

**Florida Keys National Marine Sanctuary
Marine Zoning & Regulatory Review
Ecosystem Protection: Ecological Reserves / Preservation Areas and Wildlife Protection
Working Group
September 30, 2013**

Working Group Meeting Summary

Meeting Agenda

1. Next Steps - Options
2. Report Out: Regional Community Meetings
3. Public Comment
4. Working Group Discussion with co-chairs
5. Public Comment
6. Discussion: Refine and finalize Ecosystem Protection Criteria

1. Next Steps - Options.

- Sean Morton, Sanctuary Superintendent and John Hunt, Florida Fish and Wildlife Conservation Commission, now serve as co-chairs.
- Three options were presented and discussed for how the working group would like to proceed:
 - Working group stop meeting.
 - Working group finalize criteria for agency staff to use to review and screen ecosystem protection zone options for working group to consider.
 - Working group finalize criteria and forward that to Sanctuary Advisory Council (SAC).
- Working Group majority vote: Working group finalize criteria for agency staff to use to review and screen ecosystem protection zone options for working group to consider.

2. Report Out: Regional Community Meetings.

Working group members each provided an update on issues presented at the regional meetings.

Note: All public comment made at the regional meetings can be found

here: <http://floridakeys.noaa.gov/review/reserves.html>

Highlights from working group members included:

- Water Quality
- Education
- Consider mandatory boat licenses
- Enforcement
- Close to one group, close to all
- Consider sharing risk
- Close selectively as needed
- Public wanted to react to something
- Manage sanctuary, not fishery management
- Concern about “bashing” of commercial fishing as use
- Concern about lack of science
- Identify what closed areas are intended for (i.e. coral restoration may not be improved by closures)
- Good discussion occurred.
- Overwhelming attendance by fishing as user group

- Mistrust of FKNMS, SAC, other regulatory bodies
- If more areas are closed – will leave no other areas to go
- Issues of competing interests
- Lack of opportunity to engage in the process
- We're not getting a coherent message out to the public. Need to communicate message clearly and simply
- Assess how current closed areas are performing before closing more areas
- A lot of public want little or nothing done. Lot are scared, misinformed. Fear of losing access and livelihood.
- Idea of user fee – charging more for license, toll booth with info., signage, boater fees
- Need proactive communication about process and how to get engaged
- Issue of displacement and effort/pressure going elsewhere
- Mistrust of science
- High reefs and potential impact from diving, fishermen, could consider giving these areas
- Marquesas could be area to consider for no-take
- Consider restoration – need to / willing to close area to allow coral to restore
- Concern about public and potential impact from mainland – education
- Concept of Ecosystem Protection – holistic approach now well understood
- Clarity about goals for zones and performance based on those goals (existing and any potential new)
- Ideas about rotating closures
- Concern about decreasing property value if SPAs extended to shoreline – have to go farther to fish
- Sanctuary contribution: “do something for me”
- Maps of potential modification-why lines were drawn, justification based on flawed science
- Felt lines were drawn arbitrarily
- Consider ‘hunting season’ ideas for fishing (spawning)
- Consider need for more mooring buoys
- Closures and impact for increase of lionfish

3. Public Comment.

Public comment was provided by several individuals:

- Steven Leopold, ICBA/SAC.
Regarding: fisheries management. People are confused. What role does Sanctuary take on fisheries management? Question is not being answered. Needs to be cleared up and explained soon.
Regarding: All of the regional comments made. If my comments were not discussed or looked at throughout this process, I would feel like my time has been wasted. If this working group does not vote, I feel like the charter fishing industry would not be represented. We are the number two most regulated group, yet we have one person with interest here. I feel like we are under- represented.
- Diane Harbaugh, ICBA/CCA.
You did a good thing with the regional meetings. There needs to be group meetings where the people live that are affected by the meetings. We need to find more tools other than closures to fix things, like online free education. To get a certificate or something. Need enforcement. Regarding: conflicts of issues. Conflicts are actually comparing apples and oranges. I'm asking you to listen to what the people say. Find a way out of

the box to fix the problem instead of staying in the box and making it worse.

