

**Florida Keys National Marine Sanctuary
Marine Zoning & Regulatory Review
Ecosystem Protection: Ecological Reserves / Preservation Areas and Wildlife Protection
June 10 & 11, 2014**

Working Group Meeting Summary

Meeting Agenda – June 10

1. Review of agenda and objectives
2. Discussion: Considerations for the Marquesas Region
3. Presentation: Orientation to the Marquesas Region
4. Presentation: Human use Data Available for the Marquesas Region and sharing of local knowledge
5. Presentation/Discussion: Natural Use Data/Analysis for the Marquesas Region and sharing of local knowledge
6. Discussion: Small Group Discussion, highlights from small group discussions, and Round-Robin Suggestions for the Marquesas Region
7. Public Comment

Meeting Agenda – June 11

8. Welcome back and review agenda for day two
9. Discussion: Suggestions proposed and settling on preliminary recommendations
10. Review of Tortugas Preliminary Recommendations Resource Protection Analysis and Finalizing Suggestions for the Tortugas Region
11. Review and Discussion of Keys Wide Suggestions
12. Public Comment

Meeting Summary – June 10

1. Review of agenda and objectives
 - Welcome:
 - Absent working group members: Mark Chiappone, Tim Grollimund, Ben Daughtry, Tad Burke
 - Objectives:
 - Review of working group's primary objective: Recommend new or modified marine zones to ensure protection of a diversity of resources, including spawning aggregations and the full suite of marine flora and fauna to be presented to the Sanctuary Advisory Council.
 - Review of Marquesas and Tortugas Region meeting objective: Recommend new or modified marine zones for the Marquesas and Tortugas Region based on ecological and human use data, local knowledge, and current zones.
 - Schedule:
 - The overall schedule is a series of six 2-day meetings to be completed in July 2014. For dates, locations, and agendas see:
<http://floridakeys.noaa.gov/review/reserves.html>

- This is the fifth meeting for this working group and the third regional meeting focusing on the Marquesas region with discussion of previous recommendations made for the Tortugas Region.
- Day 1 Objective: to build as complete a picture as possible of the Marquesas region by combining results from biological and human use studies with members' local knowledge. Use this information to begin considering options for marine zones in the Marquesas region.
- Day 2 Objective: discuss options, and develop recommendations for the Marquesas region. Review natural resource analysis of preliminary recommendations made for the Tortugas region (Meeting 1: March 6 & 7), discuss options and develop final recommendations for the Tortugas region. Begin to discuss Keys wide ideas that have been raised at previous meetings.
- Last 15 minutes of each day is reserved for formal public comment. Additional time is set aside on both days for the public to interact with working group members. Written public comments are always welcome.
- The goal for this meeting is for the working group to reach consensus on recommendations for new or modified marine zones in the Marquesas and Tortugas regions; however if full consensus is not possible majority and minority opinion will be captured and included in the recommendations that are forwarded to the Sanctuary Advisory Council.

2. Discussion: Considerations for the Marquesas Region

Working group members were asked to share their interests and objectives for the Marquesas region including what they care about considering, protecting, and valuing in this region. The following bullets are the statements made by individual working group members.

- Interested to see the science from the area. For this region noted that it is particularly important that the working group provide a clear rationale for making and modifications.
- Noted that the area around the three existing Sanctuary Preservation Areas have intensive use for diving out of Key West.
- Interested in discussing the spawning aggregation as this region has the most well-known and controversial spawning aggregation at Western Dry Rocks.
- Interested in spawning aggregation at Western Dry Rocks as it needs protection, but what that protection looks like needs to be discussed. Also interested in looking at south Florida as a distinct region for Fisheries Management.
- Noted this region is also a hot spot for turtles in the Lakes area – which is critical as feeding grounds for juvenile turtles (green and hawksbill).
- Noted that this region is also an important area for sight/flats fishing through the Lakes and Marquesas.
- Noted that patch reefs are a unique resource that is important throughout the keys, and there are a lot in this region. Patch reefs generally exhibit resilience.

- Shared positive information regarding the come-back of coral. Noted this come-back and better water quality last year. Interested to know about the release of water from Lake Okeechobee and potential cut-back; if this has occurred and if this is in part what is contributing to the come-back of coral, this would be compelling information to inform decisions about protecting coral.
- Noted the need to address water quality. Shared experience diving in areas off Ft. Pierce, Ft. Meyers – and noted that the water being released from Lake Okeechobee is not clean water. Has considered equating what is happening with coral to fresh water release and is eager for more information. This is the region closest to the Lower Keys.
- Interested in hearing what stakeholders in the community might consider for spawning aggregations. For turtles, noted pretty convincing science that they are here and use the area. Noted the work done by the other two working groups and interested in incorporating that in considering ideas for this region. Noted the importance of sight fishing, turtles, and marking areas in this region.

3. Presentation: Orientation to the Marquesas Region

Overall spatial and informational orientation to the Marquesas region including existing managed areas and regulations was presented. A map showing the existing management areas can be found at:

<http://floridakeys.noaa.gov/review/documents/20140610managedareasmarquesas.pdf>

4. Presentation: Human use Data Available for the Marquesas Region

Spatial information of available human use data for the Marquesas region was presented. Working group members were then asked to share additional local knowledge. The presentation can be found at:

<http://floridakeys.noaa.gov/review/documents/20140614humanusemarquesas.pdf>

Discussion: Sharing of local knowledge

Public attendees were given the opportunity to share their knowledge, concerns, considerations, and suggestions for the Marquesas region with the working group members. The working group members were asked to share additional local knowledge related to human use.

Working Group Questions/Comments:

- Noted that spiny lobster move a lot and seasonal variations of movement exist. Any area that is not prohibited to catch lobster is fished.
- Nobody sets out traps for stone crab on the reef. The Gulf side is where the stone crab trapping effort is concentrated. Traps are mostly set to the east of Marquesas and north of Key West.
- King Mackerel are fished at the outer edge of the reef and north of Marquesas.
- Bait fish are fished throughout the island chain on the south end.
- Shrimp fishers mostly work to the north of Marquesas and out to the west. The shrimp fishery has been drastically reduced over the past several decades.

- Diving and snorkeling activities occurring in places other than on the reefs are not reflected in the data, for example at Cottrell and Archer Key.
- Marine debris can be found adjacent to and right outside of the Marquesas islands.

