

FLORIDA KEYS NATIONAL MARINE SANCTUARY ADVISORY COUNCIL

**Hyatt Place  
Marathon, FL 33050**

**August 18, 2015**

**DRAFT MINUTES**

The Florida Keys National Marine Sanctuary Advisory Council met on Tuesday, August 18, 2015 in Marathon, Florida. Public Categories and government agencies were present as indicated:

**Council Members**

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

**Council alternates (present)**

Boating Industry – Kenneth Reda  
Citizen at Large – Middle Keys: George Garrett  
Citizen at Large – Upper Keys: Suzy Roebing  
Diving – Lower Keys: Bob Smith  
Diving – Upper Keys: Elena Rodriguez  
Education and Outreach: Alex Brylske  
Fishing – Commercial – Shell/Scale: Justin Bruland  
Fishing – Recreational: Bruce Frerer  
Research and Monitoring: Shelly Krueger  
South Florida Ecosystem Restoration: Jerry Lorenz  
Submerged Cultural Resources: Diane Silvia  
Tourism – Lower Keys: Joe Weatherby

### **Agency Representatives**

Florida Department of Environmental Protection: Joanna Walczak  
FWC Division of Law Enforcement: Josh Peters  
FWC Fish and Wildlife Research Institute: John Hunt  
NOAA National Marine Fisheries Service: Heather Blough  
NOAA Office of General Counsel: Karen Raine (absent)  
NOAA Office of Law Enforcement: Kenneth Blackburn  
Dry Tortugas and Everglades National Park: Christopher Kavanagh (absent)  
U.S. Coast Guard: Phil Goodman (Auxiliary)  
U.S. EPA: Pat Bradley (absent)  
U.S. Fish and Wildlife Service, National Wildlife Refuges Florida Keys: Nancy Finley (absent)  
U.S. Navy: Ed Barham

### **I. CALL TO ORDER, ROLL CALL, AND MEETING MINUTES APPROVAL OF 6/16/15 DRAFT MEETING NOTES**

Vice Chair Bergh provided an overview of the council's role in providing input to the FKNMS and explained how the council's three working groups contributed to the marine zoning regulatory review currently underway. A draft Environmental Impact Statement (DEIS) will be published with the environmental and economic benefits and impacts of the various alternatives proposed. The council is here to take input from the public and provide advice to the sanctuary.

The sanctuary is currently accepting applications for the member and alternate representing the following seats: education and outreach, fishing – commercial – shell/scale, submerged and cultural resources, and tourism – Upper Keys. The conservation and environment seat is accepting applications for the member seat only. For more information, visit the council page on the FKNMS website, <http://floridakeys.noaa.gov/sac/apps.html>. New people are welcome to apply (through September 30, 2015); current seat holders are also welcome to re-apply.

### **MOTIONS (Passed)**

A motion was made by George Neugent to approve the minutes from the last meeting. The motion was seconded by Bruce Popham passed without objections. Cory Malcom made a motion to adopt the agenda; it was seconded by Don Kincaid. The agenda was adopted.

### **II. TORTUGAS ECOLOGICAL RESERVES CHARACTERIZATION**

Dr. Acosta, Florida Fish and Wildlife Conservation Commission, Fish and Wildlife Research Institute, gave a presentation on the results from scientific fisheries studies in the Tortugas region. His presentation may be viewed by visiting <http://floridakeys.noaa.gov/sac/othermaterials/20150818tortugas.pdf>.

Dr. Acosta highlighted the various methods and outcomes of this multi-faceted project to study fish movements in relation to different reef habitat types and management zones in the Tortugas region. He presented data on fish abundance and size, fish aggregation spawning sites, and movement of fish between the Dry Tortugas Research Natural Area (RNA) and Riley's Hump. He also showed models of ocean surface currents, which may serve as possible pathways for transport of spawn along the coast of Florida and elsewhere.

### **III. PULLEY RIDGE AND WEST TORTUGAS CHARACTERIZATION**

Dr. Shirley Pomponi, Harbor Branch Oceanographic Institute, gave a presentation on scientific studies conducted by NOAA's Cooperative Institute for Ocean Exploration, Research, and Technology at Florida Atlantic University to learn more about the Pulley Ridge region. Dr. Pomponi's presentation may be viewed at <http://floridakeys.noaa.gov/sac/othermaterials/20150818pulleyridge.pdf>.

Pulley Ridge is the deepest known photosynthetic coral reef off of the continental U.S. One project goal is to determine whether the ridge plays a role in replenishing corals in shallow reefs of the Keys by way of the Loop Current. Some of the same coral species are found in both places and genetic linkages have been documented. Pulley Ridge and other deep reefs may serve as refugia for coral and sponge species that are affected by higher sea surface temperatures in shallower water. In previous trips, scientists have photographed bleached corals. The investigation of Pulley Ridge is part of a larger study that has the primary goal mapping and characterizing mesophotic or low light reefs in the Gulf of Mexico and Atlantic Ocean. The comprehensive study also includes a socio-economic component. A research cruise is taking place at the ridge next week and daily postings will be made to <http://oceanexplorer.noaa.gov/explorations/15pulleyridge/welcome.html>.

Because of its ecological importance and susceptibility to human-induced degradation, a portion Pulley Ridge was designated as a Habitat of Particular Concern (HAPC) by the Gulf of Mexico Fishery Management Council. This designation does prohibit anchoring by fishing vessels, bottom trawling, longlines, buoy gear and all traps/pots, but does not protect the area from non-extractive uses, from diving impacts (tech diving only), from anchoring by non-fishing vessels or from vessel discharge. John Reed, co-principal investigator on this study, made a presentation suggesting that the Gulf of Mexico Fisheries Management Council consider extending the HAPC to cover additional coral rich areas of the ridge.

**Notes:** Superintendent Morton reminded everyone that in December 2011 as part of the marine zoning and regulatory review, the council recommended that the FKNMS evaluate the possibility of expanding the sanctuary's boundary to include Pulley Ridge. This option will be evaluated as part of the DEIS.

