

FLORIDA KEYS NATIONAL MARINE SANCTUARY ADVISORY COUNCIL

**Hawks Cay Resort Conference Center
Duck Key, FL 33050**

June 17, 2014

FINAL MINUTES

The Florida Keys National Marine Sanctuary Advisory Council met on Tuesday, June 17, 2014 in Islamorada, 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: David Vanden Bosch
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
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 (absent)
Research and Monitoring: David Vaughan
South Florida Ecosystem Restoration: Jerry Lorenz (absent)
Submerged Cultural Resources: Corey Malcom
Tourism – Lower Keys: Clinton Barras
Tourism – Upper Keys: Andy Newman (absent)

Council alternates (present)

Boating Industry: Kenneth Reda
Conservation and Environment: Jessica Pulfer
Citizen at Large – Middle Keys: George Garrett
Citizen at Large – Upper Keys: Suzy Roebeling
Diving – Lower Keys: Bob Smith
Education and Outreach: Alex Brylske
Fishing – Commercial – Shell/Scale: Justin Bruland
Research and Monitoring: Shelly Krueger
South Florida Ecosystem Restoration: Pete Frezza
Tourism – Upper Keys: Eric Handte

Agency Representatives

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

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: Tracy Ziegler (absent)
U.S. Coast Guard: Phil Goodman (Auxiliary)
U.S. EPA: Pat Bradley
U.S. Fish and Wildlife Service, National Wildlife Refuges Florida Keys: Nancy Finley
U.S Navy: Ed Barham

I. CALL TO ORDER, ROLL CALL, AND MEETING MINUTES APPROVAL OF 2/18/14 DRAFT MEETING NOTES

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

MOTION (Passed)

A motion was made by Bruce Popham to approve the minutes from April 15, 2014. It was seconded by Corey Malcom. The minutes were approved with no changes or objections.

Chairperson Nedimyer asked if there were any objections to adding an item to the agenda. The item is a call to action item from the Marine Protected Areas Federal Advisory Council and the chairs of the Sanctuary Advisory Councils to support existing Marine Protected Areas (MPAs). It can be discussed this morning and voted on later in the day. Chairperson Nedimyer sent out an email in advance that contains the wording in the MPA Call to Action document.

There were no other changes to the agenda and the agenda was accepted.

Chairperson's Comments

Chairperson Nedimyer announced that the meeting was being broadcast live and the video recording will be archived.

Public comment for items not on the agenda will be held at 10:45 and at 2:30 pm. Additional public comment will be heard prior to any action taken by the council. Information on the marine zoning and regulatory review and related science publications are available on the sanctuary's website, floridakeys.noaa.gov.

David Vanden Bosch is the new Middle Keys – Citizen at Large Member. He was active on the ecosystem protection working group. Recruitment is now open through June 30 for the Upper Keys – Diving alternate seat. Tim Grollimund resigned from this position.

II. MARINE PROTECTED AREA FEDERAL ADVISORY COUNCIL AND NATIONAL MARINE SANCTUARY ADVISORY COUNCILS CALL TO ACTION "DESTINATION MARINE PROTECTED AREAS: SUSTAINING AMERICA'S MOST TREASURED OCEAN PLACES FOR RECREATION AND STEWARDSHIP (ADVISORY COUNCIL DISCUSSION AND ACTION)"

Chairperson Nedimyer recently attended the Sanctuary Advisory Council (SAC) Summit, the council chair's annual meeting. The focus of the summit was on the presidential directive supporting and

promoting tourism, particularly international tourism to the United States. The goal is to increase international tourism by significant numbers in the near future. This increase is expected to affect Marine Protected Areas in the National Park Service, Department of Interior (DOI) National Park Service and the National Marine Sanctuary Program, Department of Commerce (DOC). To address this increase, the Marine Protected Area Federal Advisory Council worked with the council chairs to develop the call to action for MPAs. To view this document, visit <http://floridakeys.noaa.gov/sac/othermaterials/140617jointcalltoaction.pdf>.

Another item discussed at the summit was the budget for law enforcement in sanctuaries, especially in consideration of the expected increase in international tourism. Chairperson Nedimyer noted there are no additional funds to increase enforcement. To change things, individual people will need to take action, which starts with communicating the need for more funding to political leaders. This could involve reaching out to State Representative Holly Rachein and to members of Congress and the Senate. Congressman Garcia, Senators Bill Nelson and Marco Rubio could help get federal dollars toward this issue. Without additional funding, significant enhancement in law enforcement will not happen.

The role of Team OCEAN in helping with law enforcement was also a summit topic. Team OCEAN volunteers and staff have a presence on the water and provide information to boaters and others in the Sanctuary. Team OCEAN and others could help advance law enforcement efforts through photographing illegal or questionable activities and reporting that to enforcement personnel. This might help increase compliance. Team OCEAN started in FKNMS, which means the sanctuary could be a role model in this effort.

Discussion on MPA action item (council members)

Chairperson Nedimyer explained that this call to action is geared toward how to manage uses in marine protected areas without “loving them to death”. This item is not a call for more marine reserves, but a call to DOI and DOC regarding the importance of protecting these already existing marine areas. It is a request that these areas be managed properly in the face of increasing tourism and recreational use. The FKNMS is different from many sanctuaries in that it already supports a strong tourism sector and possibly, rather than promoting more tourism, need to be focused on managing the impacts from the existing tourism.

Vice Chair Bergh supports this document noting that the Florida Keys are a place that has a lot of use and those uses have impacts. With more use comes more need for management.

Martin “Skip” Moe pointed out that Marine Protected Area are defined as “any area of the marine environment that has been reserved by federal, state, territorial, tribal, or local laws or regulations to provide lasting protection for part or all of the natural and cultural resources therein.” By definition, this includes the FKNMS.

MOTION (MPAs)

A motion to have the chair of the FKNMS advisory council sign the Call to Action to support MPAs was made by Bruce Popham and seconded by Richard Grathwhol.

Chairperson Nedimyer noted that he has received email letters from the American Sport Fishing Association, Coastal Conservation Association of Florida and National Marine Manufacturers

Association. The letters gave qualified endorsement for this Call to Action with the understanding that any kind of marine reserve should be studied first. These letters are included in the written public comment for this meeting. He felt that these organizations were amenable to the idea of supporting MPAs.

Public Comment

Charles Causey

- Mr. Causey commented that sea plane basin is an important tarpon area and is not marked as such in the shallow water plan.

Al Waters, Cudjoe Key

- Mr. Waters read about this subject very recently. He has been boating in bay for forty years. He finds that enforcement doesn't work very well. It is more about educating our young people. It is not about closing businesses, excluding people and restrictions. It should be about education and the environment. The environment really hasn't changed that much, except for getting sewers. He still sees lobsters in his canal and fish swimming around. When someone gives a blanket approval to restrict us for hundred years, someone like me at 69 years old can't use the facilities that I have been using for forty years. When you take away Marvin Key, Snipe point, the Contents and leave me with an island and shallow water with seagrass. When he goes in there, he sees more seagrass than Marvin or Snipe and Contents. He sees kayakers coming down from mainland with pickup trucks loaded with 4-6 kayaks. He sees them backing down and putting boats in off Sugarloaf since they are frugal and won't go to place to put them in. Please don't give anyone blanket approval. We can't afford another 5000 officers; that will just put people off. In that case, the only people who will be left here are people who come down for the day.