5. Presentation/Discussion: Natural Resource Data/Analysis for the Marquesas Region
Natural resource data for the Marquesas region was presented. The presentation can be found at:

<http://floridakeys.noaa.gov/review/documents/20140614naturalresourcesmarquesas.pdf>

Preliminary analysis of the natural resource data was done to support the group's deliberations. This analysis was presented followed by a discussion by the working group regarding additional analysis needed and how to use the data and analysis to begin considering options for marine zones in the Marquesas region. The following data analysis queries were presented to the working group (and can be found in the Natural Resource Data presentation):

- How much area is currently within marine zones?
- How are habitats distributed within existing marine zones?
- Where are the locations of high structural complexity relative to marine zones?
- Where are locations of spawning aggregations?
- What proportions of threatened coral species (staghorn, elkhorn, and pillar coral) are present in marine zones?
- Where are the locations of resilient reefs and how much are captured in existing marine zones?
- Where are the locations of high abundance and diversity of fish, stony coral, and soft coral?

Discussion: Sharing of local knowledge

- Noted there is an increasing lack of data as you focus more to the west.
- Surmised the absence of locations with high fish species richness, fish total abundance, stony coral species richness and stony coral cover may be due to the lack of sampling and research in this region and not necessarily that the 'hotspots' do not exist in the Marquesas region.
- Noted that as you go further west, the habitat seems to get better. It is protected by its relatively remote location, increasing fuel costs, and affords no protection or safety harbors for small boats. This also likely explains the lack of research conducted and use of resources out to the west.
- Noted this region lacked Fishery Management Plan Areas Closed to Lobster Trap Gear due to regions waters being primarily in state waters.

6. Discussion: highlights from small group discussions and round-robin suggestions for the Marquesas region

The working group broke into two break-out groups to work more closely with the data presented and to begin considering potential options for marine zones in the Marquesas region. One spokesperson from each group reported the results of their discussions:

- Group One – deferred sharing outcomes of discussion until the round robin of individual working group ideas and input.
- Group Two – Identified several potential options for the Marquesas region including:
 - Western Dry Rocks
 - Consensus regarding the need to consider Western Dry Rocks and recognized that additional regulations on the spawning aggregation is warranted
 - Consensus that there needs to be a very clear boundary of area identified and considered for potential additional regulation.
 - Rationale includes research noted on identified spawning aggregation area, distinct upwelling and bottom geology have been identified. Need to protect the area to promote recovery and reseeded of the fish aggregation. Protection is necessary as this appears to be the most well-known and studied aggregation in the Keys.
 - Options identified for potential zoning include: year round closure but a small area, reduce recreational fishing in May and June for mutton species
 - Marquesas Islands
 - Create a catch and release zone within the Marquesas Islands, allow exception for bait fishing
 - Rationale includes minimizing impact to ecosystem, region is one area that could promote additional protection and try a new management tool through catch and release.
 - Noted that the area would have to always be kept open for leeward anchoring
 - General Marquesas Region
 - Noted that there is no need to co-join existing areas (Sanctuary Preservation Areas) in the Marquesas region
 - Noted that in the Marquesas, particularly as you go west, there is self-regulation due to the location and habitat
 - Consider extending the northern sanctuary boundary to the towers
 - Existing sanctuary regulations would apply
 - Area would be squared off and easier to enforce
 - If at some future point there is Florida Keys specific Fishery regulations/management, this will help delineate the area for management.
 - Noted the need for additional mooring balls at Archer, Cottrell, and Mule Key.

- Individual Round-Robin Suggestions
 - Provide additional protection of mid-channel patch reefs and deeper reefs
 - There are resilient reef areas with populations of rare coral species
 - Could extend existing SPA (Sand Key) or create new one to capture mid-channel patch reefs and deep reefs. (Noted that if Western Dry Rocks is protected through zoning, this protection could serve as the deeper reef area.)
 - Identify resilient reefs in the Marquesas Region for reef restoration.
 - Recommend no change to this region based on lack of data.
 - Support artificial reefs in data poor area to better target research.
 - Provide additional law enforcement targeted for the Marquesas region.
- Note: Some public attendees also discussed their knowledge of the Marquesas region and made comments on a map that was provided during the breakout group time. The following are their comments:
 - Leave the region exactly like it is, status quo
 - Remove turtles and mutton snapper from considerations, they are already protected
 - Stay away/out of fisheries management, i.e. spawning aggregations
 - There is a small area south of the middle of the Quicksands that is a spawning area for numerous species
 - There are numerous shipwrecks along the New Grounds to Ellis Rock
 - There are prehistoric deposits (tree stumps, acorns, pine cones, etc.) along the New Grounds
 - Historically there were populations of Elkhorn and Staghorn at Cosgrove Shoal and other areas south of the Marquesas Keys
 - There are numerous good patch reefs and coral heads south of the Marquesas Keys in 10'-15' water that do not show up on the nautical charts

7. Public Comment

Public comment was provided by four individuals.

- Stephen M. Trippe, Bonefish & Tarpon Trust, The Florida KeysKeeper, Inc.
 I would like to thank everybody for their work. Our comments are relative to the flats fishery only. The fishery has a significant economic impact, especially relative to the environmental footprint: a recent economic study from Bonefish & Tarpon Trust estimated that the annual economic impact of the flats fishery exceeds \$465 million. The flats fishery is entirely catch and release. In fact, Bonefish & Tarpon Trust, KeysKeeper, and flats fishing guides pushed for and helped create the regulations that made bonefish and tarpon catch and release only, and significantly tightened regulations for permit in the Florida Keys. Recent research has shown that bonefish

and tarpon have high survival after release, indicating that catch and release is a viable conservation tool for these fisheries. Research on catch and release effects on permit has not yet been conducted, but anecdotal data suggest that survival of permit captured on the flats is high.

The flats fishery has low environmental impact. In addition to being a catch and release fishery, in which post-release survival is very high, the methods used in flats fishing are appropriate for habitat conservation.

