

**FLORIDA KEYS NATIONAL MARINE SANCTUARY ADVISORY COUNCIL**

**Marathon Garden Club, Marathon  
Tuesday, June 21, 2011**

**DRAFT MINUTES**

**Members Present**

Jason Bennis  
Chris Bergh  
Jack Curlett  
Dolly Garlo  
Richard Grathwohl  
David Hawtof  
Bob Holston  
Debra Illes

Don Kincaid  
Steven Leopold  
Jerry Lorenz  
Corey Malcom  
Ken Nedimyer  
George Neugent  
Bruce Popham

**Alternates Present**

Joe Boyer  
Alex Brylske  
Bill Chalfant  
Ben Daughtry  
Scott Fowler

Bruce Frerer  
Susan Ford Hammaker  
Bill Kelly  
Suzy Roebbling  
Bob Smith

**Call to Order/Pledge of Allegiance/Roll Call/Approve Minutes from April 19, 2011 Meeting/ Adopt Agenda for this Meeting/Chairperson's Comments/Introductions**

-Chairman Bruce Popham called the meeting to order at 9:00 A.M. He welcomed the group and thanked the staff for the work they did to prepare for the meeting. He also thanked the Sanctuary Friends Foundation of the Florida Keys (SFFFK) for the refreshments.

- Jack Curlett then led the group in the Pledge of Allegiance.

- The Sanctuary Advisory Council (SAC) for the Florida Keys National Marine Sanctuary (FKNMS) reviewed the draft minutes of the April 19, 2011 meeting. Chair Popham noted there was one suggested change on page 18, in the third sentence, provided by Lilli Ferguson: "He said he understood Mr. Pope had talked to Joanne Delaney, regarding if it could go outside the sanctuary, and Mr. Pope said yes."

- Commissioner George Neugent moved that the minutes be approved with these changes, and this was seconded by Chris Bergh. With these changes, Chair Popham deemed the minutes approved. **ACTION ITEM:** Ms. Ferguson to make the approved change to the minutes and disseminate the final version.

- Chair Popham said there was an addition proposed by Mr. Bergh for the agenda. Mr. Bergh briefly described the issue. He said BP was mandated to release \$1 billion for the Natural Resource Damage Assessment (NRDA) process, following the Deepwater Horizon spill. The money will be distributed among the five Gulf states, the National Oceanic and Atmospheric Administration (NOAA) and the Department of the Interior. He said the grant process was currently unfolding and was confusing, but The Nature Conservancy (TNC) input two Keys projects into a website and also sent them to the state. He noted TNC would not be the organization to implement the projects. One was a wastewater project for \$172 million to finish Keys wastewater and the other was to continue the *Acropora* restoration work (started by Ken Nedimyer and continued by him and others, with Recovery Act funding through 2012) for another five years, to transplant coral in the Keys and South Florida. Mr. Bergh said he was looking for a supportive motion from the SAC, saying these are good projects and asking Sanctuary Superintendent Sean Morton to let the state and federal agencies know these are good projects. He passed around some

handouts. Chair Popham said he would like to add this item after Agency Reports for fifteen minutes and asked agency representatives to be succinct in their reports in order to allow for this. He also noted Major Alfredo Escanio and Jeff Radonksi should be added as speakers in the FKNMS Enforcement Priorities agenda item. Dolly Garlo moved the agenda be approved with these changes, seconded by Commissioner Neugent. Chair Popham then deemed the agenda approved.

### **Sanctuary Superintendent's Report – Mr. Morton, Florida Keys National Marine Sanctuary [FKNMS]**

- Billy Causey was not able to make the meeting, Mr. Morton noted. He was attending a national Coastal and Marine Spatial Planning Workshop and meeting with NOAA leadership regarding his work on a potential Sargasso Sea marine protected area, which had some support from NOAA.
  - Mr. Morton said the Department of Commerce's Secretary had been nominated to be the ambassador to China, and so there was a new nominee for Secretary, John Bryson. Mr. Morton also said that Terry Garcia, formerly with NOAA, had been nominated as the Deputy Secretary. He reviewed the two nominees' backgrounds for the SAC, and said both were going through the confirmation process now.
  - Capital Hill Ocean Week (CHOW) took place recently, organized by the National Marine Sanctuary Foundation (NMSF); Mr. Morton said he was not able to attend but knew that Bob Holston and Commissioner Neugent had.
  - Chair Popham said he would have Commissioner Neugent speak about it for a few minutes later in the meeting.
  - Locally, Mr. Morton said the FKNMS staff has been getting the field season up and running. He said FKNMS got a budget for FY 11; the operational budget was around \$5 million. That was a little bit less than last year but it had not changed operations too much, he said. He said the science and Damage Assessment, Restoration, and Resource Protection Program (DARRP) teams were out working with John Hunt and others on coral monitoring, and this work would continue throughout the summer. He said there had been a shift of a lot of the damage assessment scientists to this work to assist FKNMS's partners in the field. Also, the mooring buoy staff and Kent Edwards just completed a one-week trip to the Tortugas to do buoy change-outs and repairs.
  - Mr. Morton said he was pleased to announce have new person joining FKNMS, Steve Thur, on detail from the Coral Reef Conservation Program for a couple of months here in the field then a couple of months in headquarters, working on the policy side of getting some of our regulations synthesized, as well as recommendations for FKNMS moving forward with the marine zones in the Keys. Mr. Morton said Mr. Thur would put together a summary document of current FKNMS regulations, along with the current landscape of where the FKNMS zones are, maps, recommendations from the 2008 SAC Workshop and the SAC Ecosystem Restoration Working Group, and would bring it back to the SAC in August. Mr. Morton said he wanted the SAC to review it and add any scoping input at that time, such as adding, subtracting, enhancing or modifying zones. This would start internal discussions within NOAA and with partners like DEP and FWC. He also mentioned he and Mr. Thur would travel to Tallahassee, St. Petersburg, and Silver Spring to meet with people to ensure they understood what a marine zoning review could look like in the Florida Keys, to gather input, and to be sure there were no surprises regarding what FKNMS was doing, as we move into the fall. He said science-related work was also being done for this, and Scott Donahue would report in the afternoon on the *Condition Report*; he said FKNMS was also working with a Biogeography Team inside NOAA to put together more up-to-date mapping, habitat and science analysis to go with the policy documents and provide a starting point for any kind of regulatory discussions or zones.
  - On July 6, FKNMS will be starting another round of SAC recruitment, Mr. Morton announced. Ms. Ferguson will get the information out, and the deadline to return applications is August 5, he said.
- ACTION ITEM:** Ms. Ferguson to disseminate information on the next round of SAC recruitment. The positions included in this round are: Boating Industry (alternate), Citizen at Large – Lower Keys (member and alternate), Conservation and Environment [1 of 2] (member and alternate), Diving – Lower Keys

(member and alternate), Fishing – Charter Fishing Flats Guide (member and alternate), Fishing – Commercial – Marine Tropical (member and alternate), and South Florida Ecosystem Restoration (member and alternate). Mr. Morton noted the Boating Industry alternate position has been vacant for a while, so he encouraged people to get the word out about that.

- Chair Popham said that Jason Bennis was retiring from the SAC (as mentioned also by Mr. Curlett). He is going to be going sailing.

- Mr. Bennis commented he was leaving the National Parks Conservation Association at the end of the month.

