

FLORIDA KEYS NATIONAL MARINE SANCTUARY ADVISORY COUNCIL

**Doubletree Grande Resort, FL 33040**

**Tuesday, August 20, 2013**

**FINAL MINUTES**

The Florida Keys National Marine Sanctuary Advisory Council met on Tuesday, August 20, 2013, in Key West, Florida. Public Categories and government agencies were present as indicated:

**Council Members**

Conservation and Environment: Ken Nedimyer (Chair)  
Conservation and Environment: Chris Bergh (Vice-Chair)  
Boating Industry: Bruce Popham  
Citizen at Large – Lower Keys: David Hawtof  
Citizen at Large – Middle Keys: Dolly Garlo  
Citizen at Large – Upper Keys: David Makepeace  
Diving – Lower Keys: Don Kincaid  
Diving – Upper Keys: Rob Mitchell  
Education and Outreach: Martin Moe  
Elected County Official: George R. Neugent (absent)  
Fishing – Charter Fishing Flats Guide: Richard Grathwohl  
Fishing – Charter Sports Fishing: Steven Leopold  
Fishing – Commercial – Marine/Tropical: Ben Daughtry  
Fishing – Commercial – Shell/Scale: Jeff Cramer  
Fishing – Recreational: Jack Curlett  
Research and Monitoring: David Vaughan (absent)  
South Florida Ecosystem Restoration: Jerry Lorenz (absent)  
Submerged Cultural Resources: Corey Malcom (absent)  
Tourism – Lower Keys: Clinton Barras  
Tourism – Upper Keys: Andy Newman

**Council alternates (present)**

Boating Industry: Kenneth Reda  
Conservation and Environment: Jessica Pulfer  
Citizen at Large – Upper Keys: Suzy Roebeling  
Diving – Lower Keys: Bob Smith  
Fishing – Charter Fishing Flats Guide: Ted Lund  
Fishing – Commercial – Marine/Tropical: Linda Kruszka  
Fishing – Recreational: Bruce Frerer  
South Florida Ecosystem Restoration: Pete Frezza  
Submerged Cultural Resources: Diane Silvia  
Tourism – Lower Keys: Joe Weatherby  
Tourism – Upper Keys: Eric Handte

**Agency Representatives**

Florida Department of Environmental Protection: Joanna Walczak  
FWC Division of Law Enforcement: Capt. Pat Langley, Captain David Dupre

FWC Fish and Wildlife Research Institute: John Hunt  
NOAA National Marine Fisheries Service: Lauren Lugo  
NOAA Office of General Counsel: Karen Raine (absent)  
NOAA Office of Law Enforcement: Kenneth Blackburn, John O'Malley  
Dry Tortugas and Everglades National Park: Tracy Ziegler  
U.S. Coast Guard: LCDR Michael Capelli  
U.S. EPA: Pat Bradley  
U.S. Fish and Wildlife Service, National Wildlife Refuges Florida Keys: Nancy Finley  
U.S Navy: Ed Barham (absent)

## **I. CALL TO ORDER, ROLL CALL, AND MEETING MINUTES APPROVAL OF 7/9/13 DRAFT MEETING NOTES**

Chairperson Nedimyer called the meeting to order after the Pledge of Allegiance.

### **MOTION (Passed)**

Motion to approve the minutes from 7/09/13 was made by Bruce Popham, seconded by Clinton Barras. No objections or changes were made; minutes were approved.

### **MOTION (Passed)**

Motion to approve the meeting agenda was made by Chris Bergh, seconded by Andy Newman. No objections or changes were made; agenda was approved.

### **Chairperson's Comments**

Chairperson Nedimyer noted that a number of SAC seats are open and people are welcome to apply. Applications are being accepted for the boating industry member seat and for both the member and alternate seats for the following: Citizen at Large for Upper Keys, Diving for Upper Keys, Charter Sport Fishing, Recreational Fishing, Research and Monitoring and Tourism for Lower Keys. People who are holding a seat now are encouraged to reapply. The application can be found on the sanctuary's website, [floridakeys.noaa.gov](http://floridakeys.noaa.gov), under the advisory council tab: <http://floridakeys.noaa.gov/sac/apps.html>.

Two scheduled public comment periods will be held in the morning and afternoon. Comments can also be submitted in writing on the form or by letters/emails to the advisory council. Before any action is taken by the council, public comment is also taken prior to the vote.

Chairperson Nedimyer provided a presentation that reviewed the timeline of the marine zoning and regulatory review process for the sanctuary. To view this presentation, visit <http://floridakeys.noaa.gov/sac/othermaterials/130820sacprocesstimeline.pdf>.

Chairperson Nedimyer explained that the marine zoning and regulatory review process began after the release of the sanctuary's first condition report in 2011. The report provided information on the state of sanctuary resources. Members of the council wanted to address these issues and initiated this review process beginning in December 2011, with the identification of goals and objectives. In the summer of 2012 five public scoping meetings were held and all public comments from those meetings were published.

To carry out the work associated with review, three working groups (Shallow Water Wildlife and Habitat Protection, Coral Reef Ecosystem Restoration, Ecosystem Protection: Ecological Reserves,

Preservation Areas and Wildlife Protection) were formed and have been meeting for the past several months, with each group addressing a different set of issues.

## **II. MARINE ZONING AND REGULATORY REVIEW: ECOSYSTEM PROTECTION: ECOLOGICAL RESERVES, PRESERVATION AREAS AND WILDLIFE PROTECTION WORKING GROUP (DISCUSSION AND POSSIBLE ACTION ITEM)**

Vice-chair Chris Bergh provided a presentation that reviewed the steps and actions taken by the Ecosystem Protection: Ecological Reserves, Preservation Areas and Wildlife Protection Working Group during their series of seven meetings. To view this presentation, visit <http://floridakeys.noaa.gov/sac/othermaterials/130820epsacupdatepresentation.pdf>.

Vice-chair Bergh reported on the working group progress to date and outlined the working group recommendations, which were: 1) to include the entire marine sanctuary in a zone type (based on one of the principals adopted for the process); (2) to host a series of regional meetings to get more regional and site specific input; (3) to identify water quality, education, and enforcement as issues to consider.

Beth Dieveney provided guidance on the next steps in the process. The council was charged with deciding how to proceed from this point forward. The working group's proposal is to hold meetings in the last week of September in each region to allow for more participation from the community. The goal of these meetings will be to focus on the goals and objectives that have been identified and obtain region and site specific information. Following the meetings, the working group will reconvene to address their objectives. To engage the community, they will include a range of user groups that includes who will be impacted or will benefit from the change. A full copy of their recommendations was available at the meeting and can be viewed at: <http://floridakeys.noaa.gov/sac/othermaterials/130820epregionalmeetings.pdf>.

### **Discussion/Comments** (working group council members)

Chris Bergh opened up the discussion to working group members first and then to the entire council. Several working group members have long-time experience in the Keys and lifetime ties to the local marine environment. Several members asked the council to grant more time to have additional regional meetings especially because some significant differences exist in different areas. The comments received at the last working group meeting were helpful and the group would like to have the opportunity to finish working toward their objectives. The overall task was a large one for fifteen people to tackle and it is very important to take the time to identify the right areas for consideration. It is important that people from the community participate in these upcoming meetings and that everyone work together to reach a decision that preserves the Keys ecosystem and way of life. The idea of sharing the risk and the burden amongst everyone; not just one group was expressed. A suggestion was made to meet with people in smaller groups to answer questions and have discussions in lieu of a town hall style meeting. Hearing from people who spend time on the water is very important and this information could be represented geographically. Instead of concentrating on the maps and map lines, emphasize the features that make an area desirable for protection of a certain type.

