

**Florida Keys National Marine  
Sanctuary Marine Zoning &  
Regulatory Review  
Ecosystem Protection: Ecological Reserves / Preservation Areas and Wildlife  
Protection  
July 11, 2013**

**Working Group Meeting Summary**

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**Meeting Agenda**

1. Update on progress of Shallow Water Wildlife and Habitat Protection & Coral Reef Ecosystem Restoration working groups, Review Agenda and Meeting Items
  2. Review and Discuss: Assess existing and potential new Ecological Reserves (ERs)
  3. Assess existing and proposed new Sanctuary Preservation Areas (SPAs)
  4. Review and Discuss: Exceptions to SPAs
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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:
      - Final working group recommendations were presented 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:
      - Final working group recommendations were presented 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. Review and Discuss: Assess existing Ecological Reserves (ERs).

**Working Group Discussion:**

- Potential modifications to the Western Sambo Ecological Reserve and the Dry Tortugas Ecological Reserve were discussed.
- Western Sambo:
  - Potential expansion of the boundary south to the 30-m depth contour will protect deeper reef and a fish spawning aggregation but impact charter boats, trolling, the diving community, and vessel traffic.
  - It was pointed out that existing WSER does not regulate diving or snorkeling.
  - Input provided that fisheries are managed by FWC and NOAA's Fisheries Service. Task for working group is ecosystem protection not fisheries management.
  - In relation to protection of spawning aggregation, it is a mistake to take fish during spawning. Different species spawn all throughout the year at aggregations sites. If you want to create ecosystem protection, you need to take into account geophysical features that fish focus in on during their spawning seasons.
  - Potential modification of management in the near-shore area can allow proactive

- management for congregation sites; potentially make the near-shore area an idle speed only zone inside the 6 ft. depth contour. Recognize the role that the Navy plays in the near-shore habitat protection on the shoreline.
- Potential expansion to bayside habitat out to Mud Keys:
  - Question regarding what is known about the area, what is the science.
  - Flats fishing guides uses the lower keys back country, which brings in hundreds of millions of dollars annually.
  - If you extend protection of the back country to the north of W. Sambos, there will be a large impact to spongers, trappers, and other fishers.
  - Could potentially identify an area of backcountry up the keys which will not impact the flats guides industry as much.
  - Recognition that every activity has some level of impact.
  - Extend boundary of southwest corner of WSER to encompass nearby aggregation spots; consider including all known spawning aggregations in the area.
  - Do not want to eliminate all diving in W. Sambos. People need to see the positive reserve effect there to understand why reserves are in place and how they work
  - Working Group members recognized the importance of education and enforcement.
    - Mandatory boater education courses can raise money to help the limited law enforcement out there, and the resources will not be as damaged by the uninformed.
    - Enforcement can be done through stickers. Require all boaters to display an identifying sticker on their boat to designate which are local and which are not.
- Tortugas Ecological Reserve (TER):
    - Comment that the south area of TER is already protected by fishery management. We can stop at the 500-600 feet contour line; there is no benefit to be gained by protecting there.
    - Recommend to expand the sanctuary boundary to include the gap between the main part of the Sanctuary and TER south. All general sanctuary regulations would apply to that area.
    - Discussion regarding making a larger ecological reserve in the Dry Tortugas region:
      - The reefs are probably the most pristine and least used reef out in the Tortugas. Let's make something significant and big out there. This group will not achieve ecosystem protection with small strips of reserve running up and down the Keys.
      - The Tortugas area is the best diving in the U.S. It is a show-off piece of what the reefs can be in Florida.
      - If Tortugas gets closed, commercial fisherman stated that he would not be put out of business but displacement would happen. You have to travel far to get to a four mile area of Tortugas Bank that can still be fished. It is such a small area. There is activity in the Tortugas now. Effort comes and goes. It is such a small area to fish, and very remote. There is no good reason to shut down any more of that area.
      - You would shut down trap fishers of the lower keys if you take that area away in the Tortugas.
      - Issues raised regarding how much area is enough to put aside in an ecological reserve, sense that areas are being taken away.
      - Decision to vote on the potential for one large ecological reserve in this region. Intent is to impact the least amount of people but have the greatest ecological impact. Have one large reserve rather than five smaller ones throughout the other regions of the Keys.
    - Discussion about the need and value of having consistent rules in the North and South portions of the reserve.

### 3. Public Comment.

Public Comment was provided by six individuals:

- Aaron Adams, Bonefish Tarpon Trust.

As a member of the shallow water working group, we have been working with flats guides to create contour maps showing flats fishing effort by area. This is another data layer that you have available to you. Maps can help you prioritize protection and limit user group conflicts. A recent economic study has shown the flats industry is a \$465 million a year fishing industry, which is based on healthy habitat. Catch and release for this industry has survival rates over 90%. I suggest to you to consider the flats fishing industry as a conservation tool. A no extraction zone can become a catch and release zone. You can modify regulations to designate such things as the type of bait to use, types and numbers of hooks to use, etc.