Chairperson Nedimyer explained that this motion does not support closing any areas down. The comments provided both pertain to the separate agenda item and were specific to the Recommendations from the Shallow Water Wildlife and Habitat Protection working group that would be discussed shortly. He realizes that not everyone has the MPA document. Copies will be made and distributed and a vote will be taken later in the day after people have time to look over the resolution.

III. MARINE ZONING AND REGULATORY REVIEW: UPDATE ON PROGRESS

Ms. Dieveney gave an update on the marine zoning and regulatory review process and timeline. At this time, documents and outcomes from the working groups are being examined. The next steps are for the council to make recommendations to the superintendent as to what to evaluate as options in the draft Environmental Impact Statement (EIS), which will contain an economic and environmental analyses on those recommendations. The draft EIS is slated for release in 2015 and will have public comment period before issuing a final EIS. Two of the three working groups concluded their recommendations about a year ago and are posted on-line. The ecosystem protection working group will have its final meeting in July 2014 on the 8th and 9th at the Marathon Garden Club. To view materials related to this working group, visit <http://floridakeys.noaa.gov/review/reserves.html>.

The final recommendations from this working group will go to the council at the August 19 meeting in

Key Largo. At the October 21 council meeting, the other SAC work plan items identified in the review will be addressed.

The council is being asked today to take action on the set of recommendations from the two working groups—the Shallow Water Wildlife and Habitat Protection working group and the Coral Reef Ecosystem Restoration working group. To view this presentation, visit <http://floridakeys.noaa.gov/sac/othermaterials/20140617processupdate.pdf>.

IV. INTRODUCTION: ADVISORY COUNCIL WORKING GROUP PROCESS AND PROGRESS TO PROVIDE RECOMMENDATIONS

Ms. Dieveney gave presentation introducing the process for accepting the recommendations of the Shallow Water Wildlife and Habitat Protection and Coral Reef Restoration Protection working groups. The two working groups met over a period that spanned from January 2013 through June 2013. Each working group developed a suite of recommendations for SAC consideration. The group developed recommendations based on the goals and objectives provided in the SAC work-plan. Following completion of the working group meetings, these recommendations were presented to the SAC at the June 2013 meeting. The document *Florida Keys National Marine Sanctuary Advisory Council Marine Zoning and Regulatory Review Draft Working Group Recommendations: Coral Reef Ecosystem Restoration Working Group and Shallow Water Wildlife and Habitat Protection Working Group* includes the draft recommendations. This document can be viewed at <http://floridakeys.noaa.gov/Recommendations-for-SAC.pdf>.

V. SHALLOW WATER WILDLIFE AND HABITAT PROTECTION WORKING GROUP – PRESENTATION OF WORKING GROUP REPORT AND RECOMMENDATIONS

Mr. Popham gave the presentation in place of working group lead, Jack Curlett, who was not present. Mr. Steve Werndli also presented on this topic and provided the details for each area that was examined. To view this joint presentation, visit <http://floridakeys.noaa.gov/sac/othermaterials/20140617swpresentation.pdf>.

Mr. Popham commended the work of the working group and noted that members of this diverse working group consisted of people who spend time on the water frequently and that together close to 1000 hours of time were put members of this working group to develop the recommendations. Mr. Popham read the motion related to the Shallow Water Wildlife and Habitat Protection recommendations. To view this motion, visit <http://floridakeys.noaa.gov/sac/othermaterials/140617resolutionfinalshallowwater.pdf>.

MOTION

A motion to accept the recommendations was made by George Neugent and seconded by David Vanden Bosch.

Mr. Werndli continued with the shallow water presentation and noted that the sanctuary appreciated the large effort that was put into developing the recommendations by the working group. As part of the process, the group identified specific habitats to consider and considered protected species, birds and bird rookeries. They examined uses in shallow water (both commercial and recreational), areas with high concentration of use, high impacts issues such as derelict vessels and groundings and salvage

operations. For each area, they examined what issues existed (if any), what resources needed to be protected, how protections would be accomplished and what activities are compatible with the identified resource protection objectives. They also examined the adaptive management concept and discussed putting temporary measures in place at sensitive times (such as closures during the nesting season, etc.). In summary, the following changes were proposed: modify 19 existing zones, remove 2 existing zones, status quo for 7 existing zones, and consider 24 new zones.

The working group also addressed ways to reduce damage to natural resources from improper vessel salvage methods. They recommended a standing working group to develop standards and protocols for salvage activities in sanctuary waters that could be administered through a permitting system similar to the one used by Biscayne National Park.

The recommendations from the Shallow Water Wildlife and Habitat Protection working group have been posted on the sanctuary's website since they were completed about a year ago. The summary document with the draft recommendations from both working groups was posted recently. Mr. Werndli provided an overview of the contents and organization of this document, which was introduced earlier in the meeting by Ms. Dieveney, and can be viewed by visiting <http://floridakeys.noaa.gov/Recommendations-for-SAC.pdf>.

VI. SHALLOW WATER WILDLIFE AND HABITAT PROTECTION WORKING GROUP (ADVISORY COUNCIL DISCUSSION AND ACTION)

David Vanden Bosch asked whether or not the effectiveness of zones would be evaluated and whether or not controlled areas exist or are proposed for the zones. Steve Werndli explained that the working group had discussed controlled research-only areas in the Channel Bank system and off El Radabob Key in the Upper Keys.

David Makepeace provided some comments as a member of the working group. He noted that the working group members did a great job, especially with regards to the salvage component. Working group members and sanctuary staff recruited salvage operators to be involved in the process and a large percentage of them did participate. This is a model of how the process should work. At the end, they came up with recommendations that everyone could be happy with. He is especially proud to be part of this process, which was about as inclusionary as could be expected.

Chairperson Nedimyer pointed out that some of the recommendations are relatively broadly stated right now and some have options, but in the future there will be more user input to discuss and determine the specifics.

In regards to consulting user groups and map 19, referring to the recommendation for Gulf-side Banks, Justin Bruland noted that the proposal was to select a smaller area within those banks to study. The idea was to consult the user groups on the location of a small area to be set aside to study.

Vice Chair Bergh explained that as he understands it, when the advisory council accepts the recommendations of the working groups, the sanctuary managers will conduct economic and ecological analyses on recommendations in a draft Environmental Impact Statement (EIS) made available to the public. The public can then evaluate the options set forth in the draft EIS and provide public comments.

Chairperson Nedimyer added that there are still quite a few additional steps in the process that involve

public input. Now is the time to make suggestions, although it should be noted that a lot of work has gone into developing these recommendations and they have been posted for about a year on the website.

Steve Leopold raised the issue of the emerging “party” area in the southwest part of Whale Harbor Channel. This issue has been discussed previously and the buoys that mark the south side area have been missing for about three years now. Some buoys were recently replaced, but some of the more important ones are still missing. He has recent photos that show the destruction to seagrass being done. This lack of buoys is inviting people to gather there where they cause impacts. Until the buoys are in place, law enforcement can’t do anything.

David Makepeace addressed the Whale Harbor area. He serves as the SAC member on the Marine and Port Advisory committee, which has been working on this issue. He explained that the markers issue falls mainly to Monroe County, although Islamorada does have a role. Some markers have been replaced and things are progressing slowly. The working group did look at the sandbar issue, but instead of trying to eliminate that established gathering place, they focused their efforts on protecting emerging sandbar areas with high quality natural resources. The area to the south is designated a no motor zone already and so there is nothing more that the working group can do. Pete Frezza confirmed that the working group could not do more for this situation, but he added that the group did address a large flat south of snake creek, which is the only large flat in the vicinity that isn’t being managed as a pole and troll zone non-combustion zone. The working group proposed that the area be considered as a zone to protection shallow water habitat.