Working group members recognized that the ecosystem has declined in recent years and tourism is tied to a healthy ecosystem. Protecting the ecosystem will further the long-term goals of promoting tourism and that should benefit the Keys. Ten years from now there will be more people in the Keys engaged in fishing, boating, anchoring, etc. and that needs to be factored into the management

decisions made today.

**Discussion/Comments** (council members)

Members recognize that the public is now engaged in the review and agree that this is a very good thing. Council members thanked and commended the working group and community members for their participation in the process. The end product will be better because of community participation. Support was expressed for break-out “round” tables to gather input as suggested earlier and to have discussions where people could ask questions and interact. People should have the opportunity to participate in other region meetings if they can’t make their own. More than one meeting might be needed for the regions. It is worth taking the time needed to get things right, while still knowing that a time limit exists and a product does need to be produced. Support was expressed for making the regulations (in general) less and not more complex. As the process moves forward, consider ways to improve the way that different user groups interact. Another suggestion was made to not cover fisheries management issues in the meetings.

Most fishermen are reasonable about considering the future and sustaining fisheries. The maps presented by the working group and posted on the sanctuary’s website might have given the mistaken impression to fishermen that all of the areas marked would be closed when this is very unlikely. In addition, the maps didn’t have enough scientific information. The comments and references made by scientists regarding these areas should be included.

Fishermen in general, including guides, have given up areas many times; yet the divers spook fish and push them off of areas and that is similar to “take”. What is good for one group is good for all; any closures should be applied to all users, not just fishermen. If more areas are taken from fishermen, then something should be given back—for example, add reef balls/FADs (fish aggregating device) or designated buoys for fishing. Trap fishermen are concerned because they don’t have the time to write a lot of letters and attend meetings with the work that they do. Fishermen have been giving up areas for years, including setting aside the Tortugas, a very pristine area. Trap fishermen are regulated by FWC and have reduced impact by half in the last fifteen years and are still reducing by 10% every time tags are transferred. Having the closed areas puts more impact on other areas and concentrates the traps in those areas. The 60 no-trap zones, which contain coral reefs, are closed only to trap fishermen, not divers. A lot of sandy bottom area is included in some of the areas that are proposed for closure; he understands including coral, but doesn’t understand why sandy bottom is included. Many fishermen have children who are graduating from college and are entering the fishery. Parents don’t want to see them enter a fishery that is going to be continually overburdened. Every small area that is closed makes a difference to people who have already made sacrifices.

**MOTION (on table)**

Chris Bergh made a motion to carry out the next set of meetings in the later part of September in the different regions and to structure them according to the following suggestions made by the council. Andy Newman seconded the motion. The meetings should be more interactive, have mapping tools available, not address fisheries management issues and consider opportunities to simplify management. Additional meetings may be considered, too.

Working group members and advisory council members should and are expected to participate in regional meetings.

### **Public Comment (on the motion)**

An audience member suggested that the council hold off on voting on this motion until after the public comment period; most people in this room would not like to see the sanctuary continue with fisheries management issues.

Key West City Commissioner Tony Yaniz thanked and commended the council for their hard work. He thinks that striving for a balance is the right approach. Sometimes, the pendulum swings too far. The best guardians to protect the resources are people who feed their families from them. He recognized the great work done by the FWC officers, but no amount of FWC officers will really be able to effectively enforce the rules unless buy-in from the community exists. This is why it is so important for people in the community to buy-in to the plan. If they don't, it is doomed to failure.

Bill Wickers, charter captain, explained that he was on the original sanctuary council. The first process to set aside zones was long and contentious because the sanctuary decided to get into fisheries management. Now most people have learned to accept what exists and this process has set things back greatly. The council/sanctuary needs to let the South Atlantic and Gulf of Mexico Fisheries Management Councils and FWC Fisheries Commission address fisheries management issues. The sanctuary should focus on its original goal of protecting the coral reef. Once the reefs were beautiful, but now have been destroyed primarily because of water quality. Mr. Wickers explained that he originally joined this process because water quality improvements were needed. Now, fifteen years later, these same issues still exist. The number one thing that needs to be done is cleaning up the water; the federal government and state should provide the funding that was promised for the expensive wastewater systems that are needed. He thought that sewers would be in years ago, but the money was not readily there and a great deal of effort is expended trying to obtain funds. This board could accomplish the most by focusing on water quality and education because lines on a map won't mean anything unless the water is clean because the reef will not be alive.

Billy Causey noted that a lot more people are involved in listening to this process. Sometimes, maps with lines can serve to polarize the issues and community. Most people here want the same thing, including better water quality. The sanctuary is working on water quality and has the guidance from EPA experts such as Steve Blackburn who is here today. When a zone is set aside, it looks like fisheries management, but the goal of the sanctuary is to protect the entire ecosystem, not to manage the fishery. Today as in the past with the Tortugas Ecological Reserve process, the goal is to try to develop something that most everyone can agree on. A huge amount of expertise and information is held by the people in this room and each person has a representative that can help make their opinion known. Taking more time may be a good idea at this time. Billy commended Chris Bergh for the excellent job that he has done and recognized the challenge to balance representing the conservation interest while also chairing the working group. Billy recommends that the sanctuary superintendent and state trustee agency serve as non-voting co-chairs and continue to use a facilitator for future working group meetings, as was modeled in the Tortugas 2000 process. Specifically, he recommends that Sean Morton, FKNMS Superintendent, and John Hunt, Florida Fish and Wildlife Conservation Commission Program Administrator, co-chair the group. Things like this take time. Everyone agrees that more fish and healthy fish are desirable along with improved water quality. What has been done has been phenomenal so far.

Chris Bergh noted that he will continue to serve on the working group and welcomes Sean and John serving as co-chairs.

## **Discussion** (council members)

A suggestion was made to move on to the public comment period and to vote only on whether or not additional meetings will be held, not about the details of the meetings themselves. During the Tortugas process, once the fisheries scientists spoke at the meetings, everyone had a better idea of how the ocean worked, not just the bits and pieces that they know in their own area. After people began to understand about fish larval movements, ocean currents and other big picture things, they were more supportive of the reserve.

Chairperson Nedimyer suggested modifying the motion to not have a cap on number of meetings or end date. Chris and Andy agreed with this change. He reminded everyone that they could submit comments in writing and they would become part of the record.

A council member suggested clarifying the role of the council/sanctuary as it relates to fisheries management as this is unclear. Billy Causey explained that the fisheries management was set up under the Magnuson-Stevenson Act. The National Marine Sanctuary Act allows and provides for the sanctuary to address all aspects of sanctuary resources including what is being discussed today. The policy is that if the sanctuary does anything that affects fishing, they have to work with the councils and FWC fisheries commission. Councils and state fisheries commission can opt to duplicate the regulations or to use the sanctuary regulations. Again, the goal of the sanctuary is not to manage fisheries, but to manage the whole system.

Chris Bergh suggested discussing the motion about additional meetings during the 2pm agenda item related to future meeting schedule for this process as a whole. No vote was taken on the motion.

## **Break**

### **III. Public Comment**

Jeff Cramer, SAC representative for Commercial Fishing

- Mr. Cramer stated that he gave his thoughts on fishing earlier, but wants people to know that only a few people are getting paid to be here today and the sanctuary is not telling the council what to do. Most council members are people who work on the water—marine life fishermen, dive operators, charter fishermen.

Chairperson Nedimyer called the names of people who had turned in a public comment form. When the names were called, several people addressed the council with their comments and others declined to speak. Many individual submitted written comments, which can be found here:

<http://floridakeys.noaa.gov/sac/meetings.html?s=sac>.