- Mr. Morton presented a plaque to Mr. Bennis in appreciation for his service as a SAC member.

- Mr. Bergh commented he was glad to have Mr. Thur here, and glad FKNMS was moving ahead more aggressively on zoning. He then asked about the DARRP team doing other work, and asked if that was because there was less damage to address or another reason.

- Mr. Morton said he looks at all of them as field scientists, and part of [the decision to shift them to that work] was just resources. He said FKNMS was required to put in more input to research projects as part of a funding match. With limited resources, that has meant a shift from more traditional monitoring on damage sites to other priorities. He said they were still doing some of the restoration, and the still had to get reports into law enforcement and the attorneys. He noted scientific monitoring had been going on for a long time, FKNMS's commitment was to help ensure those long term data sets were continued.

- Joe Boyer said it looked like the Environmental Protection Agency (USEPA) would be giving a 35% cut to all monitoring programs and septic here. He said this would mean losing monitoring sites.

- Mr. Morton agreed monitoring would have to be scaled back, and the question of how to do that kept coming up on every project.

- Dr. Boyer said the numeric nutrient criteria the USEPA was doing in the Keys was limited to a three-mile radius around land, so the criteria and the data generated would not be applied outside of that. He suggested when the regulations were discussed that perhaps NOAA/FKNMS should think about incorporating the numbers produced for inshore at least out to the reef.

- Patricia Bradley said the state could choose to go beyond three miles in the Water Quality Protection Program.

- Chair Popham thanked them for the clarifications.

- Mr. Hunt remarked that the assistance from the DARRP team was contingent upon nothing happening [no incident causing damage within FKNMS]. If something were to come up, that priority would come right back up he said, so both sides [research and DARRP] were still being dealt with as a priority.

- Mr. Morton said there were three parts, damage assessment and response, then restoration, and then the monitoring of that restoration. He said FKNMS had definitely slackened off on the monitoring, but it was still important. He said there was constant prioritization going on.

## **Agency Report Highlights**

### **Florida Department of Environmental Protection (DEP) Report – Mr. Edwards, DEP**

- Lee Edmiston, the Director of the Office of Coastal and Aquatic Managed Areas (CAMA) was going back to being the administrator of Apalachicola National Estuarine Research Reserve, Mr. Edwards announced, which would leave his position in CAMA in Tallahassee open. Mr. Edwards had not heard the plans or a time frame for filling this vacancy.

- The bill that eliminated the Florida Department of Community Affairs (DCA) was signed and was being implemented, Mr. Edwards stated. Portions of DCA would go into a new Department of Economic Opportunity and portions of the DCA planning and oversight functions would remain with that group. Other of the planning and oversight functions will need to be picked up by local planning agencies.

- Mr. Edwards then provided an update on the Broad Creek seagrass mitigation and bird stake project. He said the Village of Key Biscayne submitted a modification to DEP Beaches and Coastal Systems March 28 to revise monitoring methods and success criteria, specifically to add interim criteria to trigger removal of bird stakes, and allow use of different success criteria in different restoration areas, for example, prop scars and blow holes. It also allowed for use of faster resource monitoring protocols and for counting all kinds of resources, not just seagrasses, in a quadrat. He reported the request was under review, and the DEP regulatory folks and the consultant told him there was agreement on interim success criteria, and preliminarily on removal of at least some bird stakes, for when the modification took effect. He did not know what the time frame of the final action would be.

- Ms. Hammaker said Representative Ritch Workman was the keynote speaker at the Florida Association of Special Districts conference in Key Largo, and he mentioned doing away with DCA, and what an area of critical concern means to us. He requested comments to him, and wanted to bring it back as an amended bill in the next session, she said. She encouraged people to email her or Chair Popham as it could be quite important. She said Representative Workman said it was not a done deal.

#### **U.S. Coast Guard (USCG) – Phil Goodman, U.S. Coast Guard Auxiliary**

LCDR Michael Capelli was named as LCDR Michael Herring's replacement at the Coast Guard, Mr. Goodman reported. LCDR Capelli will come to the next SAC meeting. He asked if Ms. Ferguson would contact LCDR Capelli, and she said she would if he got her the contact information. ***ACTION ITEM:*** Mr. Goodman to provide Ms. Ferguson with LCDR Capelli's contact information so she may discuss the SAC with him and get him on the SAC list.

- Mr. Herring reported there had been two tarball sightings over the last several months, which were cleaned up, and several sheen sightings, which were investigated and one small one was cleaned up. He said four vessels sank in the sanctuary, Mr. Goodman said, but all were salvaged and removed.

#### **Florida Fish and Wildlife Conservation Commission (FWC) Report – Mr. Hunt, FWC**

- Mr. Hunt said he sent Ms. Ferguson what would constitute his report for this meeting late in the day the day before the SAC meeting, and asked her to send it to the SAC. ***ACTION ITEM:*** Ms. Ferguson to forward Mr. Hunt's FWC agency report to the SAC via email.

- Commissioner Kathy Barco will be the next FWC Commission Chair, Mr. Hunt stated.

- At its last meeting, the Commission recommended species for staying or being removed from the lists of threatened species or species of special concern, a process they have been going through for a while. He said pillar coral, reddish egrets, and roseate spoonbills would stay on the list, and sixteen species were recommended for removal from the list, including turtles, freshwater fish, pelicans and black bears.

- The Commission finished its efforts on permit fish, and took some actions on snook. The Commission was reopening snook seasons on the Atlantic side, but in Monroe County they were not reopening it so quickly; he said there were more details in the report to be sent around.

- Mr. Grathwohl asked catch and release of snook was still allowed.

- Mr. Hunt confirmed it was, and said there were two distinct genetic stocks of them – Gulf of Mexico and Atlantic -- which is why the Commission could make the decision to open up a portion of the fishery to some regular fishing, based on knowledge of that stock and where the boundaries were.

- Mr. Grathwohl asked if their building was going to be a bird hatchery.

- It had been for a long time, Mr. Hunt said, and they did a press release on the roseate terns. He said bird watchers were there every day this time of year.

#### **USEPA Report – Mrs. Bradley, USEPA**

- Mrs. Bradley brought a recently released USEPA report on coral reef biocriteria, and referenced the discussion of earlier regarding how the states' development of water quality criteria, saying the states

were required to report on them every two years. The report describes the process states would go through to develop biological criteria and provides some basic feedback, she said.

- She stated it was up to the states to monitor water quality [against the agreed-upon criteria].

### **National Park Service (NPS) Report – Tracy Ziegler, NPS**

- Dr. Ziegler reported that the Branch Chief, David Hallac, would be leaving July 8 to go to Yellowstone National Park.

- Dr. Ziegler said a tegu was reported last year in Everglades National Park (ENP), and reports have skyrocketed, with populations numbers high around the C-111 Canal and east U.S. 1.

- She mentioned a project was done on python-sniffing dogs, and the outcome was they are slightly more effective than humans in finding pythons.

- The Saturday after the SAC meeting, there would be a nonnative fishing tournament in ENP, sponsored by the Everglades Cooperative Invasive Species Management Area, the Miccosukee Tribe and ENP, Dr. Ziegler said. She said the registration fee was \$25.

- The position at the ranger station has not been filled; she said a candidate from Texas had to decline, and more interviews were being conducted.