Martin “Skip” Moe brought attention to a second gathering area that is developing rapidly. It is located at the southwest end of Lower Matecumbe Key on the ocean side and bayside, but particularly the bayside area located off White Marlin Beach. One weekend day he counted 187 boats and over 1000 people in the sandy area off the beach. Unfortunately, there are no public restroom facilities on that side and no trash receptacles. The accompanying environmental impact is considerable and there has been no resolution thus far. If the council is looking at a way to combat environmental damage from heavy concentrations of people who are partying, this area should be considered.

Vice Chair Bergh asked about the process of adding to the existing recommendations since there is a motion on the table. Superintendent Morton explained that amendments could be added to the motion.

David Makepeace added that he sees two types of recommendations that can be made for additions today. The concerns expressed by Martin cannot be addressed immediately. The reason is that to act would require scientific data to prove that there is an environmental impact. This is not in the list of things the working group can do. Instead, this kind of situation may fall under the adaptive management realm and perhaps could be addressed by the superintendent at a later date. If there is a bank that is being scarred by props or a rookery or roosting area that was missed in this set of recommendations, then a change can be considered today in his opinion. A change might also be in order if an area that was recommended and there are data to support *not* recommending it. The process of creating marine protected areas involves using scientific data to support them and this approach was agreed on by the working group. The things that can be acted on by the advisory council are those things that can be scientifically supported. When people weigh in on recommendations today, they should consider things that the council can act on.

Superintendent Morton explained that at this time, the recommendations from the working group are known and a motion has been made. If the council wants to add more ideas for sanctuary staff to

analyze in the EIS, then those additions can be made as part of the motion as a friendly amendment. The council can direct staff to analyze new ideas and areas of concern in the EIS by amending the motion.

Chairperson Nedimyer would like to capture all amendments, concerns, and additions.

David Vaughan observed that there were about four different styles or methods for protecting resources. For example, keeping activities a certain distance from islands to protect birds, or better marking of seagrass areas or requiring idle speeds to protect tarpon. It is great that the working group was able to accomplish protecting resources without closing most areas completely. He called attention to the closure of a large area west of the Marquesas for protecting green turtles. He knows enough about the research project, but wondered why the group didn't recommend, for example, for it to become a pole and troll area instead of closing it completely.

Steve Wernkli responded that the area west of the Marquesas was suggested because it is known green sea turtle feeding ground. It is an essential feeding habitat for green turtles and the research scientists studying them wanted to have that area set aside for five years to conduct research and monitoring in the area without additional impacts from humans.

Ben Daughtry noted that this is one of the areas he had concerns with, too.

Break

Chairperson Nedimyer noted that the working group captured most of what needed to be captured, but there may be some things that also need consideration and can be added to the motion for NOAA to evaluate. Beth Dieveney will amend the motion as requested and those edits will be projected onto the screen.

Suzy also brought up the "party" area issue and suggested that at some point this could be regulated using an adaptive method. For example, using a carrying capacity or by the day or weekend or some other standard could be considered in the regulations.

Richard Grathwhol would like to clarify the recommendation related to Vaca Cut. The idle speed area was not supposed to include the cut, but applies to the flat only. It was not the intention of the Marathon Guides Association or shallow water working group to restrict boat speeds in the channel or in the channels that go into houses where boaters must operate on a plane at low tide to avoid damaging the bottom. They have a right to navigate in these places. In addition, he would like to add Grassy Key bank because it is a beautiful bank that is on the edge of the Intracoastal Waterway. One area of the bank is rich in coral and the bank should be studied.

In regards to analyzing more than one option for the same geographic area, Vice Chair Bergh added that in this case all ideas will be evaluated and the draft EIS will contain the analysis of each outcome in the form of draft alternatives from which a preferred alternative is selected. He also pointed out that in some cases what is on the books is not what happening in reality. For example, Marvin Key is a no entry area, but it is used on the weekends by people because it isn't marked. This process should not assume that people know what is on the books when the regulations and reality are actually different.

Chairperson Nedimyer commented that “party” areas are in existence and probably will not be going away. He thinks some kind of mechanism is needed to address emerging zones in sensitive habitats as they happen. What the working group has tried to do is zone in such a way as to protect sensitive habitats so that these new areas don’t become “party” spots. People can do damage to the habitat and once established, these gathering places are hard to eliminate.

Corey Malcom stated that the document is broad in nature. He would like to see better explanations of what the problems or issues are for an area. The “why” behind the recommendation is not always explained. More information on the problem, proposed solution and goals is needed for each recommendation. He is also interested in knowing more about the ways that a zone will be evaluated to see if it works and is meeting its intended purpose. He sees a lot of new boxes on the maps, but doesn’t see the reasons for those boxes explained very well.

Chairperson Nedimyer stated that he thinks staff has done a pretty good job putting the document together. It is hard to capture all the details that were discussed at the meetings.

Ben Daughtry agrees. He has had the pleasure of sitting in as a public member on meetings of each of the three working groups, so he is fairly familiar with the different aspects involved. The group did a really good job and put a lot of time and effort into developing their recommendations. He would like to discuss rationale. He knows staff will be doing this in the draft EIS, but there are about four recommendations with rationales that should be looked at by the council to make sure that the zones and modifications being proposed correlate with one another. He is referring in particular to the tarpon wildlife migration route and wondering what will be done there in terms of conflicts of use. The East Barracouta Key Flats is being proposed as a no extraction zone to protect turtles, but most turtle injuries are from boat strikes. Yet, there is nothing to keep boats from running into turtles there. The same is true for the West Barracouta Key Flats and the very large turtle zone west of the Marquesas. Some people were looking to protect their own interests and he would like to make sure that any recommendations made have clear rationale for resource protection needs.

David Makepeace commented about regulations that exist on the books, but not in reality. He stated that one of the results that can come out of this process is if existing areas are not properly marked, then they need to be. There was an assumption with the working group that if an area required no change then it was because it was being properly marked and had a chance of being properly managed. This also applies to the Whale Harbor area discussed earlier, which needs markers, too. In terms of rationale for the recommendations, he added that the working group document with the summary of recommendations does provide additional rationale and information that contributed to the decision-making process on pages 139 to 146. Pete Frezza explained that there was much more rationale behind each of the recommendations than it seems. Not all information may be found in the document and the recommendations were given a lot of thought.

Pete Frezza was approached by a constituent about a new area to consider for wildlife management around an island on the bayside of Key Largo in Sunset Cove, mm 98. Pelican Key is a very important island for nesting wading and frigate birds and other birds. This is an area of high traffic. He concurs with people who brought this area up to be evaluated as a potential new area.

Vice Chair Bergh commented about the large potential new research only zone for turtle research west of the Marquesas and the two zones on either side, the Barracouta Keys. These areas are a little bit different from most of the recommendations that came out of this group partially because of the size of

these proposed zones. For that reason, he thinks it would be useful for the EIS review process to look at other means of accomplishing the same resource protection objective without eliminating boat traffic in the area in the Marquesas and around Barracouta Keys.

Corey Malcom explained more about what he meant regarding the rationale for the different recommendations. He would like to know if there is a demonstrated problem with turtles being struck in this area from boat traffic. That could be the rationale for taking that kind of approach.

Chairperson Nedimyer noted that the reasons for closing or not closing an area will be evaluated and described and people will get a chance to deal with these issues again at a later time.