David Paul Horan, Key West Charter Boat Association

- Mr. Horan stated that during the past fifteen years, the sanctuary council has been losing its way. Congress outlined three resources for the sanctuary to manage: marine grasses, mangroves and corals. If an area is closed to fishing, that is fisheries management. He has provided a copy of the Magnuson-Stevens Fisheries Management Act for every council member. According to the act, fisheries management councils will exercise sovereign rights and exclusive authority over all fish. The fisheries management plans must achieve and maintain the optimum yield of each fishery. The national program must use the best scientific information available and a scientific justification must be made for changes. The sanctuary act doesn't have information

about fishery management. By considering fishery management issues, the council is beyond its authority as defined by section 6 of the sanctuary act and therefore outside of their regulatory authority. He would like to know what members of the public suggested that the sanctuary undergo this marine zone review and whether or not they made their living on the water or were non-profit representatives. He called for show of hands for everyone who would like to stop further sanctuary hearings to consider closing any additional areas to recreational or commercial fishing. He noted that this show of hands should give the council a good idea of public opinion.

Henry Feddern, PhD Marine Biologist, Florida Life Fisherman, Advisory Panel Member for South Atlantic Fisheries Council

- Dr. Feddern has seen a lot of negative changes in corals, urchins, lobster, fisheries and other marine life since he first started diving here in 1956. None of these changes have been reversed by the establishment of the sanctuary, state parks or national parks. Any progress has been reversed by other agencies that actually have the authority to treat major causes of these problems. The purpose of the ecosystem working group was to see if the present zones were working and see if any new ones were needed based on actual scientific evidence. The justifications presented for the proposed zones are useless and in some cases a justification was not provided. The current zoning regime has been accepted even though it does little to help marine life and mostly regulates people. Making these changes in how it manages people without scientific facts will only generate major opposition to the sanctuary. Increasing the number and size of the SPAs will actually result in degradation of the fisheries within them because it will create SPAs for lionfish. Currently, lionfish can be harvested along with other marine life, but with more closures it would become economically infeasible for marine life fishermen to harvest from SPAs. Orange-cup coral is another threat because it is an exotic species that kills other corals. This species has established itself and if it continues to spread, it will devastate other corals. This issue needs to be examined right away.

Dr. Feddern made the following recommendations. The sanctuary should keep the current SPAs and not add any new ones; it needs better enforcement for the ones that already exist. Fisheries are already severely restricted because of the current zones and other parks in adjacent areas. No one should be allowed into any of the SPAs so that the corals can be protected and recover faster. Coral protection was the reason for establishing the sanctuary in the first place. Studies should be launched into the orange cup coral. Insist that the EPA continue to improve water quality especially the water coming from the Everglades, Peace Rivers. This water is rich in nutrients and causes algae blooms. Educate the people who come to the Keys as they are not familiar with sanctuary regulations. Increase the number of patrols to make sure everyone follows the rules. Base any changes on scientific information. Vow to do no harm first just as doctors do.

Bill Kelly, Director Florida Keys Commercial Fishing Association

- Bill Kelly pointed out that this commercial fishing association represents the largest industry association dedicated to stone crab, spiny lobster and finfish. He commended Mr. Bergh for his work on the working group. The association has worked with Mr. Bergh in the past and found him to be fair and even handed to everyone. With regards to the recommendation made by Mr. Causey to have sanctuary co-chairs, he can see benefits of the addition of co-chairs, but would like to see Mr. Bergh remain as a chair, too. The addition of government chairs will provide him with additional support. In terms of more meetings, he feels that there is a need for at least two meetings in each of three areas—Key Largo, Marathon and Key West. One is needed to

introduce the ideas and the second to submit ideas and comments. He would like to see the meetings in Marathon and Key West offered in Spanish. He can make arrangements for translators, if needed.

- Mr. Kelly added that fishing pressure isn't causing the problems. So many species are managed and not overfished. The issues are water quality, law enforcement and education. Ocean acidification is a water quality issue. The community in the Keys has carried the bulk of paying for sewer upgrades. And yet EPA gives Miami-Dade and Broward counties and south Florida agricultural interests another 15 years to solve their problems. Education is also an issue: no sign on the highway exists letting people know they are entering the sanctuary and therefore need to obtain more information. Some of the finest law enforcement officers are here in the Keys and the job they do in catching resource violators is extremely important. Most enforcement programs are underequipped and understaffed. They could use cooperative crime programs on a broader level. He hopes the council will address this and prioritize these items and not closures. The *Peter Gladding* is a fisheries patrol boat named after a commercial fisherman who was instrumental in furthering the Tortugas process. At that time, the commercial fishermen gave up prime deepwater habitat and fish to the federal government in order to protect it. Recently, they worked with Sean Morton, Billy Causey and others in this room to develop 60 no-trap zones to protect coral and have worked with FWC/FWRI on trap design studies. The commercial fishing industry is doing its part to protect this environment that is vital to this industry.

Rich Gomez, Charter Boat Captain, former President of Charter Boat Association

- After listening to Mr. Horan, Captain Gomez is not sure if need to speak because of scope of the sanctuary's authority. One solution might be to consider is temporary zoning. This is a concept that has been discussed many times, but he has never seen it happen. The places that were lost have not opened since then. He can almost understand temporary zoning because the area would come back at a later time. He recognized that the audience is not in full agreement. Something has to be done and so temporary things might be worth considering.

Aimee Rodriguez, Marathon

- Ms. Rodriguez introduced herself and would like to make some points on behalf of her husband, who is a commercial fisherman. She understands more about the maps now that she has heard more about them and thanked Chris for this. Her husband is working today; he works almost every day of the year as most fishermen do. Her comments are not in a specific order. NOAA has no raw data about the proposed closed areas. Marquesas and Tortugas have already been dealt with and now more closures are being proposed. She hasn't seen any basis for the closures that already exist. According to the NMFS stock assessment status for the first and second quarter of 2013, most species do not seem to be overfished and management actions/rebuilding are not required. According to 2012 fisheries service annual report to Congress, overfished species have been dealt with through annual catch limits. The overall seafood industry, processors and dealers, supported \$1.2 million jobs in 2011. Recreational fishing generated \$7 billion in sales impacts and \$20 billion in income impacts and supported 455,000 jobs. According to the sanctuary's fact sheet, more than 33,000 jobs in the Florida Keys are supported by ocean recreation and tourism and account for 58% of local economy and 2.3 billion in annual sales. She explained that the voting system was used by the ecosystem group is a concern to her because there are too many options and the system is somewhat skewed. According to socioeconomic summary, approximately 739 visitors and residents engaged in 2.8 million days of diving in the Keys/sanctuary and \$51.7 million was spent on

diving/ snorkeling operations. Divers spent a total of \$450 million in Monroe County. The sanctuary should not be able to ever speak about fisheries management. The water quality system is in place and should be given time to work and should be the main focus. The public comment period is provided, but only 30 minutes are allotted to hear from people and she wonders if people are being listened to when they speak.

Ed Walker, Recreational Angler, Outdoor Writer, Charter Fishermen

- Mr. Walker lives in Tampa Bay, but has fished in the Keys for many years. The public perception is that this panel has gone way overboard with respect to the areas represented on the maps. The purposes for these closures are remarkably vague. There are so many options that it makes it difficult to comment on them. The proposed size and quantity of closed areas is absurd and demonstrates a lack of consideration for the people who fish in the Keys. The fact that they would suggest such extreme removals calls into question the panel's credibility. He believes the panel is out of touch with the Keys community. Therefore, panel members are not suitable representatives to make recommendations on the usage of Keys waters to any governing body. There are legitimate conservation concerns that need to be addressed (water quality and corals) and some increased regulation is inevitable as the number of users increase that is taking place everywhere. Drawing large exclusionary boxes across the Keys is not the answer to these problems. Some would like to see the entire Keys closed to all fishing and no doubt the ecosystem would thrive if that was done. However, the mandate of the managers is to find ways to allow fishing and maintain the sustainability of the resource. Giant closed areas fail in this test. He has heard about saving areas by excluding fishermen and they are not the same thing. Failing to exclude fishermen is not failing to save the area. With all due respect to Mr. Bergh, he agrees with Mr. Causey that the fishing community is not comfortable with a salaried member of The Nature Conservancy (or any conservation organization) being in charge of this process.