New HAPCs and possible expansions to existing HAPCs, including Pulley Ridge, have been discussed by the Joint Coral Scientific and Statistical Committee and Coral Advisory Panel of the Gulf of Mexico Fisheries Management Council.

### **IV. FLORIDA KEYS NATIONAL MARINE SANCTUARY SOCIOECONOMIC MONITORING**

Dr. Leeworthy, NOAA's Office of National Marine Sanctuary, presented on the presented the suite of socio-economic studies that have been conducted in the Florida Keys starting in 1995. To view this presentation on the status of socioeconomic studies in the FKNMS visit <http://floridakeys.noaa.gov/sac/othermaterials/20150818fknmseconomicupdate.pdf>.

Dr. Leeworthy explained that about 20 years ago, a team of experts put together the socioeconomic program in the FKNMS. This plan provided guidelines as to the kinds of studies and how often they should be conducted. Just recently, to meet the needs associated with the FKNMS marine zone and regulatory review, he authored the Affected Environment-Draft Environmental Impact Statement (DEIS), which described the different issues and sources of income and jobs in Monroe County. This

document will serve as context for the socioeconomic impact analyses of proposed regulatory changes.

Over the years, a suite of socio-economic studies have been conducted and have covered topics such as the impacts of artificial reefs, climate change, closure of marine zones on commercial/recreational fishing, spiny lobster sport season and others. The 1995-96 Knowledge Attitudes and Perception, which was replicated in 2007-08, provided baseline information on recreational uses in the Keys and examined what people valued about the natural environment. Fact sheets and executive summaries on this study and others are available on the National Marine Sanctuary Socioeconomic website, <http://sanctuaries.noaa.gov/science/socioeconomic/floridakeys/>. Studies are binned in the following categories: Recreation and Tourism, Commercial Fisheries, Marine Zoning/Marine Reserves, Knowledge, Attitudes and Perceptions and Climate Change,

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

During the discussion, the following points were made:

- The socioeconomic study pertaining to the closure of Western Sambo Ecological Reserve (WSER) was based on a panel of commercial fishermen who were displaced by the reserve. The study showed that the fishermen did not suffer economic losses. A council member pointed out that some fishers may have decided not to continue to fish with the implementation of the reserve and their losses would not have been captured by the panel method. It was noted that Hurricane Georges affected commercial fishers around the time of the WSER became effective in 1997.
- Dr. Leeworthy explained that their initial assessment as to what would happen to fishermen displaced by the closure in the Tortugas Ecological Reserve assumed that the fishery was overfished and fishermen having to move into new areas would suffer losses. Instead, according to the Tortugas Integrated Assessment, fishermen found new fishing grounds that were not overfished and hence did not suffer economic losses. Council members noted that having to fish for a new species required extra effort on the part of the fishermen and that they may have had to work harder for the same income.
- In response to the question as to how the establishment of marine reserves has affected the local economy, Dr. Leeworthy stated that the studies do not show negative impacts on any group. The assumption going into any of his socioeconomic studies is that when people are asked to change, the result will have a negative impact. Study results do not however, show negative impacts in either in the Florida Keys or Channel Islands National Marine Sanctuaries.
- Cruise ship visitors, who are day visitors, have been studied in Key West. They tend not to leave Key West and only a small percent engage in water -based activities.
- Dr. Leeworthy confirmed that economic impacts of social gatherings in the water have not been studied in the FKNMS.

### **Lunch**

## **V. BISCAYNE NATIONAL PARK MANAGEMENT PLAN**

Superintendent Brian Carlstrom, Biscayne National Park, gave a presentation on the park's general management plan. To view this presentation, visit <http://floridakeys.noaa.gov/sac/othermaterials/20150818bnpupdate.pdf>.

Biscayne National Park is located to the north of the FKNMS and is adjacent to the metropolitan area of Miami-Dade County. Superintendent Carlstrom described the final general management plan and zone changes, history of plan development, interagency consultation and public involvement during the process. The final plan, which seeks to enhance boater safety and marine resource protection, was released this past June and they are awaiting a record of decision very soon. The plan adopted Alternative 8, a combination between previous alternatives and was developed with public engagement, agency consultation and public involvement in zone design.

## **VI. ARTIFICIAL HABITAT WORKSHOP OUTCOMES**

Mr. Joe Weatherby, SAC Lower Keys Tourism Alternate and Artificial Habitat Working Group Chair, gave a presentation on the outcomes of the two-day working group meeting on artificial habitats. Mr. Weatherby thanked the group members for their hard work and participation. The group made a recommendation to the sanctuary superintendent that includes having the current working group develop an action plan for artificial habitats. The working group supported the resolution, 19 in favor, 2 abstentions. To view this presentation, visit <http://floridakeys.noaa.gov/sac/othermaterials/20150818ahupdate.pdf>.

### **Discussion (council)**

Mr. Weatherby explained that the timeline for the action plan development is difficult to predict, but the working group is enthusiastic and wants to move forward. Superintendent Morton noted that the artificial habitats workshop and working group were convened to help educate people, compile the science and look at funding issues related to this topic. An action plan as is proposed by the working group is part of the larger general management plan and can be put together programmatically. This plan does not require changing sanctuary regulations and does not need to be done in conjunction with the DEIS. Regulations are already in place for artificial habitats and people are free to apply for permits at this time. Superintendent Morton added that the group is free to continue to meet on their own, but staff resources and support will be limited as staff priority is finalizing the DEIS for public review and comment and adhering to the National Environmental Policy Act (NEPA) guidelines. Mr. Weatherby stated that the group is prepared to move forward without staff resources.

### **Public Comment**

Captain Bill Wickers, Key West Charter Boat Association

- Captain Wickers stated that he and the Key West Charter Boat Association are in favor of artificial reefs. They think artificial habitats are good for the reefs, for the economy and for the fishing business and they have always supported them. He was on the tourist council for years and they sank a lot of ships that brought a lot of money. He thanked Joe Weatherby for his work toward sinking the Vandenberg.

### **Motion (passed)**

A motion was put forward by Don Kincaid to adopt the resolution put forth by the working group, which supports their efforts to develop an action plan for artificial habitats. A council roll call vote was taken on the resolution, *Advancing the Artificial Habitat Working Group Recommendations for Consideration in an Updated Sanctuary Management Plan*.

