

FLORIDA KEYS NATIONAL MARINE SANCTUARY ADVISORY COUNCIL

**Key Largo Hilton Resort
97000 Overseas Hwy Key Largo, FL 33037**

August 19, 2014

FINAL MINUTES

The Florida Keys National Marine Sanctuary Advisory Council met on Tuesday, August 19, in Key Largo, 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 (absent)
Fishing – Charter Fishing Flats Guide: Richard Grathwohl (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: Jerry Lorenz
Submerged Cultural Resources: Corey Malcom
Tourism – Lower Keys: Clinton Barras
Tourism – Upper Keys: Andy Newman

Council alternates (present)

Boating Industry: Kenneth Reda
Citizen at Large – Upper Keys: Suzy Roebing
Diving – Lower Keys: Bob Smith
Diving – Upper Keys: Elena Rodriguez
Education and Outreach: Alex Brylske
Fishing – Charter Sports Fishing: Rob Harris
Fishing – Commercial – Shell/Scale: Justin Bruland
Research and Monitoring: Shelly Krueger
South Florida Ecosystem Restoration: Pete Frezza
Tourism – Lower Keys: Joe Weatherby
Tourism – Upper Keys: Eric Handte

Agency Representatives

Florida Department of Environmental Protection: Joanna Walczak, Kevin Claridge
FWC Division of Law Enforcement: Major Alfredo Escanio, Capt. David Dipre
FWC Fish and Wildlife Research Institute: John Hunt
NOAA National Marine Fisheries Service: Lauren Lugo
NOAA Office of General Counsel: Karen Raine (absent)
NOAA Office of Law Enforcement: Kenneth Blackburn (absent)
Dry Tortugas and Everglades National Park: Tracy Ziegler (absent)
U.S. Coast Guard: LT Michelle Comeaux, Phil Goodman (Auxiliary)
U.S. EPA: Patricia Bradley (absent)
U.S. Fish and Wildlife Service, National Wildlife Refuges Florida Keys: Nancy Finley
U.S Navy: Ed Barham (absent)

I. CALL TO ORDER, ROLL CALL, AND MEETING MINUTES APPROVAL OF 4/15/14 DRAFT MEETING NOTES

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

MOTION (Passed)

Motion to approve the minutes from April 15, 2014 was made by Bruce Popham, seconded by Andy Newman. No objections or changes were made; minutes were approved.

MOTION (Passed)

The agenda was amended to discuss renewal of Advisory Council representation on the Marine and Port Advisory Council at the end of today's discussions before the Agency Reports. Motion to approve the meeting agenda was made by Chris Bergh, seconded by Andy Newman. No objections; agenda was approved.

Welcome New Members

Tim Grollmund has resigned as alternate for Diving-Upper Keys. He is replaced by Elena Rodriguez who will serve as alternate working with SAC member Rob Mitchell. Welcome Elena.

Chairperson Nedimyer noted that the annual SAC recruitment has begun. There are 12 advisory council seats open for renewal: five members & seven alternates. Those are: Citizen at Large – Lower Keys (primary), Citizen at Large – Lower Keys (alternate), Conservation and Environment [2 of 2] (primary), Conservation and Environment [2 of 2] (alternate), Conservation and Environment [1 of 2] (alternate), Diving – Lower Keys (primary), Diving – Lower Keys (alternate), Fishing – Charter Flats Fishing Guide (primary), Fishing – Charter Flats Fishing Guide (alternate), Fishing – Commercial – Marine/Tropical (alternate), South Florida Ecosystem Restoration (primary), and South Florida Ecosystem Restoration (alternate). Those wishing to apply, or re-apply, have until Sept 30th to submit applications. All information needed to apply can be found here: <http://floridakeys.noaa.gov/sac/apps.html> .

Sean Morton, Florida Keys National Marine Sanctuary Superintendent, welcomed Rachel Pawlitz as the new communications coordinator for FKNMS. Ms. Pawlitz will be in charge of Sanctuary communications, online communications, and media. Welcome Rachel.

Chairperson's Comments

Chairperson Nedimyer stated he was impressed with the amount of quality discussion at the Water Quality Protection Steering Committee meeting last week and noted that Chris Bergh had also attended. He noted the importance of having good water quality and believes we are turning the corner for water quality in the Keys. Mark Butler's presentation on sponges and the sponge situation in Florida Bay was particularly interesting. Ken emphasized the importance that SAC members go to these meetings as there is a lot of great work being done and reported on that is of value for the SAC to hear about. He also noted that the deep well injection on the Cudjoe treatment plant was discussed and is a very contentious issue that the SAC should be aware of and consider both sides of the issue. Chairperson Nedimyer also expressed his displeasure with the sport lobster season. He believes we should do something about it in order to reduce the negative impacts it causes.

Comments/Discussion

Chris Bergh noted there are many varying opinions and heated discussion every year on the lobster mini-season. He recalls having seen a discussion in the Monroe County Comprehensive Plan Amendment on whether Monroe County should get involved with making recommendations on spiny lobster sport season. He thinks it is time for structured decision making to get at the pros and cons and alternatives. He believes it is time to stop discussing and start making recommendations.

