

THE HOUSE SUBCOMMITTEE ON INSULAR AFFAIRS

Testimony by

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FISHERY MANAGEMENT COUNCIL

July 9, 2007

RE: H. R. 59 – To convey certain submerged lands to the Government of the Virgin Islands and for other purposes

Honorable Congresswoman Donna Christensen and Honorable members of the House Subcommittee on Insular Affairs, I am Viridin C. Brown, Vice Chair of the Caribbean Fishery Management Council (CFMC). The CFMC was established by the Magnuson-Stevens Fishery Conservation and Management Act of 1976 which has recently been amended and reauthorized by Public Law 109-479 in January, 2007. I am a resident of the U. S. Virgin Islands and have served as Chair of the Council at various times. Here with me today is the current CFMC Chair, Eugenio Pinero, and Miguel Rolon, our Executive Director. We are pleased to have the opportunity to review and comment on H. R. 59.

The CFMC takes no position on the legality or the appropriateness of the conveyance of the submerged lands identified in H. R. 59 and the extension of the seaward boundary of the Virgin Islands to twelve (12) miles. We assume that this proposed 12 mile extension will be subject to other legally recognized international boundaries and state or territorial waters of the Commonwealth of Puerto Rico. However, we are concerned about the impacts that these proposed boundary extension will have on several marine protected areas (MPAs) that have been established by CFMC under fishery management plans (FMPs) that have been approved by the U. S. Secretary of Commerce in accordance with the Magnuson-Stevens Act (MSA) in the Exclusive Economic Zone (EEZ) of the United States Caribbean Waters. I have submitted copies of charts that depict the locations of the MPAs near St. Thomas (The Red Hind Bank MCD and Grammanik Bank) and near St. Croix (The Red Hind and Mutton Snapper Areas – seasonal closures).

We believe that it is important to raise several questions about the application and enforcement of the legislation if it becomes law. They are the following:

1. Is it the intention of H. R. 59 to dissolve the MPAs established by the FMPs approved the Secretary of Commerce under the MSA? They protect vital marine resources.
2. Will the management guidelines for each MPA be continued and enforced by the Government of the U. S. Virgin Islands?
3. What kind of enforcement regime is contemplated if the MPAs are continued in effect? Who will do the enforcement?

4. The imaginary boundary lines proposed for the western and eastern boundaries of the submerged lands to be conveyed to the Government of the Virgin Islands may not be easily enforceable since they seem to suggest the use of line-of-sight to determine locations. Perhaps it would be helpful to include coordinates to make it easier to determine when a person or vessel is operating within V. I. Territorial Waters or in the U. S. EEZ.

These matters are not made clear in H. R. 59. We respectfully request that we be apprised of proposed amendments that may be developed to clarify any of these issues.

We sincerely thank you and the members of the Subcommittee for the opportunity to offer our comments.