

FLORIDA KEYS NATIONAL MARINE SANCTUARY ADVISORY COUNCIL

MEETING NOTES
Tuesday, December 13 2022 -
Wednesday, December 14, 2022

Marathon City Council Chambers
Marathon, FL 33050

Council attendees were present both days unless otherwise noted.

Council Members:

Citizen at Large – Upper Keys: Suzy Roebing
Citizen at Large – Middle Keys: George Garrett
Citizen at Large – Lower Keys: Mimi Stafford
Boating Industry: Ken Reda
Diving – Upper Keys: Elena Rodriguez
Diving – Lower Keys: Joe Weatherby (absent)
Fishing – Charter Fishing Flats Guide: Will Benson
Fishing – Charter Sports Fishing: Michael Nealis
Fishing – Commercial – Marine/Tropical: Ken Nedimyer
Fishing – Commercial – Shell/Scale: Justin Bruland
Fishing – Recreational: Karen Angle (absent)
Tourism – Upper Keys: Lisa Mongelia (absent day 2)
Tourism – Lower Keys: Andy Newman (absent day 1)
Conservation and Environment (seat 1): Ben Daughtry
Conservation and Environment (seat 2): Jerry Lorenz
Research and Monitoring: Erinn Muller
South Florida Ecosystem Restoration: Kelly Cox
Education and Outreach: Shelly Krueger
Submerged Cultural Resources: Diane Silvia
Elected County Official: Holly Raschein

Council Alternates (present):

Citizen at Large – Upper Keys: Dave Makepeace
Citizen at Large – Lower Keys: Stephen Patten
Fishing – Commercial – Marine/Tropical: Jeff Turner
Fishing – Recreational: Gary Jennings
Submerged Cultural Resources: Sara Ayers-Rigsby

Agency Representatives (present):

Florida DEP: Nick Parr
FWC FWRI: CJ Sweetman
US Fish and Wildlife: Jen Feltner
US Navy: Wendy Wheatley-Techmer; Ed Barham (absent day 1)

Municipalities (present):

Layton: Councilwoman Cindy Lewis
City of Key Colony Beach: Vice Mayor Beth Ramsay-Vickrey

**DAY 1 MEETING NOTES
DECEMBER 13, 2022**

I. CALL TO ORDER, ROLL CALL, CHAIRPERSONS COMMENTS

The meeting was called to order with roll call at 9:05 am. Chairperson George Garrett welcomed the council and members of the public.

The chair introduced the agenda for this meeting as well as the notes from the October meeting for council approval, both were motioned, seconded, and subsequently approved with no edits. Will Benson made the motion to approve the October notes, with a second from Ben Daughtry, and Ken Nedimyer made the motion to adopt the agenda for this meeting with a second from Justin Bruland.

George recognized that this has been a long process, and thanked the council for their work. Today's focus is to discuss each topic area, and for the council to finalize a collectively endorsed document for presentation to the sanctuary superintendent and staff. He mentioned that additional members of the public are tuning in via livestream in listen only mode, and thanked them for their interest. Finally, he noted that the next round of member recruitment will begin soon. SAC Coordinator Liz Trueblood will send an email to members with more information following this meeting.

Sarah Fangman recognized the work the SAC has done in preparation for this meeting and thanked everyone for their time and effort. She also introduced Chris Ellis from NOAA's Office for Coastal Management, who will serve as meeting facilitator.

II. SAC CORE GROUP UPDATE AND PLAN FOR THE MEETING

Ben thanked the SAC core group and the full council for their efforts in preparation for this meeting, and introduced the plan for the day's discussions. He acknowledged that time is limited, and clarified that members will be the lead participants, and should coordinate with their alternates. He also requested that comments should be kept concise and to the point to help stay on time. The core group and council designed this process for the meeting. Ben reminded the council that they are representing the council as a collective group, as well as each constituency. Voting will be on statements that the council developed in advance of this meeting. The council will vote to advance the statements of support or concern regarding each topic area, and following some discussion, decided to also vote to reflect the council's overall consensus on specific proposals for which a consensus was easily reached. On topics without a clear consensus, the council will aim to develop a comprehensive list of points for the superintendent and staff to consider.