Capt Dave Dipre agreed discussion about lobster mini-season occurs every year, with pros and cons. The biggest concern FWC has regarding lobster season involves keeping a separation between the recreational and commercial lobster seasons. Prior to the establishment of the mini-season, when both recreational and commercial lobster fishing started at the same time, traps were being robbed, particularly around resorts or high concentrations of people. This was a problem and the FWC does not want to encourage it further. Therefore, Capt Dipre requests to keep a clear definition between the two seasons in place in order to keep the number of violations down and to keep commercial lobstermen from getting robbed.

Chairperson Nedimyer challenged NOAA and FKNMS to take action on the issues that would be discussed and the recommendations made by SAC following the meeting. He called for tough decisions to be made. He believes we are experiencing a downward trend in declining reef and fish populations and called for new action and new strategies. We have an opportunity today to begin new change. We can't afford to delay.

II. MARINE ZONING AND REGULATORY REVIEW: UPDATE ON PROGRESS

Beth Dieveney, FKNMS Deputy Superintendent for Science and Policy, reviewed the timeline for the Marine Zoning and Regulatory Review. To view this presentation, visit:
<http://floridakeys.noaa.gov/sac/othermaterials/20140819sacprocessnextsteps.pdf>

All three working groups have finished making their recommendations. The advisory council has reviewed and made recommendations related to the Coral Reef Ecosystem Restoration Working Group and the Shallow Water Wildlife and Habitat Protection Working Group. Recommendations from the Ecosystem Protection Working Group are before the advisory council today. Final discussion will take place on other work plan items that were not handled by working groups in the October SAC meeting

and the advisory council's set of recommendations for the Sanctuary superintendent to consider in the development of the Draft Environmental Impact Statement will be complete.

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

Beth Dieveney introduced Chris Bergh as Sanctuary Advisory Council Co-Chair and Working Group SAC Lead for Ecosystem Protection Working Group, and Steve Werndli, FKNMS Enforcement and Emergency Response Coordinator and Sanctuary Staff Lead for the Ecosystem Protection Working Group. She also reviewed the process that working groups are established for specific issues to provide recommendations to the advisory council. The advisory council reviews and considers the working group recommendations prior to making recommendations to the Sanctuary Superintendent.

IV. ECOSYSTEM PROTECTION: ECOLOGICAL RESERVES, PRESERVATION AREAS AND WILDLIFE PROTECTION WORKING GROUP – PRESENTATION OF WORKING GROUP REPORT AND RECOMMENDATIONS

Chris Bergh and Steve Werndli reviewed the working group process and provided an overview of the working group recommendations. To view this presentation, visit:

<http://floridakeys.noaa.gov/sac/othermaterials/20140819epwgrecommendations.pdf>

Vice Chair Bergh introduced the working group members, what their charge was, who was involved, and the process. Mr. Bergh recognized the SAC members and community experts involved in the process and thanked them for their time and hard work. He reiterated the goal was to have a mix of working group members that could represent different geographic areas of the keys and different areas of expertise including commercial and recreational fishing; diving; scientists; tourism; conservation; among others.

Mr. Bergh then gave a short review of the main focus of each of the seven initial Ecosystem Protection Working Group meetings that began in March 2013. In response to public feedback and the generation of ideas discussed during the initial phase, the Working Group determined they needed additional public input and discussion before making final recommendations. This resulted in a series of regional evening meetings focusing on the Upper, Middle, and Lower keys, and the Marquesas and Tortugas regions. Following the regional public meetings, the working group reconvened for a series of six two-day meetings where they reviewed science and human use data for each region and worked towards making preliminary recommendations for each region. In a final two-day meeting the working group reviewed and finalized recommendations for the SAC.

Steve Werndli provided highlights of the science and human use data presented to the Ecosystem Protection working group and how that data was used to inform working group recommendations.

Mr. Werndli summarized and reviewed each section of the Ecosystem Protection: Ecological Reserves/Preservation Areas and Wildlife Protection Working Group Recommendations for Sanctuary Advisory Council Consideration document. This document can be viewed at:

<http://floridakeys.noaa.gov/review/documents/20140819eprecommendations.pdf>

Comments/Discussion

Andy Newman requested a clarification on what factors were used to characterize reef resiliency as High/Med/Low. Mr. Bergh responded that the Florida Reef Resilience Program, which annually

surveys coral reef condition uses factors such as bleaching, disease, coral cover, and diversity as indicators of reef resilience. Some corals and reef areas are more resistant to bleaching than others and may indicate why some reefs are thriving, while others are declining. Many groups have been involved in monitoring these different reef types in a statistical design that covers all of Florida's reefs annually since 2005, so over time patterns of resilience have emerged.

