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GOVERNMENT OF THE VIRGIN ISLANDS OF THE UNITED STATES

DEPARTMENT OF PLANNING AND NATURAL RESOURCES

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April 21, 2009

Miguel Rolon, Executive Director
Caribbean Fishery Management Council
268 Munoz Rivera Avenue, Suite 1108
San Juan, Puerto Rico 00918-1920

**RE: REQUEST FOR EMERGENCY CONCH FISHERY CLOSURE OF FEDERAL
WATERS OF LANG BANK, ST. CROIX, MAY 1 THROUGH OCTOBER 31, 2009.**

Dear Mr. Rolon:

The 2007 Magnuson-Stevens Reauthorization Act established a mechanism for specifying annual catch limits, implementing regulations, or annual specifications, at a level such that overfishing does not occur in a fishery, including measures to ensure accountability. Congress has set a deadline to establish catch limits for all fisheries experiencing overfishing by 2010 and 2011 for all other fisheries. In the U.S. Caribbean, resources considered overfished or undergoing overfishing include queen conch, Nassau grouper, parrotfish, Grouper Unit 4 and Snapper Unit 1.

To eliminate overfishing of queen conch (*Strombus gigas*), the Territory enacted the following regulations in June 2008:

1. Limit the annual harvest to 50,000 pounds meat weight in St. Croix and 50,000 pounds in St. Thomas/St. John. Thereafter, the season will be closed until November 1 of that year.
2. Limit the daily commercial harvest to 200 conch per boat and six conch per day per recreational fisher/not to exceed 24 conch per boat per day.
3. Establish a closed season from June 1 to October 31 annually.
4. No possession of queen conch during the closed season.
5. All conch must be landed and reported in the district from which they were harvested.
6. Minimum size of 9-inch shell length or 3/8-inch lip thickness.

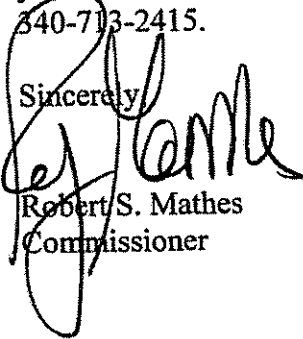
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7. No harvest of undersized conch.
8. No possession of conch meats smaller than two per pound un-cleaned or three per pound cleaned.
9. No disposal of shell at sea before landing. Taking conch to offshore cays and islands for the purpose of removing the meat from the shell is prohibited. Transport of conch meat out of shell over open water is prohibited.
10. No sale of undersized conch shell or meat from undersized conch.
11. No sale of imported conch meat unless shipment is accompanied by a CITES export permit and shipment has cleared U.S. Customs at an official Port of Entry.
12. No possession or sale of fresh or preserved (frozen, salted or treated in a chemical solution) conch fifteen days after the start of the closed season.

The St. Croix conch harvest has exceeded the 50,000 pound quota and the season will be closed for six months in territorial waters from May 1 through October 31. However, under present conch regulations for federal waters of Lang Bank, east of St. Croix, fishers may continue to harvest conch until the seasonal closure of June 1 through August 31. Enforcement of fisheries regulations in territorial and federal waters is limited at best and the lack of compatible regulations further complicates resource protection. To ensure the protection of this valuable resource, I wish to request an emergency fisheries closure be enacted for the federal waters of Lang Bank that would establish a closure of the conch harvest from May 1 through October 31, compatible to the closure in territorial waters.

Thank you for your attention to this important matter. I look forward to your response. Should you need additional information, please contact William Tobias, Division of Fish and Wildlife, at 840-713-2415.

Sincerely,



Robert S. Mathes
Commissioner