Chris clarified the voting process. The council will not follow the typical roll-call vote format for every item, only those as needed. When needed, voting will be via raised hands for yea, nay, or abstain. If the council is in agreement that a particular item does not require a vote, the topic may pass by consensus. He also overviewed ground rules and expectations of these discussions.

III. REVIEW DAY 1 TOPICS FOR DISCUSSION

Beth Dieveney, FKNMS Policy Analyst, gave an overview of the topics planned for today's discussion. This slide was also displayed on the webinar.

IV. PUBLIC ENGAGEMENT OPPORTUNITY

Members of the advisory council had the opportunity to meet with interested members of the public to discuss today's topics for discussion. No members of the public were present at this part of the meeting. Beth reiterated the importance of public engagement and comment in the advisory council process, and the council's requirement to offer the opportunity.

V. REVIEW: SANCTUARY BOUNDARY PROPOSAL ADVISORY COUNCIL STATEMENT

The council reviewed comments generated during their discussion at the October council meeting on the three areas included in the boundary proposal: the Area to Be Avoided, the Tortugas Region and the inclusion of Pulley Ridge.

Ben Daughtry reminded the council that these statements are for the sanctuary's consideration. The council's goal is to ensure the statements adequately reflect the various constituencies' items of support or concern, even if the members do not individually endorse some of them.

After edits were made to the advice document, Chris asked the council if there were further edits, or if the group was ready to move on. advisory council members moved comments forward by unanimous consent.

VI. ADVISORY COUNCIL DISCUSSION: SANCTUARY WIDE REGULATIONS

Beth reviewed the statements of support and concern drafted for each sanctuary wide regulation. The council discussed modifications as needed which were then incorporated into the draft document. Discussion surrounding each topic is summarized below:

Discharge: Kelly Cox noted concern that the topics of concern appear to outweigh the topics of support on this item, despite the council's overall support of this measure. The council discussed crafting an overarching statement to reflect the council's position on this regulation. Many of the topics of concern related to the desire for more regulation on water quality issues. The group discussed softening definitive language that may otherwise inaccurately indicate certainty in cause and effect or relative impact of various stressors from the statements. An overall statement of support was crafted and added to this topic to be included in the final document.

Temporary Regulation for Emergency and Adaptive Management: The statements reflect what the council has heard from the public, as far as concerns on this topic. Will Benson requested additional detail about how the council and the public would be engaged to assist in the development of any temporary regulations. This could include implementing ad hoc working groups. There was some discussion on the practicality of how these regulations would be implemented, marked and/or communicated to the public. Joanne Delaney, FKNMS Resource Protection and Permit Coordinator, clarified that these regulations have only been deployed in a few cases in the past. Implementation would be on a case-by-case basis depending on the nature of the emergency or adaptive management scenario in terms of notice to mariners, social media, marking, etc. An overall statement of support was crafted and added to this topic to be included in the final document.

Historical Resource Permitting: Public comments received were overwhelmingly in support of this measure. An overall statement of support was crafted and added to this topic to be included in the final document.

Fish Feeding: The council discussed the complexities associated with this measure, including the allowances for chumming while fishing and feeding fish from shore. The council discussed the need for very specific definitions, which should include recreational and commercial chumming as a traditional fishing activity that remains allowable. Beth Dieveney confirmed the rule does have specific definitions for feeding, attracting, and diving.

Council members discussed safety concerns associated with this activity. A member indicated that this is a fisheries issue and not an ecosystem issue. Erinn Muller noted that modifications to fish behavior affects the food web, which does disrupt the natural ecosystem function and has ramifications for the habitat overall. Fish feeding from a vessel while divers are in the water is currently prohibited in state waters; this is slightly different from the sanctuary proposal, but CJ Sweetman noted that the FWC commission has expressed an interest in potentially mirroring the sanctuary's rule if it passes as proposed. Ben Daughtry suggested a compromise whereby the council suggests that the sanctuary coordinate with FWC on this regulation. The council also discussed the possibility of only permitting existing business, and allowing those permits to sunset. A vote was taken to include the overarching council statement on this topic; the statements passed.