MOTION (Passed)

Suzy Roebing introduced the draft motion to support the recommendations from the Ecosystem Protection: Ecological Reserves / Preservation Areas and Wildlife Protection Working Group. David Vanden Bosch seconded the motion. The motion was then discussed:

IV. ECOSYSTEM PROTECTION: ECOLOGICAL RESERVES, PRESERVATION AREAS AND WILDLIFE PROTECTION WORKING GROUP (ADVISORY COUNCIL DISCUSSION AND ACTION)

Clinton Barras noted that the recommendations did not go far enough to fully implement the Goals the SAC developed for this process. He was disappointed more area was not identified for potential marine zones as options for the SAC to consider. Ken seconded his statement. Rob Harris disagreed, stating that he felt the working group went as far as they felt they should go. Andy agreed with Rob, and stated he felt the working groups have made tremendous progress.

David Vaughan felt all three working groups did well separately at the regional level with local knowledge and public input. However, he reminded members of the work still ahead to improve conditions for the whole sanctuary.

Jerry Lorenz commented that the zoning review should be conducted more frequently. He believes incremental steps would be more beneficial. He expressed concern that the management plan allowed for a five year review, but this was not occurring in practice. This was seconded by David Vanden Bosch who noted that these recommendations could cover the next 20 years. He also expressed concern over how adaptive management could be integrated and whether or not this time-table will be able to keep up with new data, such as spawning aggregation shifts.

Break

IV. ECOSYSTEM PROTECTION: ECOLOGICAL RESERVES, PRESERVATION AREAS AND WILDLIFE PROTECTION WORKING GROUP (ADVISORY COUNCIL DISCUSSION AND ACTION) (continued)

Ken invited working group members from the audience to share their perspectives:

Tad Burke re-iterated the need for enforcement and education in maintaining a sustainable resource. He stated we can zone everything but it would not stop people from abusing the resources and breaking rules that have already been established. He is concerned with the growing number of people and declining water quality and increased coral bleaching. He is concerned that the mooring buoys are attracting more divers who have more interactions with coral than fishermen.

Rob Harris advocated caution in closing areas without a specific reason and advocated closing high value areas. He cited spawning aggregation closures having already worked for red and black grouper and can

even lead to underutilizing resources. He also cited that some areas are resilient and thriving because they were not identified to the public.

Chairperson Nedimyer noted a mix up in process. The motion was introduced by an alternate; however it needs to be introduced by a sitting member. David Makepeace re-introduced the motion which was then again seconded by David Vanden Bosch.

Beth Dieveney noted that a summary of recommendations were distilled down on pages eight and nine of the document. There are 25 total recommendations, 19 of which are zone modifications or new zone recommendations. Numbers 20 to 25 are other big-picture sanctuary-wide recommendations. On page 62, those zone modifications are described in more detail and include rationale, vote taken, consensus, and additional issues identified that should be considered. Each region has its own table in addition to sanctuary-wide data.

SAC discussed adding education, enforcement, and water quality as major line items in addition to the working group recommendations. Chairperson Nedimyer recommends members take action and write letters to their congressman if they are concerned about law enforcement. He also reminded members that contention over details or specific points of working group recommendations and personal comments could be sent to Sanctuary staff via written communication as well.

The term 'closed to all users' was clarified and defined as intending to mean 'transit only; no research.' Concern was raised regarding invasive species thriving in these areas, and encouraged research being exempted from 'closed to all users' designation. Specific issues related to working group recommendation 2 in that there are shipwreck sites in or near that proposed zone, therefore supports the ability to continue research activities. Research also plays an important role to determine effectiveness of zones.

Joe Weatherby stated that through the working group process he saw good science for large contiguous areas as well as good reasons to turn some SPAs back to general use. However, there are a lot of issues to consider, and many factors are involved with the recurring theme of user conflicts.

Chris Bergh proposed an amendment to the motion to allow for invasive species management, marking, restoration, and science in 'closed to all user' areas (or broaden the concept of allowable in otherwise closed zones, possibly controlled with a permit system).

V. PUBLIC COMMENT

Peggy Matthews, American Watercraft Association

- Ms. Matthews reminded the council of the co-management of the Sanctuary and encouraged the state of Florida to have an active role in the zone reviewing process. Ms. Matthews also encouraged the SAC to address the underlying cause of declining resources. Everyone agrees that there is declining resources. But regulations that are put in place should not just be to regulate. They can regulate the activities, such as boating, fishing, and diving, but they need to understand the reason for the decline and try to address that.
- Ms. Matthews advocated for larger zones for better resource protection and ease in enforcement and compliance. It would be easier to educate people on large zones than for several different small ones.
- Currently, out of the three working groups, there are an estimated total of 18 zones from the

Ecosystem Protection Working Group, 36 zones proposed from the Shallow Water Working Group, and 34 zones proposed by the Coral Reef working group, which totals 88 zones. She would like to see one map that shows all the proposed zones to get a big picture of the proposal.