- Anne Morkill said the tegu lizard was very predatory and could have a bad effect on our native species.

### **U.S. Navy (USN) Report -- Edward Barham, USN**

- Mr. Barham noted they also had least and roseate terns nesting on their building, and had a natural nesting colony least terns on one of the Navy shorelines.

- He said they had an active turtle nesting season on Geiger Key and very little activity at the Truman Annex shoreline.

- He said a survey was just wrapping up on smalltooth sawfish. The USN contracted with the University of Florida to do the survey.

- July 13 there will be a restoration advisory board meeting at the Doubletree, and Mr. Barham said the public was invited to come hear about status of cleaning up restoration sites and to ask questions about their environmental program.

### **South Florida Water Management District (SFWMD) Report -- Thomas Genovese, SFWMD**

- The Governor made the rest of his appointments and the SFWMD had a full governing board, Mr. Genovese said, and a new executive director, Melissa Meeker, started at the beginning of the month.

- Her first task was to cut \$128 million, and bring the focus back to flood control, water supply, and environmental resource regulation, and complete a few Everglades projects like the C-111 spreader canal project, the Biscayne Bay wetlands project, and a few conservation areas. He said the SFWMD would step back from its leadership role in Everglades restoration with the expectation that the federal government would step up to fulfill its portion of the 50-50 deal, and led the federal government take the lead on constructions projects which it should have done all along.

- Mr. Genovese said there a reorganization was occurring with a significant reduction in force, and as part of that, he was taking a buyout package. He said the Florida Keys Service Center would close along with Miami, and Broward, and Stuart. He announced his last day with the SFWMD would be June 29. He and his wife would stay in the Keys, he said.

- Chair Popham thanked him for all his assistance to the SAC.

- Mr. Bergh said the Florida Keys Service Center had been a big boon and it would be a big loss.

- Jerry Lorenz asked if there would not be any representative on the SAC from the SWFMD from now on.

- Mr. Genovese replied community relations and government affairs would likely be run out of West Palm, and said he would talk to people there about the SAC and encourage them to send someone down.

**ACTION ITEM:** Mr. Genovese to talk to SFWMD folks to see if they would send a new representative to the SAC in the future. He said they were going to a more regional model of doing business.

- Dr. Boyer asked about the status of recovery under this.
- Mr. Genovese said he thought the District would go back to what was mandated and court-ordered. He said they were not taking on anything new and would not buy more land.
- Dr. Lorenz said he wasn't sure if Dr. Boyer was aware there was a 60-75% monitoring assessment cut.
- Chair Popham noted that had been mentioned earlier.

### **U.S. Fish and Wildlife Service (USFWS) Report -- Anne Morkill, USFWS**

- Ms. Morkill said she would pass around a sheet on the Sea Level Rise Adaptation in the Florida Keys workshop that took place in May. She said the presentations were on the Florida Keys Reef Resilience website. She suggested she and Mr. Bergh could give a presentation at a SAC meeting in October or December. **ACTION ITEM:** Chair Popham and Mr. Morton to determine if they will schedule an agenda item on the Sea Level Rise Adaptation in the Florida Keys workshop for the October or December SAC meeting. She said the consensus of the workshop was that sea level is rising, and a priority is to determine research and monitoring needs.
- Ms. Morkill reported they have been working with partners including the University of Louisiana – Lafayette and Florida International University and others to do a baseline study of all the resources in the Florida Keys in the Refuges, include current elevations and sea level. She said it would be important information for the long term to be able to detect any changes.

### **FWC Report Cont. – Major Escanio, FWC**

- Major Escanio said they had been looking at 38 position cuts, and ended up with no position cuts after the first session. He said they did lose some money out of their general revenue, but they should be able to shift some funds around to cover that.
- He said there were no boating fatalities over Memorial Day weekend, though there were some bad accidents, and said an increased enforcement presence out there helps.
- There were some minor violations off of Key West, but nothing serious.
- He mentioned there was good media coverage of the pilot whale strandings off Cudjoe Key, and good partnerships in responding to the strandings.
- In April and May, in FKNMS-specific actions, thirteen federal citations and four warnings were issued, Major Escanio noted. There were 59 groundings, and three resulted in citations. There were 5,809 water patrol hours during this period.
  
- Mr. Morton said he and Joe Scarpa got up in a Coast Guard plane for the first time to do a patrol of the Dry Tortugas and he said they may be doing more of that. They caught a guy in the south Reserve, and may make a case of it.

### **Proposed NRDA-Funded Projects on Florida Keys Water Quality and Staghorn and Elkhorn Coral Recovery – Mr. Bergh, TNC**

- Mr. Bergh circulated a draft resolution and referred to the fact sheets he passed around. He mentioned again how he was looking to have the SAC support the resolution and for Mr. Morton to forward it on to the agencies mentioned in the resolution.

Commissioner Neugent moved passage of the resolution, which was seconded by Mr. Nedimyer. Discussion ensued.

- Susan Hammaker asked about sending this to people in DC.
- Chair Popham replied it would have to go to Sean.

- Mr. Morton said he would transmit it up through the state and Federal sides, and he would do it as soon as he could sign the letter.
- Mr. Bergh noted this had been announced around April 20, and all the state and federal agencies had been working on the process and timeframe, which he said was a bit unclear.
- Mr. Edwards said he saw a copy had already been sent to Mr. Edmiston, who would still be the trustee representative. Mr. Edwards had not seen a timeframe.
- Ms. Hammaker said the lobbyists for the City of Key West, Marathon and Key Largo Water Treatment District were working on separate funding through another source. She said they were looking for an environmental infrastructure set aside on unspent stimulus funds.

The motion passed unanimously upon roll call vote. The wording of the resolution follows.

***FLORIDA KEYS NATIONAL MARINE SANCTUARY ADVISORY COUNCIL***

**Resolution of the Florida Keys National Marine Sanctuary Advisory Council in support of Natural Resource Damage Assessment Early Allocation funding for projects that mitigate the adverse effects of the Deepwater Horizon oil spill on the Florida Keys National Marine Sanctuary  
June 21, 2011**

Whereas, the Florida Keys National Marine Sanctuary (FKNMS) was established in 1990, and

Whereas, the legislation creating the FKNMS found that adjacent to the Florida Keys land mass are located spectacular, unique, and nationally significant marine environments, including seagrass meadows, mangrove islands, and extensive living coral reefs, and

Whereas, these marine environments support rich biological communities possessing extensive conservation, recreational, commercial, ecological, historic, research, educational, and esthetic values which give this area special national significance, and

Whereas, these environments are the marine equivalent of tropical rain forests in that they support high levels of biological diversity, are fragile and easily susceptible to damage from human activities, and possess high value to human beings if properly conserved, and

Whereas, the south Florida region not only is home to the world's third largest coral barrier reef, but it shelters more than 6 million full-time residents and attracts millions of seasonal visitors annually with nearly 4 million traveling to the Keys alone each year, and

Whereas, Florida's reefs are an important "engine" of the region's economic prosperity generating nearly 40,000 jobs annually in Monroe, Miami-Dade, and Broward Counties, and producing nearly \$3.4 billion in income and sales, and

Whereas, the threat of oil from the Deepwater Horizon oil spill impacting the marine and coastal environment of the Florida Keys and south Florida was sufficient to drive natural resource-dependent tourism and related business away from the region, and