Derelict Vessels / Grounded Vessels: Statements passed with unanimous consent.

Large Vessel Mooring Buoys: Ben Daughtry reminded the council that a buoy working group will be convened next year to tackle issues related to buoys including the placement of mooring buoys. Ken Reda suggested 60' may be a better size threshold for determining a 'large vessel' in this measure. Small Craft Advisories apply to crafts under 65' so consistency with that threshold would be beneficial. The council discussed the concept of multiple boats rafting up, and how this measure may apply. Conceptually, the council supports differentiating between large vessel mooring buoys, but would like to provide more input through the working group before the rule is finalized. Current FKNMS regulations prohibit a vessel greater than 100,' or multiple vessels with a combined length greater than 100,' from mooring in Tortugas North Ecological Reserve. After discussion and edits, the statements passed with unanimous consent.

Vote Summary:

Comments passed by unanimous consent on the following topics: Discharge, Temporary Regulations for Emergency and Adaptive Management, Historical Resource Permitting, Derelict/Grounded Vessels, Large Vessel Mooring Buoys

Comments passed by vote: Fish Feeding (13 out of 17 members voted to approve this portion)

VII. ADVISORY COUNCIL DISCUSSION: CONSERVATION AREAS

Beth reviewed the statements of support and concern drafted for each conservation area. The council discussed modifications as needed which were then incorporated into the draft document. Discussion surrounding each topic is summarized below:

Existing zones expanded to protect deep corals (Tennessee Reef, Western Sambo): Cindy Lewis clarified that this area does not include the Tennessee light. Ken Nedimyer cautioned against the false perception that the corals in these deeper waters are currently healthy and will save shallower reefs; deep-water corals are equally impacted. Kelly Cox noted corals near Tennessee are comparatively healthier than other reefs in this area. Considering the intent to protect these deeper habitats, Ben proposed making the expansion at Tennessee Reef a no anchoring zone, but still allowing other uses. These are popular fishing sites. Kelly Cox referred to the original Alternative 4 proposals in the DEIS which included larger contiguous zones from shoreline to deep reef. This is one area that has a remnant of that intended connectivity; this could be a slippery slope if additional uses are allowed in these zones. Ken noted that these areas were set aside for research and conservation; this is no longer for conservation if consumptive uses are allowed.

Existing zones expanded to protect fish spawning site (Tortugas South): Justin Bruland provided additions to the statements of concern related to this area; although overall constituents have expressed they can live with it. Will Benson suggested further discussion on whether equivalent areas could be reopened. Kelly Cox referenced the original iteration of this proposal which included the Tortugas Corridor; noting that conservation groups would not support further alterations.

Statements for both topics were approved with unanimous consent.

VIII. ADVISORY COUNCIL DISCUSSION: RESTORATION AREAS

Beth reviewed the statements of support and concern drafted for each type of restoration area. The council discussed modifications as needed which were then incorporated into the draft document. Discussion surrounding each topic is summarized below:

Nursery restoration areas: Will Benson noted his constituency's support for this proposal and the success for Mission: Iconic Reefs. It is important to locate the nursery areas to ensure success. Ken Nedimyer clarified that these will occasionally require nurseries being situated on hardbottom.

Habitat restoration areas: Ken Nedimyer noted that these areas need to be protected beyond their establishment. The council discussed that this zone type allows dive and snorkel access; these will be managed similar to the SPAs with no anchor, no discharge, etc. Ben Daughtry highlighted the potential scientific value of limiting access to some of these areas, to determine the impacts of use on those restored sites. Erinn Muller highlighted remaining questions about how the sanctuary will adapt as some sites transition to a “restored” status. Ken Nedimyer discussed the value of allowing some access to restored sites to encourage continued support for restoration, but also restricting access to some areas following restoration to preserve that effort. Will Benson discussed the need for a process for adaptive management and anglers would support what needs to be done to protect the reef. Beth Ramsay-Vickrey noted a lack of support for limiting any access for Blue Star Dive Operators only, as this could preclude local use of the reef.