- Gary Sands, MCCF.

Pennekamp Park has a lot of closed areas. (Looking at upper keys reef map): the three big zones recommended for additional protection in the upper Keys will impact fisherman. Everywhere you go you see buoys (zoned) where you can't fish. We are doing everything we can to please the state and federal agencies /sanctuary. Those additional potential areas to close are really unacceptable. You're really putting a hurt on the fisherman. If you go north or south, you don't see those areas. It's only in this area. (Clarification made by working group chair: The no lobster trapping zones referred to are a result of the fisheries management council. It is not a sanctuary regulation, although it geographically falls within the sanctuary).

- Walter Rentz, commercial fisherman.

We lost Biscayne Bay, lost it to the park. If you go north of the upper Keys all we have is the inter-coastal, you can't fish that. (Pointing to three potential areas recommended for protection in upper keys): We can't live with that. If it's there, there won't be compliance. It gets tough up here. We got nowhere else to go. Take in consideration that there are laws in place, and we already have 99.9% compliance from the commercial fishermen.

- Mike Rentz, commercial fisherman.

We don't mess with the reefs. I just started; I'd rather not have you take it away from me. (Pointing out sandy areas): No reason to take it away.

- Trudy Ferraro, citizen.

There are a lot of commercial fishermen, but not a lot of recreational fisherman in the room now. We need to keep the recreational ones in mind. They don't know what they're supposed to do. Help protect our resources from those people - they're the majority using the resources. Commercial fishermen have talked a lot about displacement from traditional fishing areas. There are a lot more people out there fishing each successive decade. Displacement may happen, but you will protect those resources for future generations. Yes, displacement will happen now, but in the future, it will be so overcrowded with more people. Are our protected areas now protecting ecosystems or just species? It's not working now. You have to change something, because the resources have been in constant decline.

- Adam Hill, MCCF.

In 1995 and 1996, everyone talked about water quality. We need to address runoff, pollution, lobsters dying in holes, can't get out. Lionfish tearing things up.

### 4. Identify Potential new zones (i.e. Ecological Reserves)

Working Group Discussion

The working group considered ten potential new zones to designate as Ecological Reserves. Of these, four are existing Sanctuary Preservation Areas that were modified in some way to serve as new ERs: Carysfort Reef, Sombrero Reef, Looe Key and Newfound Harbor. There were six areas identified as potential new ERs: off Grassy Key, off Conch Key, off Long Key to Tennessee Reef, Western Dry Rocks (this one is in combination with SPAS in the area so should it be in the earlier list?), Marquesas region, and a unspecified site in the bayside region of the Sanctuary.

- Extending boundaries shoreward to include near-shore and coastal habitat and seaward to include deep reef contour to support the full life cycle for marine fauna.
- Extend boundaries shoreward where coastal areas are undeveloped and/or protected through other management (i.e. State Parks, Navy presence, etc.)

## 5. Review and Discuss: Exceptions to Sanctuary Preservation Areas (SPAs)

### Working Group Discussion:

- The working group considered modifications to 16 of the existing 18 SPAs and identified two potential new SPAs (Snapper Ledge/Pickles Reef and Western Dry Rocks). Potential modifications included:
  - Extending boundaries to a deeper contour to include habitat for the full life cycle for marine fauna.
  - Expanding to include known spawning aggregations and ecological feature that support spawning activity (i.e. shallow ledges, pinnacles)
  - Expand to include other known resources of ecological value (i.e. pillar coral)
  - Expanding and joining existing SPAs to create larger zones.

The Working Group identified issues that should be considered/ analyzed when making potential modifications to zones in the Sanctuary.

- Potential displacement of existing uses and concentrations of these uses in new areas
- Economic impact to community and livelihoods
- Impacts on the fishing community, recreational and commercial, including trap fishing
- Impacts on the diving community
- Impacts on recreational boaters
- Protection of spawning aggregations
- Protection of the full suite of marine flora and fauna

A working group member proposed creation of a potential new zone type that only allows professionals (e.g. commercial fishermen, charter fishermen, dive tour operators) to use it. Current areas identified as potential professional use zones include: (1) proposed zone expanded to combine Elbow, Grecian Rocks, and Key Largo Dry Rocks (2) proposed new zone Snapper Ledge/Pickles Reef (3) proposed zone expanded to include French and Molasses Reef and (4) proposed zone expanded to include Eastern Dry Rocks, Rock Key, Sand Key and Western Dry Rocks.

Working group discussion related to such a zone included:

- Provide an incentive for professional and commercial users to exhibit responsible use and contribute to management and stewardship of Sanctuary resources.
- Professional use would include commercial fishing, commercial charter fishing, headboat fishing, and professional diving.
- Need to identify and implement metrics to measure success of zones, implementation, management and enforcement.

- To be considered for professional use access, certain educational and/or certification would be required. Private individuals who received training and certification could use such zones.
- Need to consider impact to private uses and displacement of these uses (those individuals not considered professional).

