

**Florida Keys National Marine
Sanctuary Marine Zoning &
Regulatory Review
Ecosystem Protection: Ecological Reserves / Preservation Areas and Wildlife
Protection
June 13, 2013**

Working Group Meeting Summary

Meeting Agenda

1. Update on progress of Shallow Water Wildlife and Habitat Protection & Coral Reef Ecosystem Restoration working groups, Review Agenda and Meeting Items (Chris Bergh and Beth Dieveney)
 2. Presentation & Discussion: Performance Evaluation of Western Sambo Ecological Reserve (John Hunt)
 3. Review and Discussion: Assessment of Ecological Reserves (ERs) and Sanctuary Preservation Areas (SPAs)
 4. Sanctuary Advisory Council Member Input (Steven Leopold)
 5. Public Comment
 6. Review and Discussion: Maps, data layers, and ecosystem protection
1. Update on progress of the Shallow Water Wildlife and Habitat Protection and the Coral Reef Ecosystem Restoration working groups.
 - Shallow Water Wildlife and Habitat Protection Working Group:
 - Completed their last meeting. Finalized recommendations for presentation to the Sanctuary Advisory Council.
 - Text, table, and map formats display the results of the group's recommendations.
 - The recommendations can be found at:
<http://floridakeys.noaa.gov/review/shallowwater>.
 - Coral Reef Ecosystem Restoration Working Group:
 - Completed their last meeting. Finalized recommendations for presentation to the Sanctuary Advisory Council.
 - Text and table formats display the results of the group's recommendations.
 - The recommendations can be found at:
<http://floridakeys.noaa.gov/review/coralrestoration>.
 2. Presentation and Discussion: Performance Evaluation of Western Sambo Ecological Reserve. (John Hunt, Florida Fish and Wildlife Conservation Commission (FWC))
The presentation can be found at:
<http://floridakeys.noaa.gov/review/ecosystemprotection>.

Working Group Discussion:

- Noted that the deeper, outlier reef is not contained in the Western Sambo Ecological Reserve (WSER).
- "Reserve effect" is a term used to designate the positive and/or negative benefits to associated marine life within the reserve. This effect can plateau based upon the size and shape of the reserve and habitat quality within.
- The bigger the area, the better the change? No, not specifically in regards to geographic area. The essential factors for a positive reserve effect are the incorporation of a full range

- of ecosystem habitats of good quality.
 - The samples for the studies presented were taken during the summertime: May/June through October time frame.
 - A question was asked or perhaps it was suggested that if the study was done during a different time of year, the results would be very different. During heavy weather times/storms and during the winter, the lobsters move offshore. Conclusion from WSER surveys and lobster tagging is that once the lobsters get older (4, 5, 6, 7 years old), their behavior changes to become more residential. The legal sized lobsters in the fishery are predominantly 1-2 years old.
 - Identified that contiguous offshore reef habitat should be incorporated in order for WSER to meet intended goals.
 - What is the cost of protecting that additional area? Quantifying opportunity costs is very difficult and need to consider taking a risk now for long-term sustainability.
 - Would we be better off expanding the boundary to the south or to the east? We know that a suite of the species is utilizing the deeper outer reef. Migratory lobsters may be caught when they venture east or west of the reserve. When the lobsters become larger and their behavior change to become more residential, they are more protected residing within the WSER.
 - Science shows a multitude of species use all different types of habitat throughout their various life phases. The larger the area protected, the more species you can encompass? Yes, but in addition to that, you need to encompass higher quality areas (more productive habitats).
 - Can you comment on why this area was selected as a reserve while others were not and put this decision into an ecosystem protection perspective? The Florida Keys region is supplied with fish and other larvae by the Tortugas Gyre which transforms into the Pourtales Gyre as it migrates east and reaches the lower Keys. Fish larvae have about the same duration in larvae form as the Pourtales Gyre, one month. A study using drift vials was conducted, which indicated an entrainment zone from Tortugas to lower Keys via these gyres. We have a system that is connected from west to east and locally connected to itself around WSER.
3. Review and Discussion: Assessment of existing Ecological Reserves (ERs) and Sanctuary Preservation Areas (SPAs).

Working group reviewed maps and tables displaying existing ERs, SPAs and some of the working group member's recommended modifications and justifications.