Statements for both topics were approved with unanimous consent.

IX. ADVISORY COUNCIL DISCUSSION: SANCTUARY PRESERVATION AREAS

Beth reviewed the statements of support and concern drafted for each sanctuary wide regulation. The council discussed modifications as needed which were then incorporated into the draft document. Discussion surrounding each topic is summarized below:

Proposed new zones to protect patch reef habitat (Turtle Rocks, Turtle Shoals): Ken Reda noted that Turtle Rocks is an area of significant bait fishing activity.

Ken Nedimyer noted that very few people dive at Turtle Shoal as it has nice coral but poor visibility most of the time. Fishermen do visit this area. Making this a SPA may have an unintended consequence of driving additional diving use to this area. Ben Daughtry added that a SPA may not be the correct protection for this area. A conservation, transit only, or no anchoring area may be better tools to completely protect the area or at least allow some uses that still protect against coral damage, as opposed to creating another snorkel/diving only area. Ben proposes making this area a “Conservation Area” instead of a SPA, and reducing the size of the area to be strategically protective of the corals while limiting impacts to the trap fishery. He would support a no anchor zone over a SPA. Cindy Lewis noted that this is a unique area that is not well protected in the current sanctuary zoning scheme. To protect this area, we need to protect the benthic habitat from anchoring but also prevent extractive activities to protect the trophic structure. Jerry Lorenz suggested pursuing more protection for Turtle Shoals than a SPA, based on the conversation today. Justin Bruland confirmed that trapping occurs between Marathon and Conch Key, which is where this area falls. The council discussed what may constitute an appropriate buffer around reefs to prevent trap damage, but acknowledged that traps can move miles in a big storm.

A consensus vote was taken to approve the recommendation to consider a more strategic location for Turtle Shoals and include greater protection of that area. This recommendation was subsequently approved.

Existing zones expanded to protect deep coral reef (Carysfort, Alligator): There was some discussion about allowing fishing activity in the deep reef areas and designating these as something other than a SPA. Jerry Lorenz highlighted the connectivity potential at Carysfort; this is an area that has upland protection (Crocodile Lake NWR, Dagny Johnson SP, etc.); this DEIS included a proposal that extended from the shore to the deep reef. Will Benson noted that the fishing constituency does not support the restrictive use at Alligator, but if that access could be allowed they would support extending that area with no anchoring.

Existing zones combined (Key Largo Dry Rocks and Grecian Rocks): The SAC supported the statements as written, with no amendments.

Existing zone expanded (Sombrero Key): Justin Bruland confirmed that there are lobster fishermen that trap in the area included in the proposed expansion. The council discussed why this area was chosen for expansion; information from constituents noted that new areas outside the existing SPA boundary is sand and seagrass habitat. George Garrett objects to language relating to a “land grab” coming from the Sanctuary Advisory Council. Erinn Muller referenced previous discussion regarding the importance of expansions being based on science and conservation goals, versus arbitrary expansions and requested that that text be included here as well. Ken Nedimyer noted that the larger box at Sombrero reduces the impact to the reef of “fishing the line” by adding a buffer zone around the primary reef habitat. Beth Ramsay-Vickrey clarified that anglers target the outer deeper line, away from the reef. David Makepeace recommended reviewing this area to better understand the science behind the proposal and consider a more strategic revision to this proposed boundary. Will Benson argued that adding a buffer could constitute a fishery management action; Suzy Roebbling countered that a buffer is also a tool for resource protection. Mimi Stafford noted the need to be cautious about justifying this expansion for the purpose of creating a buffer; the same logic could then be applied to all other areas. The council ultimately recommends that the sanctuary searches for a more strategic location/action based on science.