Whereas, as part of the Natural Resource Damage Assessment (NRDA) process surrounding the Deepwater Horizon oil spill BP has released a \$1 billion early allocation to the state and federal trustees of Gulf of Mexico natural resources including the State of Florida, NOAA and the Department of Interior, and

Whereas, a “Florida Keys Water Quality” project and a “Staghorn and Elkhorn Coral Recovery” project have been submitted by The Nature Conservancy to the State of Florida, NOAA and the Department of Interior via the prescribed submission mechanisms with the intent of mitigating adverse effects of the Deepwater Horizon oil spill, and

Whereas, it is consistent with the FKNMS and Protection Act for state and federal agencies to cooperate with the FKNMS Advisory Council, which is charged with providing recommendations to the Secretary of the Department of Commerce on actions necessary to provide for the protection of the marine resources of the Florida Keys, in addressing adverse effects over which those agencies have jurisdiction, now

Therefore, the FKNMS Advisory Council resolves to express strong support for the “Florida Keys Water Quality” and “Staghorn and Elkhorn Coral Recovery” projects submitted for NRDA funding and requests that the FKNMS Superintendent send copies of this Resolution accompanied by copies of the two project fact sheets to State of Florida, NOAA and Department of Interior officials in charge of the NRDA project review and funding allocation process.

Passed on this date: June 21, 2011

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The Council is an advisory body to the sanctuary superintendent. The opinions and findings of this publication do not necessarily reflect the position of the Florida Keys National Marine Sanctuary, the National Oceanic and Atmospheric Administration, the Florida Department of Environmental Protection, or the Florida Fish and Wildlife Conservation Commission.

***ACTION ITEM:*** Mr. Morton to consider/follow up on the recommendation of the SAC regarding the proposed NRDA-funded projects.

- Mr. Bergh suggested people should spread the resolution to anyone they know who might influence the process.

**Public Comment**

There was none.

Commissioner Neugent reported he, Mr. Holston, and Ms. Hammaker were at CHOW. Commissioner Neugent said he and Mayor Pro Tem David Rice visited with the south Florida Congressional delegation looking for money of issues of importance to them in the Keys. He mentioned the importance of these issues and enforcement to NOAA. He commented they were receptive and interested. He then passed out an SFFFK decade in review publication. Commissioner Neugent said he also attended the leadership dinner and the NOAA Fish Fry.

Commissioner Neugent then thanked Mary Tagliareni, Joy Tatgenhorst, Nancy Diersing and Robert Keeley for the session to introduce teachers to ocean acidification. He said there seemed to be a greater recognition of this topic in the school system than he had thought existed.

Commissioner Neugent thanked Bill Kelly and his organization in helping out when Governor Rick Scott came to the Keys. He met with Governor Scott’s group and took them to Marathon Boatyard to introduce him to the Clean Boatyard designation and the group also went up and down the Keys. The intent was to

let him know through education how important the ecosystem is to the economy of Monroe County and to the Everglades. He appeared to be receptive, Commissioner Neugent said.

Commissioner Neugent then congratulated Mr. Goodman for being appointed to the Mosquito Control Commission.

Mr. Holston said there was a NMSF trustee meeting the Monday of CHOW. One of the things the NMSF is working on this year is to remove the de facto moratorium on site selection for new sanctuaries. He said he met with Dr. Jane Lubchenco that afternoon, and they are trying to get downward flow within NOAA. He said her boss Terry Garcia, had been a trustee on the NMSF board.

Suzy Roebling said she was also at CHOW, that it was enlightening, and she enjoyed hearing the Congressional and other speakers. She was especially interested in ocean acidification as she had been aware it was already occurring. She said did not go to the black tie dinner but did go to the Fish Fry.

Mr. Bergh announced the U.S. Coral Reef Task Force would meet in Fort Lauderdale October 18-21; there would be a two-day workshop, the second of the Florida Reef Resilience conferences. The focus would be on climate change resilience in the Keys and how the Australians and others are approaching the problem. He said there would also be a business meeting of the all the coral management bodies as well as field trips. He noted the October SAC meeting was on the 18<sup>th</sup>. He said he would forward a “save the date” announcement to Ms. Ferguson to forward to the SAC. *ACTION ITEM*: Mr. Bergh to send a “save the date” announcement to Ms. Ferguson on the October U.S. Coral Reef Task Force meeting, for forwarding to the SAC.

**FKNMS Enforcement Priorities -- Mr. Morton, FKNMS; Mr. Radonski, NOAA Office of Law Enforcement (OLE); and Major Escanio, FWC**

Mr. Morton introduced the topic, noting the order of the speakers and what they would present. He said he would introduce the FKNMS regulations and jurisdiction, and would go over the sanctuary regulations brochure provided to the SAC. He said that he then wanted to have the SAC discuss its enforcement priorities. Chair Popham added this was one of the top three priorities of the SAC for this year, and said it was important to get the advisory council perspective on how to help staff with this issue.

Jeff Radonski there was a \$1.1 million civil penalty in the Dreifort case for the cleanup of the casitas in the Sanctuary, dependent upon the sale of the two houses. He said the U.S. Attorney’s office in Miami was putting pressure on NOAA’s General Counsel for natural resources to find out what was going on in the process and to take action.

He said they do long term investigations, working with the State of Florida and the USCG. He reviewed that there was a Joint Enforcement Agreement (JEA) with the State, part of which affected (and was funded by) FKNMS. The remainder of the funding was obligated by Congress. The signatories to the currently-in-process JEA are OLE, the National Ocean Service and FWC, and the document was at NOAA headquarters awaiting sign off.

Mr. Radonski said the OLE does oversight and monitoring of the JEA, and implements the FKNMS priorities. They receive reports from the state, enter the numbers in a database, and the case reports are provided to OLE headquarters. The special agents conduct investigations.

He reviewed the main priorities of the OLE Southeast division, which included Turtle Excluder Devices in the Northern Gulf of Mexico, for which agents were being sent from around the region to assist with,

the Individual Fishing Quota (IFQ) system in the Gulf of Mexico, seafood fraud (especially for the agents out of Miami), Highly Migratory Species, and FKNMS.

Mr. Radonski said six new uniformed officers would be hired in the Southeast region for enforcement of the IFQ process, using funds from a fee levied on landings. They are working on a plan to get more officers for protected resources, and he said he knew FKNMS had put in a request for more officers to augment the JEA.

He then asked if there were questions from the SAC.

- There were questions about who does the prosecuting and where money resulting from judgments goes, as well as about the origin of seafood served in restaurants.
- Mr. Radonski said criminal prosecution was in the U.S. Attorney's office, and civil cases went to the NOAA Office of General Counsel.
- He said NOAA scientists or state labs may test seafood and agent may also get visual cues. This information can determine when substitutions happen, such as changing trout to salmon or changing the country of origin.

Major Escanio said FWC had three aspects to its core mission: resource protection, boating and waterways, and public safety. He read from a handout FWC provides the officers, describing issues of concern, including commercial resource protection, particularly for lobster and stone crab, recreational fishing, federal fisheries, vessel theft, title fraud, interagency coordination for public safety, search and rescue, intelligence, security, and general law enforcement services.