Motion passed unanimously (17 in favor, 0 against). To view this resolution, visit <http://floridakeys.noaa.gov/sac/othermaterials/20150818ahwgmotion.pdf>.

Vice Chair Bergh recognized Joe and the working group for their efforts on this issue.

## **VII. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA**

Michelle Robinson, Last Stand

- Ms. Robinson thanked the council for allowing her to speak. She has been a resident of Tavernier for over 11 years. She is speaking on behalf of Last Stand as a member of the board. On behalf the membership, she would like to express strong support for the creation of a marine reserve in Biscayne National Park to implement the fisheries management plan to conserve and restore the park's fisheries resources. Within the Florida Keys National Marine Sanctuary, the positive impacts of no take marine reserves to enhance and sustain regional coral reef fisheries at Dry Tortugas have been witnessed. Scientific study over the first 10 years of the reserve detected significant changes in population occupancy, density and abundance within management zones for a suite of exploited and non-target species. The same research observed decreases in densities of exploited species in areas open to all fishing. Research in other areas of the world have shown that marine reserves can have positive effects in increasing density both inside and outside reserve areas. The science proves the importance of preserving specific key areas of habitat so that both the fisheries and the community that is supported by the fishery can be sustainable well into the future. Establishing a marine reserve will significantly increase the chances that future generations will enjoy Biscayne National Park's rare combination of terrestrial, marine and amphibious life in a tropical setting and natural community. With that vision, they strongly support the SAC to support the creation of a marine reserve to protect Biscayne National Park's treasured system of threatened reef fisheries and coral reef ecosystem and to consider these scientific data when considering reserves within the Florida Keys National Marine Sanctuary. Thank you.

Bill Kelly, Executive Director, Florida Keys Commercial Fishermen's Association

- Mr. Kelly stated that he has a different perspective on Biscayne National Park and some of the things that we can look forward to if this general management plan goes through. Just two weeks ago, the House committee for Natural Resources Chairman U.S. Representative Rob Bishop (Utah) and U.S. Representative Steve Chabot, Small Business Administration, conducted a field hearing in Miami to address issues of concern regarding the general management plan. There are a number of problems here that are being addressed, some lack of transparency from the industry's point of view, inappropriate application of science in many areas, so problematic that in fact FWC was in attendance at that hearing. Jessica McCawley testified on behalf of FWC and they withdrew their support for that special marine zone. They mentioned a number of problems associated with it, including three breaches of MOUs between FWC and the national park service, misapplied science and it would cause significant economic harm, if implemented. The industry also has its concerns. The situation culminated in Congresswoman Ros-Lehtinen, a friend of ours and of the sanctuary, initiated bill HR 33-10. This bill will prohibit the national park service and the national marine sanctuaries from instituting any large scale closures without the support/endorsement of the fish and wildlife commission in that state or territory that they adjoin. So, this could have national implications. It certainly needs to raise our concerns as to what might happen if the general management plan goes into effect for Biscayne National Park. It also calls for elimination of the two day mini lobster season. We can see the environmental impacts that we have already with 35,000 visitors and now add another 15,000 into the mix. It also calls for a phase out of commercial

fishing by attrition or within 10 years. Now, take 50,000 spiny lobster and stone crab traps and push them down into the Florida Keys. Down here, we already have about 350,000 traps deployed and are already under trap reduction program that is mandated by the state because of overcapitalization. Now, we will see forced overcapitalization if, in fact, these 50,000 traps come south here. He can assure you that there is no fisheries problem in Biscayne National Park. Here are eight species of fish included in this PowerPoint presentation by the National Park Service. According to park service, 6.7 hours to catch a white grunt, 702 hours to catch a black grouper in Biscayne National Park. That's just over four months if you fished eight hours a day, five days a week. The day before the house natural resources hearing, he took Representative Bishop and several staffers out fishing. They caught 11 species of fish in 1 hour and 10 minutes. Caught 48 fish total; over one third of them were of legal size. It didn't take them the long to catch a red grouper either, which they had on ice in five minutes. Thank you.

David Sakowski, Bridge the Keys

- Mr. David Sakowski spoke about the old Flagler railroad. They said it was a folly one hundred years ago. The water quality in the Keys has been deteriorating since the railroad and all of the causeway bridges were erected. No one has taken down the old bridges that restrict the natural flow of the water. This is an environmental disaster. This has been continually done for 100 years. Bridges that should be taken away are still there. Bahia Honda Bridge is falling into the ground. The different railroad bridges that have been converted for traffic as you see on the seven mile bridge are deteriorated and falling into the ocean. This is also true for the Spanish Harbor, Niles, Kemp bridges. They are garbage and should be taken away or cut up for artificial reefs. These artificial reefs could be substantial because there are large pieces of concrete that could be put into Hawk's channel or in deeper water all the way down to Key West. These reefs could be used to grow different types of coral and people could enjoy them. They could put buoys on them and put them in Hawk's channel so everyone who is diving doesn't have to natural coral reefs. This in turn will help restore tidal flows. The tidal flows are significantly reduced with causeways. Earthen causeways that are just a big dump in the middle of our channels, particularly here in Big Pine and down throughout the Keys. Whenever you see water on both sides of the road, you are driving on Flagler's causeway dump. This is just a bunch of dump in the middle of the channel and should be removed to restore flow of the natural tides from the ocean to the back country. There is a natural flow to the backcountry that has been severely damaged. Please restore that flow.

Dottie Moses, Florida Keys Scenic Corridor Alliance

- Ms. Moses announced that September 19 is International Coastal Cleanup Day. This year, Florida Keys Scenic Corridor Alliance, Adopt a Highway, the Sheriff's Office are coordinating to do a cleanup keywide. They are asking people to volunteer to help clean up. Cleanup sites are posted on a website. She will send a flyer to Chris and Beth for distribution to the council.