Richard Grathwhol stated that the purpose of the Marathon Oceanside shoreline proposed new area was left out of the summary document. He wanted it known that this flat has been shown to have numerous vessel groundings and the seagrass is being impacted from boat traffic.

Justin Bruland stated that the group talked about “party” zones. Although he doesn’t want to speak for everyone, he thinks that the consensus was that these areas are closed, the boats will just go elsewhere and one large “party” zone could become many smaller ones. The group thought it was better to protect areas with great ecosystems and keep boats from damaging such places, which might happen if a certain area is closed off.

Chairperson Nedimyer agreed and stated he has come to that same realization.

Martin “Skip” Moe stated that what is being discussed is developing sacrificial areas for people to party, have fun and destroy the environment. That may be a practical solution, but the people that live in those areas would not really go along with that. If this approach is taken, it should be planned very carefully and people should be directed to those areas. Maybe a few barges could be placed out there on the beacons so they could raft behind the barges. If sacrificial areas are established in residential areas, more problems will be created than solved.

Chairperson Nedimyer agreed that it is a controversial subject.

David Vanden Bosch has been familiar with the “party” area in East Harbor Keys. In the past 25 years, it has been in three different places. Storms move things around and that affects where people gather. He’s been out to Marvin Key; all of these sandbar areas will change with storms. That makes it hard to effectively regulate unless the whole area is closed down. There are some difficult areas to navigate through and people really need to know the waters. When things change, people seem to find a way to get where they want. He noted that some areas have massive sandbars, especially at low tide.

Martin “Skip” Moe pointed out that this situation shows that one size does not fit all. Each area needs to be considered individually and the solutions are developed are applicable to that area. He thinks it would be helpful for the sanctuary to work in concert with the municipal elements that control that area, whether it is Marathon, Islamorada, the county, etc. There should be an effort between NOAA, and the other agencies and parties in that area to work together to find a solution that everyone can support.

Public Comment (on the motion)

Rich Gomez, President of Key West Charter Boat Association

- Mr. Gomez is not a scientist, but does understand that the more people who come to the Keys, the greater the environmental impact. He feels, though, people are too quick to take away use from everyone. For Snipe Point, he asks what about limiting the number of boats and they could only be there for a certain amount of time. This would control the boats. We have a right to enjoy these islands and closing is not always the answer just because it is easier.

Mimi Stafford

- Ms. Stafford is a member of the ecosystem protection working group. Her comments concern the Western Sambo recommendation. She has concerns about moving people out deeper because it is putting people right where the coral is and it is also a safety issue. She traverses that area along the shoreline regularly and is very familiar with it. This arrangement will put small boats in jeopardy of east winds and will push people on top of the coral. This should be taken into consideration.

Mark Rubin, Big Pine Key

- Mr. Rubin is concerned about tarpon. He was looking at map 29 and noticed that the highest concentration where tarpon are being killed is right under the Bahia Honda Bridge every day. When that happens, sharks get fed. More tarpon are caught there than anywhere else. It seems that on the map there is a slow/idle speed zone on the flats from the Middle/Lower Keys all the way down to Key West. Who is it there to protect? Does it protect the tarpon or the flats guides from the guys that are going through there that are possibly spooking the tarpon? The tarpon is a sport fish, but every time someone is looking to catch a tarpon and fight it for a long time. If the tarpon is spooked, in some crazy way you may be saving the fish from being caught and wrestled for hours. Tarpon are not tennis balls and can't be beaten against the wall. If you want to protect tarpon, then stop people from fishing for them in the high season. The maps are nice and show the migratory pattern and high concentrations, but people are allowed to fish for tarpon. He has never seen a jet ski kill a tarpon. Tarpon are not eaten. It is a form of torture. People fish them a long time and tire them out to get them to the boat or to the point where they are eaten by sharks because they are so exhausted.

Henry Feddern, PhD Marine Biology

- Dr. Feddern read the follow during the public comment period.
I have a PhD in Marine Biology from the University of Miami. I have been diving in the Upper Keys and Matecumbe Key areas since 1956. I am a Marine Life Fisherman. I have read the recommendations from your study groups, and commend you on a paper that is well organized and put together. I am in agreement with many of the recommendations. However, I have some misgivings about the practicality of many others.

I agree that all reef areas should be available for coral restoration, but that other restrictions of use should only apply to the actual small specific locations where the restoration is taking place. Also, these small restoration areas need to be marked by buoys, or else no one will know where they are or can avoid them. On the other hand, marking large areas off-limits when there is only a small restoration site there will severely restrict fishing and other activities for no rational reason.

The original reason for creating the SPAs on the nicest reefs with the most coral was to preserve

the corals. Unfortunately, in order to get the Sanctuary Act passed, these “no- take” areas were allowed to be used by the sport diving industry. When the corals were not preserved, the reason morphed into one of “separating the user groups.” At that time, the SPAs should have been renamed SSAs, or Sanctuary Separation Areas. The environment has already shown that these SPAs are the best places for coral restoration, since the corals grew best there.

Moving now to the recommendations of the Shallow Water working group, I noticed that they looked at 50 areas throughout the Sanctuary. Of these, the group decided to keep seven existing Wildlife Management Areas as “status quo”. The group wants to modify the regulations of the remaining 19 WMAs. In addition, the group wants to establish 24 new WMAs. The group wants to eliminate only two areas, but only because Nature has already destroyed them. Only one of these could affect my fishery: the proposal to modify the Dove Key-Rodriguez Key WMAs. I agree that a no-anchoring zone comprising the seagrass beds around both Keys would be a very good idea, but joining the zones across the hard bottom area between the two keys makes no biological sense. In fact, joining the zones and restricting access would eliminate a transit corridor for homeowners in the area, and restrict fishing for me and others. I recommend a no-entry zone around both islands, a no-motor and no-anchoring zone on the seagrass flats, and retention of separation between the Dove Key and Rodriguez Key zones.

All of these new proposed zones, if implemented, will cause a host of problems. The first will be to make things far more complex and difficult for the few Marine Patrol officers that we have. Even now, they cannot adequately enforce the laws we already have. In order to be enforceable, all these areas will require a host of marking buoys. These buoys are expensive to buy, and even more expensive to maintain. Also, when storms come through, many are liable to break free and drift onto the flats, where retrieval later will cause environmental damage. Are designating and marking all these areas really necessary? After all, it is already against the law to run aground, especially in grass flats.

With the possible exception of the two areas mentioned above, I have yet to see the Sanctuary “give back” any areas, even when studies have shown that the areas are not fulfilling the purposes for which they were established. I’m sorry to say that all I am seeing is “take”. How about permitting the spearing of lionfish in all areas? This would definitely help the environment and native fishes, by helping to create large inshore areas devoid of lionfishes, where juvenile native fishes could recruit and grow.

Al Waters Cudjoe Key

- Mr. Waters agrees that Marvin Key and Snipe gathering areas have changed locations. At one time, everyone went to the east side of the channel. Things do change on a weekly or monthly basis and especially during the winter when storms move through. He goes out there 12 months of the year no matter how cold it is. If any area has to be restricted, then he would like to have that area restricted during the high use time. He thinks restricting it completely is wrong. It could be done on certain days of the week such as the weekends when there is high use.
- He doesn’t like the word “party” because it has a negative connotation. Families and residents go out there with their children and they are the ones that economically pay for the brunt of the services down here and should not be penalized. He would like to see another more positive term used in place of “party.” He refers back to education. If we can’t educate our young people in the high school and grade school so that they will respect the environment and pick up trash left by someone else. He picks up trash left by others because of the respect for the

environment. This kind of thing can't be legislated or enforced. It's all about education. The young people take their father's boat and take 25 people and run out to one of these islands. They bring beer with them and use the excuse that they can't take the empties back because they are afraid of being caught for underage drinking. The enforcement of certain laws would alleviate some of the trash. For starters change the "party" term.