Mario Torres, Torres Seafood Company LLC

- Ms. Aimee Rodriguez translated for Mr. Torres, who stated that he would like his voice to be heard and that is why he asked for translator. He is new to the fishery. In such a beautiful place as the Keys, he feels that closures are not a solution. He believes the solution is something like planting more trees, not just telling people they can't cut the trees. He believes that people should work together to come to a conclusion that will benefit both commercial fishermen and others. He believes that no one else can love and protect the sea more than a commercial fisherman. Fishermen have accepted all regulations that have been placed on them. He doesn't know how to explain to his child that fishing will not be possible in the future if these closures go through. He believes that when an opinion is stated, it should come from a fisherman because they know the resource. He also commented on circle hook use in the Gulf and Atlantic and would not like to see circle hooks be required for yellowtail in the Atlantic.
- Rob Harris, Representative on South Atlantic Fisheries Marine Council Snapper/Grouper Advisory Panel, Key West Fishing Tournament Captain Harris feels that by continuing this public comment on this subject tells him that this council has the intention of moving forward with these closures. He knows that the meetings have been a lot of work, but questions why some representatives are on the working group when they don't have time to make the meetings or reply to emails. Some members missed a lot of working group meetings and he would like to see the meeting attendance records published. If a fishing representative misses the meeting, then fishermen are not being represented. He advises the council to post the working documents

online well in advance of the meeting so they can be studied by the public. He recommends expanding the regional groups to have better representation. He feels that it is obvious that people on the working group do not have a grasp of fisheries management because they suggested closures to protect certain species. For some of these species, a four month closure is already in effect in the south Atlantic. South Atlantic just raised the ACL (annual catch limit) on yellowtail and yet closures are proposed to protect yellowtail. Snapper Ledge was proposed to be closed and very little input from the rest of the community was taken on this closure except from dive operators who want exclusive use of the area. He has seen the online petitions and wants to know if this is what is meant by public input. He would also like to know why all members of that working group weren't here to defend their actions.

Lee Starling, Citizen

- Mr. Starling went through the Tortugas Ecological Reserve process and it was not a fair one. The two fishermen who worked on this process sold out because they thought they were going to get grant money. The credibility of this panel is at risk because panel members want adaptive (flex) management. This topic was brought up at a public scoping meeting on record and means there will be no public input on sanctuary decisions. He questions why this would ever be the case in America? He asked on Fishmonster Radio and had a letter/phone campaign to ask for regional meetings long before the working group suggested them. These requests should have been documented by sanctuary staff and were not. He questions whether the sanctuary really wants public input. The fact that it took so long to retrieve an abandoned fishing net a few weeks ago makes him think that the sanctuary lacks the resources and management skills to manage what it has and therefore why should anything else be given to the sanctuary.

Yorly Martinez

- Ms. Aimee Rodriguez translated for Mr. Martinez. Mr. Martinez believes that additional closings would cause a problem to the fishermen, even the charter boat fishermen, too. If you can see the carpet in front him, you can see the pattern of many sea urchins. He asks that people make believe that urchins mark where the closures already exist and the other side of the room contains the places that are proposed to be closed, represented by urchins as well. His point is that if all of the commercial fishermen and charter boats on this side have to use another area, what is going to happen to the area they have to crowd into. There may be nothing left and a lot of fights would be created for the fishermen. Another point is that all of these closed areas will be housing for the lionfish. No one has spoken about that, not even the scientists. Commercial fishermen have already given up a lot for nothing in return with all of the parks and closed areas that exist. In reference to the south Atlantic unlimited grouper/snapper permits, he has to retire two fishermen to have one to fish. Less fish are already being reported and should be taken into consideration.

Shannon Attalis President of Islamorada Charter Boat Association

- Captain Attalis is here to say that there should be no changes. No one can afford more sanctuaries and they would be breeding ground for lionfish. Instead of closures, some FADS (fish aggregating devices) should be placed out there and create new habitat. If new habitats are made, it could create new spawning grounds. Here in the Keys we have red snapper, but we can't keep them. In North Florida, they have a lot of FADs that help sustain red snapper as a sustainable resource. Remember to give back and not to take.

Chairperson Nedimyer called the break for lunch. One presentation was skipped earlier today and will

be given after the lunch break.

## **Lunch**

### **IV. MARINE ZONING AND REGULATORY REVIEW: PERMIT PROCEDURES AND PROPOSED REGULATION CHANGES, AND FRAMEWORK FOR ADAPTIVE MANAGEMENT**

Ms. Beth Dieveney, FKNMS Deputy Superintendent for Science & Policy, gave a presentation describing the proposed changes to permit procedures and regulations; and the framework for adaptive management. This presentation can be viewed at <http://floridakeys.noaa.gov/sac/othermaterials/130820permitamupdate.pdf>.

Ms. Dieveney provided an update on the potential changes/adjustments to regulations based on the lessons learned in the past, new issues and scoping comment given earlier in the process. An initial presentation on proposed changes was given by Joanne Delaney, Sanctuary Permit Coordinator, at the February council meeting. Feedback provided at this meeting on the issues will be analyzed for future discussion and recommendations by the advisory council.

#### **Discussion/Comments (council members)**

##### **Fish Feeding**

Clarification regarding whether the fish feeding regulation would be prohibit all types of fish feeding was requested. It was noted by a council member that there is a difference between divers feeding fish and fish being fed off the dock and that should be considered. It was explained that the specifics of the regulation have not been decided yet, but that consistency with state regulations and known scientific information are being considered. A no-discharge regulation is already in place in the sanctuary and fish feeding also raises safety concerns. Concerns were expressed about how important fish feeding is for tourism. A number of venues in the upper Keys have been fish feeding from shore and some dive operators are also feeding fish; it is part of the heritage of the Keys and it is likely that people would like to express their opinions on the topic when that time comes. Regarding the detailed analysis on the fish feeding issue, sanctuary staff will be conducting that as part of the draft EIS document. A council member requested clarification on chumming and the fish feeding rule for the benefit of the audience. It was confirmed that chumming is an exempt activity from the sanctuary's current discharge regulations, Superintendent Morton explained that the sanctuary would be taking input from the council and would provide economic and environmental analysis/response on fish feeding, if directed to do so by the council.

Artificial reefs were raised. An analysis can also be provided for artificial reefs if requested by the council.

#### **PRESENTATION CONTINUED—ADAPTIVE MANAGEMENT**

Ms. Dieveney provided the second part of her presentation, which covered information about developing the framework for and implementing adaptive management in the sanctuary. Adaptive management emphasizes the need to change with the environment and allows managers to respond more rapidly to changes in the resources. Adaptive management would be criteria driven, based on the goals of the sanctuary itself and expected to improve the health of the resources. Adaptive management response could include implementing an emergency rule or other approved management response. All actions taken will be publically noticed.