## **VIII. MARINE EVENT AND CONCENTRATED USES**

### **Introductory Remarks**

Superintendent Morton noted that this issue has been discussed in the past. Since the sanctuary has been undergoing the marine zone review, this issue was addressed by the Shallow Water Wildlife and Habitat Working Group. They completed their work in 2013 and gave a final presentation to the

council in 2014. The sanctuary has been taking recommendations on this topic throughout the review process, from the working group and advisory council. Marine Events and Concentrated Uses as discussed at the June 2015 meeting. At that time, no action was taken however it was noted that there are a variety of issues that can arise on the water; some are resource (e.g. impacts to seagrass, nesting sites) related and fall under resource management agencies while others are nuisance issues (e.g. noise, littering) which fall under county agencies among others. More enforcement presence and more coordinated enforcement are needed. The SAC decided at that time to revisit this issue at the August meeting. Prior to this meeting, comments were collected and compiled by Pete Frezza and presented as a draft resolution for discussion and consideration.

Vice Chair Bergh stated that a draft motion had been circulated to council members and is presented before the council for voting.

Due to previous action and recommendation by the Shallow Water Wildlife and Habitat Protection working group and consideration of the specific resource protection needs identified, the draft motion was modified to focus on nuisance and law enforcement issues and to engage the appropriate agency with authority to respond.

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

The following points were made in the discussion on this topic.

- The working group that addressed shallow water habitats addressed this issue at several different meetings. They made specific recommendations for specific places and general recommendations for other places. This new resolution doesn't change those recommendations already made to sanctuary staff. Their recommendations should be read by everyone and are posted on the sanctuary's website.
- The opportunity to address this again will come when the EIS is published.
- Lower Matecumbe has a problem area that has about 200 boats on weekends. Seagrass is protected by regulations and rules that cover dock impacts on it because of its ecological value. Yet concentrations of boats impact it in the same place frequently, doing ecological damage. Seagrass protection should extend to preventing the many small impacts that happen with a large boat gathering in shallow water.
- Miami and Biscayne National Park have found a solution to address concentrated uses. A workable solution can be found in the Keys, too. This problem will become more and more difficult to solve if allowed to grow over time.

### **Public Comment on the Motion**

Archer Miller, Kayaker

- Mr. Miller sees scars from boats in shallow water when he is kayaking. He wants to see the channels marked so they don't have to find their way out to the Mud Keys and back and not have to run aground. If people are worried about being out there tearing up the bottom, put in mooring buoys so that they aren't anchoring any more. He thinks that you would rather have to force people have to buy a permit to go out there to kayak rather than to address things.

Donna Signs, resident on Duck Key representing three residents with statements

- Ms. Signs is here because of the issues right off the waterway on Duck Key. She was asked by three residents to read statements into the public record. Mr. Demetrio Brid resides in Duck Key in an oceanfront house. His letter read as follows:

- I have been letting all relevant people (Duck Key Security Advisory Committee, Duck Key Community Benefit, etc.) know about the serious problem we have on the Marine Sanctuary (MS) with boaters. To remind you, the boaters are anchoring in a small sandbar that is surrounded by seagrass & coral on the Southwest corner of the Sanctuary directly on the Oceanside entry to Duck Key. The main impacts of this activity are:

Damage to the MS bottom:

- They frequently beach the boats when the tide goes out & gun the engines to get out.
- They leave large amounts of trash, including bottles, cans, and packaging, which we go out and pick up.
- They “explore” all the area with smaller boats and/or jet skis and do not slow down in order to avoid bottom damage.

Noise Issues:

- They blare radios (sometimes up to 3-4 at a time) and carry on in a loud & disorderly manner.
- There is a lot of alcohol consumption, *along with smoking of marijuana (It is noticeable and you can smell it), while riding on kayaks* (appears in letter but was not read aloud).

Security Issues:

- As mentioned above the boaters “explore” the area on foot and cross the breakwater onto Duck Key properties.
- They swim across the canal & come onto private property.
- We have asked them to leave on numerous occasions & they are generally uncooperative.
- They have boarded boats moored on residents’ private property.

Fishing guides livelihoods are being compromised.

- The guides are very respectful of the MS and have a right to earn a living. The boaters are interfering with their activities as they are noisy and come in at high speeds.
- Fly fishing is the main activity and silence/calm waters are essential to success here. They are generally poling in order to be quiet and not create waves.
- The MS is a great catch & release venue that should be maintained.

- We have videos of some of these activities and would be more than happy to share. I can’t emphasize enough the damage that is being done to the MS and activities such as fishing. All residents in DK agree that something needs to be done *long term to preserve the beauty of the MS and the Duck Key area* (italics were not read, but appeared in the letter.)
- Two more letters from Sylvia Hernandez, Security Council and David L. Williamson, President of Duck Key Property Owners Association were not read, but were submitted as part of the public meeting record and may be viewed by visiting [http://floridakeys.noaa.gov/sac/othermaterials/20150818usespubliccomment\\_redacted.pdf](http://floridakeys.noaa.gov/sac/othermaterials/20150818usespubliccomment_redacted.pdf)).

Deb Curlee, resident

- Ms. Curlee lives on Cudjoe Key and is an avid outdoor water user. It is her understanding that the original resolution, which she now understand is off the table, was only to look into and document some of the areas being used in the back country area. The reaction has been

unbelievable. We just need to know our resources, if they are being overused. Everyone can admit that people are on the water more than ever and if we don't know what is being used and what is being abused, how can we help.

Bill Wickers, Key West Charter Boat Association

- Captain Wickers stated he would support the new resolution because he really thinks there are more than enough rules and regulations in place and if they were just enforced, there would be absolutely no need for the other resolution. The thing is that really bothers him is that every time, the council gets off focus, a lot of valuable time is wasted on things that the council shouldn't be dealing with. He supports the new resolution; there are plenty of regulations that govern other things, whether they are anchoring in coral, anchoring on seagrass, littering a beach, loud music. Let the sheriff and fish and wildlife take care of this. Focus on water quality and let's clean up water quality and make everyone happy.

