

Caribbean Fishery Management Council

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Management Update – March 2005

Essential Fish Habitat Amendment

The CFMC has approved the EIS for the “Generic Essential Fish Habitat Amendment to: Spiny Lobster Fishery Management Plan, Queen Conch Fishery Management Plan, Reef Fish Fishery Management Plan, and Coral Fishery Management Plan for the US Caribbean” (Generic EFH). The Generic EFH Amendment describes and identifies essential fish habitat (EFH) and habitat areas of particular concern, and minimizes to the extent practicable the adverse effects on fishing on EFH. The EFH alternatives were developed and evaluated in the FEIS for the Generic EFH Amendment and the notice of availability of the Record of Decision associated with the Generic EFH FEIS was published in the *Federal Register* on May 25, 2004 (69 FR 29693).

The Generic EFH includes regulations to protect essential fish habitat that will go into effect when the “Draft Amendment to the Fishery Management Plans (FMPs) of the U.S. Caribbean to Address Required Provisions of the Magnuson-Stevens Fishery Conservation and Management Act” (SFA DEIS) is approved and the fishery management plans are amended. The SFA DEIS includes the following new regulations to protect essential fish habitat:

- Requires a new anchoring technique for sand anchors to allow the anchor to be removed with minimal damage to habitat.
- Prohibits the use of certain recreational and commercial fishing gears (i.e. pots/traps, gill/trammel nets, and bottom long lines) year-round in seasonal area closures. These gears are known to have at least some adverse impact on coral reefs.
- Requires buoys on every individual trap or buoys at the beginning and end of strings of traps. Buoys reduce the need to use a grapple hook to find traps.

Sustainable Fisheries Act Amendment

NOAA Fisheries Southeast Regional Office prepared a “Draft Amendment to the Fishery Management Plans (FMPs) of the U.S. Caribbean to Address Required Provisions of the Magnuson-Stevens Fishery Conservation and Management Act” (SFA Amendment) for the CFMC and has revised it several times based on recommendations of the Council and public comment. This Amendment with accompanying SEIS will amend the four CFMC FMPs. These include the FMPs for Spiny Lobster, Queen Conch, Reef Fish Fishery, and Corals and Reef Associated Invertebrates of Puerto Rico and the U.S. Virgin Islands. Also incorporated in this amendment are the preferred alternatives previously adopted by the Council in the Generic EFH Amendment.

A number of recent activities have been carried out by the CFMC in relation to the SFA Amendment. Six workshops for fishers and the general public were held in Puerto Rico and the US Virgin Islands (USVI) in late September and early October 2004 to explain and discuss the management measures being considered under the Draft SFA Amendment as a preamble to public hearings held in November 2004. The workshops were well attended. Fishers expressed concern over the “draconian” management measures being proposed. They were especially concerned in both Puerto Rico and the US Virgin Islands about the proposed year-round area closures. Puerto Ricans fishers felt hard hit because the Government

of Puerto Rico had recently approved revised commercial and recreational fishing rules and regulations that incorporated a number of new far reaching regulations including seasonal closures for certain species, size limits for certain species and bag limits for recreational fishers. USVI fishers were concerned because they felt that they were being doubly hit. Closures of traditional fishing grounds had occurred recently with the implementation of the regulations allowing only very limited fishing in the Coral Reef National Monument south of St. John and no fishing in the expanded Buck Island National Monument. In addition the USVI established the East End Marine Park in St. Croix, which has some proposed areas closures. Now further closures that were particularly extensive on the shelf surrounding St. Thomas and St. John were also being proposed. Fishers felt they were losing their traditional fishing grounds and potentially a traditional way of life

The extent of the concern among commercial fishers in the USVI was so great that fishers in St. Thomas established the St. Thomas Fisherman's Association. This was the first organized commercial fisherman's association in St. Thomas for many years. The association lobbied the Governor, the Delegate to Congress, local Senators, and the Commissioner of the Department of Planning and Natural Resources and asked them to come out against the year-round area closures being proposed in the SFA Amendment. As a result of the lobbying efforts of commercial fishers on both St. Thomas and St. Croix, the public hearings were very well attended and extensively reported in the media. Government officials or their representatives came out and spoke against the area closures, as did fishers and the general public.