Based on the characteristics of the flats fishery and the scientific data available for the flats fishery, the FKNMS should view the fishery as a conservation tool. Specific recommendations include:

Fisheries Protections

Catch and Release should be applicable to No Take and No Extraction Zones. Since post-release mortality of flats species is extremely low, catch and release has negligible impact on these fish population. In addition, there is no harvest of bonefish and tarpon, and highly managed harvest of permit, so there are no population-level threats. Since catch and release is not a viable option for most species of concern in the FKNMS, a Catch and Release Zone will provide the same protections to these species of concern as No Take Zones. Moreover, Catch and Release Zones allow the economically important flats fishery to continue.

It is our view that the low environmental impact and high economic impact nature of modern flats fishing is not only conducive to inclusion within the overall zoning approach of the FKNMS, but can be used as a valuable conservation tool aimed at conserving both fish and habitat resources of the Sanctuary.

*This comment which was submitted in written form can also be viewed in its entirety online at the link listed below for written public comment.

- Daniel Padron, FKCF, commercial fisherman.
I heard a lot of things about turtles and about mutton snapper. Turtles are already protected. You cannot harvest that. You can only go as high as the high water high tide line. I feel like those islands already have protection for birds and other wildlife as well as turtles so I feel as those areas should be left alone. As far as the areas inside (the Marquesas islands) I feel like they should not be catch and release only. I feel like the fish stocks are healthy, that anybody should go in there and catch a legal gray snapper, mutton snapper, or whatever the case may be. Also there is baitfish caught in the area and I feel like those should be allowed to be harvested. There was a comment earlier about re-building the mutton snapper and it was written on one of those papers and I would like to see that changed because it does not need to be rebuilt. The fish stocks are completely healthy beyond belief. As far as closing Western Dry Rocks down, it should not be done. The fish stocks are healthy and it doesn't have to change. Thank you.
- Lee Starling, commercial fisherman, diver.
I am extremely familiar with the Western Dry Rocks area. W. Dry Rocks is a unique area. They're saying there's upwelling that happen that bring the fish there, but for the past two years it has made these fish go away. They have moved farther down

the reef and farther to the east and farther to the west. There's cold water there right now, that's why there aren't any fish there. It could continue for years. We have been catching more muttons here in the harbor right where we can see it than we are out there. There are a lot of areas to the west of there and to the east of there are just as unique as W. Dry Rocks outer bar. I can take you to all these spots and say look at this great ledge, look at Sawfish ledge at Boca Grande bar, look at the hump at the southwest corner. Those fish are going to move. I used to be a fish trapper. The last time I fished Riley's Hump, I killed 20,000 lbs of mutton snapper in three days with fish traps. Mr. Hunt's transponder study showed that those fish leave Riley's Hump for three weeks at a time and go to the southeast corner of the Tortugas like we've been telling you for years and stay there as resident fish. The same thing happens at Western. When they are there they leave the areas. I worked on Mutton snapper thing with FWC for years. We proved they don't stay on the aggregation sites for three weeks. So we're just going to catch those fish in other areas and to close an area year round is ridiculous. Archer Key where you guys want to put in more mooring balls, I think that would be an excellent area to put in reef balls. With the high use that the area is getting now, I feel like a lot of the area has been a little bit degraded. There used to have been a lot of artificial structures out there that may have been illegal but it attracted a lot of fish and now with the current use by charter boats, I feel like it's an area that can really profit from placement of reef balls. And you guys aren't in fisheries management.

- George Niles, former president of FKCFCA, commercial fisherman.

I would like to touch on W. Dry Rocks, where the mutton snapper spawn there. I am about the fifth generation in the Keys. I have been here a long time. Closing Riley's Hump did not save the mutton snapper fishery. What saved the mutton snapper fishery was the ten fish bag limit. Don said recreational catch more than we do now. Recreational fishery catches more fish than commercial fishermen. That's a proven fact. If you want to save mutton snapper forever...They're not in trouble now, but if you wanted to help mutton snapper...I don't want to just help W. Dry Rocks. They spawn at Eastern Dry Rocks, they spawn at Eyeglass bar, all up and down the Keys they spawn. No recreational fishermen should be catching 10 fish a day any time of year. If you want to help mutton snapper, go to the federal government and ask them to lower the bag limit like it should be. No recreational fisherman should be catching ten fish a day at any time of the year. Not just when they're spawning. A dead fish is a dead fish. If you kill them in December they're not going to spawn in June, it's dead. If you want to help mutton snapper, do the right thing. Help the whole reef, not just W. Dry Rocks. Get the bag limit down to where it should be. I haven't heard one recreational fisherman say they are happy with the ten fish bag limit. They all say it should be lower. Forget about the closed areas, that's not what's needed.

As far as closing off any part of Marquesas, the problem that I have with that is that it is a major place to catch bait inside of there for the yellowtail industry and also for charter boats and guides and stuff like that. They catch a lot of bait in there. If you close off the inside it would definitely impact that. And what I'm really concerned

about is the anchorage. There are a lot of rocks on the south side of it so you can't get up close to the island. When they anchor on the south side, they go mostly inside the island into Easter harbor and Mooney harbor. People at night time try to anchor in calm as water as possible so as not to disturb lobster in their live tanks. Most everybody makes three day trips. They don't come back and forth every night. I have never been anywhere where you can go inside a prohibited take area and anchor with product on the boat. And I think that would be a big huge problem in the Marquesas area, to have product on the boat and go into one of those three harbors on the south side and want to anchor up. And they are used quite a bit. And it's not just the lobsterers, you got a lot of yellow tailers and small Cuban boats that go up and anchor inside of there. That is the problem I see with closing the Marquesas area.

Meeting Summary – June 11

8. Welcome back and review agenda for day two
 - Absent working group members: Mark Chiappone, Tim Grollimund, Tad Burke, Ben Daughtry

9. Discussion: Discussion of suggestions proposed and settling on preliminary recommendations.

The working group reviewed ideas presented for potential modifications to marine zones in the Marquesas region. The discussion focused on (1) potential zoning changes, (2) suggested changes to regulations, and (3) innovative and Keys-wide ideas. The working group identified and documented areas of consensus, majority agreement, concerns, and issues for further discussion. The working group did not fully discuss all ideas raised.

(1) Potential zoning changes: For full details, see the table on page 22.