Ricky Arnold Jr.,

- Mr. Arnold stated that he is happy because it seems as if the sanctuary council is already trying to work with us. He agrees that there are already laws in place. Fish and Wildlife and Coast Guard are doing a good job. There is a term called pounding sand because you can't break up sand. We aren't anchoring in the seagrass; we are anchoring in sand. There is no seagrass there. There are other things besides making new rules that need to be done. Let's not make any new laws and problems and paperwork. Let's solve the problems that we have. Mooring fields will never work. If that is a new recommendation that he is not aware of, he is sorry, but it will never work. Say that there are 10 moorings in a location; he will just leave a boat to hold that mooring until he can get there to use it. Then, it will be available when he gets there. If there is a point where he can help, he would like to, but at this point, this issue is a dead subject. Let's focus on things that will help the keys and let this go.

David M. Cotter, resident (life long)

- Mr. Cotter was born and raised in the lower Keys and basically represents citizens. He remembers a time when you could go to Snipe and Mud Keys, stay there for 24 hours and never see another boat. He wishes those days were back, but they are gone. As far as doing damage from concentrated areas, if these boats are dispersed over a larger area, they will find every little piece of seagrass and damage it. They will destroy new areas, much like they do at lobster mini season. At Snipes point, there is nothing but sand. He can't speak to what is happening at Matecumbe. But, again, we are talking about seagrass, hundreds of millions of acres. Isn't it better to have everyone concentrated in one spot instead of many areas, including bird sanctuaries? You are not going to get rid of the boats. The number of boats will not decrease; they will just disperse. At Duck Key, that sounds like a law enforcement issue. At Holiday Isle, he is not sure if they are destroying grass, but at least they are damaging one area and he thinks that if this pot is stirred, people will do damage elsewhere instead of keeping it in one area.

David Petkovich, citizen, Lower Matecumbe

- Mr. Petkovich stated that he doesn't represent any group, but he likes to think he represents common sense. To explain a little bit of what is happening in Lower Matecumbe, this past weekend there were over 200 boats there. Although it was somewhat entertaining, it was really kind of sad. They watched inebriated people falling off their boats, being dragged back up onto rafts and then back onto the boat. They watched one person get behind the wheel and

drive. He was so surprised that people didn't get smashed between boats. They saw two boats slowly collide into each other. He and his family came from Edgewater Park in Ohio on Lake Erie. They are glad to be Floridians down here now; have been coming down for eight years and are really happy to be here. If anyone knows of Edgewater Park, you know that you will be busted if you defecate on the beach. You can see that this is taking place at White Marlin Beach. You can't get that drunk and drag people around on the boat. It is joke what is going on down here with enforcement of laws. People say that new laws are not needed. If we don't need new laws or the cops to do anything, then why aren't we enforcing the laws we have? Somebody just said that they aren't anchoring in seagrass. The pits in the seafloor show that the seagrass is being anchored on. Almost every boat in Lower Matecumbe is anchored in seagrass. He has seen the seagrass being devastated there. In the past few years, it is an ecological nightmare. There is no one enforcing these laws. They called Monroe County this Saturday after seeing the two boats collide. The county came down, walked around, no body went into the water. He hasn't seen a boat in the water since February. He thinks a no combustion zone would help with the situation. There isn't any commercial fishing within a couple hundred feet of the beach. He doesn't see how a zone would hurt any diving or fishing to save White Marlin Beach. People should look on the internet to see what is actually going on there. People at Port Antigua, Sandy Cove have been documenting this activity and the pictures are posted. It is unbelievable what has happened to the seagrass, the animals, what has happened there. He comes from Cleveland, Ohio. He loves the Keys, but your law enforcement is a joke down here and you should be embarrassed about that.

Rick Gage, Life long resident

- Mr. Gage stated that the person who spoke about the bridges blocking the flow is telling the truth. The bridges did block the flow and this killed things up and down the Keys. He isn't here to call any one group with regards to what happens on the sand bars. He drives through the Upper Keys and it drives him bananas. If you're a flats fishermen trying to make a living, and a jetski drives right by 50 feet away, he understands that. But, it is not the fault of every person that lives here and it isn't right to take something away from people. It is an enforcement issue. The gentleman just spoke about people being wasted drunk and falling down. This happens on land, too. You see fifty police cruisers and only one police boat. We live in a unique environment here; that should be addressed. As for sandbars, when he is out there kicking around in the sand, there are permit, bonefish, all kinds of creatures eating food around his feet. He has been going out to the islands for more than 30 years. He has seen more fights than you could possibly ever imagine, drunk people falling down, boats wrecking, people getting killed. He has seen it all. But that doesn't mean its okay to take it away from everybody because of these issues. The gentleman mentioned about closing a very large part of Elliot Key. Three thousand boats go there and now they have it restricted to a thousand boats. Okay, where are the other 2,000 boats going? They are coming down here every weekend. It's an education issue. He understands the man who lives by the shoreline. He doesn't want to see people falling down drunk, but he does like his islands. We live on a strip of land surrounded by the ocean and people should be able to enjoy it. People should be responsible for themselves and for what they are doing. If they are not responsible, they should remain on land. That's a stupid issue, because people are going to go out there anyway. The main thing is people are coming here because they enjoy these islands and what they are doing. They don't want to give up, his kids, my kids and our families going out there, but there has to be an enforcement issue with the issues that are being dealt with. There are a million liquor stores up and down the Keys and just as many people drunk on land

falling down and wrecking cars as there are on boats, maybe even more on boats and maybe there should be even more enforcement. He doesn't want to put anyone down. He spoke to the power boat yesterday, the poker run. They're in Destin right now doing a poker run. Mr. Gage asked him if they had a buddy to represent themselves in the Keys because they have been in the paper. The response was no because they were in Destin doing a poker run. Mr. Gage informed him that when the Keys falls, Destin and these other places that we like go to will be next. He understands the issues with the sheer terror that comes into these Keys on the weekend and now even on the weekdays, it's out of control. But, to close off a huge area on mainland South Florida and give them no choice but to come down here, we have to think about that a little bit better. That's his two cents. He hopes he didn't upset too many people by what happened this week, but he thinks that you guys have come to understand that this is what we have. We support the tourist industry and we work hard so that people can come down here and everyone can enjoy it. We should all work together to make sure we have a place to go and enjoy ourselves.