## 6. Public Comment

Public Comment was provided by eight individuals:

- Chris Dillon, charter boat owner.

The impact of the additional proposed areas in the upper keys will have a huge impact. A lot of fishing activity occurs off of the reefs.

- Michael Belitzky, National Marine Manufacturers Association

On behalf of the recreational boating industry, thank you for convening this working group and allowing public comment. I commend you on the work you do. As we have heard today, as well as on Tuesday, during the SAC meeting, it is critical to strike a keen balance between protection and responsible use, and that the balance is palatable for all users of these waters. When you begin to consider the proposed recommendations, I respectfully ask that you take into account the economic impact the recreational boating industry has on this area.

Recent data compiled by NMMA boasts the recreational boating industry's total economic impact on the nation as \$121.5 billion, with Florida accounting for nearly 1/3 of the total- \$10.35 billion. More importantly, in Congressional District 26, which encompasses the areas being discussed today, recreational boating in Miami-Dade and Monroe Counties, contributes \$525.5 million per year, supported by 332 businesses, providing 4,237 local jobs.

Barring access by closing certain areas of the Sanctuary to boaters burdens our industry as it does the other industries in this room who depend on access to these waters for their own economic livelihood.

We can all be good stewards and responsible users of the water, and as you know, PWIA (personal watercraft industry association) has partnered with FKNMS launching the Blue Rider Ocean Awareness and Stewardship Program to ensure that people who rent PWCs in the Florida Keys understand, embrace, and practice good ocean environmental stewardship when riding in the National Marine Sanctuary. Currently, we have 16 liveries in the Keys that participate in the Blue Rider program. This is the balance that I mentioned earlier. The Personal Watercraft industry and the FKNMS engaged in a robust dialogue, it was not easy, but it is a shared responsibility, and at the end of the day, we struck a balance between protection and responsible use.

I will end on this final note, on Tuesday at the SAC meeting, a presentation showed an image of a baby girl, it was a SAC member's granddaughter. We were told that the ultimate goal is to protect and preserve the sanctuary so she, and the future generations can enjoy it. I respect that wholeheartedly, and want to add that another goal should be to protect and preserve the financial well-being of the community, the fisherman, charters, guides, dive operators, and myriad of others. These folks rely on access to these waters for their income and the future well-being of their families.

Thank you for this opportunity and I look forward to continue this dialogue at the meetings to come.

- Tom Hill, Key Largo fisheries  
How as a community can we sustain ourselves? Whatever decisions you make, my feelings are if one user group is not allowed to use it, nobody should use it. We are charged with taking care of the resource, but we also need to take care of the future. Florida Keys is a pretty unique place.
- Ernie Piton Jr./Ernie Piton Sr., commercial fishing.  
My son is part of the heritage. This is our future. I got to enjoy what he might not be able to enjoy. It is so hard for him right now to get into this industry.
- Bill Evans, Key Largo.  
I fish out of Key Largo. I'm a little afraid. I'm afraid of these big chunks of real estate (proposed for protection). Take smaller chunks.
- Chris Hill, Key Largo.  
We don't have any place to fish up there anymore. I caught a lot of groupers last year (because they have been protected).
- Gary Sands, MCCF.  
I fished in the upper keys before Pennekamp, before the sanctuary. This guy says he would rather have one big protected area over little ones. Look at Alligator, I'm scared of the idea of dispersing 25 to 30 fishermen. That is a lot of traps. The traps gotta go somewhere. I'm scared you are going to start protecting this way (west to east) instead of just this way (north to south – orientation relative to the reef tract). I want to take you into my boat and show how big that 'small' area really is, when I have to run around and pull up all of my traps. We have USCG, the sanctuary, Florida marine patrol. Look at the sanctuary records. There are no violations (against commercial fishermen). These young kids, that's their future. With a stroke of the pen you can save their livelihoods.
- Walter Rantz.  
In upper keys: we're getting kicked out here and here. You gotta feed me. There won't be compliance because I gotta eat. This is ridiculous. Go zone out east - nothing out there. Leave us alone. I see patches come and go, come back to life and die. You guys are doing too much up here. I appreciate what you are doing here, but it's just too much.

## 7. Cross-Cutting Issues

Working Group reviewed issues to consider that impact several or all existing and proposed new SPAs:

- Permitted baitfishing in all SPAs
- Permitted baitfishing by hairhooks in 3 SPAs (Davis, Conch, and Alligator Reef)
- Exception for catch and release fishing via trolling in 4 SPAs (Conch Reef, Alligator, Sombrero Reef, Sand Key)
- Anchoring

### **Follow-Up Actions for Working Group Members**

1. As homework, working group members will provide a preliminary vote on potential zone modifications and cross-cutting issues, which includes anchoring, catch and release and bait fishing in SPAs and ERs. Results will be used to tailor the last meeting to focus on proposals that are close to consensus but not quite there.

### **Decision Items of Note**

No formal decisions were made before the working group at this time.