Existing zones eliminated (French Reef, Rock Key): Ken Nedimyer confirmed that there has been restoration work at both of these locations. Jerry Lorenz reminded the council that the rationale for opening these sites up to consumptive use was to provide a means of scientific comparison between SPAs that remain closed and those that are opened up in terms of restoration effectiveness. If this is the rationale, this should be explained in the rule. A justification based on a lack of corals is not sound on its own. Codify the justification of

reopening a previously closed area. Erinn Muller noted the importance of a well-planned strategy to obtain sound scientific data to answer these questions. Will Benson mentioned that he is hesitant to open a space up without data to support this and/or a plan to obtain the necessary scientific data. Kelly Cox highlighted that the justification in the Federal Register lists nonviable populations of ESA listed species as the reason for reopening, which is not a factual reason. George Garrett reiterated that using French Reef to study the impacts of SPAs and compare to other sites. Mimi Stafford noted the opportunity to look forward toward recovery; how will rules and regulation we enact preserve the ecosystem while allowing access. We need to compare across sites to understand the bigger picture. She reminded the council to consider the end goal - which in her opinion should include leaving a better ecosystem for the future - for our kids. Without a study in place for French Reef and Rock Key, the SAC does not support opening these areas.

Comments were added to the advice document and passed with unanimous consent.

Proposed new no anchor in all SPAs: Beth Dieveney reminded advisory council members that a buoy working group will be starting in the new year. Several members expressed concern about a suggestion mentioned at a prior meeting regarding sponsorships, citing concerns that private businesses ‘sponsoring’ buoys could be misconstrued as being a proprietary spot for that entity and not being available for general access. Beth Ramsay-Vickrey requested caution in ensuring that enough mooring buoys are available, to prevent issues such as speeding across the SPAs to claim a remaining available buoy. While this is supported, careful consideration will need to be given to how this is implemented and what unintended consequences may emerge. Nick Parr noted that several of the SPAs are currently in state waters and subject to the Coral Reef Protection Act, which already makes anchoring on hard bottom illegal. This proposal would help with enforcement of that law. The National Marine Sanctuary Foundation received support from the Tourism Development Council Bricks and Mortar grant to support the installation of mooring buoys. The working group will continue to discuss these avenues.

Comments passed with unanimous consent.

Eliminate catch and release trolling (Conch Reef, Sombrero, Alligator, Sand Key): Gary Jennings questioned the validity of some of the draft statements in support of this proposal, and highlighted the potential lost trust if this allowance is removed. The council discussed the notion of catch and release associated mortality, and modified the draft statement accordingly; as this varies by species. Kelly Cox agreed with the idea of supporting good practices with catch and release, but reminded that we are regulating not for the compliant best actors, but for people who are not. Regarding the concern about a breach of trust, the sanctuary has to be responsive to the changing science and needs of sanctuary resources. She noted that fishing would not just be

pelagic species, but also reef species. Ben questioned whether there is adequate science associated with this catch and release trolling practice. This was a concession early on in the sanctuary to help get SPAs implemented. Will Benson clarified that the majority of activity here is trolling or drift fishing for barracuda or sailfish. This is not necessarily a big issue for fishermen, but we want to be clear about the statements the council is making on this topic. Ken Nedimyer highlighted that deals were made in the past and that the intent when the Sanctuary was established was that trolling in the SPAs would be eliminated. Will Benson discussed that drift fishing for sailfish is traditional fishing at Alligator. A member brought up that catch and release isn't a bad thing, and we don't want to give the wider community the message that catch and release is a bad practice. Discussion included noting that the issue here should include minimizing conflict between user groups and consistency of rules between SPAs. Gary Jennings noted that this is a fisheries management question.

Ben, George and Chris thanked the group for their thoughts and discussion and suggested tabling this topic for tomorrow and working between the fishing and conservation seats to refine the content reflected in the council's statement on this topic. Several members agreed to bring a new draft to be considered in the morning.