Jimmy Greene, Jaylin Greene, Jordan Greene, residents

- Jaylin is here because she doesn't want them to close Snipes because her brother is coming soon and she wants to learn how to swim. She likes going there because she learns how to swim there and she likes playing with her friends.
- Jordan is here and right now (inaudible as she spoke at a very quiet whisper).
- Mr. Greene is here to speak on the Snipe's issue. That is like the last and final place for the younger kids and younger generation that we have in Key West. We don't have arcades or skating rinks and stuff like that. It costs a lot of money to drive back and forth to the mainland. So on the weekend, it's cheaper for us to stay here and enjoy our backyard. They aren't stepping on corals or anything like that, like the tourists do when they go out on the front side to the reef. There's no reef in the backcountry and they are only stepping on sand. They just want to be able enjoy themselves and have a good time.

Tony Nall, resident/business owner

- Mr. Nall is a ten year local and owns a business in the Lower Keys. If we allow changes to happen on any level, then we can't imagine on any level what's going to happen over the next few years. As a ten year local, he can say with 100 percent certainty that if there is local issue, then the locals will solve it, given the chance. Do not force them to change. We work so hard for where we live. Don't take away the few natural places we have to play. "No anchor zones" in this context or anything that has been discussed will not help anything. Our freedoms are eroding at a mind boggling pace. If we keep this up, we will have only pictures and movies left of this place. Generations to come will not know what the sandbar is just like these children here who spoke before me. Bogus science is no excuse. There was a wise lady who said an important thing a few years ago.

Do we expect a system made for the elect  
To possibly judge correct  
Properly serve and protect  
Materially corrupt, spiritually amuck  
Oblivious to the cause  
Prosperously bankrupt  
Blind leading the blind  
Guilty never defined  
Filthy as swine

A generation pure in its own mind  
 Legal Extortion blown out of proportion  
 In vain deceit the truth is obsolete  
 Only 2 positions, victimizer or victim  
 Both end up in destruction  
 Trusting this crooked system  
 Mafia with diplomas  
 Keeping us in a coma  
 Trying to own a piece of the American Corona  
 The revolving door, insanity every floor  
 Skyscraping paper chasing, what are we working for?  
 Empty traditions, reaching social positions  
 Teaching ambition to support the family superstition  
 When the son of perdition is commander in chief  
 The standard is thief  
 Brethren can we candidly speak  
 Woe to the men  
 Trusting in the chariots them  
 Leaning on horses they run  
 To intellectual sources  
 Counterfeit wisdom creating the illusion of freedom  
 Confusion consumes them, every word they speaketh entombs them  
 Outwardly white, internally they're absent of light  
 Them trapped in the night & bondage to the 'caine in the night  
 Under the curse, evil men waxing more worse, faxing the first  
 Angelic being cast to the earth, it's time for rebirth  
 Burning up the branch and the root  
 The empty pursuits'  
 Of every tree bearing the wrong fruit  
 Turn and be healed  
 Let him who stole, no longer steal, please.

Mr. Gage added that Lauryn Hill, a musician, wrote the poem/song he recited.

Miguel Gonzalez, resident

- Mr. Gonzalez is a private citizen and he is glad to hear that, at least for now, common sense has prevailed and that we treat these issues as they are – individual law enforcement issues and not generalize the whole situation and block access to these prize resources that we all enjoy. Thank you.

Cole Harrison, resident

- Mr. Harrison is a conch, a captain who works on the water. He is also a professional free diver. The people who go to these sandbars are people who are the most environmentally friendly people and care about our waters. He sees people bringing garbage back so that it is not on the beach. He is sure that there are some issues at Matecumbe Key. But, we always attack these areas by closure, by roping everyone off. He thinks that there are other options to solve the problem. Just don't have to close an area and say that no one is allowed to go here. It's an enforcement issue. Pretty ironic that we are having this discussion after mini season where we have people flipping rocks over. If you need things to do, getting rid of the bridge and using that material to make habitat for the wildlife is a great idea. He would also say that with the fisheries it is really wise to increase the size limit and back off the bag limit a little bit. Just let the fish grow a little bigger before they are harvested. That's it. Thank you.

David Paul Horan Jr., resident

- Mr. Horan thinks that all the rules on the books right now are fine. We definitely have to follow through to do what we can to let the marine patrol and police and everybody to their job. As for Miami, all the closures up there bring everybody down here and that's why we are having such an issue with the partying and the people up and down the Keys. They are being shut out elsewhere and are all coming here. They wreak havoc and what not. The people who live down here are a lot more respectful of the area and the situation and are a lot friendlier. Thank you.

Craig Cates, City of Key West Mayor

- Mayor Cates stated that you have seen that everyone who spoke really cares about the environment. He thinks what scared everybody were some of the issues you are having in the north part of the Keys with the people who come from Miami on the grassbeds. They don't have that problem in the Lower Keys, Key West. It's a lifestyle, generational and very important to them. He thinks that leads into him asking for a position in the next voting item. He can help get some information out there and get the citizens informed and give them someone to call when they have misinformation.

Tony Yanniz, City of Key West Commissioner

- Commissioner Yanniz thanked everyone for their effort—the council, fishermen, citizens, mayor, everyone. People care and that is why they are here today. He is really happy to hear that we are going to allow the agencies and laws that exist to deal with these problems. Here is the bigger issue. You have to get people who use these facilities to buy into the rules and regulations or it doesn't work. You have to use education, you have to use peer pressure because that is what works the best. I was listening earlier about rumors. None of this is true or is happening. Here is the reality of it and that is not meant towards anyone. Citizens mistrust the federal government because what starts as a rumor today ends up a year and half from now ends with a sign at Snipes point saying you can't dock your boat here. So that is the reason why this is a grassroots movement. People want to stop it now and clear the air. He thinks this council has done a hell-ava job in doing that. He thinks that there are some issues out there. Let's use our time and resources as an agency. Let's look at the cruise ship industry. A study shows that all it would take for every ship to be environmentally correct is the cost of one Coca Cola per passenger every day. You want to fight a monster; we will fight that monster. We have hundreds of them rolling their screws into Key West harbor every couple of weeks, laying silt across the precious seagrass that you are fighting for. That is the bigger issue. With the sand bar, we are looking at the low hanging fruit. Let's look at the sandbar, but the cruise ships, not so much. He does agree with the mayor having a seat on the council—a seat that will bring forth the opinions of the citizens of Key West. He thinks the council should seriously consider this and he asks for your support on that issue. He wrote a letter that he will leave with Superintendent Morton (Mr. Yanniz's letter is posted as part of the public record for this meeting and may be viewed at [http://floridakeys.noaa.gov/sac/othermaterials/20150818usespubliccomment\\_redacted.pdf](http://floridakeys.noaa.gov/sac/othermaterials/20150818usespubliccomment_redacted.pdf)).

