

**Florida Keys National Marine Sanctuary
Marine Zoning & Regulatory Review
Shallow Water Wildlife and Habitat Protection
April 30, 2013**

Working Group Meeting Summary

Meeting Agenda

1. Update on progress of the Coral Reef Ecosystem Restoration and Ecosystem Protection working groups
 2. Presentation: Commercial Towing and Salvage in the FKNMS (Steve Werndli, FKNMS and John Coffin, working group member and Coffin Marine Inc.)
 3. Discussion: Issues, concerns and options related to commercial towing and salvage
 4. Discussion: Finalize criteria the working group will use when developing options and recommendations
 5. Discussion and Exercise: Assessment of Wildlife Management Areas and associated access restrictions
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1. Update on progress of the Coral Reef Ecosystem Restoration and the Ecosystem Protection: Ecological Reserves / Preservation Areas and Wildlife Protection working groups.
 - Coral Reef Ecosystem Restoration Working Group:
 - Review draft framework for identifying potential restoration sites, access to sites, and adaptive management of sites.
 - Discuss managing access and scientific means of evaluating sites.
 - Identify potential sites for active coral reef ecosystem restoration.
 - Ecosystem Protection: Ecological Reserves / Preservation Areas and Wildlife Protection Working Group:
 - Discuss working group concept of Ecosystem Protection.
 - Identify potential criteria for identifying zones for ecosystem protection.
 - Review zone performance of Dry Tortugas National Park, Benthic data and fish data from zones in the FKNMS.
 - Next meeting will include information on the science of Fish Spawning Aggregations and habitat data
 2. Presentation: Commercial Towing and Salvage in the FKNMS (Steve Werndli, FKNMS and John Coffin, working group member and Coffin Marine Inc.)

Steve Werndli, Enforcement and Emergency Response Coordinator for the FKNMS, gave a presentation on the history of marine towing and salvage, the types of incidents and how towing and salvage are currently managed in the FKNMS. John Coffin, owner of Coffin Marine Inc. and working group member gave an industry perspective of towing and salvage in the FKNMS and explained the difference between towing and salvage. The presentation can be found here:

<http://floridakeys.noaa.gov/review/shallowwater.html>

3. Discussion: Review of FKNMS regulations that may be triggered/pertain to salvage operations. Options for regulating towing and salvage operations in the FKNMS and how other managed areas (Everglades National Park (ENP) and Biscayne National Park (BNP)) regulate towing operations.
- Consider improvements to timeliness of response to derelict vessel removal
 - Ensure a balanced approach to allow competition, and not discourage new business
 - Define towing and salvage; suggested using Tow Boat US and Sea Tow languages.
 - Discuss potential to model recommendations after existing programs in other Florida National Parks and industry agreed to standards. Further discussion at next meeting.

Morning Public Comment

Public comment was provided by fourteen individuals:

- Barrie McCune, Poseidon Marine Towing, Tow Boat US. Permitting process might not be a problem, problem with the policing of it. If someone is doing something wrong how will it be enforced? Vessels that stay aground a long time do more damage. Person who runs aground should be responsible for the site he created. Lignumvitae channel is inundated with sand from shifting currents. Recommend using sand berm in the channel to repair grounding sites. Vessel owners and operators should be responsible for their damage and will eventually pass the word about fines for damages and repairs.
- Diana McCune : Poseidon Marine Towing, Tow Boat US. No problem with having a permit or regulations. We have a great working relationship with FWC. Private companies and good Samaritans tend to do more damage. Having to wait too long for a response might make grounded vessels power out. Having name and vessel description sometimes isn't enough to track down who was aground. Members of Tow Boat US will wait and do not normally power out.
- Chris Shaffner: Chair of C Port. C Port is a National Association that supports and promotes best practices of the marine towing industry. Through voluntary membership they have established requirements and professionalism. Also involved with other agencies that regulate towing. Bring in someone to select, define and identify best practices for this area. John Coffin has done great but more information is out there. Consider how you are going to enforce new regulations.
- Kevin Freestone: Tow Boat US Big Pine Key, Chair of FKMAR and vice chair of C port. Want- to-bees need to be regulated and enforced. Enforcement of people that don't have best management practices. Would love to set up meetings to discuss the issue further.
- Bill Hicks, Blue Water Marine, South Dade Tow Boat US. Has permit to work in Biscayne National Park (BNP). Wreck removal is different than towing and salvage. BNP permit is a real good permit, goes off of C Port regulations. Need a sticker to operate in BNP and ENP. Couple of paragraphs in permit that could be improved upon.
- Trudy Ferraro: biologist for Pennekamp Coral Reef State Park. Make sure regulations will be same in State and Federal waters. Make it as simple and clear cut as possible.
- Joanna Walczak: Florida Department of Environmental Protection. State law requires you to report a grounding on coral reef habitat within the first 24 hours.
- Ernie Perrencello: Sea Tow Islamorada/ Marathon. Any vessel groundings are reported to FWC or ENP depending on the area. Prop scars do not always result in groundings. Better marking to prevent groundings and prop scarring.
- Greg Tolpin: Adventure Environmental Inc. Agree with everyone that has spoken so far. 99% of vessel groundings in the FKNMS are towed by the people in the room. Nothing is broken. Would be policing people that are already doing a good job.