Working Group Discussion:

- Discussed the maps and how to understand and interpret the variously displayed data.
- Discussed existing ecological reserves and Sanctuary Preservation Areas. Identified specific ecological and use issues to consider when considering any potential changes to existing ERs. Items considered included:
 - Extend boundaries to include a full range of habitats needs for species life cycle, including known spawning aggregations.
 - Include near-shore habitats and near-shore species (i.e. fish, birds, mangroves), encompass contiguous range of habitats potentially extending to bay-side habitats.
 - Consider unique habitats
 - Consider various uses and compatible uses with ecosystem protection goals; catch and release fishing, party areas, and high transit traffic areas were noted.
 - Consider historical use of an area and the need to separate incompatible uses

- (i.e. snorkeling/diving, and fishing).
- Consider not changing total area of zones; if some are expanded consider if other areas can be adjusted to accommodate the expansion and not impact use.
- Discussed the concern about displacing users and concentrating uses either in a zone or in areas where users have been displaced (discussion was focused largely on fishing use).
- Discussed the challenges of enforcement and compliance.
- Discussed the option of expanding the FKNMS boundary to include the gap between the north and south regions of the Tortugas Ecological Reserve and potential expanding the Tortugas Ecological Reserve. Through expanding the FKNMS boundary to include this region, the general FKNMS regulations would apply, including the no-discharge zone regulations.
- Request to consider sites that were identified as potential ecological reserves through the original management plan process; including scientific and use data.
- Request that the working group include recommendation of status quo, do not want to remove any existing protection; however make sure they make sense ecologically, scientifically, and from a use stand-point.
- Points of discussion to address regarding all SPAs and ERs:
 - Consistent, uniform regulations among zones
 - Bait-fishing permits in SPAs
 - Catch and release fishing exceptions in SPAs
 - Anchoring

4. Sanctuary Advisory Council Member Input. (Steven Leopold)

Read the following statement:

When the SPA boundaries offshore of Islamorada were being discussed and laid out, I guess about 18 years ago, I was invited aboard the charter boat *Tag Em* for a tour of the proposed SPA locations. I joined *Tag Em's* Capt. John Magursky, president of the Islamorada charter boat association, Billy Causey, the "sanctuary guy", recreational fisherwomen and original SAC member Amy Knowles, and also the *Tag Em's* deckhand...actually; he sat inside the salon sharpening everything in sight...hooks, knives, etc. He had heard the sanctuary was going to close all of his favorite mutton snapper spots and sharpening things helped him through the day. He never said a word.

With maps in hand and GPS coordinates plugged in, we navigated and plotted all five SPA locations. Two of the proposed SPAs, Hens and Chickens and Cheeca Rocks are located in state waters. Alligator Reef, Davis Reef, and Conch Reef are located in federal waters offshore in Islamorada. All of the SPAs are located on high relief coral areas. Charter boats and recreational anglers have enjoyed fishing these very productive areas and now they were being threatened by closures or "no take zones". These areas were and still are the charter and recreational fishermen's primary bait fishing spots for Ballyhoo. Ballyhoo, and specifically 'live' ballyhoo, is the primary baitfish for our winter fishing season. We also use ballyhoo in the summer season, but more typically these are frozen. The soon to be restricted areas would have a huge impact on our business and affect the livelihoods of many. I remember Billy saying throughout the tour "We are going to work together... Yes I know these areas are important to you... We are going to work together! This is going to work." He was right!

To make this long story short, provisions were made by the Florida Keys National Marine Sanctuary to allow bait fishing in the SPAs. Hook and line fishing would be closed. We did get the right to catch ballyhoo by the cast net method with a permit. There was, and still is, an exception for catch and release fishing in the Alligator Reef and Conch Reef SPAs by trolling.

The charter fleet has accepted the closures and is supportive of the sanctuary process, rules and regulations.

I ask that the above mentioned SPAs and their guidelines, and rules within, remain status quo. No boundary or restriction changes.

The provision regarding catch and release fishing by trolling in the Conch and Alligator Reef SPAs, was verbally reversed by the SAC and agreed by the charter fleet in 2003, when the hair-hook method was allowed to permit holders.