Sherry Popham, Chair Duck Key Security Advisory Board

- Ms. Popham thanked everyone for the opportunity to speak. She is here as the chair of the Duck Key Advisory Board. This issue has come before the board by manner of several affected residents and the Duck Key Properties Association has come to us seeking assistance

for the issue occurring off the southwest shore of the island there. The story is the same as what you hear from other locations where the sandbars are adjacent to private homes. We have loud discordant music and parties every weekend, particularly on holidays. In this case, the sandbar provides easy access to the seawall/breakwall. It is an attractive nuisance. People come in and they frequently swim over the short distance in the canal to adjacent properties. It is not uncommon for boats to anchor up inside the canal adjacent to the seawall where a small beach is forming. In this case, they are literally only a stones throw away from private homes. She understands that the SAC's role is very limited, perhaps to environmental impacts, but they are seeking an audience on this matter. In opposition to people who say that there are already laws on the books to prevent this kind of thing, there are not. It is not illegal to play loud music during the day. The rules that were on the books have been thrown out. Nighttime the rules apply, but not during the daytime. She has been told that it is not illegal to walk on seagrass and as long as a person is not anchored in it, that is not against the law. For the homeowners are adjacent to these sandbars, it has become a real issue of their ability to enjoy the peace existence in their home. In her mind, this is two distinct issues—one involves the homeowners who live adjacent to sandbars and the other involves the sandbars in remote areas. The people on Duck Key, visitors and residents alike, enjoy going to the sandbars. She has some favorites and understands that it is a great time. They are not desirous of making these kinds of gatherings illegal, but they are seeking remedy for those properties like ours, that are adjacent to a sandbar where this is taking place. Again, there are two separate issues and they are seeking a remedy for areas where this is occurring in proximity to private homes. Thank you very much.

**Discussion (council members)**

The council continued discussing the marine events and concentrated uses issue and the following points were made.

- The need for more law enforcement and the funds to support enforcement.
- Noted the opportunity to address this again will come when the EIS is published.

Superintendent Morton read from the June 2015 meeting minutes pertaining to the need for enforcement support and funding. It was noted at that time, as it has been previously, that a common theme is that more resources are needed for enforcement. It takes people in the community to write or contact their elected representatives in Tallahassee or Washington, D.C. to let them know that more resources are needed for enforcement. The importance of this approach can not be emphasized enough. He encourages people to write to their elected representatives.

Chris Bergh asked that the contact information for the elected officials, state and federal, be included in the minutes.

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**Motion (passed)**

A vote was taken on the motion regarding marine events and concentrated uses. The motion was seconded by Martin Moe and passed (16 in favor, 0 against). This resolution can be viewed by visiting <http://floridakeys.noaa.gov/sac/othermaterials/20150818marineeventsmotion.pdf>.

**X. City of Key West Request for Advisory Council Seat** (Discussion and Potential Action)

Vice Chair Bergh initiated a discussion on the motion to offer non-voting council seats to municipalities in the Keys. Voting seats would require amending the charter. Currently, there is an open door for all municipalities for their voices to be heard.

**Motion (passed)**

Vice Chair Bergh made a motion for the sanctuary to offer non-voting council seats to municipalities—cities of Key West, Marathon, Islamorada, Key Colony and Layton. The motion was seconded by Ben Daughtry.

**Discussion** (council members)

The following points were made during council discussion on the matter.

- The council is receptive to and listens to the ideas put forth by people who address the council. Voting is not necessarily that important.
- Mayor Cates was invited to Oceans Week on Capitol Hill because Key West is an important stakeholder. Sixty percent of tourist revenue is coming from Key West and the city has different and unique issues from the county. For this reason, support is expressed for Key West having a voting seat.
- It is important for the municipalities to share their knowledge with the council whether they vote or not.
- There are already representatives on the council from the Upper, Middle and Lower Keys. One elected official is now on the council and that person is elected county wide and not by one area or the other.
- Support was expressed for the idea of having only non-voting seats at first and then revisiting the idea of voting seats at a later time.
- If the mayor was a voting member of the council, that act would say a lot to the people of Key West and citizens would have someone to call to clear up misinformation.

- Concerns were expressed that the council could become politicized if elected officials had voting seats. If five additional voting seats were added, the dynamic of the group and its working groups that have collaborated so well together thus far is likely to change.
- The current voting seat for an elected official is now filled by a county official and outlined in the charter, it is required that that seat be help by the county.

## **Public Comment**

Bill Wickers, Key West Charter Boat Association

- Captain Wickers and the Charter Boat Association whole-heartedly endorse a representative from the City of Key West because we really feel that the city bringing in the amount of tourists and tourist dollars needs representation on this board. A person that is elected by a city of 26,000 people has a big constituency and a lot of people listen to him. And whether we agree with that person's position or not, it says a lot to the people in our association that we have a little more of voice here. We have felt that in this process early on, we got lost. We just wished someone from the city would get involved and we had no idea it would be the mayor. He thinks that is great and that the council would be losing a very valuable asset by not taking up the mayor's offer and would be sending a really bad message to the citizens of the largest city in the sanctuary.

A vote to offer nonvoting seats to municipalities was taken and passed unanimously (16 in favor, 0 opposed). To view this motion, visit

<http://floridakeys.noaa.gov/sac/othermaterials/20150818sacseatmotion.pdf>.