- Western Dry Rocks
 - Noted that the proposed idea about May/June regulation – seems unfair as the only sector being regulated is commercial fishing.
 - Noted that the bag limit for commercial fishing does not make sense as when you remove a sector it simply just opens up opportunity for others.
 - Should identify the area where the spawn takes place, what make this spot special (currents, bottom topography, etc) and close it year-round for all activities and uses. This approach would be good for the resource and fair to all. Short term this approach might be hard but in the long term is good for both ecosystem and fish.
 - Noted that this is a really important area for fishermen in Key West.
 - Noted that the mutton snapper fish stock – shows good or excellent condition.

- Noted that fishery management addresses fish stocks, the charge of this group is to consider ecosystem protection.
 - While the available data is strongest for mutton snapper presence and use of this area, this area is known to be used by other species. This is an important area and should be closed year-round.
 - Noted that the fish do not stay in the area year-round, so if a year round closure is recommended, it should be a small targeted area.
 - Need to be proactive to set aside special places (small as possible) to promote long term ecosystem health. Protecting Western Dry Rocks is a good ecosystem protection decision. A good insurance policy for fishing, diving, tourism, ecosystem protection.
 - Noted that there are other special areas in the Marquesas and these areas should be explored. Western Dry Rocks is a special area and provides economic benefit. Recommend not picking the area that is closest to Key West but rather choose an area further west.
 - Noted that this area is heavily used. Would have an economic impact. If this is that special of an area, should be closed to all. Preserving it could serve as a pro for economies of the future and providing some level of protection in this area could allow it to continue producing for the future.
 - A working group member proposed recommending that this area should have some type of additional regulation and that a suite of options be recommended including bag limits, temporal zoning, year-round zoning.
 - Working group did not recommend this and noted that the group should provide clear recommendation to the advisory council, not a suite of options.
- Marquesas Islands – Catch and Release Zone
 - Noted that if the Marquesas are a no-take zone (catch and release only) this will create a legal and enforceability issue due to the need for vessels to anchor within and near the Marquesas for safety. If those vessels have product aboard, that creates a challenge. Area of note is Mooney Harbor and other leeward areas.
 - Questioned if there is a significant problem that is driving an additional layer of protection?
 - Noted that the priority needs to be anchorage.
 - Idea of a catch and release fishing zone is to monitor, manage, and maintain – improving resources in this region and serves as a new way of managing resources in the Florida Keys.
 - Noted that this creates additional layer of management to resources that are already managed by a Fishery Management Plan.
 - Concerned about the issue of selective user areas, gets tricky to manage, enforce, and creates an issue with user compliance.
 - Working group member called a vote to: Strongly recommend that nothing be done to affect the ability of a vessel to anchor in the

Marquesas island region, regardless of weather. Vote taken was approved by all with two individuals not voting (1 – doesn't have a position based on information presented, 1 – notes that the working group can put something in writing but the interest groups can use political influence to change what has been put forward).

- Concern raised about making an ecological recommendation that could turn into a selective use zone.
- Show of hands for individuals who would support a potential catch and release zone. Three working group members present support this idea.

- Mid-channel patch reefs and deeper reefs
 - Needs more data to evaluate. At present the data available does not clearly indicate why or why not to provide additional protection for patch reefs or deep reefs in the Marquesas region. Need to have a clear why if we are making a decision to change the allowed use.
 - Why provided is to ensure representative habitats are protected from as much impact as possible to promote health of these regions. This is a management approach to ensure protection of the range of habitats.
 - Noted that the farther you get from key west, less impact, less pressure.
 - Noted that the farther you get from key west, less known about the region, less data, less mapped area. Not able to select an area with the known data because there might be other areas that are better to protect than the areas that are mapped and have data available.
 - Request more research, particularly to the areas to the west that are down-stream from Western Sambo.

- Identify resilient reefs in the Marquesas Region for reef restoration.
 - Noted that high resilience reefs seem to make sense as an area to explore for targeted coral restoration.
 - Noted that identifying areas for coral restoration would not necessarily impact allowed uses.
 - Discussed challenges and requirements of getting a permit issued. To get a research permit need to go through a review. Part of which is understanding what the research is. Species that are ESA listed required additional review. For Florida Fish and Wildlife Conservation Commission, a Special Activity License is issued for research. Particular criteria have to be met including research, genetic and health criteria; project evaluation.
 - Working group noted that Ecological Reserve areas should be left natural and that permits should not be issued for restoration work in those areas.

(2) Suggested changes to regulations:

No regulation changes that are not associated with a zone recommendation or Keys-wide idea were identified for the Marquesas region.

(3) Innovative and Keys-wide ideas:

- Florida Keys Fishery Management Council or Sub-Committee
 - Noted that the Florida Keys is a unique ecosystem and has special needs for fishery management; working group will always hope to push for better management for Keys fisheries.
 - Rationale and need exists to manage the Florida Keys separately. Fish that are targeted here are different and/or have different seasons, etc that occur elsewhere in the South Atlantic and Gulf Fishery Management Council management zones. It is important that the Councils recognize the need to integrate ecosystem management.
 - It was reported that the South Atlantic and Gulf Councils, with the Florida Fish and Wildlife Conservation Commission, formed a South Florida Committee, which most recently met in March. The Committee is looking at different ways to manage the fisheries in this region. Their next meeting is July 22, 23, and 24 in Key Largo.
 - Noted that forming a Fishery Management Council takes an act of Congress

Recommendation:

- Consensus: recommend the Fishery Management Councils manage the Florida Keys as a distinct area.
- Consensus: The boundary of a Florida Keys Fishery Management Area should be aligned with the northern boundary of the FKNMS SAC Study Boundary. Consistent regulations should apply within the entire area of the Florida Keys.

10. Review of Tortugas Preliminary Concepts and Develop Final Suggestions for the Tortugas Region

The working group reviewed ideas identified and discussed for potential modifications to marine zones in the Tortugas region. These ideas were originally discussed at the March 6-7, 2014 meeting in Marathon.

Recommended zoning changes for the Tortugas Region:

For full detail including rationale and issues to consider, see the table on page 23.

- Tortugas Ecological Reserve North: No Change
- Tortugas Ecological Reserve South: Extend the TSER boundary to the west to include areas potentially important for fish spawning. Move the TSER southern boundary north, removing some area that is now included in the ecological reserve.
- General Sanctuary Boundary: Extend the Sanctuary boundary to include Tortugas South Ecological Reserve (TSER). Extend the sanctuary boundary from the west of Tortugas North Ecological Reserve (TNER) to the western side of the study area boundary.