- Ms. Matthews also advocated for a lobbyist to help raise funds needed for more law enforcement. There's been a lot of talk, and anguish, and stress over enforcement and education program. A full time lobbyist would be more effective in law enforcement advocacy than a letter. A lobbyist would provide a continuous effort in front of the right people to push for additional funding to promote law enforcement. Ms. Mathews volunteered herself as a candidate.

David Ritz, Ocean Reef Community Association

- Mr. Ritz expressed support of the closed area around Carysfort, but is opposed to increasing its size in light of the possible changes to Biscayne National Park. He believes the Carysfort SPA is working. However, Biscayne National Park is also conducting their own zoning review and proposing a very large enclosed or restricted area within eyesight of Carysfort. He is concerned this new Biscayne zone, which could be six miles long and four miles wide, will be in addition to the proposed Sanctuary area of Carysfort (EP1). He is in support of a slightly smaller area (4x4). He is opposed to completely closing the areas of EP2 and EP3. However, he would be in favor of protecting these areas by installing mooring buoys, which would restrict the usage and protect from anchoring.
- Mr. Ritz offered financial assistance for restoration. The Ocean Reef Community has budgeted \$500,000 for coral restoration and hopes to continue to aid in coral restoration. Thank you.

Henry Feddern, FMLA

- Mr. Feddern stressed the importance of dealing with invasive species in adhering to the Sanctuary's mission statement: I am impressed with the Sanctuary's mission statement, especially with "striving to achieve a vibrant, ecologically sustainable ecosystem". This has been difficult in the past, and is going to be much more difficult in the future. The reason is the proliferation of lionfish throughout and outside the Sanctuary that is impacting the juveniles of food and sport fishes, and the potential disaster to native corals posed by the invasive orange cup coral. Lionfish can only be caught by lobster and fish traps, or by SCUBA diving with nets or spears. I am unaware of any being caught by hook and line. Therefore, any areas where traps or diving is prohibited are sanctuary areas for lionfish, where they can eat their fill and proliferate. At present, the orange cup coral covers artificial structures such as the Habitat at Conch Reef, and ships that have been deliberately sunk offshore as tourist attractions. I believe that it is only a matter of time until the corals adapt to natural bottom. According to people I have talked to, this has already happened in the Gulf of Mexico. I have seen a video that showed colonies growing on live oyster shells there. This invasive coral, when it colonizes natural bottoms, could severely impact native endangered corals and their restoration efforts. Control methods need to be investigated as soon as possible.
- Keep the above discussion in mind while you discuss the specific recommendations of the Ecosystem Protection Working Group. I will only discuss the areas in the Upper and Middle Keys, but the concepts apply throughout the Sanctuary. The Snapper Ledge-Pickles area had been proposed as a SPA by divers. I agree with the Zoning Group that this proposal has no merit. I have visited the ledge and do not find it particularly noteworthy. A no-anchoring

regulation is not needed, because it is already illegal to anchor in coral. In addition, a no-anchoring regulation would eliminate the marine life fishery in that area, since a boat needs to be anchored while the fishermen are below. The working group did not make a recommendation about the Davis Reef SPA. Is it really necessary? The area called EP-7, south of Alligator Reef, is an area closed to lobster traps because of dense stony coral growth. The reason is that traps can move around during storms and damage the corals. However, just shoreward of the dense coral area is hard bottom that is essentially devoid of stony corals. Patches of sandy rubble also occur here and there in the coral area. These bare hard bottom and sandy areas can be anchored on with no damage to corals. If the area is declared a no-anchor zone, then the marine life fishery will be prohibited, and lionfish will proliferate unless the Sanctuary puts down lobster or fish traps. As I said above, anchoring on stony coral is already illegal. A no-anchor zone is not necessary here.

- Lastly, the group mentions the "Key Largo Existing Management Area". I believe this refers to the Key Largo National Marine Sanctuary, since the group states that there has been a ban there on marine life fishing for many years. The group also states that there is little evidence that the ban in this region has made a difference to the fish populations. Apparently, therefore, marine life harvest does not have a significant effect on the ecosystem. Unfortunately, now that lionfishes have entered the ecosystem picture, a continued prohibition on marine life fishing in the Key Largo NMS area may lead to a decline in fish stocks. This is because of lionfishes. Although lionfish derbies have had an effect on populations of this species in the KL Sanctuary, the derbies only occur rarely. If marine life harvest is allowed, lionfishes will be targeted every day. Although aquarium fishes would be harvested as well, evidence has shown that the fishery has little effect on the ecosystem. However, the removal of lionfishes would result in the survival of more juvenile food and sport fishes, thus in effect increasing recruitment of these species and potentially reducing the need for more food and sport fishery regulation. I recommend that marine life fishing in the KL Sanctuary be allowed. Allowing lionfish harvest only, is not economically feasible. Another wise lionfish control measure would be to allow the spearing of lionfishes in all areas with a specialized lionfish spearing rig. These rigs are so small and limited that lionfishes are about the only fishes that can be caught with them. Beware of setting up Sanctuaries for lionfish.