## **Motion (passed)**

Clinton Barras made a new motion to accept the seats as non-voting and then move through the process of making them voting seats. This motion was seconded by David Vaughan.

## **Discussion** (council members)

The following points were made in the discussion about the above motion.

- A change in the SAC charter can be requested by the council at any time and then has to be approved at the national level. Every five years, the charter comes up for re-approval and it is scheduled to be renewed before 2017 when it expires.
- The idea of only including the larger municipalities was discussed, but because it was noted that no one municipality is more important than another, all five were included in the final motion.
- Concerns were expressed about these seats being politicized. Measured steps need to be taken.
- Some support was expressed for a one year trial period to see what the participation will be before making the seats voting.
- The party sandbar item varies throughout the Keys and in such discussions having the municipalities as part of the discussion may have helped move things along.

The motion was seconded by Dave Vaughan and passed unanimously (16 in favor, 0 opposed). To view this motion, visit <http://floridakeys.noaa.gov/sac/othermaterials/20150818sacseatmotion.pdf>.

**XI. SUPERINTENDENT'S REPORT, REGIONAL DIRECTOR'S REPORT AND AGENCY REPORT HIGHLIGHTS:** DEP, FWC, NOAA NMFS Southeast Region, NOAA OGCES, NOAA OLE, NPS, USCG, USEPA, USFWS, and U.S. Navy

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

- The sanctuary is continuing to work on the draft EIS; the timeline may be delayed somewhat.
- Regional Director Billy Causey has been working on a partnership between FKNMS and marine protected areas in the Yucatan Peninsula, Mexico. These areas have a lot of similar issues and pressures and managers from Mexico may be coming to speak with the council on how they manage their resources.
- This summer has been a busy field season and FKNMS continues to work with partners on field/science projects.

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

- Ms. Walczak announced that they were seeing a significant disease outbreak in Miami—white plague and other diseases. Please be on the lookout and please report diseased coral to the MEERA program in the Keys and the Sea Fan program in Southeast Florida. They have reports from Miami-Dade, Broward and Palm Beach counties.
- Based on the models, bleaching is expected to be high this summer season. Please report bleaching so that the phenomenon can be tracked better. Report bleaching in the Keys to Mote BleachWatch.
- Francisco Pagán, PhD., who was with the Caribbean Coral Reef Institute, will be joining the Southeast Coral Reef Initiative staff as Coral Reef Manager in the near future.
- The Florida Coastal Oceans office in Tallahassee has received grant funding to hire a statewide marine debris coordinator to develop and implement a regional response plan.

**FWC Fish and Wildlife Research Institute (FWRI)**

- Mr. Hunt announced that the next commission meeting will be in Fort Lauderdale in September. A final hearing on barracuda will take place. The staff recommendation is posted on the FWC website. People can also express their thoughts on this topic.
- At the next commission meeting, a discussion will take place regarding a memo sent to the state Legislature from Jackie Fauls regarding fishing penalties, especially for recreational fishing licenses. The memo is available on the FWC website, which also provides an opportunity for public comment.
- Bonefish Tarpon Trust and FWC FWRI will be joining together in a tagging project for permit in the backcountry of the Lower Keys and in the Lakes region. This project, which takes advantage of existing receivers in the Lower Keys, seeks to find out more about permit spawning locations.

**NOAA Fisheries Service Report, Heather Blough**

- Ms. Blough stated that last week, NOAA Fisheries announced its decision to conduct status reviews of the thresher and smooth hammerhead sharks in response to ESA listing petitions we received for those species. Comments on the proposed rules for both species are due October 13.
- NOAA Fisheries is close to finalizing the listing determination for Nassau grouper. Last fall Ms. Blough reviewed with the SAC our proposed rule to list that species as threatened under the ESA. She will forward the final determination to the group when it publishes.

- NOAA Fisheries is requesting public comments on a South Atlantic Council proposal to shift 2.5% of the dolphin allocation to the commercial sector. The comment period on that action is open through September 14. The South Atlantic recently increased commercial and recreational catch limits for snowy grouper and wreckfish, and reduced commercial and recreational catch limits for gag. Both the commercial and recreational snowy grouper fisheries reopen this Thursday.
- The Gulf Council met last week in New Orleans and approved a modest reallocation of red snapper to the recreational sector. Also, that Council is considering two actions to make regulations for gag, black grouper and yellowtail snapper more consistent with those in the South Atlantic.
- The South Atlantic Council is scheduled to meet next month on Hilton Head Island, and will continue to consider new seasonal and area closures to protect snapper grouper spawning aggregations and habitat, including Warsaw hole in the Keys, as well as a rebuilding plan for the Florida Keys hogfish stock (recreational fishery closes Monday) and a commercial trip limit for the jacks complex to extend the length of the fishing season for those species.
- Both Councils continue to work together on electronic reporting for the charter sector, new king mackerel fishing zones, catch limits, allocations, and sale provisions, and the South Florida amendment.

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

- Officer Blackburn reported that they have a new director, Jim Landon, who comes from NOAA's Office of General Council and has a litigation/law enforcement background. This will help with staffing and with the staffing allocation plan, which should be released soon.
- Officer Blackburn has been the acting supervisor for D-1 from North Carolina to middle Florida. In the next few months, a new officer will be hired for this area.
- Superintendent Morton added that Mr. Landon has previously worked in the Florida Keys and Tortugas and understands the issues.

#### **U.S. Navy, Ed Barham**

- The Navy will be doing beach cleanups for International Coastal Cleanup Day in September.

#### **U.S. Coast Guard, Phil Goodman, Auxiliary**

- The Coast Guard has been focused on the removal of derelict vessels during the past few months and has worked with the National Pollution Fund Center to create a special fund for this purpose. Six vessels that were targeted have been cleaned up. Seventeen vessels have been identified in the Marquesas and they are working on how to clean and remove them during the next few months.
- Since the last council meeting, there have been 29 pollution incidents reported in the Florida Keys. A lot of them were mystery sheens. In every case, appropriate action has been taken.

## **XII. UPCOMING MEETING AND CLOSING REMARKS**

Vice Chair Bergh reminded everyone that there are vacant seats on the council.  
Meeting Adjourned.