- Area to Be Avoided: Extend the ATBA to include all of the Sanctuary area as proposed in the General Sanctuary boundary expansion.

11. Review and Discussion of Keys Wide Suggestions

The working group reviewed Keys-wide ideas identified and discussed for potential new regulations or modifications to existing regulations. These ideas were originally discussed throughout the series of regional meetings. The following are working group comments regarding issues the Sanctuary Advisory Council should consider when making recommendations.

No Anchoring in SPAs

- Rationale for this concept is to protect coral.
- Anchoring is a basic safety issue particularly in the case of vessel issues, bad weather, or other emergency
- Noted financial challenges to installing and maintaining sufficient mooring balls
- Note that the number and location of mooring balls should be informed by the users; to provide information for use issues and considerations for weather.
- Noted the intertwined issue of anchoring and baitfishing in SPAs.
- Support a Blue Star type certification/training for anchor use.
- Note that consideration should be given to special events including holidays and other high use events that have an increased number of vessels that will need to moor and or anchor.
- Clarified that if you are going to allow anchoring – all forms of anchoring. If anchoring will not be allowed than no type of anchor should be allowed.

Marine Life Collection

- Noted concern regarding opening an area for one group at the expense of others.
- Support regulations that are consistent and fair.

Further discussion deferred to the July 8-9, 2014 meeting.

Artificial Reefs

- Discussed the value and opportunity presented through artificial reefs for potential ecological and economic benefit.
- Noted drawbacks and issues with artificial reefs in that they change the topography of the bottom and change the behavior of the fish
- Noted the importance of establishing clear goals for artificial reef projects.
- Question about funds for artificial reefs and if they are not better spent on restoring natural reefs
- A Working Group member requested recommending to the SAC that a sub-committee be formed to review the benefits and drawbacks of the use of artificial reefs (6 in favor of 10 present).

- One not in favor – noted that this group should reconfirm that this is an important issue and the SAC tackle it in the way they see fit (4 in favor of 10 present).

Limited Use/Limited Entry

- Discussed the potential opportunity provided through creating a limited entry scenario for recreational charter fishing sector.
- Noted that if this is considered for one sector, it should be considered for other sectors including other eco-tourism sectors.
- Limited entry provides opportunity for the business to have a greater value and creates greater incentive to protect the value of that business through protecting the resources.
- Noted that this could provide an opportunity to better track use, impact, and support compliance.
- Working Group requested that the SAC consider limited entry as part of the regulatory review process (6 in favor of 10 present).

12. Public Comment

Public comment was provided by seven individuals:

- Richard Gomez, President of Charter Boat Association.

I would like to go on record as saying I am thoroughly disgusted in having to feel it is necessary to attend and participate in these highly discriminatory meetings. We fishermen are being eaten alive, simply because it is possible. I handed out a letter to each of you and I would like to read it to you now. And keep in mind this letter and more letters are and will be going viral. And hopefully some day in the near future they will land in the right hands. And people will start being held accountable for the discrimination and loss of rights that fishermen have been living with for far too long.

The fishermen in your community are in desperate need of your support right now and in the future. We have been fighting a losing battle with so many sanctuaries and councils, we have lost track of all the names and agendas of each organization. Charter boat as well as commercial and recreational fishermen have been continuously chipped away at since the 1970s. We have lost our rights to keep certain fish, and we have lost our rights to sell most species of fish. The price of doing business has gone up and due to the lack of fish sales, our profit has gone down. More and more especially in the charter boat industry we are being targeted and regarded as criminals rather than fishermen.

We have attended so many meetings through the years and listened for hour upon hour to long winded scientific data reports; that for the most part have been outdated, unfinished, and unsubstantiated. At these meetings, fishermen were and are given 3 minutes to plead for our right to continue to make our living on the ocean.

We have spoken with passion and common sense and have always felt

that we had presented our case well. But 99% of the time, we have lost one more piece of the pie.

As the president of the Key West Charter Boat Association, I have tried to motivate my fellow fishermen to continue to fight the fight that never ends. The problem is that so many of us have given up, we have been taken advantage of and beaten down for so long. We hold little hope of accomplishing anything besides getting more and more frustrated with the outcome of our useless efforts.

I was not brought up to be a conspiracy theorist, nor do I believe that most fishermen were brought up that way, but I challenge each of you to ask your fellow fishermen if they feel that not only are they being conspired against, but also if they feel that the final agenda is not only to eliminate the majority of fishermen, but also the majority of ocean we are allowed to fish in.

Our voice is but a whisper in an occasional letter to the editor published in the Key West Citizen or a short paragraph on the front page of the Sanctuary's seemingly private propaganda paper. Has anyone ever wondered why a fisherman's opinion never gets front page billing? It's not because we haven't asked to be interviewed, and it certainly isn't because our opinion wouldn't be interesting to the public.

Speaking of opinion, here is not only the opinion of every fisherman in Monroe County and in every county, and city along every coast of the USA, but also the fact that has been established by all of these counsels, committees, scientist and ecologists, that are systematically and relentlessly attacking fishermen to the point of extinction. POLLUTION, GLOBAL WARMING, AND WATER QUALITY continue to be the main culprit of the demise of our reef and bay bottom. As admitted and discussed at length at these meetings, yet the fishermen continues to be the ONLY scapegoat. Why-simple it is easy. We are underfunded, undermanned, and overwhelmed. We have been beaten down so long we have all but given up.

Please believe that all fishermen understand the need for rules and regulations. We stand behind any and all decisions that protect not only our fisheries, but also our underwater habitat. As long as the rules and regulations make sense and can be proven with true, up to the minute scientific findings. In my opinion and the opinion of most fishermen, size limits and bag limits have been the sanctuary's greatest accomplishment. Our fishery is stronger than it has been in years, and yet we continue to get bombarded with new and devastating ideas.

Our latest challenge is a big one, which will affect not only fishermen but every community from Key West to Key Largo, and will serve to prove the conspiracy theorists were right. There are meetings being held up and down the keys by the eco-system advisory committee. This committee will be handing their recommendations to the sanctuary for final approval.