## **Discussion/Comments (council members)**

### **Adaptive Management**

The suggestion was made to include private sector groups, in addition to NGOs, in the suggestion that allows NGOs to work under FKNMS permit on specific tasks. The timelines specified for a reaction time on the implementation phase of an adaptive management action have not been determined, but will be part of the plan and the analysis in advance. Superintendent Morton explained that everyone will know about the planned response in advance. The suggestion was made to improve response time in dealing with derelict vessels. It was also noted that nothing has been said about artificial reefs. These are such an important part of the sanctuary and there should be discussion as to whether they are appropriate or not.

Adaptive management is not a new concept for the sanctuary or for resource management and is about anticipating what might occur and then making plans so that actions are not delayed. A discussion took place as to why channel widening was placed on this list because it doesn't seem to fit with the rest of the items on the list such as climate change, cold-water events, etc. Channel widening is an issue and it was suggested because it needs to be addressed; it affects the Keys economy and tourism in so many different ways. Members agreed to address channel widening under the proposed changes to regulations category and remove it from the adaptive management category.

## **V. MARINE ZONING AND REGULATORY REVIEW: FLORIDA BOATER EDUCATION PROGRAMS**

Mr. Todd Hitchins, FKNMS Team O.C.E.A.N Coordinator, gave a presentation on boater education program in the sanctuary. To view this presentation, visit <http://floridakeys.noaa.gov/sac/othermaterials/130820boatereducation.pdf>.

Mr. Hitchins noted that there has been interest in the topic of boater education and how education can help mitigate impacts to the resources. Many of the existing boater education classes emphasize boating safety and seamanship.

Potential next steps include engaging with the FWC Boating Advisory Council, which will be meeting in Key West in May 2014. Suggestions included presenting Keys boating issues to the Boating Advisory Council and/or hosting a meeting/workshop.

### **Discussion (council members)**

A suggestion was made for FWC to consider developing a partnership with local or regional retailers to provide card holders with a discount of sorts as an incentive to get more people to take the course. More marketing on the card to make people aware of its existence was also suggested.

Superintendent Morton explained that he presented in front of the FWC Boating Advisory Council at their request in April 2013. He reviewed the boater education issues that arise in the sanctuary and the council addresses similar issues and was very interested the work of the sanctuary advisory council. The Boating Advisory Council is planning to meet here in Key West and a subcommittee of the advisory council could be formed to work with them and generate specific topics that should be addressed. Recommendations from Shallow Water Wildlife and Habitat Protection Working Group that relate to groundings could be forwarded to this council. This is the right forum for addressing in county and out of county boaters. Sanctuary advisory council members supported this idea of forming a subcommittee to meet with the FWC Boating Advisory Council.

## **VI. MARINE ZONING AND REGULATORY REVIEW: WATER QUALITY: RESPONSE TO ISSUES, ACCOMPLISHMENTS, AND FUTURE ACTION**

Superintendent Morton gave a presentation on water quality and related issues that were brought up in public scoping. A document is being written regarding these topics and will serve as the response of the sanctuary and Water Quality Protection Program to these issues. To view this presentation, visit <http://floridakeys.noaa.gov/sac/othermaterials/130820waterqualityupdate.pdf>.

Sanctuary advisory council work plan goals are to increase public participation and understanding of the WQPP and to identify any necessary regulatory modifications. Mr. Bill Cox, EPA and co-chair of the WQPP steering committee, gave a presentation to the advisory council at its February 2013 meeting. The management committee of the WQPP reviewed the responses to the different public comments submitted on water quality related topics. The purpose of the WQPP as stated in the sanctuary's legislation is to recommend priority correction actions to address pollution and to restore and maintain the chemical, physical and biological integrity of the sanctuary to support diverse marine life and recreational activities. The steering committee of the WQPP has representatives from many agencies, local government and community members. The management committee of the WQPP identified the water quality related topics and described the issues and what actions have been taken or are planned in that topic area in a water quality response document. Superintendent Morton reviewed each of the 15 topic areas (not in any particular order): Everglades restoration and Florida Bay; sewage treatment and stormwater runoff; canal restoration; mooring fields/liveboards/pumpouts; oceanic/marine vessel discharges; Gulf of Mexico/Mississippi River; marine debris; monitoring and research; water quality criteria; turbidity; mosquito control; safe beaches; law enforcement; climate change/ocean chemistry; and endocrine disruptors.

The water quality response document that will be produced will contain lengthier descriptions of each issue, actions to address the issue, and describe how to find out more information. This document will be provided as part of package presented to the advisory council later in the fall. The sanctuary will consider comments on options that may be reviewed in terms of regulatory changes. One goal of the water quality work plan is to increase the coordination between the advisory council and WQPP steering committee. This can be accomplished by providing presentations/updates on water quality issues to the advisory council with other regulatory options for consideration. The sanctuary has a water quality web page for more information <http://floridakeys.noaa.gov/wqpp/welcome.html>. A recurring theme in terms of water quality in general is the need for more funding resources for different projects. Funding is being sought by the county for canal restoration from the Restore Act and other funding opportunities.

### **Discussion/Comments (council members)**

The topic of Everglades restoration was identified as an important water quality issue. NOAA is involved in the restoration process, although the Department of Interior (DOI) plays the key role. Central Everglades Planning Process (CEPP) is a collection of projects that have been accelerated and will help deliver water in the right quality, quantity and at the right times to the Everglades wetlands, including the west coast of Florida and Florida Bay. Council members pointed out that decisions made in the next few months on CEPP and the Water Resource Development Act (WRDA) will affect restoration projects for years to come and these projects directly affect the Keys. Restoration should be addressed at an advisory council meeting. Even though there are many topics to consider, hopefully, the council can receive a presentation on how restoration will affect the Keys and how people can get

involved. Support for this idea of hearing more about restoration projects was expressed including having an update on different projects at council meetings.

Dr. Billy Causey explained that the water being released under the Tamiami Trail into Everglades National park is clean; the park won't let water that is not clean enter the park's wetlands. However, during times of high rains, releases of lake water into nearby rivers and estuaries takes place because the dike around Lake Okeechobee is in danger of breaching in many places and that could cause devastating flooding. Billy pointed out that this advisory council at its very first meeting brought up the subject of Florida Bay. The council's attention to how water quality was impacting flats fishermen helped bring national attention to the Everglades issue. The advisory council used to have a standing ecosystem restoration committee that might need to be reinvigorated.

Chris Bergh proposed that at the next meeting the council consider a resolution to support CEPP projects' inclusion in WRDA. He suggested consulting earlier resolutions passed by the council on this topic and this information could be used to develop a new resolution. The draft resolution should be shared with the council in advance of the next council meeting so that they have time to consider it.

Another suggestion was to have a presentation on canal restoration at a future council meeting as this topic is being addressed right now by the canal restoration advisory subcommittee. Steve Blackburn, EPA Water Quality Protection Program, announced that the canal committee has been meeting on a regular basis; the meetings are publically noticed on the county's website.

Break—No group break was taken to save time.

### **Public Comment**

Chairperson Nedimyer called names of all the people who submitted comment forms and did not speak earlier today.

John Duke, Coastal Sailing Adventures, Inc.

- Captain Duke has the schooner *Dreamcatcher* and his company has the goal of getting young people on the water. He is concerned about the legalized poisons (pesticides, herbicides, etc.) being sold in local stores because this is a porous zone. He feels that people in charge may not want to deal with big businesses (or big money) that makes life so called easier for the public. People are too quick to point to the fishermen for the problems. His solution is to immediately completely ban all products with poisons that are sold locally (products that are labeled as poisons). Even one inch of rain delivers these poisons to the marine environment. Herbicides kill seagrasses; pesticides kill lobsters, crabs, and fungicides kill algae.