Vote Summary:

Comments passed by unanimous consent on the following topics: Turtle Rocks, Turtles Shoals SPA, Expansion of Carysfort and Alligator, Sombrero Key, Existing Zones Eliminated, Proposed No Anchor in SPAs.

X. RECAP AND PLAN FOR DAY 2:

Ben and George thanked everyone for their participation and engagement, we'll reconvene tomorrow morning at 9 AM.

Meeting was adjourned for day 1 at 3:15 pm.

–End of notes from Tuesday, December 13–

**DAY 2 MEETING NOTES
DECEMBER 14, 2022**

XI. CALL TO ORDER, ROLL CALL, CHAIRPERSONS COMMENTS

The meeting was called to order with roll call at 9:05 am. Chairperson George Garrett welcomed the council.

XII. SAC CORE GROUP UPDATE AND PLAN FOR THE MEETING

Ben overviewed the plan for the meeting including continuing the conversation for the remaining issues in Sanctuary Preservation Areas and then moving to Wildlife Management Areas. A time limit for some of these items may be imposed if needed in order to keep the discussion moving.

XIII. REVIEW DAY 1 TOPICS FOR DISCUSSION

Beth Dieveney, FKNMS Policy Analyst, gave an overview of the topics planned for today's discussion. Comments were submitted in response to the discussion about catch and release trolling from the previous days, which Beth Dieveney read aloud for the council.

XIV. PUBLIC ENGAGEMENT OPPORTUNITY

No members of the public were present for this portion of the meeting.

XV. ADVISORY COUNCIL DISCUSSION: SANCTUARY PRESERVATION AREAS

Eliminate catch and release trolling (Conch Reef, Sombrero, Alligator, Sand Key):

Discussion resumed from Day 1 with a member indicating that the Sanctuary is looking to expand some of these SPAs so this proposal affects a larger potential area. A member also indicated that fish caught by trolling do not typically experience barotrauma in the same way that other fish would. A member wanted to note that Conch Reef is also an important area for traditional fishing methods for sailfish. Mimi Stafford asked for clarification on whether the catch and release provision allows for bottom fishing without anchoring. Sanctuary staff clarified that the regulation states trolling only is allowed. A member brought up concern of including reef fish in the draft support section, and another member indicated that taking from a marine reserve makes it difficult to assess the efficacy of the reserve and that any removal of fish could affect all trophic levels.

A question was asked about how often the boats need to go into these zones and another responded that it was not often, but occasionally it's necessary in tournament situations or on slow days. It was mentioned that at certain reefs pelagic species come near the zones already and that expanded zones will push those opportunities out of range.

A member indicated that many fishing captains are pushing for conservation and they have seen the fruit of their efforts in population increases.

The council took a moment to articulate that they do not anticipate being able to reach consensus on a specific recommendation due to the complexity of the issue, but feel that the topics of support and concerns mentioned in the document accurately reflect the range of positions of members and the public. The council agreed to forward the drafted statements to sanctuary staff with the note that there is no council consensus opinion.

Eliminate baitfish permits in all SPAs: Joanne Delaney, Permitting Coordinator with FKNMS, provided background information on the existing baitfish permits including gear types, statistics on return of permit required information, and catch reports within SPAs.

A member reiterated that anglers must have a permit in order to baitfish in SPAs, and fishing members stated that based on the information provided, the impact of baitfishing in SPAs seems relatively small. Will Benson indicated that hair hook rigs are used to catch delicate fish and the most sensitivity is used in these areas and explained the usefulness of bait caught this way. Mimi Stafford asked if there was a limit to how many permits could be issued, or the possibility of allowing existing permits without issuing new permits. A member offered that there should be a cap on how many permits are issued per year. As another example, FWC does not issue new lampara permits, but they are transferable. Potential options discussed were added to the advice document. It was clarified that the hair hook permits have been used by less than 10 charter operators in the last years. A fishing member commented that this was a less important issue to them and that with the declining use of the permits, there was probably a reasonable compromise to be made for the hair hooks to show good faith while limiting the other kinds of bait permits. Ken Nedimyer asserted that because of the low interest in the permits, that they should be removed.