Julie Dick, Everglades Law Center

- Ms. Dick spoke on behalf of the National Parks Conservation Association (NPCA), Last Stand and the Florida Keys Environmental Fund. The NPCA represents 362,500 members nationally and 18,500 members in FL. Last Stand and the Florida Keys Environmental Fund are important organizations locally and to the FL Keys with their strong interest in the preservation of the natural environment in the FL Keys. Ms. Dick called for more conservation and preservation of the unique species and habitats of the Sanctuary stating they are vital for the future of the local economy, ecosystem resilience, and the sustainability of the natural communities within the Sanctuary.
- She encouraged NOAA and staff to partake in discussion with the National Park System in management of their shared marine resources. Marine zoning is a proven means to protect marine resources. It can address a decline in reef fish, increase the size and abundance of fish and targeted species, and help to preserve benthic resources. Reducing the human impacts to corals also can improve resilience to bleaching.
- She encouraged members to look back at the goals and objectives that were approved for the marine zoning process, and for the recommendations that will come out of it, to be in

compliance with those goals and objectives. She advocated for the protection of large contiguous diverse interconnected habitats from onshore to offshore. Protecting the entire life cycle of target species is invaluable. One of the principles called for each habitat type represented in non-extractive marine zones to be in each of the sub regions, so ideally this type of large-scale protected area would be seen in each of the sub-regions, which is consistent with the goals and objectives that this group approved.

- She would like to see the SAC request money for law enforcement. More enforcement on the water is needed, but the money is needed to do that. Maybe through adding additional protections, we can see an improvement in the conditions of the Sanctuary, and all of the users will benefit. The benefits of those zones aren't just in the zones. The benefits will spill over within the entire ecosystem. There are many examples of marine zones in protected areas in regions where the commercial and sports fishermen become fans of those marine zones because they have benefited and seen an increase in the fisheries over time. Thank you.

Bill Kelly, Florida Keys Commercial Fishermen's Association

- Mr. Kelly reiterated the importance of water quality, education, and law enforcement to provide the groundwork in moving forward. He is against large enclosures stating the reality is the Sanctuary itself is 29,000 square miles of contiguous territory. He believes parceling it out into smaller areas is only perpetuating the closure mentality. Mr. Kelly believes the declining fish populations are due to water quality, not overfishing. He believes two NOAA law enforcement officers and 50 FWC officers do an admirable job, but the reality is, they are covering 2900 square miles.
- Mr. Kelly stated there is no science to support closing any area in the FKNMS because fish are in trouble. However, there are a number of studies from 2010 to 2013 that say one of the biggest cause of damage to our coral reefs is diver interaction—as much as 18 diver interactions per dive in our Sanctuary Preservation Areas.
- Mr. Kelly also noted the proliferation of lionfish in deep water. He cited Gary Nichols who caught 49lbs of lionfish in by-catch in his traps in 2009. Last year, he had over 13,000lbs of incidental by-catch. He urged the SAC to address this problem.
- Mr. Kelly advocated for interagency communication with Biscayne National Park. They are considering phasing out the two-day mini-season, which would affect the upper keys with an influx of even more people during the sport season. He suggested the topic be addressed state-wide and include Tallahassee. He also expressed concern over Biscayne National Park has discussion on phasing out commercial fishing.

Mimi Stafford, Ecosystem Protection Working Group Member

- Ms. Stafford would like to stress that the ecosystem protection working group committee was made up of some very adept people. We had a lot of experience. I've had many years of experience underwater in the keys. I come from a marine biology background. I've represented Reef Relief and I've also been a commercial fisherman, a sponge fisherman, stone crab, lobster, recreational fisherman and diver. Like most everyone on our committee, I've spent a lot of time, a lot of energy looking at all the information, trying to figure out the best thing. I think that if the time and energy that we spent is not taken into account and it comes back to deciding if we want to just have big broad areas, it won't sit as well with me. I spent a lot of time looking at all this data. Dave and I spent tons of time underwater earlier this summer. I jumped overboard all over the place trying to see what was happening for myself. I read a lot of documents that weren't even part of the information that we were given.

- The comparative analysis that has been done for the last 20 years has been comparisons between middle Sambo, Eastern Sambo, and Western Sambo. One is a research area, one is an ecological reserve, and one is open. The benthic communities show very little variation, so closing an area has not necessarily protected it, but fish and lobster and other nektonic species are definitely thriving more in the ecological reserve. I was not in favor of the idea of closing it to all users. That was promoted initially as a method of trying to get a control site. I think it was also a certain amount of people paying for everyone, and in order to do that, it would probably have to be shifted to east to take into account the middle and eastern Sambo, and the Western Sambo would now be open, and that would be a tragedy, I think. Seeing all these big fish that are used to being around people. I don't think they'd last very long.
- As far as some of the other aspects, I went to the meeting about law enforcement because that's something that we all have been very concerned about for a long time. Over the years, there has been less and less observable presence of law enforcement on the water, and that's frustrating for all of us who are suffering the consequences of it. It also seems that education is really important because from that meeting came the information that most accidents come from people who are visitors to the area. They don't really know the water, what they're doing, or where they're going. We need to provide more education. I like the idea of something at the entrance point to Key Largo—Something that would let people know, at a minimum, that they are entering a special area similar to when you enter a National Park: Something that says that you are now entering a new area, a specially protected reserve. We need to do more efforts in the larger metropolitan areas and get people aware that this is something special. They can be part of the solution and not just part of the problem.
- Sport Season: I've been thinking a lot about that because I've been on different committees and we've been talking about that forever. It occurred to me: what about the idea of a lottery system. If nothing else, something that would start some kind of limitation, so there wouldn't be open access. We could reduce the impact a little bit, because I stopped going out after the first sport season because I was horrified.
- The other thing with enforcement, I did write a letter. I don't know where it went, but I've written one twice now, so I hope somebody's getting them because that's frustrating. Thank you.