Here is the dilemma in a nutshell; scientists, ecologist, and

sanctuary committees would like to see huge portions of sea bottom set aside for further study. This would mean very large portions of important fishing grounds would be off limits to any and all fishing; even though it's been established by their own admission that POLLUTION IS PUBLIC ENEMY NUMBER ONE.

This vast area of bottom would have a direct impact on the Key West and Florida Keys economy. Charter boat, fishermen as well as commercial fishermen, would be greatly affected by these closures.

There will be a final meeting dealing with the Lower Keys on June 11th and 12th starting at 9:30, at the Eco-Discovery building. After that, the Sanctuary will make its final arguments. Then comes the decision; I predict, and most fishermen predict because of past experience, that they will end up settling for a smaller portion. This is how they get what they want; by asking for a lot, settling for a smaller portion, and then coming back later for the rest.

We urge that at least one representative is sent to these meetings to see this process first hand.

In closing, I would like to leave you with a short parable to give you a better idea of the mentality that we deal with when dealing with most of these environmental protection groups.

A group of men and women were given an extremely difficult task, they were asked to find out what was killing a dying forest and figure out how to save it. They were each given a pick and a shovel and sent into the forest to find and solve the problem. Upon reaching the forest they discovered that there was one huge tree (pollution) and its branches and leaves blocked the sun and rain from reaching the smaller trees, but more than that the roots of the tree were immense, and they were slowly but surely strangling the life out of the surrounding forest.

Upon seeing the overwhelming root system, the group felt that it was too heavy a task to take out the root. So they laid down their picks and shovels, climbed the tree and began picking all the leaves (fishermen) because they needed to feel that they were accomplishing something. Their thinking was if they could eliminate most of the leaves, the sun and rain would reach the dying forest and possibly help to slow down its demise. But the reality was that the leaves, as well as the forest, continued to die because of the root.

I believe that the whole community and all communities along every coast line should get more involved in not only saving the leaf (fishermen), but also attacking the root (pollution). But for the moment, right here and right now, the fishermen of your community need everyone to rally around us and help us fight the fight we have been doing on our own for far too long. Make no mistake, not only is this steady flow of new ideas going to eliminate the leaf, but to eventually affect the local economy more and more. It is also going to affect the average citizen that still enjoys the

freedom of taking their families out on weekends. Enjoying the very reason why we call the keys our little slice of paradise.

- Capt. Bill Wickers Jr., KWCBA.

Thank you for allowing me to speak to you today. I was on the original Sanctuary Advisory Council and served on it for over six years from about 1990 to 1996. It was this board that created the sanctuary that exists today.

Everyone that served had great expectations of preserving this wonderful place we call paradise. The primary goals were to preserve our beautiful coral reefs by setting aside about fifteen of them in sanctuary preservation areas but most importantly to begin a water quality protection plan to clean up our water.

Things ran fairly smoothly until our chairman and sanctuary staff injected fishery management into the sanctuary by proposing nine large ecological reserves that ran from the shoreline all the way to 200 feet of water. These reserves encompassed just about every major fishing area in the keys. This caused a major rift in the community and on the sanctuary advisory board because we had publicly promised over several years that we would stay out of fishery management. That our primary goal was water quality and habitat protection of our very valuable and beautiful reef system. This action was a breach of trust with not only the community but also the sanctuary advisory board. They tried to convince the SAC that it had already agreed to these reserves. This was quickly proven false. We had never seen anything of this magnitude prior to this day. This caused a great deal of harm to the sanctuary.

Commercial, charter and recreational fishermen and many organizations protested this action. The sanctuary lost most of its local support. In the end only one preservation zone was created – the Boca Chica ecological reserve. This actually passed by one vote. All of the other eight ecological reserves were voted down. Closing such large areas to no take zones is the ultimate type of fishery management.

This is why when you came up with proposals to take extremely large areas back in August you had the reaction that you encountered. Haven't we learned anything from the past?

Your 2011 review of the sanctuary was very upsetting to me. It basically stated that not a whole lot has changed for the better in the protected areas. That the area inside the SPAs were not much better off than those outside. In some cases worse. Since commercial, charter and recreational fishermen were not allowed to fish these areas they could not have caused this decline. And since the divers were not allowed to touch, stand on, or remove anything from the SPAs, they probably didn't cause this. So why didn't our expectations of more coral cover, more fish, larger fish, more lobsters, sea fans and other reef inhabitants not happen? The answer is water quality. We must clean the water! This was true 17 years ago. And it is still true today. We still have a lot of work to do. Blaming the decline of the reef on the very people who were prohibited to use it is not right. You know this as well as I do.

Thank you for listening.

- Lee Starling, commercial fisherman, diver.

One thing you brought up was the no anchoring thing, since you have studied this intensely, you can identify areas that you don't want people to anchor at, and through your information booths you can provide those coordinates. That might be helpful. I have an agreement with the glass bottom boats that I won't anchor on certain spots. I don't want to impede their spots and I also don't want to damage the coral they are looking at. So we have a cooperative agreement. I will go on my GPS and label areas for no anchoring. I would rather have to swim over to an area to access it than to damage that coral. You mentioned you only know of only a few spots that have pillar coral. I can help you out there; I know a lot of spots that have pillar coral provided that you don't want to take them. Sometimes we compare apples to oranges. We have a huge continental shelf here which helps replenish itself. I feel that artificial reefs placed in an appropriate place can be a great benefit. Not all hard bottom produces fish. Some hard bottom is like an empty mall at Ft. Lauderdale, there ain't nobody there. They all move to the next mall. To properly place mooring balls at places like Cottrell Key, Archer Key, places like that, it can be very beneficial. Mr. Bergh, I feel like the Tortugas and Western Sambo may encompass the areas that you want to protect for patch reefs, I can certainly appreciate your desire to protect those areas. To me, the reef is the bumper of the car. The fish live on the outside or the inside, they don't live actually on top of the reef. It would be like studying people and thinking we all lived at Publix instead of at the communities that are around it. I think you have a lot of operators here that are concerned and they want to make things better. I've seen a lot of progress in these meetings that we had from last year to this year. I appreciate that.