Michael Belitzky, National Marine Manufacturers Association

- Mr. Belitzky is going to submit his public comments about zoning at the Ecosystem Protection: Ecological Reserves, Preservation Areas and Wildlife Protection meetings. He noted the manufacturing industry has worked with Sean Morton in getting the educational information out for recreational boaters, especially PWC users. His organization has established a strong partnership through the Blue Rider Program. In the past, they worked with the sanctuary, NOAA and others to develop a toolkit that has been distributed to all PWC liveries in the Keys. They are working hard to get boater education to the users and that includes responsible stewardship, not just safety information. He and his industry are more than willing to work with you to get boater education and stewardship information to boaters. He doesn't know if

mandatory boater education would have to go through the state and/or federal legislative issue for approval because of the different jurisdictions. He does see a general is a lack of uniform maps for the recreational boater in this state. A map showing all boundaries and which waterways were protected, etc. should be created and be distributed throughout the Keys. In 2015 as the management plan is released, one map could be included to show everything. He would also like to see a sign on the highway letting people know about the marine sanctuary. His industry has promoted signs with other marine sanctuaries. His industry is for mandatory boating education across the land and would be willing to help the council/sanctuary in developing a toolkit for users.

#### Captain Slate, Dive Operator Atlantis Dive Center, Key Largo

- Captain Slate called attention to a letter that he and others received from Jeb Burman. He read a small portion of the letter, which noted that community leaders, academic, elected officials and concerned citizens have not been able to ask NOAA to formally request the establishment of new sanctuaries since 1995. This letter, signed by 53 people/organizations, states that support for new sites for sanctuary designations is high among diverse constituencies across the nation. Captain Slate doesn't see any fishermen, lobsterman, or divers signing this letter and doesn't think that anyone who signed the letter makes their living on the water every day. The letter goes on to say that the need for new sanctuaries was identified to sustain ocean resources and doesn't say who identified this need. The letter doesn't include those who make their living from the ocean. Only one dive shop in Louisiana signed the letter and he doesn't recognize this shop.
- Captain Slate added that the first time the sanctuary underwent this zone process, it took six years and caused contention in the community because it affected the people who work on the water. This is not really a sanctuary because if it were, no fishing would be allowed anywhere and no one wants that. Even in the SPAs, there is no enforcement because resources are so short-handed. If an accident happens on the water, fishermen and dive operators have to take care of themselves. He remembers the SPA at Carysfort Reef was huge at the time, but was down-sized before being established. Concerns exist that everyone (not just fishermen) will be banned from the sanctuary at some point in the future, but he hopes that is not the case. His operation educates people so they know the right thing to do. He believes in education, not regulation. The laws that exist right now can't really be enforced. He showed a long-liners hook. He has taken 19 out of nurse sharks and used to have 8 sharks come to his feeding station and now there are zero sharks that show up. He has also taken spear tips out of a Goliath grouper and that shows that people are fishing in the no fishing areas. In terms of the economics of fish feeding, in the Bahamas it is \$80 million dollars per year. Bahamians feed sharks in places that are closed to fishing. Dives with sharks are worth millions per year, much more than if they are caught. Many fish that are killed are not a food source. Captain Slate participates in the Shake-a-leg program, which takes young people on the water. He has had so much success reaching these young people by letting them touch morays and other sea life. Young people remember these opportunities for a long time.

#### Peggy Mathews, American Watercraft Association

- Ms. Mathews explained that FWC releases a report each year containing boater statistics. In the 2012 report, she noticed that boater registration in 2008 was about one million, but by 2012 had dropped to 900,000. That is 100,000 vessels that are off the water in a few years. Every time a regulation is made, it affects the boater and this fact should be kept in mind when considering

changes. Boating has taken a hit because of the economic downturn and more regulations means more people will come off the water. In terms of adaptive management, temporary closures and permits can be effective as long as they don't become permanent. She would like to see a list of elimination of regulations that are being considered. She thinks that every regulation that is implemented should have a sunset date. Consistency with other state laws in terms of boating regulations and definitions is a good thing and will help with compliance. Paddlers should be included in the discussion of registration and funding. When this discussion takes place with the FWC Boating Advisory Council and others, it should consider the requirement of requiring paddlers and all vessels to register (like Michigan) because large amount of resources are used in search and rescue missions that involve paddlers.

- Ms. Mathews sat in on the Shallow Water Wildlife and Habitat Protection Working Group. They proposed 19 modified areas and 17 new areas. From most perspectives, this looks like more is being taken away and nothing is being returned into public use. She sat in on this working group and didn't feel very involved. In the future, it is important to make sure to have the right people at the table. If the idea of licensing is mentioned when working with people on boating issues, it just turns people off right away. Licensing would need to be a legislative mandate and that is not likely to happen. She would look to enhancing education with social media because that is the way young people get their information. She has worked with FWC to address the language issue that exists throughout the state, especially in southern Florida. Guests are coming here and they don't speak the language and that limits their boating experiences. FWC has let a contract out to put a language translation on the smart phone and people will be able to translate the temporary certificate into whatever language they speak. Sean did a great job on the Water Quality Protection Program and what is being done. She would like to add that under Mayor Neugent's leadership for the county, wastewater, canals and a county mooring field plan has been submitted for all Restore pots of funding that are available and National Fish and Wildlife Foundation funding through BP fines and criminal settlements. Every avenue for funding is being pursued for water quality programs.

Jason Basler, Robbie's Marina employee, Islamorada

- Mr. Bassler deals directly with thousands of customers that come to feed fish at the marina. It is family fun and inexpensive and has been taking place for 20 years. Robbie's has worked directly with FWC and the University of Miami on research attempts. There are about 50 employees, including himself, that will be out of a job if a regulation prohibiting fish feeding from shore goes into effect. Please keep this in mind when considering new rules as it will affect local families.

Susan Kynash, Pumpout USA employee based in the Keys

- Ms. Kynash works for Pumpout USA, the company that received the contract from Monroe County to offer free pumpout service to moored vessels. The company started operations in February and have expanded from Key Largo into the Islamorada area. Since then, they have pumped out between 60,000 and 70,000 gallons of sewage, which is already a huge impact on water quality. She finds that a lot of people care about water quality, but can't afford to pumpout, even when it is \$5.00. The company is working on expanding their education to boaters; she often hears that it is okay to pump out past three miles when that isn't the case. Her company is reaching out to get people to contact them on a regular basis for pumpouts. She thinks it would be much more effective to help people do the right thing rather than put more regulations in place, on top of existing ones. For example, derelict vessels are already illegal and this is known by people, but for money reasons in most cases, vessels are still abandoned

(whether there is a law or not). In West Palm Beach, they have a program that involves private companies and helps people make money off of the old vessel in order to reduce derelict vessels. Here in the Keys a similar program is needed to help people do the right thing with derelict vessels. She would like to see a commitment made to work toward helping people solve this issue. Fishing gear that is found hanging from the mangroves is another issue—incentives should be provided to help people remove it.

Lee Starling, Citizen

- Mr. Starling stated that the sanctuary was supposed to be an entity that covered everything, but it can't solve the simplest problems. For example, Sand Key Lighthouse doesn't work and this is a \$600 fix, but that hasn't been done yet. Why hasn't the coast guard fixed the light? It's about the way the money is being spent. It is being spent on a \$400,000 drone that is illegal to use in Florida state waters according to state surveillance bill. He needs the lighthouse and so do others. In the Dry Tortugas National Park, he has to take the fish guts and carry them out of the park. If he drops the guts overboard, a 300 pound goliath grouper might eat them and that affects its environment. Instead, the grouper goes and eats a live fish. Money is spent foolishly and then talk about people running aground. The backcountry lakes needs better channel marking; lack of markers is causing people to run aground. At one time, PVC pipes and a variety of items were used to mark the way, but they were removed fifteen years ago and nothing was put in by the government to replace them. Better marking and better education is needed. In regards to dredging the channel in Key West, people are polarized on this issue in Key West, but most people in Big Pine Key don't care about whether or not the channel is dredged. He is for the dredging because he doesn't think it will really hurt the reef; one side of the channel is mud anyway. The issue has become a political one instead of being about the damage that could occur. In response to someone mentioning earlier today the need for more resources for monitoring chlorophyll and water quality, Mr. Starling uses an inexpensive program called Rip Charts that provides the chlorophyll and other information. If he can use the software, he would think that the government could buy it and use it, too.