Charles Causey

- Mr. Causey was on the Shallow Water Wildlife and Habitat Protection group and has seen the results of what has been done here. He applauds the joint effort of everyone who has taken the time to participate on this committee. He noticed that a couple of places that were protected with 100 yard barriers are some of his favorite fishing spots. He would like to be able to fish the way he did last week. It's okay if he can't because the resources have dwindled. He has been here for 34 years and resources are declining. What this group is doing will give the economy a chance to sustain itself. People come here not just for the sun, but for the water. They come here to fish, to snorkel. Unless we protect these resources, this county will wake up in 20 years and we won't have what we have now. He applauds the Shallow Water Wildlife and Habitat Protection working group. Everyone has to give up a little if we want to get serious about the job of the group. There is a price if things are to be maintained.

Vice Chair Bergh commented on the term party spots. They know that this is not the right term for the groups of people gathering on the shallow sand bar areas. Partying is definitely happening, but there could be other things, too. Martin "Skip" Moe suggested recreational concentrations of disturbing intensity as term for the gathering spots. The term in the SAC work-plan and working group objectives that is used to describe this type of use is: concentrated use.

Chairperson Nedimyer noted that the working group did a great job and many things were brought forth in the discussion. In this vote, the council will be accepting the working group recommendations and those amendments added by the council.

MOTION (Passed)

The motion to accept the recommendations of the Shallow Water Wildlife and Habitat Protection working group is available by visiting

<http://floridakeys.noaa.gov/sac/othermaterials/140617resolutionfinalshallowwater.pdf>.

Commissioner Neugent made the motion earlier.

A roll call vote was taken. The motion passed unanimously.

VII. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

Charles Fricke

- Mr. Fricke would like to know what the reason for the idle/troll zone by Lois Key. Is it because of the flats guides or because of tarpon or other reasons? He is just curious. He commercial fishes for lobster and stone crabs and just recently he was out there and a guide yelled and screamed at him. Mr. Fricke explained that he was a football field away from them and he is courteous to guides. This guide came up to him yelling with a client on the boat. He was so surprised because he wasn't close to them. He sets his traps far apart. He is concerned because

the guides think they own that whole area. Other commercial fishers feel the same way but couldn't be here today. They also want to know why it is going to be a troll zone. Mr. Fricke said that his fishing buoys were cut off the next day, according to a neighbor who was out there then. Mr. Fricke could tell that the buoys weren't cut off by a propeller. He had to use his GPS to find his traps. The guide told him that his traps would be a problem here. If the guide can't catch a tarpon, it is not his fault. He notified FWC, but not much has come of it. The commercial fishermen are not there all the time and he respects the guides, but not when they come up to people yelling.

Pete Frezza stated that area was proposed by a fishing guide in the Lower Keys and it was his idea to minimize disturbance of tarpon.

Chairperson Nedimyer stated that the council wants to avoid having one guide protecting his special spot. These kinds of issues have been coming up for a long time. If someone does illegal things to traps, they should be arrested for that. These are conflicts they are trying to avoid as best as they can.

Rich Gomez, President Key West Charter Boat Association

- Mr. Gomez stated that he was glad that subject had come up because he wanted to address it, too. He isn't a scientist, but believes in common sense. He asks whether the new rule about idle zones isn't related to tarpon fishermen being bothered by jet skis. Isn't that the real deal? If that is the case, then why should everyone have to go slow when he's been fishing and diving here all of his life? He was born and raised in Key West. He has never seen a tarpon run over by a boat. So, it's just because tarpon fishermen are angry at jet ski people. If there is a north wind and he wants to get home safely. He can hug the shoreline in about 3 feet of water. Now with this change, he will have to stay in deeper water and put himself in harm's way.

Mimi Stafford

- Ms. Stafford signed up to talk about Western Sambo, but will also comment on this topic since it was brought up. She agrees. She has been fishing down here for more years than she cares to admit. From the early days when she used to sponge fish, she has had conflicts with flats guides. She had been there 20 years before they ever showed up and appreciates that they want to use the resource. She has the same issues now that she is trapping. She thinks that the people should be careful. They've had this discussion about the Marquesas. Setting areas aside for ecosystem protection is one thing, but it is different when areas are being set aside as an exclusive use area. Creating buffer zones to protect nesting birds and other measures to protect the natural ecosystem, that is fair. But, we want to be careful not to reinforce this sense of entitlement behavior, which is something the sanctuary should not be doing.

Chairperson Nedimyer appreciates the comments from the public.

Lunch

Chairperson Nedimyer introduced the results of the Ecosystem Restoration working group. A motion has been sent to everyone in advance.

VIII. CORAL REEF ECOSYSTEM RESTORATION WORKING GROUP—PRESENTATION OF WORKING GROUP REPORT AND RECOMMENDATIONS

Chairperson Nedimyer was the chair of the Coral Reef Ecosystem Restoration working group. The meetings concluded and the recommendations from the working group have been posted on the sanctuary's website for about a year. The motion to accept their set of recommendations may be viewed by visiting <http://floridakeys.noaa.gov/sac/othermaterials/20140617crpresentation.pdf>.

Bill Goodwin and Beth Dieveney gave a presentation summarizing the recommendations. This presentation may be viewed by visiting <http://floridakeys.noaa.gov/sac/othermaterials/140617resolutionfinalcoralreef.pdf>. Mr. Goodwin explained the difference between active and passive restoration and noted that this working group is utilizing the tool of active restoration and identified recommendations to adaptively manage for coral reef ecosystem restoration. In selecting the top sites for active restoration, a suite of factors was considered, including connectivity with other parts of the ecosystem and biodiversity. The working group noted that the entire FKNMS should be eligible for coral reef ecosystem restoration. They did select 103 areas that were suitable sites and then further prioritized from this list and identified 36 general areas. The actual site for restoration would be selected at the time restoration activities will take place and will be based on the goals of that restoration project. Restoration activities could include transplanting corals and experimentation to advance the science of restoration. The working group also made recommendations concerning demonstration sites, permitting of restoration activities, monitoring, access to and the marking of restoration sites.

IX. CORAL REEF ECOSYSTEM RESTORATION WORKING GROUP (ADVISORY COUNCIL DISCUSSION AND ACTION)

MOTION

Chairperson Nedimyer introduced the motion for the council to accept recommendations submitted by the Coral Reef Ecosystem Restoration working group to be part of the analysis in the draft EIS.

Rob Mitchell made the motion and Clinton Barras seconded it.

Discussion (council members)

Richard Grathwhol suggested the idea of doing a carrying capacity study in or near these sites to determine how much usage corals could stand.

Chairperson Nedimyer noted that closed and open restoration areas could provide an opportunity for someone to study carrying capacity. The working group did discuss having a higher level or standard for diving in these areas to avoid any damage and that could mean Blue Star operators. He is interested in putting efforts toward restoring the reef.

Don Kincaid stated that the first research completed on diver impacts was done in 2002. Since that time, dive institutions have changed their teaching methods specifically to keep people off the reef. The survey location was an area used by cruise ship divers. Diving is a sport that is self-regulating and has had a tradition of regulating itself.