- Daniel Padron, FKCF, commercial fisherman.
Since the original bombshell was dropped by the SAC, I have been attending as many meetings as possible. The very first meeting I went to in Marathon was extremely heated and rightfully so. There were a lot of pissed off people for lack of a better word. I noticed in Marathon that there wasn't a single person in the crowd that was for no-take zones. Not a single one, from Key Largo, to Key West, to west of the Tortugas. Everybody in crowd was completely against anything. As far as the Marquesas is concerned, I would not like to see it be catch and release only. I feel that it is highly discriminatory. I feel that for the amount of legal fish caught inside of there it would be pretty worthless as well as a law enforcement nightmare. There are baitfish that charter, recreational, as well as commercial people go inside of there to get and I feel that was not mentioned today. I would also like the sanctuary to explore the idea of putting mooring balls all along the north west side, all down the west side, as well as the south side. I know anchoring was a big hug topic today but for some reason mooring balls was never really mentioned. As far as W. Dry Rocks, I feel as if it has a very small impact from the fishermen and divers here compared to the damage that is done by water quality. I feel the idea of having a closed zone to protect a spawning aggregation for mutton snappers only happens for two and a half months does not justify or warrant a year round closure. As far as the stocks for mutton snapper, it is as healthy as healthy can be. Leave it alone and stay out of fisheries management. As far as the resilient inner patch reefs are

concerned, there is lobster fishing as well as ballyhoo and it takes place on these patch reefs. They are resilient, again, leave those alone. As far as educating the public, people come down here from all over the world and they don't know how to operate boats. If you have enough room on your credit or debit card you can buy or rent one and do whatever you want. Those are the people that are getting in accidents, running aground, and having other negative impacts to our reefs. I feel like that needs to be addressed heavily. That has been overlooked. As far as law enforcement, I have already beat that dead and overcooked. Like I said, water quality is our biggest enemy. I attended a meeting here about a month or so ago and it was pretty much clear to me. The fight is not with the recreational fishermen for hire, dive operations, it's not us. Water quality is the issue. Like I said, I'm against any closures anywhere and we all live here, we all have stakes. Thank you very much.

- Aaron Adams, Director of Bonefish & Tarpon Trust.
I won't repeat what Steve Trippe said to you yesterday. I would like to address some of the conversation this morning about catch and release. Catch and release is a conservation tool. It is not an end in itself. It's used in many other places around the world for two reasons. One, it can protect items or fisheries of interest, that people may think are being overharvested. At the same time, it can allow economically valuable fisheries to occur by catch and release. That said, catch and release only work if the fish that are being targeted actually survive at a high enough rate to make it a good conservation tool. Bonefish & Tarpon Trust has spent the money to do the research to show that the fish survive after release well over 90%. So it is a good conservation tool. Again, catch and release should not be used as an end in itself. It actually allows more participation in the use of the resources in areas that would otherwise be completely closed off.
- Adam Disson, 2nd *Destiny*, commercial fishing vessel.
I was on the original working group for the Tortugas. I spent all that time and did all that. Everything was agreed upon in the room. It came back and all of a sudden Riley's Hump was in the mix. So right there the trust issues began with the Sanctuary. We also dealt with the Sanctuary to allow shrimp boats to drag in the Sanctuary, all around the Sanctuary. There were plenty of boats with 70 foot nets. Now how is that justified with a 90% by catch to 10% catch in the Sanctuary? And you're picking on us? They have never been addressed. They drag in the Sanctuary. They mow down the bottom with nets. None of the other fishermen here touch the bottom. But they do and that's okay. So there again is another trust issue with the Sanctuary. An issue with enforcement as commercial fishermen that we see every single day, people fishing in the no-take zones, where is the enforcement? If you can't take care of what you've already done, why are you going to add more to the mix that you can't take care of? Bring up water quality, we all know that pollution is an issue but that is never talked about or addressed. I have about 250,000 hours of documented sea time between the Dry Tortugas and Pulley's Ridge. I bought a boat to go fish Pulley's Ridge. I was out there when they did the study for four days. I'm out there every single day. And they come out there for four days and that's it and

say close it. So once again, trust issues. You don't work with the fishermen. These are the guys that know what's going on. How many scientists are in this program that have 250,000 hours of time at sea? Oh, okay, that many. I think you should listen to what the fishermen have to say instead of working against the fishermen. Let's bring us together and use their input because we want to survive. We want to work with you to make a better fishery for all of us. We don't want to be crossed out of the picture. The other thing about this closure is when you close more areas, the fishermen that are already there have to fish tighter and tighter and tighter. What does that do? It puts more pressure on the remaining areas. So once again, who's the bad guy? Us, did we close it? No. You closed it and made us fish together, kill the bottom, screw the fishermen. It just doesn't make any sense. You know, once again it's a big issue of trust. That's why you don't see a lot of commercial fishermen around here. Every time we come to these meetings we end up losing. I agreed to this closure at Riley's Hump because I already written it off. I mean it's already been done. You took it from us, you're going to change around the configuration, if that's the lesser of the evil that's why I agreed to it. Not that I want it, but it's the lesser of the evil. I would rather you take that little piece down there than touch anything up there by the Marquesas. So that's why I agreed to it. I really think that this whole issue should be looked at. What have you done to look at what you have already closed. Where's the documentation that all of this is working? I've fished for a year, every five years they take a closed area and flip it to another area closed area and study the one they just opened. How come they don't try that here to see what the impact is? Once you take something, you take it and that's done. We don't see any kind of learning from it. You know bring the fishermen and let's do some kind of fish trap study, count fish, prove it to us, show us that it works and maybe we'll agree to it. None of that has ever been done. Once again I would like to say instead of taking more, we should see what we got. Enforce it better because right now we have a huge enforcement problem that is way out of control. Why just pick on us? Why not pick on other people. Has anybody ever mentioned shrimp boats in this room? I can't say anymore.

- Virginia Paniw, Assistant VP of Key West Chamber of Commerce.
I have a question for my own satisfaction. We represent all aspects of the business community. Whether or not they are members, we look after everybody. If you go on our website you will see that we are very much into numbers and into the economics of the community. Our mission statement is to support our business community and the working people of Key West. I would like to know if you have any numbers of how this have been effecting, in the past and in the future, the fishermen, numbers of how this will affect them and their families with their incomes and so on and so forth. Because I'm hearing a lot from phone calls and letters that I receive. We have a very good tourist industry and a lot of people come down here to fish whether it be flats fishing or commercial fishing. It's getting tougher and tougher with the gas prices and the economics but at least they can get out there and make a living. Have you compiled anything to show how this is going to affect everybody in the future? The working family and tourism in general.