## **VII. MARINE ZONING AND REGULATORY REVIEW: SANCTUARY ADVISORY COUNCIL ADMINISTRATIVE BUSINESS (DISCUSSION AND POTENTIAL ACTION)**

- **ALTERNATIVE FUNDING SOURCES WORKING GROUP**
- **SCHEDULE AND FORMAT FOR UPCOMING SAC MEETINGS**

Ms. Beth Dieveney, FKNMS Deputy Superintendent for Science and Policy, provided a presentation on follow-up actions on funding sources taken in July. The schedule options for the upcoming council meetings and ecosystem protection working group meetings was also provided. To view this presentation, visit <http://floridakeys.noaa.gov/sac/othermaterials/130820sacadminandschedule.pdf>.

Ms. Dieveney explained that at the July meeting, the council passed a motion to begin examining alternative funding mechanisms. She asked for volunteers from the council for this working group. The following people volunteered: Clinton, Joe, Rob, Linda, Ken, Bruce, Andy and Jack. Rob volunteered to serve as chair for the group. If there are others in the community who are interested, they can contribute as well. Interested parties should contact Rob. Vice-chair Chris Bergh reminded the working group that this topic will be of interest in the community and every attempt to make sure people know about the meetings should be made to avoid any problems in the future. This working group will not begin formally meeting until some of the other advisory council work items are complete.

Ms. Dieveney presented a slide showing the proposed dates for the September Ecosystem Protection: Ecological Reserves, Preservation Areas and Wildlife Protection working group meetings and reviewed the schedule and locations for upcoming advisory council meetings.

The next council meeting will be held on October 15 at the Islander Resort in Islamorada. The intention of this meeting is to decide on the process for the December meetings (proposed for December 11 in Key West and December 12 in Islamorada) and how the council will make recommendations to the sanctuary and engage the public. In November, three public information sessions will be held in different regions of the Keys. The proposed dates for these afternoon-early evening meetings are: November 19 – Key West, Doubletree Hotel; November 20 – Duck Key, Hawks Cay Resort; November 21 – Key Largo, Hilton Key Largo Resort.

At the December advisory council meetings, the council will be providing feedback to the sanctuary as to what is the range of issues/alternatives that should be analyzed for economic and environmental impact. In the spring 2014, the sanctuary advisory council will review this analysis and provide a recommendation on the preferred alternative for further environmental and economic analysis.

**Discussion/comments** (council members)

Concerns were expressed regarding whether or not additional regional meetings for Ecosystem Protection Group would be needed. Two meetings in each region were suggested—one to show the science and then the second meeting could address management options. It was noted that some fishermen did not want to see the sanctuary go forward with any additional regional meetings. The working group's unanimous recommendation was to hold more meetings to receive more input. If the group does not meet again, then the raw recommendations are provided and the council has to address all input from the working group. With more meetings, some of these options could be evaluated more thoroughly before being presented to the advisory council.

**MOTION (PASSED)**

Chairperson Nedimyer noted that there was a motion on the table from this morning to hold these meetings. This motion was modified slightly from this morning in the following way: Sean Morton and John Hunt will be co-chairs and Chris Bergh will be a voting member. This friendly amendment to the motion was accepted by Chris who made the original motion and by Andy Newman who seconded the original motion.

**Discussion/Comments on Motion** (council members)

The importance of providing the science to people in advance of the meetings is very important. Explaining the science using bulleted points might help people better understand the reasons behind the maps that were suggested. GIS assistance at the meetings could help capture ideas, too.

A discussion continued regarding whether or not additional meetings will be needed. Members pointed out that it is important not to rush things to meet the October 15 deadline for the working group to present its recommendations to the council. Former Council Chair Bruce Popham stated that it is incumbent on the working group to finish its job for the council and to consider the silent majority and the many comments that were received earlier in the public comment period. It is critical that this process be completely transparent. The value of the science needs to be conveyed to everyone.

Criteria for each of the zone types were written by the original advisory council and these are very specific and are not fisheries management. It may be time to revisit these criteria to make sure everyone

is in agreement. These three regional meetings are designed to focus on working group objectives developed by the council and develop site specific information.

**MOTION (Passed)**

Motion is on the table to continue with September meetings as discussed to take public comment and then the working group will meet on September 30 to develop recommendations for the council. Chairperson Nedimyer asked if anyone was opposed to this motion. There was no opposition; motion passed unanimously.

**Discussion on November/December meetings**

Chairperson Nedimyer asked for input on whether or not to continue on the schedule that proposes three public information meetings in November and two meetings in December. At the December meeting, the council will give input to the sanctuary as to what ideas should be analyzed for environmental and economic impact. This analysis would be brought back to the advisory council for review, discussion, and final decision likely in spring 2014. The analyses can't be done on the alternatives until the sanctuary receives input from the council as to what should be addressed. The council will select the preferred alternative and make recommendations to the sanctuary on potential modifications to marine zones and regulations. These will be fully analyzed in and Environmental Impact Statement, which will be made available for public comment (likely summer/fall of 2014). Any changes to management of the sanctuary will not likely be implemented until 2015.

A motion was made to have the three public information meetings in November and a two-day meeting in December to be held on December 11 in Key West and December 12 in Islamorada. The motion was seconded by Rob Mitchell. Motion passed; no opposition.

Note: A December 10 council meeting will not be held.

**VIII. SUPERINTENDENT'S REPORT, REGINAL DIRECTOR'S REPORT & AGENCY REPORT HIGHLIGHTS: DEP, FWC, NOAA NMFS SOUTHEAST REGION, NOAA OGCES, NOAA OLE, NPS, USCG, USEPA, USFWS AND US NAVY.**

**NOAA Florida Keys National Marine Sanctuary Report, Sean Morton**

- The leadership team for the sanctuary will be meeting in Key West on the week of September 9. On September 11, a ceremony will be held to dedicate a memorial at the Eco-Discovery Center. The memorial is to honor employees and volunteers who have passed away, including one member of the Coast Guard from Channel Islands NMS. The ceremony will be held in the early evening; everyone is invited to attend. Sean will send an email with more details.

**National Marine Sanctuaries/Southeast Region Report, Billy Causey**

- Billy announced that comments are being accepted on what kind of criteria should be used in selecting new national marine sanctuary sites. Comment period closes August 27<sup>th</sup>.

**Florida Department of Environmental Protection (FDEP) Report, Joanna Walczak**

- John Pennekamp Coral Reef State Park and Dagny Johnson Key Largo Botanical State Park are undergoing a review of their management plans and public comment may be sent to Park Manager Pat Wells at John Pennekamp Coral Reef State Park.