Aaron Adams, Bonefish & Tarpon Trust

- Mr. Adams would like the SAC to use science as a foundation in their decisions: Believe it or not, what you guys are going through has happened in a lot of places. You might be able to learn from some of those processes. My main point is don't forget the science. In your goals and objectives, it talks about using science as a basis for zoning. A special management system is not going to be as effective, in fact it can be damaging if science doesn't form the foundation of that. All the other things you have been talking about today: the impacts on different sectors, user groups, etc. are important, but they need to be based on a scientific foundation first. Otherwise, the whole system is going to lose its way. I've seen a little bit of that today getting off track with tangents, which is understandable. There have been a lot of instances where the science has been pushed aside. Rather than that, I suggest you take a step back and take a look at the science that is available and use that. Then from there have these other conversations. So, don't forget the science. It's important.

Bill Wickers Jr, KWCB

- Mr. Wickers served on the original SAC for 6 years. We were the ones that came up with the original plan that you want to change. We've been through some really bad economic times,

but I actually think that before you consider expanding anything and taking more area, you need to get back and get refocused on taking care of what you have. A lot of your own studies show that many of the areas inside the SPAs are not much better off than the outside. If that's the situation, then we need to figure out why. You need to go back and say what are we doing and should we be doing, instead of just wanting to take more. It's hard to go to the community and say for 17 years we've had these areas, and now we want more, but we haven't done a great job with what we have. Before you want to expand, you should go back and figure out why this is.

- I think the reason for that comes from the underlying focus of why we did that all those years ago, is the water quality. The water continues to go downhill. I was stunned the other day reading the paper, that the Sanctuary was staying silent and letting the Last Stand out of Key West try to stop injection wells out of Cudjoe Key. I went to the meeting because I thought it must have been wrong. Somewhere along the line I assume the water quality is not the real focus that it should be. If you can clean up the water, it will do more good than any number of expansions. The water is good. The water is as good inside the SPA as outside the SPA. If you clean it, it helps everywhere. You can triple or double SPAs, but if the water still goes downhill, the problems are going to still exist. I've watched for 67 years of my life huge, beautiful coral reefs and watched corals in the Gulf of Mexico as big as a boat, and watch them turn brown and covered with algae, and it's the water. You've had 17 years and 25 SPAs, and the only group that has been excluded from the SPAs are the fishermen, so you have proof that it's not the fishermen that are doing the damage. They're the only group that can stand up and say they haven't been going in there. As a group, you need to re-focus; think about where you want to go and how you want to do it. Water quality is number one.
- Number two is education. To this day, I cannot believe we do not have a sign when you enter Monroe County that says, "Welcome to the Florida Keys National Marine Sanctuary. The rules and regulations are different here. Please make yourself aware of this." So they know they are coming into a special area. I take offense that somebody thinks that because I'm a fisherman, I want to rape and pillage the area. I love this area. I was born here. There is nowhere else I want to go, and I don't want my kids or grandchildren to go anywhere either. We've got to get a handle on this.
- A lot of the things you want to argue about back and forth are just band-aids. The center of it is the water quality. The second would be the education of the public on what to do and what not to do. Thirdly, once we get education and you get the enforcement with more people out there wanting to keep people out of these areas that are not doing what they're not supposed to do. Then, you could come back to the public and say, "this is what we've accomplished." Right now, you're asking for expansion, but you have no proof that what you had has actually occurred. Or at least there's not a whole lot of it. I think you should keep what got, but you should do a bang-up job with it, and you should get re-focused, and go after the meat of the problem. Thank you very much.

Peter Hines, Key Colony Beach Boating and Fishing Club

- Mr. Hines would also like to stress the importance of water quality: I want to re-iterate what the gentleman preceding me said. He hit the nail on the head; no question. I don't think anyone would argue with me on that. Earlier today, someone mentioned three new hotels going up in Key West. That is going to have a huge impact on the water quality. Marathon has three under construction and two more that are about to go in as well on various lots in Marathon City, which is not that big of a place. The water quality is absolutely the issue. I can't say it more eloquently than the guy before me.