Answer: Yes, it's on the FKNMS website. The review process is explained again regarding the process timeline, the Draft Environmental Impact Statement, and the public review of the draft.

Written public comment was provided by three individuals. Written comments can be found here: <http://floridakeys.noaa.gov/review/documents/20140614epwrittencomments.pdf>

Follow-Up Actions for Working Group Members

- Review preliminary recommendations and discussion to date for Upper, Middle, Lower Keys, and Marquesas regions. Review preliminary recommendations for regulations and other innovative ideas that could apply Sanctuary wide.
- Begin considering recommendations to forward to the Sanctuary Advisory Council.

Decision Items of Note

Preliminary discussion and decisions for potential zone modifications in the Marquesas region are outlined in the table on page 22. Final recommendations for the Tortugas region are outlined in the table on page 23. All other items will be further discussed before preliminary decisions are made.

Marquesas Region

DRAFT concepts presented for potential modifications to marine zones in the Marquesas region. The below table reflects working group discussion to date. These concepts will be revisited at the final working group meeting in July. No formal working group recommendations have been made.

Area	Rationale	Zone Concept	Regulation Concept	Consensus
Western Dry Rocks	research noted an identified spawning aggregation area, distinct upwelling and bottom geology have been identified. Need to protect the area to promote recovery and reseeded of the fish aggregation. Protection is necessary as this appears to be the most well-known and studied aggregation in the Keys.	No preliminary zone concept recommended, however an area was drawn for consideration as a marine zone.	No preliminary regulation concept recommended, however discussion was noted that if an area is closed it should be closed for all use.	No consensus. Still under discussion.
Issues to Consider for and associated Concepts:				
Noted the need for more data and the ability to use those data to help identify other special areas in the Marquesas region that could be protected with less impact on users				
needs to be a very clear boundary of area identified and considered for potential additional regulation.				
Noted that this is a really important area for fishermen in Key West.				
Need to be proactive to set aside special places (small as possible) to promote long term ecosystem health. Protecting Western Dry Rocks is a good ecosystem protection decision. A good insurance policy for fishing,				
Marquesas Harbor	Rationale includes minimizing impact to ecosystem, region is one area that could promote additional protection and try a new management tool through catch and release.	Concept 1: Create a catch and release zone within the Marquesas Islands	Concept 2: No take, and release, allow an exception for bait-fishing. Always allow leeward anchoring.	No consensus. Still under discussion.
	Safety.		Concept 3: no regulation change that would affect the ability of a vessel to anchor in the Marquesas island region, regardless of weather.	Show of hands in favor 9; 2 abstain.
Issues to Consider for and associated Concepts:				
Noted that the area would have to always be kept open for leeward anchoring				
if the Marquesas are a no-take zone (catch and release only) this will create a legal and enforceability issue due to the need for vessels to anchor within and near the Marquesas for safety. If those vessels have product aboard, that creates a challenge. Area of note is Mooney Harbor and other leeward areas.				
Noted that this creates additional layer of management to resources that are already managed by a Fishery Management Plan.				
Concerned about the issue of selective user areas, gets tricky to manage, enforce, and creates an issue with user compliance.				
Mid-Channel Patch Reefs	These are resilient reef areas with populations of rare coral species. ensure representative habitats are protected from as much impact as possible to promote health of these regions. This is a management approach to ensure protection of the range of habitats.	No zone concept recommended	No regulation concept recommended	Further discussion needed.
Issues to Consider for and associated Concepts:				
Needs more data to evaluate. At present the data available does not clearly indicate why or why not to provide additional protection for patch reefs or deep reefs in the Marquesas region. Need to have a clear why if we are making a decision to change the allowed use.				
Request more research, particularly to the areas to the west that are down-stream from Western Sambo.				
Resilient Reefs	high resilience reefs seem to make sense as an area to explore for targeted coral restoration.	No zone concept recommended	No regulation concept recommended, however noted that if an area is selected for restoration it does not necessarily have to impact use of that area.	Further discussion needed
				Further discussion needed
Issues to Consider for and associated Concepts:				
Discussed challenges and requirements of getting a permit issued.				

Tortugas Region

Ecosystem Protection Working group recommended concepts for potential modifications to marine zones in the Tortugas region. The below table reflects working group discussion and decision for the Tortugas Region.

Area	Rationale	Zone Concept	Regulation Concept	Consensus
Tortugas North		No change recommended	No change recommended	Consensus.
Tortugas South	Known fish aggregations are along edge of current boundary, an expansion to the west would provide greater protection. Additional good benthic features would also be captured through the western expansion.	Concept 1: Extend TSER boundary to the west to include areas potentially important for fish spawning		Consensus reached: Support Concept 2 over Concept 1
	known fish aggregations are along edge of current boundary, an expansion to the west would provide greater protection. Better benthic features would also be captured through the western expansion. More area made available for fishing in the Southern area.	Concept 2: Extend the TERS boundary to the west to include areas potentially important for fish spawning. Move the TSER southern boundary north, removing some area that is now included in the ecological reserve.		Consensus reached: Support Concept 2 over Concept 1
Issues to Consider for Tortugas South and associated Concepts:				
For any change to the southern boundary of TSER, need to know what resources are in that area before considering that modification.				
Concept two is a net gain for fishable area.				
General Sanctuary Area in Tortugas	Square Sanctuary off to make it easier for law enforcement. General Sanctuary regulations would apply in this area.	Concept 1: Extend the sanctuary boundary to include Tortugas South Ecological Reserve (TSER). Essentially close the gap so that general sanctuary regulations would apply in this area. Extend the sanctuary boundary from the west of Tortugas North Ecological Reserve (TERN) to the western side of the study area boundary.	General Sanctuary Regulations would apply	Consensus reached: support zone and regulation concepts.
	Simplify and enhance law enforcement. Minimize the chance of ship groundings, vessel discharge	Concept 2: Extend ATBA to include all Sanctuary as proposed in Concept 1	General Sanctuary and ATBA Regulations would apply.	Consensus reached: support zone and regulation concepts.
Issues to Consider for General Sanctuary Area and associated Concepts:				
Southern line of sanctuary boundary should follow a straight line of latitude to enhance enforcement and compliance.				