### **NOAA OLE (Office of Law Enforcement Report, Kenny Blackburn and John O'Malley**

- Officers Blackburn and O'Malley have been working jointly with the USFWS and Department of Justice and have been focused on enforcement priorities. One priority is to enforce the Endangered Species Act for USFWS and the National Marine Sanctuaries Act for NOAA. In the past three months, information has been disclosed on several cases. One case involves marine life wholesale dealer out of Grassy Key who has been charged with a violation of the Lacey Act for smuggling and selling corals nationally and internationally. A trial was held a few weeks ago for an employee of the Idaho Aquarium. A jury found him guilty of obstruction of justice (federal court); he faces up to 5 years in prison and a fine up to \$250,000. Two members of the Idaho Aquarium board of directors have also been charged with destroying evidence. In another case, two Pompano Beach men were charged with exporting mislabeled sharks that were caught in the Keys. They were fined and surrendered their business licenses. Another California based dealer obtained nurse sharks from the Keys that were obtained illegally from a local trap fisherman. The trap fisherman has since died but the dealer is facing violations of Lacey act and could be fined and incarcerated. An indictment has been unsealed for Country Critters based in New Jersey. Formal charges haven't been made yet. Enforcement priorities for the officers are made by the agency. The NOAA OLE website describes these priorities; they are undergoing a structural reorganization. The website also gives the future staffing plan for the Florida Keys.

### **USFWS Report, Nancy Finley**

- The refuges have the need to initiate a habitat management plan, which related to their habitat conservation plan and has more specific prescription for achieving habitat goals in Crocodile Lake, Key Deer, Great White Heron and Key West refuges. The refuge will be taking public comment on this plan in the fall, which includes the fire management plan for the refuge.

### **FWC Fish and Wildlife Research Institute (FWRI) Report, John Hunt**

- Mr. Hunt informed everyone that FWC will be holding a Lionfish Summit on October 22--24 in Coco Beach. The summit will cover what is known about lionfish in Florida and involve brainstorming research directions and discussions about management options. Beth will forward a save the date email to everyone. Please send the announcement to other interested parties. John also attended a FWC commission meeting held to discuss fisheries issues in South Florida. At this meeting a great deal of input was received from participants, including charter boat captains. A report from the commission is forthcoming.

### **NOAA National Marine Fisheries Report, Lauren Lugo**

- The Gulf of Mexico Fisheries Management Council is meeting next week in San Antonio, TX and then in late October in New Orleans. At its next meeting, Roy Williams of Florida will be sworn in as a new council member and the sustainable fisheries and ecosystem committee will be updated on the activities of the South Florida Management workshop working group. The working group is investigating the potential of South Florida species management plans for species primarily in South Florida waters and a suite of actions that pertain to the area. No actions are expected to be taken on this item at the meeting. The next South Atlantic Fisheries Management Council meeting will be held from September 16 through 20 in Charleston, SC.
- Recently, the National Marine Fisheries Service implemented two new amendments that are going into effect next month. The South Atlantic Fisheries Management Council amendment raises the yellowtail snapper annual catch limit in September and modifies existing management

measure regarding gag grouper closures. A regulatory amendment that applies to Gulf waters is implements a new bag limit for vermillion snapper, raises the limit for yellowtail snapper on the Gulf side and eliminates the reef fish venting tool requirement.

#### **US EPA Report, Pat Bradley, EPA Office of Research and Development**

- EPA has a new confirmed administrator, Gina McCarthy. A joint EPA NASA research project to identify new water quality indicators using satellite imagery will begin field work in the Keys in September. EPA is undergoing a strategic planning effort for a water program. Coral reefs have been highlighted and regions 2, 4 and 9 have been planning actions EPA might take regarding coral reefs. The US Coral Reef Task Force meeting will be held in St. Croix in November.
- Steve Blackburn (EPA, WQPP) announced that at the next canal restoration subcommittee meeting on Thursday this week. Canal demonstration projects will be selected. The next WQPP steering committee meeting will be in January or February; date to be determined. The meetings will be announced on the Monroe County website.

#### **United States Coast Guard (USCG) Report, LCDR Michael Capelli**

- The USCG investigated 26 reports of pollution incidences in the past two months, a lower than normal number. Thirteen of these were mystery spills and the sources were never identified. Enforcement actions were taken for eight oil spills.
- The USCG has a new waterways management policy for certain types of events that take place on the water. Fireworks generally don't need a marine event permit. Regattas and swims normally don't need a permit unless they are going to impact the navigable waterway. They do usually require a safety zone of sorts. Powerboat races need a permit and often need a safety zone as well.
- USCG Inspections staff will be conducting industry inspections in September. Commercial vessel inspections will be done on September 25; parasailing vessels on the morning and sailing vessels in the afternoon of the 26<sup>th</sup>; dive and snorkel vessels in the morning and commercial fishing vessels in the afternoon on the 27<sup>th</sup>. LCDR Capelli wanted to clarify that the Auxiliary doesn't do enforcement, but can call for coast guard enforcement when needed.
- The Sand Key Lighthouse structure is not safe and construction to fix it was not an option due to safety concerns. Working with the sanctuary, the USCG identified a new site nearby and placed a new light structure that functions in place of the lighthouse. What will be done with the old lighthouse has not been resolved. The RACON equipment was bought and paid for by a private entity as part of mitigation for a reef grounding incident from a commercial vessel and was maintained by the USCG. The RACON is no longer fully functional and there are no funds to replace the equipment. If anyone is using the RACON and needs it, let the coast guard know. The USCG conducted a study and found that most vessels can see the Sand Key lighthouse on their radar, which makes the RACON not so needed. The lighthouse also housed weather equipment owned by the National Weather Service, but they can't go on the old structure to fix the equipment. If the NWS finds funding for new weather equipment, they are welcome to place it on the new structure.

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

- The Dry Tortugas National Park is making progress toward replacing buoys in the park and adjacent reserves. They are maintaining buoys as a joint project with the sanctuary's buoy team. The current plan is to take a trip to the Tortugas on a park vessel in September.

- A draft Florida Bay Seagrass Habitat Restoration Management Plan has been released and public comment is being accepted through October 4. A public meeting will be held at Founders Park in Islamorada on September 16 from 6 to 8 pm. This plan addresses best management practices for seagrass management and restoration.
- The final GMP for Everglades National Park is expected to be released in the first half of 2014.

**FWC, Division of Law Enforcement Report, Capt. Pat Langley**

- A total of 48 vessel groundings were reported in the past two months.
- The lobster information booth was set up again on the highway in Key Largo for the two-day sport season, which seemed to have the same amount of people participating as last year.
- Three cases for multi-trippers for lobster were made and these can be tough cases to make. Other violations included undersized and speared lobsters and over the limit during the mangrove snapper spawn.
- Last time he mentioned the yellowtail case in the Tortugas North. The case went to court and the captain and crew received 45 days in jail, probation time, fines and court costs. They also forfeited their catch, which was worth \$2588 (500 pounds of fish).

**NOAA Office of General Council Report, Karen Raine**

- No report.

**US Navy (USN) Report, Ed Barham, USN**

- No report.

**Comment**

Andy Newman added that dive operators in Key Largo offered safety dive training courses for the two-day lobster sport season. Perhaps this is something the agencies could look into and possibly participate in because it is a good thing.

**IX. UPCOMING MEETING AND CLOSING REMARKS  
ADJOURN**

Vice-chair Bergh brought the focus back to the ecosystem protection group and its recommendation that the council focus on law enforcement, water quality and education. He recognized the work done by FWC and NOAA law enforcement officers. Word about the cases made gets out into the community. He thinks everyone would like to see more resources devoted to law enforcement, but even with the resources at hand, it is amazing how much is accomplished.

Chairperson Nedimyer summed up the meeting with a reminder that at the next meeting, a subcommittee should be formed to address boating education issues and the upcoming meeting FWC Boating Advisory Council meeting in Key West. The second topic involves an update on Everglades restoration and the possible resolution from the council reaffirming what it has said in the past. He encouraged everyone to be at their own regional meeting and any others they can attend. He thanked everyone for their participation in the process.