He noted a lot of the core missions in Monroe County were compounded, particularly due to the number of visitors to the Keys. He said the safety mission was huge for the region and that Monroe County led the state in boating accidents. In Monroe County, he said there were 36 officers, investigators and supervisors, which he said was not a lot. So many visitors come to the Keys on the weekends, it compounds their work. He reviewed that NOAA, through FKNMS, funded six of their positions, with four of these on the patrol vessel *Gladding* out of Key West, one for the rest of the lower Keys, and one in the upper Keys. The *Gladding* crew concentrates on the Dry Tortugas and the Marquesas. Overall, the officers also concentrate on SPAs, WMAs, groundings and boating accidents.

Major Escanio commented FWC was mostly reactive in this region, and that the agency was undergoing streamlining. He felt that should equate to more positions coming to Monroe County.

He concluded by asking if there were questions.

- Mr. Holston asked if the two people he mentioned were the only two from Key Largo to Key West.
- Major Escanio replied no, that those were just the two who patrolled for FKNMS issues.
- Mr. Holston asked how many were on duty on a given day.
- Capt. Pat Langley answered, the average was four from Marathon north during the day, and four down south.
- Major Escanio said officers also had to be called out at night. He also said there was a dispatcher out of Miami. FWC has worked on issues raised regarding dispatch, and is trying to get new dispatchers out to the field. FWC dispatchers also have mapping software now, he said.
- Mr. Smith asked how many vessels were available in this area.
- About 25 boats, close to where they officers live, Capt. Langley replied. He also said there were some training days when they were not in the field, and paperwork to do. He said computers would be installed on boats, as funding is received for that.

- In response to a question by Dr. Lorenz, Capt. Langley affirmed other officers not funded by FKNMS will also enforce FKNMS regulations if they see something.
- Mr. Nedimyer asked about the marine life handbook and if FWC carried it on their boats; it was a tool to assist the officers.
- Major Escanio said he had heard of it but had not seen it.
- Scott Fowler said he did ride-alongs 5-6 years ago with local officers when writing an article for a local paper, and it was eye-opening to see the vast distances they had to cover. He encouraged other SAC members to try to do a ride along.
- Major Escanio said, in response to a question by Chair Popham, that he could look into coordinating that.
- Ms. Roebling said FWC did an awesome job and she rode along with them during the recent whale response.
- There was recognition of all the law enforcement partners in the region.
- Mr. Radonski said providing information to enforcement personnel was very important, and that complaints or other information may lead to changes in the priority structure.
- Chair Popham asked SAC members to take that back to their constituents.

Mr. Morton said he wanted to hear what the SAC thought about FKNMS regulations and priorities, both at this meeting and as an ongoing discussion, especially as they talk about changing regulations. He said they need to be enforceable.

He showed a slide showing the FKNMS-funded enforcement resources: six full-time FWC law enforcement officers one one-third-time law enforcement captain, one dispatch officer, five small vessels, the *Peter Gladding*, six law enforcement vehicles, fuel, maintenance, repair, office space, mess supplies, and three full-time marine mechanics. This added up to 3,250 hours/year of on-the-water vessel patrol. In addition, there are two NOAA OLE Special Agents, and USCG marine and air patrols.

Regarding sanctuary-wide prohibitions, he gave a summary and the SAC was provided with a brochure summarizing the regulations. He said there were some exceptions, and the full information was in the Code of Federal Regulations. He recommended if there were questions, people come to him or Mrs. Tagliareni. Mr. Morton then reviewed the special zones within FKNMS, which have additional regulations, which he reviewed. He also added there was also an Area to Be Avoided. He showed a graphic of Wildlife Management Area boundaries, and said something like a no-motor zone could get complicated, as a boundary may follow the bathymetry.

Mr. Morton explained to the SAC what was being proposed for FY 12 for the JEA, in terms of people and vessel hours allocated to various issues in the following categories: Tortugas Ecological Reserves (ERs), Western and Eastern Sambo, Sanctuary Preservation Areas (SPAs)/Research Only Areas, Wildlife Management Areas (WMAs) Access Control, Personal Watercraft Operations Restrictions, Area to Be Avoided, Coral/Live Rock Removal Injury Possession, Special Management/Research, Grounding Responses, Discharges/Deposits, and Historical/Cultural Resources. He said there was a limited number of hours in a zero sum game to put into the JEA, and decisions had to be made regarding priorities and getting the bang for the buck.

He then asked the SAC members what they considered to be the top priorities for enforcement of FKNMS regulations, if their constituencies raised other enforcement issues, is the SAC wanted to recommend adding specific management activities, and if the SAC needed more information about enforcement activities.

- Bob Smith said he assumed there was a need to superimpose seasonal and event priorities on the overall priorities.
- Correct, along with geographic priorities, Mr. Morton replied, and things like special discharge patrols and groundings.
- The agreement is not that rigid, and has flexibility, Mr. Radonski commented. It would be a boilerplate of what needed to be done.
- The priorities presented covered just the JEA, Mr. Morton affirmed.
  
- Mr. Nedimyer commented about holiday weekends and boaters violating sanctuary regulations off Tavernier in areas like Tavernier Key, Rodriguez Key and Dove Key anchoring on coral, motoring into no motoring areas, etc. He said those areas would turn into mini sand bars if the regulations were not enforced.
- Mr. Morton pointed out there were 100 enforcement hours allocated to WMAs, and there were priorities within priorities.
- Dr. Lorenz said there had been letters to the editor on this, and wondered if people were not busted for this, why they would they pay attention to any zoning regulations.
- Mr. Morton said he understood the point, and said negative feedback was needed. He added Team O.C.E.A.N. was another component.
- From the audience, Mrs. Tagliareni commented that Team O.C.E.A.N. was [mostly] volunteers, and they do not sign up to be sworn at and deal with drunks.
- Major Escanio stated an officer had been to the areas Mr. Nedimyer mentioned, and saw one boat motor in to the no motor area. The others were walked in or drifted, and were walked out.
- Mr. Radonski said on the outreach side, there was a need to tell the Office of General Counsel that these were problems that needed to be addressed.
- There was discussion of officers' training and their education and outreach functions.
- Steve Leopold brought up an area outside of Whale Harbor channel, where he said every boat was aground and discharging in the water. He said the issues have been brought up with the Village of Islamorada. Water samples showed elevated [pollution], but not enough to shut a beach down, he said. The usage has quadrupled there, and he said it has become a sandbar. He felt limiting use in the area on a holiday weekend was an issue.
- Mr. Bergh said Pete Frezza asked him to point out that Tavernier and Rodriguez Keys had been hit thoroughly, and that there were no fish there anymore. Bonefish were a particular point. Mr. Frezza is both Mr. Bergh's alternate and a flats guide. Mr. Bergh felt that the issues of party spots vs. fishing spots should be considered during the zoning process.
- Ms. Morkill described that the USFWS had one officer patrolling four National Wildlife Refuges from Key Largo to the Marquesas (both land and water area), in partnership with FKNMS and the law enforcement agencies. One of the most critical areas is Boca Grande, which is a wilderness area with sea turtle nesting, she said. Most of the people they make contact with are from Key West, but some are visitors who rent a house and bring jetskis. Since law enforcement cannot be there [much of the time], she said people were complacent and allowed their dogs to run on the beach. Having a presence there would make a big difference, she said.
- Chair Popham said from his perspective, the priorities were pretty well set.
- There was some discussion of violations taking place on private islands, including Money Key and Wisteria Island.
- Capt. Langley mentioned some of the difficulties of enforcement there, including viewing the violations in progress and the removal of no trespassing signs.
- Mr. Hunt recognized SPAs were high use spots, but said activities at Western Sambo ER had to potential have an effect at the ecosystem level, although he said he did not know what [illegal activities] might be going on in that area. He asked if it made sense strategically to shift more law enforcement hours there, at the expense of SPAs.