A joint meeting of the Scientific and Statistical Committee and the Habitat Advisory Panel was held on December 17, 2004, in San Juan, Puerto Rico. One of the purposes of the meeting was to review the scientific basis for the management recommendations in the SFA Amendment as determined at the SFA Working Group meetings held Miami and San Juan. The lack of a quorum at the meeting was brought up by a NOAA representative and discussed. Because of the lack of a quorum it was decided that this would be an informal meeting with members expressing their personal opinions. It was determined that the status of the various Fisheries Management Unit (FMU) subunits (fish species or species groups) was derived from a vote of SFA Working Group participants based on their knowledge of and personal opinion about US Caribbean fish stocks. It was not derived from the commercial fisheries data that had been collected over the years in Puerto Rico and the US Virgin Islands. Members of the SSC/HAP indicated that there was no scientific evidence that yellowtail snapper was at risk. While members had no major objections to the proposed seasonal closures, they felt that the proposed area closures were not appropriate because of the lack of knowledge of what habitat, fish stocks, and spawning aggregations existed within the proposed closed areas.

The Council also received extensive written comment from the public and from government officials from Puerto Rico and the USVI. A CFMC meeting was held January 26-27, 2005 to consider the public comment and to modify the preferred alternatives if information provided by the public and local governments justified this. The outcome of this meeting was major changes to the preferred alternatives. The changes took into consideration the information submitted to the Council from the public regarding the socio-economic impacts of the year-round closures. They also took into consideration the Puerto Rico government's request to implement compatible regulations and comments by fishers and the public at the meeting. The changes are contingent upon the USVI adopting compatible regulations. It was determined that compatible regulations would cause less confusion among fishers and would improve enforcement because the regulations could be enforced on the shoreline.

The new preferred alternatives include (not all inclusive):

1. Prohibit the possession of red grouper, tiger grouper, yellowedge grouper, black grouper, and yellowfin grouper from February 1 through April 30 of each year.
2. Prohibit the possession of black, blackfin, vermillion and silk snapper from October 1st to December 31st of each year.

3. Prohibit the possession of mutton and lane snapper from April 1st to June 30th of each year.
4. Prohibit gill and trammel nets in the U.S. EEZ except for nets used for catching ballyhoo, gar and flying fish. Nets used for harvesting these species must be tended at all times.
5. Prohibit the filleting of fish in Federal waters of the U.S. Caribbean. Require that fish captured or possessed in territorial waters be landed with heads and fins intact.
6. Close the Grammanik Bank to all fishing except HMS species from February 1 to April 30th of each year. The Grammanik Bank is the site of spawning aggregations of yellowfin grouper and other grouper and snapper species.
7. Prohibit the commercial and recreational catch and possession of queen conch in Federal waters of the U.S. Caribbean with the exception of Lang Bank near St. Croix, USVI.
8. Prohibit the possession of Nassau grouper and Goliath grouper year round for specific periods of time or until these species have recovered.

Compatible regulations incorporating the new preferred alternatives are being pursued in the US Virgin Islands. The USVI fishers attending the CFMC meeting in January felt that they made a lot of concessions so that no year-round closures would be established. The St. Thomas Fisherman's Association is strongly promoting these alternatives so that the territorial regulations can be quickly adopted. They realize that approval of these new preferred alternatives is contingent upon the adoption of compatible USVI territorial regulations.

The Puerto Rican government representative objected to some of the preferred alternatives proposed such as moving aquarium trade fish species from management to monitoring only. The Puerto Rico government representative stated that her government wanted these species to be managed because they had territorial regulations for many of these species. Dr. Crabtree, NOAA Fisheries Regional Administrator for the South East area explained that if the Council managed these species, then NOAA Fisheries would be required to establish stock parameters (MSY, OY, etc.) for these species and that they did not have sufficient information to do so. He further stated that states and territories already have authority to manage any species in the EEZ that does not have conflicting federal regulations in federal water. Any vessel registered in Puerto Rican waters must follow the Puerto Rican Regulations in the EEZ if there are no applicable federal regulations. Similarly, any vessel registered in USVI waters must adhere to USVI regulations. There would be a problem only if there were US vessels that fished for aquarium species that were not registered in either Puerto Rico or the USVI. However, in the US Caribbean, as far as anyone knew, this was not a problem. Council members requested that this information was to be included in the SFA Amendment in order to ensure that local government enforcement understood their authority in federal waters.

The CFMC also approved a motion to have a baseline assessment of queen conch and Nassau and Goliath grouper in the US Caribbean and reassessments of these species at least every five years.

The above summary is offered as an example of the open process the CFMC (and other councils) has to follow to fulfill the mandate of the Magnuson-Stevens Act. The CFMC will continue working with the fishers, scientists, government officials and the general public to develop and implement sound management measures that will conserve the marine fishery resources while achieving optimum use of these resources for the benefit of the people that depend on them for their livelihood, including commercial and recreational fishers, and the tourist industry, among others.