Additions and edits were made to the council advice document accordingly.

XVI. ADVISORY COUNCIL DISCUSSION: WILDLIFE MANAGEMENT AREAS

Beth Dieveney introduced members Jerry Lorenz and Will Benson who provided a summary of proposals submitted by coalitions of fishing and environmental organizations (ENGOS). Jerry and Will explained their approach to this issue and the way that they networked with their

constituencies to discuss the various WMA areas. Jerry indicated that motors were typically the big issue for nesting birds and bird habitat compared to kayaking or pole/troll methods. They worked together to color code their feedback based on whether the two user groups agree on the recommendations put forward (this can be reviewed in the draft PDF).

WMAs: Idle Speed, No Motor, No Anchor: Several individual zones were discussed, and specific comments were added to the draft advice document.

Upper Keys

In shallow water locations: fishing guides are concerned that certain no anchor zones would eliminate the use of push and power poles and ask the sanctuary to consider the use of single point of contact anchor methods (i.e., push pole or power pole).

Middle Keys

Will Benson asked for clarification on which zones are changing in regards to “idle speed” “no motor” and “no anchor” regulations. Not every zone listed will have all of these restrictions. A member suggested that the sanctuary specifically consider the recommendation included in the ENGO/fishing community recommendations, which is to make Channel Key a no entry zone.

Lower Keys

Pelican Shoal was proposed to be eliminated in the DEIS but further discussion and data from FWC indicates that this area is being used by birds again, including federally-listed roseate terns.

Marquesas Region

Items of discussion were captured in the advisory council recommendation document.

WMAs: No Entry: Several individual zones were discussed, and specific comments were added to the draft advice document.

Upper Keys

Comments in discussion were captured in the advisory council recommendations document.

Middle Keys

Comments in discussion were captured in the advisory council recommendations document.

Lower Keys

Comments in discussion were captured in the advisory council recommendations document.

Marquesas Region

Members discussed concerns of seaplane overflight and disturbance to birds, which will

be included in the advice document, as well as the potential for outreach and conversation with seaplane operators to discuss and/or alleviate this issue.

WMAs: Proposed New Western Dry Rocks WMA: Discussion comments were captured in the advisory council recommendations document.

XVII. REVIEW INPUT: MANAGEMENT PLAN & ADDITIONAL ITEMS

Beth introduced the management plan in context of the DEIS process, and explained that these priority themes were informed by the public comment process. The following six areas are identified in the draft management plan: management effectiveness/adaptive management, water quality, restoration, visitor use management, enforcement, and stewardship & engagement. The council has also identified channel marking and artificial reefs as additional topics for discussion.

Management Effectiveness/Adaptive Management:

Discussion comments were captured in the advisory council recommendations document.

Water Quality:

Discussion comments were captured in the advisory council recommendations document.

Restoration:

Discussion comments were captured in the advisory council recommendations document.

Visitor Use Management:

Gary Jennings noted that on the topic of user fees, the existing Dingell-Johnson Sportfish Restoration Act adds a tax on sport fishing and hunting gear to support conservation. He indicated that dive equipment could carry a similar tax. Elena Rodriguez indicated that we should look at other countries and how they manage visitors to sanctuaries and national monuments as some of them are already successfully using entry fee systems. Other discussion comments were captured in the advisory council recommendations document.

Enforcement:

Discussion comments were captured in the advisory council recommendations document.

Stewardship & Engagement:

Discussion comments were captured in the advisory council recommendations document.

Channel Marking:

Discussion comments were captured in the advisory council recommendations document.

Artificial Reefs:

In editing the topics of support and concern, members discussed the nuance needed in this topic, and suggested reconvening the artificial habitat working group if further discussion is needed. Other discussion comments were captured in the advisory council recommendations document.

