's Annual Catch Limit Working Group (ACLG) and the Council's SSC to make the complexes more reflective of common life history characteristics. This is consistent with the best scientific information available. (Shertzer & Williams, 2008). However, alternative 3 for this action mentions designating species as ecosystem component species (ECS) in order to avoid setting ACLs. NMFS guidance states that ecosystem component species must be species "not in the fishery" and no appreciable amount of ECS may be retained for any purpose. Given the relative lack of detailed catch data, it is difficult to imagine the scientific basis for removing a species from the management unit or designating it as an ecosystem component species. The SSC must recommend any such changes based on scientific evidence.

**Alternative Reduction Methods: Area Closures**

The best available scientific information suggests that large closed areas may be the most effective management solution in the Caribbean region. (Appeldoorn, 2008) Existing closed areas are working (Nemeth, 2009), and we feel that it is potentially a workable long-term solution to increase the size and value of the Caribbean's fisheries. Ideally, the federal and territorial governments can work together to establish meaningful closed areas both in the EEZ and in territorial waters. However, larger closed areas in the EEZ may be the best available option to control fishing mortality, particularly of some of the more sensitive deep-water species like Nassau grouper. It should be noted, however, that non-engagement by the territories would create closed areas of limited value for shallow-water reef fisheries.

It is clear that delaying fisheries cuts only worsens the hardship on fishermen and local economies, and that short term economic losses cannot preclude a long-term sustainable fishery. We look forward to working with you throughout this amendment process so that our islands' fishery resources are sustainably managed. Thank you for your time and consideration.

Sincerely,

A handwritten signature in purple ink that reads "Sera Drevenak".

Sera Harold Drevenak  
Senior Policy Analyst  
Ending Overfishing in the Southeast  
Pew Environment Group