

**Florida Keys National Marine Sanctuary
Marine Zoning & Regulatory Review
Shallow Water Wildlife and Habitat Protection
June 11, 2013**

Working Group Meeting Summary

Meeting Agenda

1. Update on progress of the Coral Reef Ecosystem Restoration and Ecosystem Protection working groups
 2. Discussion and Decision: Working Group General Recommendations Framework
 3. Discussion and Preliminary Decision: Working Group Site Specific Recommendations for the Upper, Middle, Lower Keys, Marquesas and Dry Tortugas.
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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 (Beth Dieveney).
 - Coral Reef Ecosystem Restoration Working Group:
 - June 12 is the final meeting for this working group.
 - Drafting general recommendations to put before the Sanctuary Advisory Council.
 - Capturing purpose and intent for restoration zones.
 - Discussing how to manage zones; Zone access, Incentive access, Permitting process and conditions, and Adaptive management – opening zones back up that have been closed for restoration.
 - Ecosystem Protection: Ecological Reserves / Preservation Areas and Wildlife Protection Working Group:
 - Presentation from John Hunt from FWC on zone performance of the Western Sambos Ecological Reserve.
 - Reviewing existing SPAs and ERs and any regulatory modifications.
 - Reviewing the larger study area and identifying ecosystem protection hot-spots.
 2. Discussion and Decision: Reviewing the Shallow Water Working Groups General Draft Recommendations Framework document and revising to reflect group's consensus. (Beth Dieveney and Stephen Werndli)
 - Recognized need to ensure that shallow water habitat and associated impact to that habitat are the focus of recommendations.
 - Zone Types and Access Restrictions:
 - Clearly define idle speed zone with a number (i.e. 5 miles per hour) and non-extractive zone should equate to non-extractive with catch and release.
 - Identify important hard-bottom areas that are nurseries for fish and crustaceans for non-extractive zones.
 - Discussed the need to reference sponge harvesting in draft recommendations.
 - Marking, Mooring and Use of Zones
 - Clearly define mooring and consider managed mooring fields.
 - Add unattended vessels to no overnight platform recommendation.
 - Adaptive Management
 - Consider using temporal and permanent zones as appropriate for resources that need protection.

- Apply buffer zones around important habitats.
- Apply adaptive management concept to the emergence of new high use and high impact activities (i.e. party zones).
- Decision: After June 11 changes to the document have been incorporated, the draft recommendation framework document will go forward to the Sanctuary Advisory Council.

Morning Public Comment

Public comment was provided by two individuals plus one comment that was sent via email and read aloud:

- Peggy Matthews, American Watercraft Association representative, commented that the draft recommendations document was a very good document allowing for keeping the footprint of the existing party zones and understands that if you close a current area they will go somewhere else. The State of Florida has equal management with NOAA and no management plan will be approved without the approval of the governor and cabinet. Major preference is to not displace people but instead to manage uses.
- Comment received via email from the Friends of Biscayne Bay:
Friends of Biscayne Bay is the non-profit, citizen support organization for the Florida Department of Environmental Protection's Biscayne Bay Aquatic Preserves. We advocate for the Biscayne Bay Aquatic Preserves and are dedicated to preserving and enhancing them. It has come to our attention that there has been some high traffic, recreational water activity in the Card Sound area. The boundaries of Florida Keys National Marine Sanctuary overlaps with the Biscayne Bay Aquatic Preserves in this area. Please see the attached PWC photos. These activities are not regulated and certainly can have negative impacts on the seagrass beds and shallow water habitat. As you know, shallow water areas such as Card Sound are particularly vulnerable to impacts from small vessels. We request that this letter be read into the public comment period of the Shallow Water Wildlife and Habitat Protection Working Group during your meeting on June 11th. We understand the Shallow Water Wildlife and Habitat Protection Working Group's objectives include evaluating the effectiveness of existing Wildlife Management Areas in protecting wildlife and their habitats under current as well as emerging public uses. We would like to see the working group take this matter into consideration and possibly make recommendations to further protect this area of critical shallow water habitat from damaging human activities. By bringing this matter to your attention, we anticipate it will help protect the sensitive habitat in Card Sound shared by Florida Keys National Marine Sanctuary and the Biscayne Bay Aquatic Preserves.
- Ben Daughtry, Dynasty Marine Services, Inc. and Sanctuary Advisory Council representative commented that he is very interested in what the group has been working on. Would like to define the difference between non-extractive and no access. If you look at areas that are off limits to commercial fisherman, about 30% is off limit. We are willing to look at new areas and are not excited about people cherry picking areas for uses. Diving industry got to cherry pick areas on the first round. Catch and release does have mortality. A push pole in the ground a thousand times causes impact. If bonefish and tarpon are under serious pressure, maybe those tarpon and bonefish need areas where they are not pressured. Why does 100% of sanctuary need to be open 365 days to flats fishing? It is important to have areas for sustainable uses and areas that can recover. Both marine life and lobster fisheries are sustainable fisheries.

3. Discussion and Preliminary Decision: Working Group Site Specific Recommendations for the Upper, Middle, Lower Keys, Marquesas and Dry Tortugas. (Beth Dieveney and Stephen Werndli)
- The working group reviewed 53 different sites: 29 existing and 24 new
 - Discussed recommendations for new or modifications to access restrictions for each site
 - Consult all user groups before considering closing areas for research. Consider other comparable open sites.
 - Zones identified for non-extraction: purpose needs to be clearly defined and allow for uses that are compatible with resource protection
 - Ensure adequate access between and, if needed, within zones
 - If Status Quo for an existing zone, ensure regulations that already exist are being enforced (i.e. Marvin Key).
 - Any recommended changes to how beaches are managed will also be subject to the Wilderness Act (National Wildlife Refuge).
 - Access restrictions need to be consistent and fair across user groups
 - For wildlife protection: Utilizing buffers and temporal zoning. Allow zones to be moved as needed for specific resource protection goals.
 - Leave nesting and roosting, but remove feeding from description of Purpose of bird protection zones. Birds feed almost everywhere.
 - Need to identify specifics of which birds and which dates for the temporal zones.

Recommendations put forth by the working group can be found here:

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

Afternoon Public Comment

Public comment was provided by two individuals.

- Ben Daughtry, Dynasty Marine Associates, Inc. and Sanctuary Advisory Council representative. Raised concern on a few of the zones the working group is considering: For Western Sambos ER. Two different alternatives in alternative 2: No Speed/No wake or baitfish. Issue is people running through the area. Also, Marvin Key is a pretty large area for no motor zone. One of the concerns in Everglades National Park talked about large areas you can't motor through.
- Chris Bergh, The Nature Conservancy Director and Sanctuary Advisory Council co-chair. For Marvin Key, regulations and reality are different. There are no markers or enforcement of the current rules. Users are used to using all of Marvin key. Just doing what's on the books versus the reality are two different things.

Follow-Up Actions for Working Group Members

- Review the June 11 meeting notes, Recommendations Framework and table of site specific recommendations.
- Attend the SAC meeting on July 9 at the Islander Resort in Islamorada.
- Stay involved and engaged in this process.

Decision Items of Note

- The Recommendation framework for Marine Zoning and Regulatory Review for the Shallow Water, Wildlife and Habitat Protection Working Group will go forward to the SAC after the June 11 meeting's comments/changes are incorporated.
- Site specific recommendations for all regions will go forward to the SAC after the June 11 meeting's comments/changes are incorporated.
- Working Group Recommendations can be found here:
<http://floridakeys.noaa.gov/review/shallowwater.html>