XIX: Closing Remarks

Ben led the group in crafting a final statement of support from the council, and noted that the council Chair and Vice Chair with staff will finalize the document (e.g., check for grammar, spelling, and formatting, but that the content and intent will be maintained). The council approved the full document with unanimous consent.

Ben thanked the council members for their perseverance and dedication throughout the extensive draft rule process, and leading up to this meeting.

Sarah Fangman introduced Jessica Kondel and Sarah Stein from the Office of National Marine Sanctuaries headquarters office that were present at the meeting. She explained their role in listening to the advisory council, and in helping to integrate these comments into final decision making. She acknowledged the core group for their efforts in designing the process and leading us through developing this final product. In addition to the advisory council's opinion, 4,897 public comments were received in total, and input is pending from other regulatory agencies. Work on evaluating and considering public comment for the final rule begins tomorrow.

George Garret thanked the core group for their time and efforts in designing the process and support. He thanked the staff for their support.

Meeting adjourned at 2:04 PM on Wednesday December 14.

APPENDIX I: AGENCY REPORTS SUBMITTED FOR COUNCIL AWARENESS

Florida FWC:

The last FWC Commission meeting was held in-person on November 30 and December 1, 2022 in Panama City. Relative to marine fisheries items, staff provided proposed rules and highlighted FWC outreach initiatives to improve survival of released reef fish. The use of descending devices or venting tools can help fish survive their release by reversing the effects of barotrauma, a pressure related injury. The proposed rules would require a descending device or venting tool that is rigged and ready for use on board a vessel when fishing for reef fish in state waters and to require the appropriate use of such device/tool when releasing a reef fish suffering from barotrauma. The proposed final rule will be presented at the February 2023 Commission meeting.

Staff also provided several reports to the Commission. These included the FKNMS Restoration Blueprint, Gulf of Mexico Fishery Management Council, and South Atlantic Fishery Management Council updates. For the GMFMC, staff reported on actions and discussions from the GMFMC's August and October meetings. Topics included king mackerel, greater amberjack, gag grouper and several other reef fish species. Additionally, an Executive Order was issued to close recreational lane snapper harvest in Gulf state waters through December 31, 2022, which aligns with the Federal harvest closure for lane snapper due to the quota having been exceeded.

For the SAFMC, staff reported on actions and discussions from the SAFMC's September 12-16 meeting and highlighted upcoming items for the December 5-9 meeting. Topics included holistic snapper grouper management, gag grouper, greater amberjack, snowy grouper, and several other reef fish species. Staff also discussed a potential Exempted Fishing Permit for the recreational red snapper fishery off Florida's east coast.

The December 5-9 SAFMC Meeting discussed red snapper catch levels and snapper grouper release mortality reduction through regulatory Amendment 35. The public hearings on the subject are tentatively scheduled as follows:

- January 24, 2023 – Jacksonville, FL
- January 25, 2023 – Cocoa Beach, FL
- January 26, 2023 – Key Largo, FL
- An additional webinar hearing is tentatively scheduled for January 31, 2023

Additionally, the Commission set the shortfin mako recreational bag limit at zero in state waters to match regulations in adjacent federal waters. The purpose of this action is to create consistent regulations for state and federal waters, allow FWC to adjust the recreational bag limit to match any future increases to the federal possession limit, facilitate implementation of the ASMFC Coastal Sharks ISFMP, and further international efforts to end overfishing and rebuild the North

Atlantic shortfin mako population. The action is unlikely to impact recreational harvesters, as few landings of shortfin mako have been recorded in state waters. Commercial harvest of shortfin mako in state waters is already prohibited.

The agenda for the November 2022 FWC Commission meeting can be accessed on our Commission meeting website at the following link:

<https://myfwc.com/about/commission/commission-meetings/november-2022/>

US Navy:

Navy contractors removed 21 abandoned vessels and 200 cubic yards of trash from the shoreline following Hurricane Ian.

We supported FWC by responding to 2 dead sea turtle strandings.

We held a shoreline cleanup in November, 15 volunteers removed approximately 400 pounds of debris.