Chairperson Nedimyer added that it can be easier to reach out to commercial operators as compared with recreational divers. Good dive courses and instructors are helping to make progress in this realm. Some places such as Bonaire regulate the divers that enter the park by requiring a high skill level in divers.

Martin “Skip” Moe explained that the working group selected 103 sites throughout the Keys and the reason that they selected so many. As he understands it that if we do not identify a site for restoration at this time through this project, it becomes difficult to add that site in the future. So, the idea was to select enough sites to represent different habitats and to have choices for restoration now and in the future.

Chairperson Nedimyer noted that it is possible to restore a site that has not been identified in the plan, but funding might be easier to obtain for sites that have already been identified for restoration by the sanctuary through this process. He added that for the most part these sites will not be closed to public access. There may be some small closed areas within the larger area. There are broad ideas in the recommendations. Sites will not be identified specifically until funding becomes available.

David Vaughan added that this working group probably had the easiest job of all of the groups because they have a new tool for managing the resource. Instead of closing down an area and allowing Mother Nature to heal itself, they can conduct active restoration, which includes the ability to cultivate corals in large numbers. Staghorn cultivation is well underway and other species are coming along. All three objectives of this group were geared toward making reef restoration easier to do now and in the future.

Vice Chair Bergh stated that he attended some working group meetings. In reference to the recommendations, he noted that some areas may be closed for restoration. Not all areas would be closed and not all at once. This document offers a broad range of options. He noted that one incentive idea discussed was that a company or an individual, or volunteers could restore a site and that would be one way to get restoration done. The broad toolbox that is being presented still needs to be culled so that the right tool is selected to accomplish the goal.

Chairperson Nedimyer stated that he wanted to emphasize that complete closures are not the primary tool used in this set of recommendations. Realistically, the total number of sites that will get restored in an area in a year is not that many. He doesn’t want restoration sites to be equated with sites that are closed because when a closure occurs, it will only affect a small area that is being restored and will be temporary.

David Vanden Bosch suggested considering the idea of certifying people with higher credentials/skill levels (maybe through a course) to be able to view the restoration process. This could involve establishing procedures and be geared toward Blue Star operators, dive trainers, PADI masters and others. The approach could be similar to what is done with allowing people to capture lionfish in SPAs after they have taken a course and received a permit. A course about restoration could pull together information and tools into one package and even translate into a PADI course with background, training and demonstration of skills. Eventually, such a course could become available worldwide through PADI.

Bob Smith stated that he understands that the true audience is often the charter dive operators. Divers may not use professional operators, but they do have to take basic and advanced training courses and this is when they can be reached. He thinks that it would be good to encourage national level training for divers across the country. This will increase awareness on these issues. Secondly, divers should be reminded of their responsibility to the environment and safety.

Chairperson Nedimyer noted that David Vaughan did a good job of explaining that this is relatively new technology and some things are still being tested, which requires flexibility. It is a developing

science. A lot has changed in the past few years.

Bob Smith added that people are quick to understand the damage done to the environment and the need to take mitigating actions. He thinks that state-of-the-art potential for the restoration project is a newer concept, one with which people are not familiar. We really need to keep state-of-the-art potential for restoration out front in our recommendations.

Chairperson Nedimyer noted the need for protections on nurseries. Protections need to be made on nurseries and just like when a forest is first replanted, it needs protecting and some restrictions may be needed. He thinks certain access restrictions might be needed, including restricting anchoring and spearfishing at nurseries. It might be that nurseries need to be closed and marked with buoys.

Martin “Skip” Moe thinks a distinction is being made here between a coral nursery and a coral reef restoration site. Coral nurseries are more permanent sites where corals are grown for restoration areas. They are two different things, but are both part of restoration. It may be that enhanced protections are needed for coral nurseries.

Chairperson Nedimyer added that most of the working group’s discussion focused on restoration sites. Coral nurseries tend to be in sandy flat sites. In most cases, they are long-term, but not necessarily permanent. For the most part, there are no protections, except those in federal waters that were permitted before 2-3 years ago, they are designated no trap zones. He is concerned about anchors dragging and anchor damage to nurseries and thinks that they should be a no anchor/no entry zones without a permit. These are not very large areas and could be marked with a buoy as no entry.

Public Comment

Rich Gomez, President Charter Boat Association

- Mr. Gomez read something aloud that he wrote over lunch. Believe it or not, it is a rule of thumb and the job of most fishermen to just say “no” to any and all recommendations put forth by committees and councils regardless of how much sense they make. Unfortunately, some of them don’t make any. Why is that? The answer is simple. We continue to pay the price for global warming and water quality even though especially as charter fishermen, we feel that we are the least damaging to not only the reef system, but to the offshore and inshore regions as well. There is one more reason we disagree also with anything proposed. That is because once we’ve lost something we never get it back. Do you really care what we think? If you did, you might consider giving something back occasionally such as Eastern Dry Rocks and Rock Key especially since we’ve lost these areas since the late 1970s and they continue to deteriorate. Do you want fishermen on your side? Through my years of experience, my personal opinion is no. But, to give some of you the benefit of the doubt that most of these things have not already been decided on. We fishermen think you should consider working with us and if you want something, give something back, especially if it has been established that we weren’t the culprits of its demise. Also, if you want something, give us a beginning date and an ending date. Unless there is a marked improvement to the area of protection, then give it back. As you look around the audience you will not see a lot of fishermen here. Why? Because we are so of being heard and not listened to that for the most part, you can stick a fork in us, we’re done. In closing, I would like to go on record as saying that I can be the president of the charter boat association as long as I want. Nobody else wants the job. And just so you know, I am not done. I believe in fighting for what is right and there is no way that I can believe what is

happening to commercial fishermen, charter fishermen and recreational fishermen is right and it is my sole purpose as president to spread the word that fishermen up and down all coasts are being discriminated against using unjust and unsubstantiated ideas and data. It is my ultimate hope that the things we say and write will eventually wind up in the hands of people who are more important than myself who have the ability to change and hold accountable the people who have held us accountable for far too long. As a common “sensologist” I stand before you and challenge you to tell me how 100 divers on top a reef is less damaging than me pulling a ballyhoo across the reef to catch a cuda or mackerel. Convince me that fishing is directly affecting water quality. And why don’t you use Eastern or Rock Key as an example. I am listening. I would like to believe that. Thank you.

MOTION (Passed)

A roll call vote was taken on the motion to accept the Coral Reef Restoration working group recommendations. The motion passed unanimously. To view the motion, visit: <http://floridakeys.noaa.gov/sac/othermaterials/140617resolutionfinalcoralreef.pdf>.

MOTION (Passed)

MPA CALL TO ACTION

Chairperson Nedimyer explained that the executive order referred to in the Call to Action encourages international tourism. This letter is a response to that executive order to manage MPAs adequately and calls on federal ocean agencies and tribal and state governments to make sure the right kind of tourism is promoted. The letter will go to secretary of Department of Commerce and Department of Interior

A roll call vote was taken. The motion passed unanimously.

X. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

Allison Estape, Islamorada, FL

- Ms. Estape is here to make the SAC aware of a safety issue that is being caused by the fishing by trolling exception within four of the SPAs. At Alligator SPA, her safety was put at risk by a charter fisher captain who was trolling amongst the mooring balls. She was diving along the ledge where the mooring balls are located and all of the sudden she heard above her boat engines being rammed into forward and to reverse. She looked around and looked over her head and in less than 12 feet of water, there was a boat that had its prop spinning in high gear and was moving very erratically. She looked around and the water was all silted up because of a grouper that had been hooked and being hauled to the surface. After the boat moved away from my position, she surfaced and challenged the captain. The captain told her that, while he saw her boat, she was more than 100 yards from my diver down flag and he had the right to be trolling within the SPA. She explained that there were other divers there who did not know he was there because he showed up after they had gotten in. He repeated to me that he was more than 100 yards from my diver down flag and he had a right to do what he was doing and he continued to fish even though he knew there were divers in the water. A few days later, the same boat captain was back in the SPA. This time they were on their boat and actually saw him show up. He began casting within the SPA by the mooring balls. As a diver, she doesn’t fish very often, so she doesn’t know the definition of trolling but what he was doing didn’t seem like trolling to her so she challenged him on that. He explained that standing on the bow and casting as far as he was concerned is trolling according to him and that even though there were people in the water diving, he continued to do so and he did not leave the area. Over 30,000 people

visit Alligator SPA every year, including divers from the Boy Scouts, Key Dives, Islamorada Dive Center and the Happy Cat. These divers frequently surface to look for where the dive boat is and are typically unaware of other boats overhead. They need your help to improve their safety. Fishing inside of a SPA is an incompatible use issue and can lead to the injury and/or death of the diver or snorkeler. SPAs are created to separate users engaged in different activities. Diving, snorkeling and boating are allowed inside SPAs. With certain exceptions, the following activities are prohibited: fishing by any means. There is catch and release fishing by trolling that is allowed at Conch, Alligator, Sombrero Reef and Sand Key SPAs. This fishing by trolling exemption goes against the intent of the SPAs and captains like the charter captain mentioned are putting catching fish for their clients ahead of the safety of divers and snorkelers in the water. She knows that she does not want to call any parent of any of my friends to say, "I'm sorry that your child was hurt by a fishing captain within a SPA". I am asking you to take the necessary steps to make this happen. Please rescind the exemption that allows trolling in the four SPAs so that safety is put first. Thank you.

Carolos Estape

- Mr. Estape introduced himself. He is a resident of Islamorada, dive instructor, dive guide, REEF volunteer. He happens to be Allison's husband and has the greatest concern for her safety. Because of these incidents, it moved us to create a petition to bring to your attention, to this council and to NOAA and we want it read into the record. It reads as follows: Rescind the trolling fishing exemption at Alligator SPA to The Sanctuary Preservation Areas were created to "separate users engaged in different kinds of activities. Diving, snorkeling and boating are allowed within these zones. The following activities are prohibited: fishing by any means." As Allison said Alligator SPA is one SPA where catch and release trolling is permitted. Trolling creates a safety issue for divers and snorkelers who run the risk of being injured by moving boat hulls, spinning props and fishing lines and hooks. As Allison said, they did a rough estimate and called some places around. They found that about 30,000 divers visit Alligator Ledge. It is a popular destination site for the diving and snorkeling community in Islamorada and this estimate doesn't include private boats. Alligator SPA encompasses only a 1/2 mile and within the SPA, Alligator Ledge is only 320 yards long with five mooring balls that sit along the ledge in less than 15 feet of water with a maximum depth of 26 feet. The mooring balls state "NO FISHING". Incidents have occurred where fishing boats troll along the ledge and between the mooring balls directly over divers in less than 15 feet of water. Divers have nowhere to go to escape the spinning props, fishing lines and hooks. So we are asking to rescind the exemption on fishing by trolling in Alligator SPA to be the same as the rest of the SPAs. Chairperson Nedimyer mentioned that this issue came up a while back and was discussed; he usually doesn't engage in this kind of discussion. Every time you have any kind of exemption, someone is going to abuse it. This exemption is been in place for a long time and to his knowledge, this is one of the first instances where there has been an outright situation. By the letter of the law, they can troll through there and have been doing that. Bottom line, he doesn't think that other than an emergency closure by the superintendent for 60 days that much can be done. This exemption is up for elimination anyway, but it has to be addressed through the whole process being undertaken now in the zone review process.

Superintendent Morton explained that this will be addressed as an alternative in August. There is really no way to fast-track it.

Steve Leopold addressed this issue. The root of the problem is that the definition of trolling is not very clear. This is an item brought up in the working group and that is where it should be settled.

There is more involved and he agrees that this behavior shows a lapse in judgment.

Allison Estape added that she has shared this information with FWC law enforcement and sent a letter to FWC, NOAA and some members on the SAC. FWC is aware and keeping an eye on the situation. (This letter is posted as part of the written public comment for this meeting.) The reason that she and Carlos got involved was that it is a safety issue. As long as this exemption is in place, people will take advantage of it and put their economic needs ahead of the safety of people. They are hoping that through the process this issue can be addressed. She can guarantee that if this happens again and she has REEF interns on her boat, she will call FWC. She is not in a position to get him to move away from the area because he has a right to be there. Right now, 448 people have signed the online petition and the petition is in all the dive shops in the Upper and Middle Keys. She is happy to attend other working group meetings related to Alligator and to share this information with any appropriate groups or people.

David Vanden Bosch suggested that some way to make the process of protecting humans against people who don't understand the fishing rules work more quickly and more simplified. He is happy to sit down at the table with anyone to find out what it would take to correct this situation.

Superintendent Morton explained that this is a public safety issue and doesn't matter if such an incident takes place inside or outside of a SPA. If someone is operating a vessel that endangers someone's life, that is a law enforcement issue. In terms of sanctuary regulations, there is a long-term process in place that is being followed. To address a specific issue such as this one, a sanctuary regulation change is not required. It is an issue that can be addressed immediately by law enforcement, (FWC, Coast Guard).

Officer Langley added that vessels can come close to a dive flag at idle speed. To determine whether the person was trolling at idle speed, an officer would have to be there to see how fast the boat is going. If the boater sees bubbles and trolls over divers, then something can be done. If they are near a flag at idle speed, they are within the law.

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

- Superintendent Morton stated that everyone should have received an email announcing the sanctuary nomination process being published in the federal register. This process for establishing new sanctuaries had not existed for about the past 20 years. Now, the public and communities can nominate special places around the country. Nominations would undergo a review by NOAA and the sanctuary program to determine whether the proposed area goes forward as a possible national marine sanctuary. He encourages people to take a look at the website: www.nominee.noaa.gov.
- A research expedition funded by NOAA with explorer Bob Ballard and the *Nautilus* is taking place right now. They were recently in the deepest areas of the Tortugas South region (which the deepest part of the sanctuary). The expedition website is broadcasting video taken by the ROV at <http://www.nautiluslive.org/>. Billy Causey was on the expedition when they were in the Tortugas area.
- Gulf of Mexico Fishery Management Council will be meeting all next week in Key West. This is a great opportunity for folks to participate in the fishery management side of the NOAA

world. This meeting can be viewed live from their website:

http://gulfcouncil.org/council_meetings/Webinars.php.

National Marine Sanctuaries/Southeast Region Report, Billy Causey

- No report.

NOAA Office of General Council Report, Karen Raine

- No report.

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

- Ms. Walczak announced that the South District permitting staff in Marathon and Division of State Lands successfully removed two illegal abandoned structures built on private submerged lands in the Card Sound road area. This was a joint effort between multiple programs in DEP, FWC, Monroe County and other agencies. This is step forward for water quality and submerged protection in those areas. They will continue to work toward dealing with the other structures that are still out there.
- Ms. Walczak introduced Paul Rice, the new manager for John Pennekamp Coral Reef state park and Dagny Johnson Key Largo Hammocks. Paul has been a long term DEP employee whose last position was at the District level overseeing all state parks in this region.