- Another issue: education, which, as an educator all my life, is a big thing. The fact that people who enter, as the gentleman said, coming in to the keys. We get a huge influx, and it gets bigger and bigger every year from people renting. They come. They are river people. They are lake people. They're from ponds. They don't know anything about salt water. They come down here, and they rent a boat. It's the easiest thing to do. The number of companies renting boats to anybody who wants to buy them is jumping through roof. I think there are 14 in Marathon alone, and the number has grown. They get no education and they don't understand what's different. They don't even understand the simple things—things that we all take for granted, but they don't know, like dive flags. So the impact they have is not because they're bad people. It's because they don't know how to operate, and they know they're not going to get caught. Odds are, no one that does anything is going to get caught because we have less police presence and less control. It's unfortunate. We all know we need more FWC and law enforcement people. We have to do whatever it takes. If that means getting people to lobby, then we have to do that. But consider water quality with more and more people coming in every year. It's not going to go down. Someone said, we're not going to grow any more land, but we're growing in population. Thank you very much.

Lunch

IV. ECOSYSTEM PROTECTION: ECOLOGICAL RESERVES, PRESERVATION AREAS AND WILDLIFE PROTECTION WORKING GROUP (ADVISORY COUNCIL DISCUSSION AND ACTION) *(continued)*

Sean Morton reviewed the next steps for the marine zoning and regulatory review process following advisory council recommendations. Sanctuary staff will review advisory council recommendations using those, will develop a Draft Environmental Impact Statement (DEIS). The DEIS will include a range of alternatives each of which will have an environmental and economic analysis. The DEIS will also include a 'no action' option. Following release of the DEIS there will be a minimum of 90 days for public comment, which will span at least two SAC meetings. Public hearings, public comments, SAC meeting discussion and advice on the DEIS will all be taken into account. At present, we are essentially still in the scoping phase, getting options and recommendations from the SAC to help identify a range of alternatives for further analysis. Mr. Morton clarified that this is not a decision-making time; this is advisory time. This is a long process, and there will be a while yet before any draft regulations are proposed.

Discussion (council members)

Ken Nedimyer re-iterated that today the SAC is merely looking for solid recommendations for the sanctuary staff to analyze in a DEIS. He recommends evaluating restricting certain areas to 'no anchor; mooring ball use only' as a way to protect the resource while still allowing limited use. These areas can be evaluated for the effectiveness of restricting use with mooring balls. He also recommended allowing pole spear lionfish hunting in state waters in the upper keys where currently no spear fishing is allowed.

Jack Curlett agreed and added that the use of mooring balls could allow the protection of a larger area, but still limit access in conjunction with a no anchor regulation. He also suggested that several groups might be amenable to funding the installation of these extra mooring balls, such as Ocean Reef. Rob Mitchell added that a time limit on mooring ball use might also be added as a management tool for mooring use. Chris Bergh noted that these concepts are captured in the working group notes.

Martin Moe suggested that in addition to considering a ‘no action’ alternative, the Sanctuary should also look at the other extreme, what that would encompass, and how effective it might be. He suggested as an example, setting aside a 25 square mile area in all three areas of keys. This would exemplify the most extreme on the side of environment as a marine protected area large enough to preserve natural ecology. The definition of a ‘large contiguous area’ was debated: large enough to incorporate all types of environments in a contiguous area to provide protection and limit impact on native ecology, but also provide minimum negative impact on users. It was determined that the idea of a large zone remain in consideration to be evaluated in the draft alternatives of the EIS. Several members expressed interest in determining the biological, economic, and ecological impact on a large area based on verifiable scientific evidence. The size of a ‘large’ area was determined to be approximately 20% or 25 sq miles.

MOTION (Passed)

The SAC took a vote on the motion as amended and it passed unanimously.

Resolution of the Florida Keys National Marine Sanctuary Advisory Council Advancing the Ecosystem Protection: Ecological Reserves / Preservation Areas and Wildlife Protection Working Group Recommendations to NOAA for Analysis through a Draft Environmental Impact Statement
<http://floridakeys.noaa.gov/sac/othermaterials/20140819epwgmotion.pdf>

V. PUBLIC COMMENT

Chairman Nedimyer opened the floor to public comment for items not on the agenda.

Julie Dick, Everglades Law Center

- Spoke on behalf of NPCA and Last Stand in order to raise the issue of shallow water injection wells and the water quality concerns related to them. Ms. Dick stated that deep injection wells would be better: evidence shows that shallow wells percolate up with nitrogen and prosperous levels and contribute to the degradation and significant violation of water quality standards. She would like the Sanctuary and SAC to put voice behind this issue and to ask for deep injection wells be installed in order to dispose of treated sewage. The definition of ‘shallow’ was approximated at 125ft and ‘deep’ was approximated at 2,000ft.