As previously agreed by Islamorada Charter Boat Association, we support the discontinuation of the catch and release provision in the Conch and Alligator Reef SPAs.

We ask that the provision to catch ballyhoo in all of the above mentioned SPAs, using cast nets with the established guidelines and permitting, remain status quo.

We ask that the provision to catch ballyhoo in the federal SPAs, using the hair-hook method with the established guidelines and permitting, remain status quo.

I would like to recommend to this committee that the location and boundaries of the existing SPAs off Islamorada be left as is, and recommend no changes be made.

I deeply regret agreeing to discontinue the ballyhoo working group. A strong user conflict still exists between the commercial ballyhoo net boats and the non-commercial sector which includes the charter fishing fleet and the recreational fishermen.

It has always been explained to me that one of the primary objectives of the FKNMS is to resolve user conflicts. For the past few years while the ballyhoo working group was active, we, the non-commercial sector, had few conflicts. I prefer that the hand shake agreements that were a direct product of the ballyhoo working group to limit the areas fished by the commercial fishermen would continue to be agreements and not pursued further in regulations. We did not ask for much area to be left for the non-commercial fishermen. The bag limits for charter/recreational boats is a drop in the bucket, to be exact, a 5 gallon bucket per boat per day. This bag limit is rarely met. It is evident that the charter/recreational fleet have very little impact on the schools of ballyhoo. We can fish the same areas throughout the season (mainly non-SPAs) and the bait remains plentiful for all.

I think it is important that FKNMS be very aware of the commercial pressure on this very important component in the food chain. I believe the commercial net boats are overfishing the ballyhoo in our area. It is very frustrating to watch a lively, vibrant fishery teeming with life and an abundance of ballyhoo diminish to only an occasional sighting within a very short time and by only a few commercial boats. Almost like flipping a switch the sailfish, mackerel, tunas, and many other fish species that invade the shallow waters feasting on abundant ballyhoo disappear along with the ballyhoo with the setting of their massive nets. When two to three commercial boats take more fish than the recreational and charter fishing businesses combined, there is a problem.

I do realize the marine sanctuaries position in fisheries management is to leave the task to the fisheries management councils. But I do ask that user conflicts be addressed.

A few ideas for SAC to consider supporting:

- commercial area closures
- catch shares
- gear size reductions

- more restrictive bag limits
- ban the grinding of ballyhoo for the purpose of making frozen chum

The working group requested more information on existing baitfishing permits and pressure. The working group will discuss the issue of baitfishing in SPAs at the July 11 meeting.

5. Public Comment

Public Comment was provided by one individual:

- Davis Poole, Eternal Seas Memorials. Handed out material regarding Eternal Seas Memorials. Davis and Laurie Pool, Eternal Seas Memorial. Provided handouts to working group to encourage creation of a new “Memorial Garden/Restoration zone” that could help provide funding for the cause of coral restoration. Summary-propose a patented process which will provide a true ‘burial at sea’ beneath cultivated reefs, and simultaneously, help to fund on-going coral restoration. This is a privately funded endeavor and gives back a *significant* amount (20% of each burial) to coral reef restoration and other environmental initiatives. Propose to use the exact same techniques NOAA uses for mooring buoys, and utilize existing coral transplants and methods from Coral Restoration Foundation, Mote Marine, and The Nature Conservancy The idea incorporates the need to protect corals and marine resources, cremation activities are on the rise in the Florida and the nation, many people are planning for their ‘after-life’. This does not include other intangible benefits that cannot be quantified.

6. Review and Discussion: Maps, data layers, and ecosystem protection.

Scott Donahue, FKNMS staff, gives GIS tour of data available to working group upon request.

Working Group Discussion:

- Various data requests from the working group were made to sanctuary staff. The additional information will be provided to the group.
 - Request for resilient reef information, including specific information on stony coral diversity.
 - Shoreline data to see what is already protected from development.
 - All protected areas throughout the Florida Keys, including lobster exclusion zones
 - State parks

Follow-Up Actions for Working Group Members

1. Provide questions or input related to the principles, goals and objectives for Chris Bergh to bring before the SAC meeting on July 9th.
2. Ensure sanctuary provided all requested data and information before the next meeting commences.

Decision Items of Note

No decisions were before the working group.