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

- Mr. Hunt announced an upcoming meeting of the South Florida Committee of the Gulf of Mexico and South Atlantic States Fishery Management Councils. The meeting will take place July 22-24 at the Hilton Key Largo Resort. Much of what is being discussed that pertains to trying to create a separate council or create some mechanism better manage South Florida. He recommends that if this is of interest to attend this meeting and provide public comment.
- The Miami Herald article on Biscayne National Park with a headline that gave the impression that there are new rules in the park. This is not true. A fishery management plan has been published and has objectives (but no new rules). The commission signed off on the plan informally a few years ago and the plan is now being finalized. In most cases, any changes inside the fishing regulations inside the park will require the FWC commission approval process and will become commission rules.

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

- Captain Langley stated that they had everyone working three days during the Memorial Day weekend. During that time, they wrote quite a few citations. Violations that were documented included anchoring on coral, standing on coral, discharging raw sewage. Quite a bit of time was spent in the SPAs. FWC found some snapper, snowy grouper fillets in bags hidden on a boat in the Tortugas. With the warm weather, the search and rescues have picked up with boat sinkings, missing divers and overdue boaters. Some crawfish cases have already been made for out of season fishing.
- FWC is still working with Monroe County, in conjunction with state, on the Lower Keys mooring program under the county anchoring ordinance.

NOAA National Marine Fisheries Report, Heather Blough

- NOAA National Marine Fisheries has a number of ESA listing determinations pending. This summer, they will publish the final determinations for the 68 coral species they have been

reviewing. They received a lot of input and are still working on them. If the determinations are ready by August, she will let the council know. NOAA Fisheries is working on proposed listing determinations for Nassau grouper, queen conch, the dwarf seahorse and Caribbean electric ray, and evaluating whether available information warrants a status review of the yellowtail damselfish. Proposed critical habitat designations are being developed at this time for the right whale and Atlantic sturgeon and a final critical habitat designation will be made for the northwest Atlantic segment of the loggerhead sea turtle.

- The South Atlantic Council met last week in Ponte Vedra Beach where they reviewed snowy grouper, gag and blueline tilefish stock assessments and approved a number of documents for public review. Among those was a scoping document that considers removing several South Florida species (dog, schoolmaster, mahogany and black snappers) from the snapper grouper fishery management plan. The council also approved a scoping document that considers expanding existing or creating new marine protected areas or special spawning management zones to further protect snapper-grouper species, particularly Warsaw grouper and speckled hind. They will be holding a public meeting on those documents and on a number of other regulatory proposals in Key West on August 11.
- The Gulf Council meets next week at the Marriott Beachside in Key West. They will focus mostly on allocation and management of the recreational red snapper fishery, but will also review the new gag and greater amberjack assessments. A public comment period is scheduled Wednesday evening. Sean Morton will present on Sanctuary activities and the marine zoning plan on Thursday morning.
- The South Florida Committee of the Gulf of Mexico and South Atlantic Fishery Management Councils will be meeting at the Hilton Key Largo Resort July 22-24. They're continuing to evaluate alternative procedural options for managing South Florida species, like a regional fishery management plan or state delegation. They will also be considering modifying the mutton snapper bag limit, shallow water grouper and circle hook regulations to address several inconsistencies in the interim. Ms. Blough encourages people to attend this meeting and provide their comments.

NOAA OLE (Office of Law Enforcement) Report, Kenny Blackburn

- Officer Blackburn explained that they had one sentencing this month in conjunction with Operation Rock Bottom. Country Critters CEO John McHale was sentenced in federal court by Judge James Lawrence King to two years' probation and a \$10,000. He had previously faced five years in federal prison. Hale met with an unnamed harvester in the Marathon area on September 30, 2012 and discussed pricing for coral specimens harvested illegally from sanctuary waters. He agreed to buy 100 coral rocks. Thereafter, rocks were shipped to Country Critters. They paid \$444 for the shipment, which contained 100 *Ricordea*, and was worth \$2,200 retail. This was a violation of the Lacey Act.
- NOAA OLE filed on North Star Seafood, Rick Berman was involved in unlawful transport of live spiny lobster to China and conspired with a Chinese lobster buyer to export undocumented seafood; he bypassed licensing requirements.
- NOAA OLE transferred 55 different species of marine life used in some of their operations to Key West Aquarium for safekeeping and display for the public.

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

- No report.

United States Coast Guard (USCG) Report, Phil Goodman, Auxiliary

- Since the last council meeting, the USCG responded to 36 pollution incidents in the sanctuary. There were no sinkings that resulted in pollution responses or federalized cases. Eight letters of warning were given.
- USCG, Monroe County Emergency Management and Coast Guard Auxiliary have worked together to offer HAZWOPER training in the community during the past three years. Over 800 people have completed the 8 hour course. This course is being offered this weekend in marathon and again in August in the Upper Keys.

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

- Ms. Bradley reported that the Water Quality Protection Program steering committee will be meeting in Marathon at the Government Center on August 14.
- EPA has proposed a rule regarding limiting Carbon dioxide emissions from power plants. This is significant because power plant emissions account for 1/3 of all domestic greenhouse emissions in the United States. Greenhouse gases are contributing to climate change. Public meetings will be held in Denver, Atlanta, D.C. and Pittsburg. EPA will accept public comments on the web and will start reviewing those 120 days after the federal registry announcement (which has not occurred yet). Comments submitted right now will be forwarded for consideration in that process.

USFWS Report, Nancy Finley

- Ms. Nancy Finley reported that she just received the results of a study on the effects of sea level rise on wading bird habitat in the refuge. FWS contracted with FAU (Florida Atlantic University) to model the changes to bird habitat with sea level rise. The results were not exactly what was expected and indicate that FWS managers would have to adaptively manage for these changes. The model can be applied to a larger area of the Keys and could be of interest to others.

US Navy (USN) Report, Ed Barham, USN

- The Navy is holding its Restoration Advisory Board meeting on July 30 at the Eco-Discovery Center, 6:30 pm. At this meeting, they will present the status of their environmental restoration sites, otherwise known as Superfund sites.

XII. UPCOMING MEETING AND CLOSING REMARKS

Chairperson Nedimyer announced that council members have the opportunity to dive the Flower Gardens in the Gulf of Mexico. An email invitation was sent to council members and he encourages you to consider the opportunity.

The Ecosystem Protection: Ecological Reserves, Preservation Areas and Wildlife Protection working group will have their final meeting July 8 & 9 at the Marathon Garden Club be having their wrap-up meeting. After this meeting, the recommendations will be compiled and forward to the council for review and consideration at the next SAC meeting, August 19.

David Makepeace reported to the council his findings regarding the proposed mooring field on the bayside of Key Largo. Mr. Makepeace is the council's representative on the county's Marine and Port Advisory Committee. This field was proposed to have up to 100 mooring sites. This area has never had that many boats anchored there. This project is proceeding and he believes that it will

begin with about 20 to 25 moorings, but they will not move forward with more unless those sites are filled all the time. He would anticipate that they would not go beyond 20, but he understands citizens being concerned because the proposal allows for 100 boats. The area is approximately mm 98 near the new RV park. They are moving forward with a request to permit up to 100 in order for it to be vetted for environmental impact.

XIII. ADJOURN