- Morton said he understood the point, that ERs were a top priority for resource protection, and the area was part of a regular patrol area.
- Mr. Radonski noted this was just the second year of the JEA, and the December meeting might be a good time to have more of a breakdown of the data of what law enforcement was seeing and to talk about changing priorities.
- Mr. Morton commented by then there would be over a year of consistent reporting of patrol statistics, on things like issues, warnings and citations.
- Chair Popham thanked the presenters.

**2011 SAC Summit Update -- Chair Popham, SAC**

Chair Popham gave a brief update of the SAC Summit, the meeting where SAC chairs and coordinators get together once a year in a location around the country. It was a brief meeting, just two days this time. He reviewed some of the topics, including Dan Basta's state of the Sanctuaries, an overview of Gray's Reef National Marine Sanctuary (the host site), the work of the National Marine Fisheries Service in the southeast, and presentation on the value of the sanctuaries and how they link to economic impact. He said he was a presenter, and used some information from Bob Leeworthy, including that there were 17.2 million visitor encounters in the Keys per year. He also utilized some of the comments the SAC had provided to him prior to the meeting. Chair Popham noted that, unfortunately, Mr. Basta had a family emergency and he had to go home, and so did not hear those presentations. There was a discussion at the chairs level about having a national advisory council with the chairs from each site, and one purpose of it, from Mr. Basta's perspective would be to have the group look at potential new sites. Overall, it was a good meeting, Chair Popham said. He was not sure where it would be held next year. Ms. Ferguson said she did not know either, but holding the meeting was resource-dependent. Chair Popham concluded by saying he tried to give the key message at the meeting, "Our environment is our economy."

**SAC Submissions for Communicating Economic Benefits of Marine Conservation – Mr. Morton, FKNMS and SAC**

Mr. Morton reviewed that, at the last meeting, the SAC was given the assignment to write a statement about FKNMS and send a picture. He said the draft compilation of this was provided to the SAC. He noted he was really impressed with the good job everyone did, that it was just what he had been looking for, and that there was no right or wrong answer. He encouraged SAC members who had not submitted something to do so. The project idea started with a briefing to Dr. Jane Lubchenco, which he said Chair Popham was involved in. As FKNMS starts into several management processes, he said it will be good to be able to communicate these messages in several different media; he planned to use the information in PowerPoint presentations and on the FKNMS website, and probably FKNMS would get some kind of formal document together so all SAC members could use the information. It could also be used in communicating with the Governor and members of Congress. He said at the SAC Summit, this type of information was requested at a national level from all the sites.

- Dr. Boyer suggested getting this from all new SAC members.
- Mr. Morton agreed that was a good idea.
- Chair Popham urged anyone who had not provided a submittal to do so as soon as possible.

**FKNMS Condition Report – Mr. Donahue, FKNMS**

Mr. Morton said the FKNMS *Condition Report* was a key item needed for the FKNMS regulatory review. He said it was in peer review now and that FKNMS was still looking at October for the report's final release. These reports tend to get a lot of attention, as it is not necessarily all good news, but there is some good news, he said. It is a report card which feeds into the discussions on enforcement and the importance of the marine environment to the economy.

Mr. Donahue explained why FKNMS has a *Condition Report* – to communicate the health of the ecosystem in the marine sanctuary. It also serves as a reporting tool to be used by Congress and policymakers, and supports the *Management Plan*. Each sanctuary site is required to generate them, he said, and each is asked the same seventeen questions. The FKNMS report contains information from reports over the last fifteen years to current up-to-date information.

The four main categories in the report are water quality, habitat, living resources, and maritime archaeological resources, Mr. Donahue said. FKNMS has assessed these questions as a whole, and has not broken them out, for example into nearshore and offshore. The assessments were provided by FKNMS staff members and other experts. The White House Office of Management and Budget requires peer review for “Influential Scientific Information,” he said

- Mr. Bennis asked if the experts were NOAA or external experts.
- External, Mr. Donahue replied.

Mr. Donahue went on to explain the report contains a summary of research germane to each of the questions, and where there was not a lot of empirical information, an expert opinion was requested. The format has a pressure-state-response backbone, and an appendix explains what is meant to be included for each question, he said. Each question has a rating and a trend, with stoplight colors and symbols used to indicate the trends. He then went through the draft status and trends ratings for each question. He noted the SAC had been provided with a handout on frequently asked questions.

- There was a question about the cycle of the report and if the information was reported up through a certain year, such as 2009.
- Mr. Donahue said the cycle was supposed to be in synch with *Management Plan* review, and ready before starting into a process to review the *Management Plan*. He the release of the report was delayed, so they tried to keep the information up to date pretty much to 2010.
- Mr. Hunt asked if reviewers were asked to determine if the ratings were correct or provide an opinion if they should be changed.
- Mr. Donahue said they just give a peer review of the information, and do not assign a value. The sanctuary site assigns the value.
- Mr. Bergh asked how a “key species” was selected.
- There was flexibility, Mr. Donahue replied, noting they looked at things like corals, queen conch, long-spined sea urchin, groupers and sea turtles.
- Dr. Boyer said some sort of metric was needed as to how things fell on the scale; it seemed qualitative to him.
- Mr. Morton commented that was part of why the FKNMS staff was talking to the SAC today, and that criticisms had happened in other parts of the Sanctuary system.
- Mr. Bergh pointed out a narrative description was used to make the determinations.
- Mr. Donahue agreed. However, he said there was still the ability to say something about what we know. This report was one way to describe the condition in a site so a politician or person off the street could understand. He added that the colors may relate to information gaps.
- Mr. Bennis felt from the policy/advocacy side, the colors would be important because of the [future] talks to constituents in the Keys about why different zones would need to be altered. He said FKNMS would want to be able to back up they how came up with the determinations.

Regarding the timeline to take the draft to the final report, Mr. Donahue said he hoped to get the peer review back by the end of week, then there would be various rounds of edits, and it would be formatted. A website for it would be developed, and a press release. He felt maybe by mid October it might be finalized and then sent to the printer, with release the public by November.

Mr. Donahue showed a slide of the overall report card slide for fourteen questions, covering all sanctuaries to except Thunder Bay National Marine Sanctuary, which he said was still working on its report. The overall report card is what is shared with people on the Hill and other interested parties, he said.

Mr. Morton said examples from other sanctuaries and the FKNMS draft *Condition Report* would be circulated among the SAC during the meeting.