IV. CONSIDERATIONS IN MANAGEMENT WITHIN NATIONAL WILDLIFE REFUGES:

Beth Dieveney introduced Nancy Finley, Florida Keys National Wildlife Refuges Complex Manager, who gave a presentation on the National Wildlife Refuges role, authorities, and opportunities to update its Backcountry Management Plan as part of the marine zoning and regulatory review process. This presentation may be viewed by visiting:
<http://floridakeys.noaa.gov/sac/othermaterials/20140819usfwsupdate.pdf>

Comments/Discussion

Interest in a one-stop-shop permit system was indicated. The idea of developing a combined database/permit system was discussed as potentially providing valuable data on who is doing what within the National Marine Sanctuary. Ben Daughtry suggested it could also eventually be regulated with user fees, which could generate funds to use for enforcement and education.

VI. ADVISORY COUNCIL RECOMMENDATIONS NEXT STEPS: DEVELOPMENT OF A DRAFT ENVIRONMENTAL IMPACT STATEMENT

Beth Dieveney expanded on the zoning process and next steps following the completion of the working group meetings and advisory council recommendations. This presentation can be viewed by visiting: <http://floridakeys.noaa.gov/sac/othermaterials/20140819agencynextsteps.pdf>

Comments/Discussion

The question was raised on discussing artificial reefs. Sean Morton stated there was an action by the SAC intending the advisory council to form a subcommittee on artificial habitats. This will be addressed at the October meeting.

The questioning was raised on how public comments would be structured after the draft EIS is published. Sean answered that this will not occur for another year, but it would likely follow a similar meeting structure as the scoping meetings allowing time for formal public comment. Meetings will likely occur regionally throughout the keys, in Miami, and in Ft. Meyers. Public information workshops and information sessions will also be held. All public comment received for the DEIS must be addressed for the Final EIS.

A request was made for the Sanctuary to produce a single map that shows all recommendations for the website. Sean cautioned that it would be a busy map, but it would be possible to produce now that all working groups have made their recommendations to the Sanctuary. Several members expressed caution in producing a busy map without detailed explanation, and noted it may not make it a useful user-friendly visualization but might further confuse the public about marine zone recommendations. No consensus on the production of a comprehensive map was reached.

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

NOAA Florida Keys National Marine Sanctuary Report, Sean Morton

- NOAA has reinitiated the Sanctuary Nomination process allowing communities to nominate sites for consideration as new Sanctuaries. For more information see: <http://www.nominate.noaa.gov/>.
- Highlighted the Florida Keys Bleach Watch Program and reports that bleaching is already occurring; request to be vigilant with other activities that might impact and further stress coral reefs.

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

- Florida DEP announced a new Deputy Park Manager, Cass Meadows, for John Pennekamp Coral Reef State Park and Dagny Johnson Key Largo Hammock Botanical State Park.
- Noted the efforts to integrate all of the coastal programs into one office
- Highlighted a recent concession bill to provide no or low impact ecotourism opportunities to generate revenue for resource management.

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

- Announced an upcoming meeting of the Florida Fish and Wildlife Conservation Commission. The meeting will take place in Key Largo in November. Location and agenda will be shared when it is available.

FWC, Division of Law Enforcement Report, Capt. David Dipre

- Announced that Captain Pat Langley will be retiring in November
- Provided updates on staffing and facilities – they have recently hired 5 new officers for a total of 45 and will be opening a field office on Windley Key
- Provided updates on recent enforcement actions related to mini season, bully-netting activities, and migrants. FWC Law Enforcement has also assisted in recent boat accidents that involved fatalities.

NOAA National Marine Fisheries Report, Lauren Lugo

- Provided updates on several Endangered Species Act petitions and other pending Council decisions and announced an upcoming snapper/grouper complex visioning meeting of the South Atlantic Fishery Management Council in October, which is a bit outside the normal meeting style, more information to come.

NOAA OLE (Office of Law Enforcement Report, Kenny Blackburn

- No report.

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

- Announced that the Everglades National Park is finalizing ESA Section 7 consultations and expects to complete the Final Environmental Impact Statement later this year, with expected release to public in late 2014 or early 2015. Dry Tortugas National Park now has an operating sea level monitoring station. They have also hired an additional Law Enforcement ranger.

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

- USCG introduced LT Michelle Comeaux who will serve as the representative for the SAC. Noted the USCG plays a role in education through the USCG Auxiliary.

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

- No report.

USFWS Report, Nancy Finley

- No Report

US Navy (USN) Report, Ed Barham, USN

- No Report

V. MARINE AND PORT ADVISORY COMMITTEE SAC REPRESENTATIVE SELECTION

Chairman Nedimyer finalized the beginning discussion regarding SAC representation on the Marine and Port Advisory Committee. David Makepeace volunteered to serve on seat again and agreed to take another 2 years. All SAC members were in favor.

VI. UPCOMING MEETING AND CLOSING REMARKS

Chairman Nedimyer concluded by announcing the next Sanctuary Advisory Council Meeting on October 21st at Hawk's Key Resort. He also stated there has been talk of taking a break in December. He proposed SAC members think about it and make a decision at the October meeting. He reminded members of the voluntary meeting to discuss alternative funding following the conclusion of the SAC. Thank you for meeting.

VII. ADJOURN