

We read with interest in the Wednesday 20 March 2013 issue of the Caymanian Compass the article entitled “Marine Conservation Board stripped of autonomy”. We feel obligated to respond in order to set the record straight, and to prevent the public from being misinformed by the inaccuracies contained therein.

We do not object so much to the proposed three year tenure of members, insomuch that at least some philosophical continuity should be preserved, as opposed to a complete turn-over of membership, which may only serve to negate any previous accomplishments. The Marine Conservation Board **cannot** amend the marine conservation law and regulations. Amendments to the law can only be made by the Legislature, and amendments to the regulations can only be made by Cabinet.

Since 1978, the law has required that the decisions of the Board be put into effect by Directives which must be gazetted. These Directives (eg. conditions of various licenses) are subsidiary to the law and regulations.

The quote “*Certain sections of the law allow the board to publish and gazette and to suspend or change certain sections of the law on their own*”, applies only to one section of the law. Though there have been successive reviews of the law and regulations by legislators since 1978, no changes to the authority of the Board was made until 11th January 2002, when the legislature passed the amendment to the law which empowered the Board to change or suspend activities within the designated grouper spawning areas. This amendment followed quickly on the heels of public outcry regarding the wanton destruction of over half of the last healthy spawning aggregation of Nassau grouper within the two brief spawning seasons of 2001 and 2002, when approximately 4000 grouper were taken (from what was once an approximately 7000 strong school) in approximately 20 days.

The Board, however, was not made aware of the amendment until some months after it was gazetted.

The Board took the initiative in gazetting the 8 year ban on grouper fishing, because it assumed from this new amendment, that it was the wish of legislators that the Marine Conservation Board make the decisions needed in relation to protecting what was left of Cayman’s spawning grouper population. As the initial ban approached its expiry date, attempts were made to meet with the relevant executive authority responsible for the environment, who, in March of 2011, requested a presentation to Caucus. This was cancelled however, and several subsequent, unsuccessful attempts to meet were made.

As time had essentially run out, the Board implemented a second consecutive 8 year ban. Had it not done so, fishing would have resumed at a level which would have further decimated what was left of the spawning aggregation, making it unlikely that the population would ever recover. Had we waited any longer, it would have been too late.

This is a perfect example of why the directives serve as a mechanism to effect crucial, and timely responses in dealing with urgent and immediate problems concerning living

environmental resources, which, by their nature, do not respond favorably to our abstract time table.

The Board's written response of 2nd November, 2011, to petitions from fishermen of Cayman Brac and Grand Cayman requesting that grouper fishing at the spawning areas be allowed to resume, can be made available on request, or accessed online at "<http://www.doe.ky/about/boards-committees/marine-conservation-board/>".

The discussion on changing the law and regulations pertaining to spear guns was mere rhetoric. Spear fishing can hardly be claimed as a 'heritage' of the Caymanian people. It is a word so often nowadays conveniently bantered around in defense of some particular environmental interest.

The assertion that "...the law strictly limiting possession of spear guns in Cayman had been put in place to protect marine life from the 1 or 2 per cent of persons who would be lawbreakers", is not why the regulations were put in place. Notwithstanding that lawbreakers would not license their spear guns anyway (and could conceivably be contained by adequate enforcement), it is the activity of spear fishing itself which is the problem.

Like grouper fishing during the spawning season, spear fishing, by a growing population, on a very limited island shelf, is unsustainable.

Both will eventually exterminate themselves at the expense of the fishery they are based upon, and therefore at the expense of the true heritage of the Cayman Islands people, namely, the long term availability of these marine resources for generations to come. Should this heritage be squandered on the transient few who wish to make a quick, easy, lucrative catch of grouper, or engage in the fun sport of spear fishing?

Anyone wishing to spearfish should avail themselves of the Lionfish course and spears offered by the DOE, whereby the activity would be of benefit to the reefs, rather than further deplete our already stressed marine life at the expense of future generation

In June of 2007, a comprehensive synopsis of the spear gun issue was sent to the C.I Spearfishers Association, Environment & Tourism Minister, Leader of Government Business, Collector of Customs, Commissioner of Police, and the Director of the DOE. This document can be obtained on request, or can be accessed online. It is unfortunate that the third to last paragraph of the letter now seems to be coming true.

We will not reiterate any of its content here except to say that the regulations pertaining to spear guns, and passed by legislators at successive intervals, was born of public concern, a concern, which to date, has been somewhat alleviated due to the current regulations. We welcome the suggestion that spear gun licensing be subject to the same conditions as that of firearms, as it would no doubt help in our endeavor to restrict spear guns even more. Lastly, the public is reminded that the possession of a spear gun without a license is illegal.

We agree with the legislation on the stingrays, having brought it to the attention of the government several years ago. However, while we are not bemused at the timing of these particular recent amendments, ‘piggy-backed’ onto the stingray legislation, we find it truly unfortunate that the recently proposed amendments (September 2012) that would afford long term protection for the Nassau grouper, were not deemed worthy of consideration by the Legislative Assembly at this time.

Like the word “heritage”, in reference to environmental concerns, the reference to “..Striking a balance...” is also rhetoric, since there has essentially been no change in the law to since January 2002, to positively benefit our increasingly stressed natural resources.

Lastly, the current Board members are committed to their task in the conservation of the marine environment for both this, and future generations. Since 1995, all members have discharged their duties without availing themselves of the statutory \$25 attendance fee in consideration of the relatively small annual budget of the Dept. of Environment from which it is derived.

We view this move to reduce the capacity to manage and preserve our only truly controllable, economically valuable asset, the environment and its resources, upon which these islands were founded, as a retrograde step. Despite this, we are heartened to note that the topic of the environment is already being discussed leading up to the next elections, and trust that it will get the attention that is urgently needed.

Yours truly,

The Marine Conservation Board