- Mr. Frerer asked if the SAC had to wait until November to get the report.
- Yes, Mr. Morton said. He said that was why he wanted to have the presentation now, before the final copy was ready. He said Mr. Donahue's presentation from this meeting could be made available, with "Draft" stamped on it. He said the SAC's questions and the things SAC members want clarified would help FKNMS in developing the final version.
- Mr. Donahue said the current status and trends of the resources was just one part of the report. The other parts of the report have the pressures, the state of the resources, and responses generated to date to address the stressors. He said it would be clearer when the SAC had all the information.
- Martin Moe thought it would probably be superficial for people to compare individual sanctuaries if they do not know where they are, their sizes, etc. and they may come up with erroneous conclusions if they only have a rough estimate of what a given sanctuary is.
- Mr. Donahue said that was well taken, and Mr. Morton said there was a need to provide this type of information in a format as easily digestible as possible. If people want more information, it can be provided.
- Mr. Hunt pointed out FKNMS is the most stressed and impacted, when looking at the overall sanctuary program.
- Dr. Boyer said there was a big difference between the ecosystems of canals and reefs, are FKNMS was setting itself up for the poor condition rating [by lumping them]. He asked if FKNMS wanted to present the sanctuary as being in such an impaired condition.
- Absolutely, Mr. Morton replied.
- It was an FKNMS choice to present it this way, Mr. Donahue said, and that they wanted to keep it simple.
- Mr. Bergh asked if FKNMS would be using this to indicate problems that zoning could fix, thus moving an indicator from yellow to green by taking actions.
- It was information to use to make management decisions, Mr. Morton said, for all sites nationwide.
- Mr. Morton said staff members were available if anyone needed any more information on any of this.
- Mr. Bergh suggested the SAC could help diffuse responses from non-supporters of the sanctuary.
- Chair Popham felt people should not be surprised by the draft results in the report. He also mentioned the thought, "What would have happened if the sanctuary was not here?"
- Mr. Hunt said Mr. Donahue deserved a lot of kudos for his hard work on this.
- Chair Popham said this could be used as leverage point to say this is why FKNMS needs more money, since is one of the most stressed sites, and could help in priority setting.
- Debra Illes asked if there would be a synopsis of the final report to present to SAC constituents.
- Mr. Donahue said he would get with Mrs. Tagliareni on education.
- Chair Popham said there was a need to get some talking points.
- Mr. Donahue said some of the ratings were due to problems that occurred prior to FKNMS and the sanctuary system being established.
- Mr. Morton said FKNMS would definitely make the report available, and wanted to be sure the SAC was armed with information or could put people onto sources of information.

## Public Comment

There was none.

### **FKNMS Marine Zoning and Lobster Fishery Management Plan – Chair Popham, SAC**

At the last SAC meeting, it was discussed that the Fishery Management Councils (FMCs) were having meetings related to the spiny lobster fishery. He and Mr. Bergh went to a meeting, and others including Mr. Hunt and Mr. Kelly were there. They communicated to the National Marine Fisheries Service (NMFS) that the FMCs had these zones for the fishery but did not include us [the SAC] in considering them.

Chair Popham reviewed that the South Atlantic FMC and the Gulf of Mexico FMC were having meetings in Key West in June. They got Dr. Roy Crabtree, the Regional Administrator for NMFS in the Southeast Region, to come to an ad hoc meeting May 25 with himself, Mr. Kelly and a group of fishermen, Mr. Nedimyer, Mr. Hunt, and James Byrne. Three options had been put on the table along to propose closed areas in federal waters in FKNMS to protect corals.

Mr. Kelly said the proposed closed areas were for protection of *Acropora* corals, and the proposals varied in the number and sizes of areas. They actually proposed these areas in 2008, but communication broke down somewhere. FMC members got the maps in December 2010, and the fishermen and others got them in April 2011. He said the maps showed some areas that did not have *Acropora* coral, or had coral rubble, and no sanctuary nursery areas were included. He said they were not the best areas to pick to protect *Acropora* coral. He put together a handout, which he passed around, summarizing the issue and the timeline. This was proposed for inclusion in Amendment 10, which contained other things like a daily catch limit for spiny lobster. He talked about trapline and *Acropora* being taken out of the amendment by NMFS due to the concerns raised, and that there was a new Amendment 11. With trapline, there were concerns about the value of the existing lines and the amount of material that would have to be recycled or go to a landfill.

He reviewed the findings of the biological opinion, required by law. They did a biological opinion on turtles, *Acropora* corals and smalltooth sawfish. It found over a certain study period, there were a few turtle entanglements, a very small (fraction of 1% of total) impact on *Acropora* corals in FKNMS, and two sawfish, released alive. Under the Endangered Species Act (ESA) they did not find jeopardy, but found reasonable and prudent measures could be implemented.

Mr. Kelly said the Florida Keys Commercial Fishermen's Association supported protecting corals of all types. He said they had 6-7 weeks to analyze the maps, and they advised taking a stronger look at the proposed sites, and to get them right the first time. They agreed that the fishing industry, FKNMS and the SAC would partner on it. He said there was agreement at the ad hoc meeting to work with the industry, FKNMS and the SAC. The SAC was concerned about the separate protocols for closing areas within the sanctuary. He said NMFS and FKNMS were both NOAA, but they have different jurisdictions and different protocols, but mandatory action is required because the ESA said some measures must be taken to protect *Acropora* coral.

Chair Popham said the SAC knew FKNMS had a much longer time frame for its zoning process. He reported Dr. Causey and Mrs. Tagliareni said at the meeting it would take at least two years to go through a zoning process. We can help with the FMC process; there is a need to get these zones to protect the *Acropora* right. Then the SAC will pick up [providing advice] for the rest of the process later.

Mr. Kelly said they were prepared to go out, mark sites with other key people and turn the information over to the NMFS Protected Resources Division, let them evaluate it, and then sit down with FKNMS to

continue working together. But, he said Andy Dizon, of NMFS Protected Resources Division, an hour previously had said to hold on that. NMFS had been using data sets dated back to the 1990s, and now they planned to use data sets that go through 2009. He said it might be more advantageous to protect larger *Acropora* colonies rather than a bunch of tiny, spread out colonies. So they would not be evaluating the 52 areas they had been going to assess. Mr. Kelly said on the Friday following the SAC meeting, he should have a new set of maps to look at. While he had been told the previous sites had already been through the public scoping process, and could not be rescinded, NMFS would now be proposing an entirely new set of locations they would like to propose as protected areas, and will check to see if can include the coral nurseries.

There were various considerations related to setting the areas, Mr. Kelly said, including protection for the coral nurseries, to potentially close areas to all user groups, to have no anchoring, to close to fishing, law enforcement, etc. He said he kind of pleased to be starting with a fresh slate, and that everyone seemed to be on the same page now.