- Mike Hutchines: Tow Boat US Key Largo. Don't want to see fining of towing companies for damage from groundings.
- Sean Morley: Tow Boat US KW, Member of C port. Do call FWC, USCG when someone is aground. Recent groundings at Sand Key and Cottrell where FWC was contacted. Feel like the current system is working well. Hope it stays as it is.
- Arnaud Girard d'Albissin, Key West Marine Assistance. FWC contact issues. Transferred to Miami, etc. Don't know what to do with drifted vessels. Maybe emergency mooring to put boats that are adrift. Regular meetings with salvor like USCG every 6 months. We could discuss salvage practice- minus trade secrets. Sharing will improve techniques and salvage plan development. Licensing might not be way to go to get rid of "bad" salvors. There was a finding that a federal license was unconstitutional.
- Rich Jones, Senior Administrator, Monroe County Marine Resources. Please keep county in loop regarding this process. County does qualify contractors for derelict vessel removal. Wanted everyone to be aware of this.
- Ben Daughtrey, Dynasty Marine Associates, Inc. and Sanctuary Advisory Council representative. Glad to see everyone from the public involved. Glad you are here.

4. Discussion: Finalize criteria the working group will use when developing options and recommendations (Beth Dieveney)

- Reviewed work sheet with criteria for each category. Draft criteria are include on-line.
- Identified additional overarching guiding principles:
 - Evaluative metrics, both qualitative and quantitative
 - Include framework for adaptive management
 - Review areas that are set aside for reference/ control at regular intervals (i.e. every 5 years).
 - Establish Sanctuary Advisory Council wildlife/ habitat work group

5. Discussion and Exercise: Assessment of Wildlife Management Areas (WMA) and associated access restrictions (Steve Werndli and Beth Dieveney).

Working group reviewed individual maps of existing WMAs, proposed changes to existing zones, and proposed new zones. Discussion focused on resources protection goals of zones, potential access options, and compatible uses, and implementation factors including enforcement and compliance. DRAFT pre-decisional maps can be found on-line, specific items discussed include:

Upper Keys Existing Wildlife Management Areas

- Dove Key: Not a closed area. Buoys denote no motor zone. Some people have been visiting the island. Pennekamp State Park is planning on posting no trespassing. Zones that are proximate should be joined or an access channel should be defined. Focus on having channels marked instead of zone boundaries marked. Possible controlling depth limits.
- Eastern Lake Surprise: No additional Comments

- Rodriguez: proposed changes – somehow restrict people from impacting the habitat.
- Tavernier Key: Add additional buffer or no motor to limit high impact activity
- Crocodile Lake: No further comments

Upper Keys: Proposed New Shallow Water Wildlife and Habitat Protection Zones

- Whitmore bight: Define Limited access and if closure, recommend identifying similar non closed sites for research.
- Rattlesnake Key: Has access point to the island and is privately owned.
- Pigeon Key: Extremely important wading bird nesting. Close proximity to Intracoastal Waterway.
- Barnes Sound. Derelict vessels use, illegal crab trappers, spongers. Good candidate for WMA and would be easy to mark as such.

Middle Keys Existing Wildlife Management Areas

- Snake Creek WMA: relatively new party zone along channel on south side. Good use of channels on south side.
- Cotton Key WMA: New/proposed whale harbor flats bayside. Enforcement issues, important bird nesting. Channel cutting is an issue.

Middle Keys: Proposed New Shallow Water Wildlife and Habitat Protection Zones

- Horseshoe/Ashbey: Clarify park restrictions. Potentially already designated a no combustion zone by Lignumvitae Key State Park.
- Marathon Oceanside: many users coming from shore have to go up on plane and head out. Not sure necessary to wrap all the way around Marathon, potentially only from sisters Rock west. Purpose: protect game fish by establishing idle speed zone. Items of note: this proposal has been discussed in the past, consider following contour lines, ensure allowable uses and intent of zone are clear. Need to consider and address user conflict and use/transit through the zone.
- Moser Channel Banks: Consider intent of each bank having its own zone instead of one large zone. This may not even prevent people from running aground.
- Gulfside Banks: Access channels, important trapping area, specific areas zoned rather than full zones map.

Lower Keys Existing Wildlife Management Areas

- Tidal flat south of Marvin: Suggestion of installing buoys. New party zone on sand spit to the east. Spillover from Snipes.
- Cayo Agua Keys: Safety issue in creeks but area may not be used so heavily for birds.
- East Content Key: Possibly add northern part of East Content Key to WMA. Use as adaptive management zone. High value for fishing. Possible buffer zone.
- East Harbor: Retain no access buffer zone. One of the only Bald eagle nesting islands.
- Horseshoe Key: High white crown pigeon nesting area.

Afternoon Public Comment

Public comment was provided by two individuals:

- Chris Bergh, The Nature Conservancy and Sanctuary Advisory Council representative. , Great to see process moving towards recommendations. Interesting initial discussion about reference areas and sunset clauses. Reference and research areas are two different things. Reference areas are long-term, comparative places with limited activities, so sunseting would be counterintuitive. Research might make sense if research only takes a certain amount of time. Party zone/ i.e Rodriguez – has yet to hear solution to alleviating impacts to party zone. User conflict and a natural resource

degradation problem. Suggested designating areas for fishing/wildlife interaction but not eating/drinking areas.

- Phil Frank, Sugarloaf Key resident. Personal Watercraft issue in the refuges. Boundaries make enforcement a nightmare. Possibly make US 1 the boundary for Jet Skis allowing those with jet skis living north of US 1 permission to transit south. Marvin Key has been a WMA since 1992 but is also a party zone. If you moved the WMA to the northeast you'd get a bigger bang for your buck.

Follow-Up Actions for Working Group Members

1. Review the remainder of the WMA maps looking at: resource protection goals, uses and compatibility, restrictions, size and connectivity and available data.

Decision Items of Note

- No decision items were before the working group at this meeting.
- Working group members agreed to use the draft criteria when identifying zones for shallow water wildlife and habitat protection.