- Mr. Bergh said he was one of the people who brought to this issue to the SAC's attention last time and went he went to the meeting. He felt NOAA Protected Species starting all over again, without taking in the fishing industry and SAC's perspectives, was wrong approach. He thought they should come to us when developing the new maps.
- Mr. Hunt said he assumed the database was the long term database from the Coral Reef Monitoring Program, and he talked about other sources of information for consideration, along with local expert knowledge. He encouraged the SAC to work with the industry concerns while also protecting what the SAC wanted to protect.
- Mr. Bergh would like to see this rolled into the FKNMS zoning review process.
- Chair Popham said he did not think that could happen, but the SAC could make that recommendation, since there was no better process than what we do.
- Mr. Grathwohl said when FKNMS first came into existence, Mr. Leopold's group and others went out with Dr. Causey to ground truth Coffins patch and the SPAs, and the result was a pull back from what had been proposed [on paper].
- Mr. Bennis asked who would enforce the areas.
- Mr. Morton said it would all be in federal waters, and that OLE would need to put in the JEA if they wanted it enforced. He said if they chose to put it in, something else would get less enforcement hours.
- Mrs. Bradley wondered what was driving the schedule for the fishing areas to be designated.
- The ESA, Mr. Morton said, and a lawsuit from the Center for Biological Diversity (CBD). He said if a Fishery Management Plan had the potential to impact *Acropora*, they had to take action, and they are amending the Fishery Management Plan for spiny lobster.
- There was mention of involving a Center for Biological Diversity person here.
- Mr. Morton said the SAC conservation seat(s) should contact Center and have that discussion.
- Mr. Bergh said he would call them, but had not worked with them before. ***ACTION ITEM:*** Mr. Bergh to discuss the *Acropora* and fishery management plan issue with the Center for Biological Diversity.
- Mr. Kelly said there was a sense of emergency when this was under Amendment 10, but now was not, it was under its own amendment. He agreed about getting ideas up front before making maps.
- Chair Popham said SAC's role was to advise sanctuary management, and it could make the recommendation about what the next steps should be.
- Technically, the SAC advises the Secretary of Commerce, Mr. Morton said, as do the FMCs. The advice all converges at some point, he commented.
- Mr. Kincaid referenced the Tortugas 2000 group started in 1998, which he said was the preferred group for providing advice, without regard to jurisdiction. It was comprised of SAC members and others. The group eventually drew the lines that included Tortugas North and South and parts of Everglades National Park, he said.

- Chair Popham said that was discussed at the meeting with Mr. Crabtree, and that it allowed a sanctuary process to be put in place that could then be incorporated into fisheries management.
- Mr. Bergh said the FMCs were only dealing with federal waters, and that there was *Acropora* in state waters too.
- Commissioner Neugent, asked if the sanctuary was excluded from fisheries management, if the NMFS could make a unilateral move and exclude us.
- Yes, Mr. Morton affirmed, but he said they would be wise to consult with us. There is a consultation process under the ESA.
- Mr. Kelly said the FMC selected the no action alternative, and not because the SAC felt it was not involved in the process, but because of the questioning of the data being used, closing down huge areas where people fish, and only covering trap areas. The FMC agreed that the concerns warranted taking no action on the proposal and looking at other options.

Chair Popham asked if Mr. Bergh had something drafted; he did and he read it for the group.

The motion on *Acropora* protection was moved by Mr. Curlett and seconded by Commissioner Neugent.

Discussion ensued.

- Mr. Smith said he liked it and felt it was worded well and was stated in terms of a solution.
- Chair Popham suggested a friendly amendment to include a recovery plan.
- Mr. Bergh said there was draft recovery plan for *Acropora* corals, and it was overdue. He said only those who drafted it had seen it, since those working on it had been pulled into working on the oil spill.
- Ms. Illes asked who was writing it.
- NOAA Protected Species, Mr. Morton said.
- Mr. Frerer asked if the ESA covered state waters.
- Chair Popham said it did, but they [NMFS] managed federal waters.
- Mr. Hunt said for the spiny lobster plan, they did not have jurisdiction in the state of Florida, FWC did.
- Mr. Morton said any other action taken by federal agencies that might affect *Acropora* would have to go through this process as well. So, if FKNMS was looking to change SPAs in state waters, it would have to go through a consultation with Protected Species.
- Mr. Kelly said [his association] had made a formal request to Dr. Crabtree for the draft recovery plan for *Acropora*, but they [NOAA Fisheries] refused to give it to them. Mr. Kelly said the plan had been worked on since 2008. He said he has been told its release is imminent, and noted it would be nice to have it due to decisions they are making now, and it might mitigate the impacts on the spiny lobster fishery for coral protection and trapline marking. It should be the guideline for what to do to protect *Acropora* corals, he concluded.

Chair Popham asked Mr. Bergh to read the amended motion, which he did.

The motion passed unanimously upon roll call vote. Below is the final text approved by the motion.

The SAC requests that NOAA Protected Resources Division and Fishery Management Council staff meet with the FKNMS staff and interested SAC members to identify the possibility of rolling *Acropora* protection via zoning into the sanctuary's impending zoning regulatory review process and, regardless of the outcome of the above discussion, identify a process for setting *Acropora* coral protection objectives, identifying relevant data sets and local knowledge, identifying a process that involves the public, and expediting completion of the Recovery Plan and providing a status report on the Recovery Plan.

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The Council is an advisory body to the sanctuary superintendent. The opinions and findings of this publication do not necessarily reflect the position of the Florida Keys National Marine Sanctuary, the National Oceanic and Atmospheric Administration, the Florida Department of Environmental Protection, or the Florida Fish and Wildlife Conservation Commission.

--Chair Popham asked how this could be passed up quickly.

-- Mr. Morton said Ms. Ferguson would draft it; he would talk to his bosses, then he would call Dr. Crabtree. Mr. Kelly said he could talk to Mr. Dizon. Mr. Morton said he could give him a draft of what passed today. ***ACTION ITEM:*** Mr. Morton to follow up on the SAC's motion on *Acropora* recovery with NOAA management and Dr. Crabtree.

- Mr. Kelly said he was not sure how formal the NMFS process, but he thought there would be another public review and opportunity for the SAC to be involved.

- Chair Popham said that process had not worked well before and there was a lot that had not been included.

- Mr. Kelly said he would reiterate this to Mr. Dizon.

- Mr. Morton cautioned that Mr. Crabtree did not want to go into an open-ended process. He said the Magnusson-Stevens Act had a strict timeline to a final decision, which FKNMS did not have.

- The initial timeline was very short – September or October, Chair Popham said.

- Mr. Morton said he was comfortable with bringing it back to his council in September. It could be done as fast as 60-90 days from start to finish, Mr. Morton said.

- Mr. Kelly said Dr. Crabtree wanted to have sites identified by end of August or early September.

- Mr. Grathwohl said this was done with the red snapper in the Gulf of Mexico, and the new stock assessment showed the numbers were up rather than down, but it was still closed season.

- Commissioner Neugent asked what the threats to the coral areas.

- Diseases, bleaching, storms, boat groundings, traps, anchors, etc. Mr. Bergh said.

- Commissioner Neugent commented there were some things we had no control over.

- Mr. Hunt requested, if NMFS pressed on with making a map by Friday, to ask them to be clear on the exact details of what they were using, to enable us to know if that was adequate or not.

- Mr. Kelly said there were *Acropora* corals in other places like Broward County, in state waters, and acknowledged there was a lobster fishery there too, but not at the level of the trap fishing in the Keys.

#### **Upcoming Meeting and Closing Remarks – Chair Popham**

- Chair Popham mentioned, depending if it was back on track, the lobster fishery issue might be an agenda item on the August SAC meeting agenda, and that there was a placeholder for Dr. Causey to review the status of the potential Sargasso Sea Marine Protected Area.

- Mr. Morton said there was a big placeholder on that agenda for Mr. Thur to discuss a synthesis of the FKNMS regulations, including for zoning, and noted he would be producing a pre-scoping document with a synthesis of all the information related to the FKNMS regulations and the regulations within zones.

- Chair Popham reminded the group that the next meeting would be held on August 16, at the Marathon Garden Club.

Adjourned, 3:59 PM.

Submitted by Lilli Ferguson