- Walter Rentz, Fisherman.
Water quality – how to address the issue if you don't know what is going on with outputs and effluents. A lot of green water in the upper keys lately. You need to get with Army Corps to figure out what they're doing. I don't believe it when they say they aren't dumping. I've been here 50 years making a great living. Until bad water quality and overpopulation are driving things down.
- Billy Wickers, Charter boat Association.
There are a few issues. The meetings are set up from 9am to 5pm. They can't make that because of their work hours. I didn't even know the regional meetings existed except for catching a glimpse of it on the television by chance. It should be in the newspaper, it shouldn't be a secret. Put more out there for the public to know about. Closures shouldn't be enlarged since the ones we have for 17 years are in decline. Problem is water quality. It's got nothing to do with people, anchoring, fishing...it's about water quality. The main issues: Miami Dade sewer dumps right into the water, Everglades, sugar cane fields, fertilizers from crops. That's what's killing. The water quality sucks. You can close the whole thing, it's still going to die. Paying for buoys, chains. Save that money for education. It should be closed where shallow reefs can be stood upon. You guys are doing things, but doing it the hard way. Issues are coral are dying at 5, 10, 15 feet. A lot of usage. I see people standing on the reef all the time. They close reefs for fishing, but not for diving. Real issue is water quality.
- Gary Dandz, Fisherman.
I'm interested in Key Largo. There are sixty-seven closures now. I am against any more closures. We need to do something. The buoy system is great. One boat is not protection for the sanctuary. Did anybody ever check on the water quality that is being dumped into our system?
- Tom Hill, Key Largo Fisheries. Southeastern Fish Association.
The Sanctuary needs to focus on education, law enforcement, water quality. Ballyhoo fisherman in Marathon tells him he didn't get any bait. It's all in the Everglades. But you can't fish there. You got all these areas closed to commercial fishing. North Key Largo state park and Crocodile refuge closed. All lands closed to peoples' use. Don't need to close anymore. What we got, we need to work with you have. Don't ask for anymore until you can take care of what you got. Let's figure out how to take care of what we got. N. Key Largo was commented to be no man's land by a NOAA representative. It is not heavily used. Not a lot of fish there? Why? Because of sinkholes. The beach is closed because of *E.coli*, due to bad water quality. *E. coli* comes from waste.
- Robert Clark, Fisherman.
When I was pulling up my lobster traps, a boat comes up and ties up to my lobster buoy. I pointed out to him where Cheeca Rocks SPA is. There is not enough education out there. It's pretty hard to educate people. Why is enforcement concentrated in one area? Need to protect the entire area.

4. Working Group Discussion with co-chairs.

- Discussion related to the role the Sanctuary can and does play related to fishery management or environmental management?
- The Sanctuary has fishery management regulations. Fishery management is a part of ecosystem management.
- The Sanctuary can regulate fishing through access and types of gear. Sanctuary regulations are not doing fisheries management through managing a complete stock of species. The Sanctuary works through ecosystem based management which can include

zoning. However this is a gray issue as while we are addressing ecosystem issues, at times those ecosystem issues overlap with fishing. That is not fisheries management per se, however one can also do zoning explicitly for fisheries management. It depends upon what the objective is. In the case of the Sanctuary, that objective is improving the ecosystem.

5. Public Comment.

Public comment was provided by several individuals:

- Bill Knickman, Key Colony Fishing and Boating Club.
On behalf of the Key Colony Beach Fishing and Boating Club, I formally request that the Working Group delay making any recommendations to the Sanctuary Advisory Council on any issues or matters that directly or indirectly affect recreational fishermen until such time as additional public input meetings can be scheduled in February or March of 2014 when the 85% of the recreational fishermen return to the Keys. Failure to do so, in our view will be irresponsible and contrary to the implied desire of the Florida Marine Sanctuary to obtain public input.
Lastly, we are also aware that fecal *E. coli* bacteria are a leading cause of coral destruction. We urge the EWPC and SAC to research and request monies from the State and Federal Governments to complete sewer installations in the Keys and to seek funds to control run off and provide storm water control and treatment. We feel a study should be conducted to analyze the effect of these kinds of improvements on our underwater environment if not already implemented. Perhaps we are not looking hard enough at the true causes of damage to our reefs and ocean and should redirect our efforts to fix the root of the problem. We do not think bait fishing bans will fix the short term or long term problems with our underwater ecosystem.
- Diane Harbaugh, ICBA/SAC.
I was hoping you guys would have gotten into the criteria by now. Regarding: biodiversity and habitat: you're telling the working group that they need to modify these ecological reserves. It doesn't say 'if needed' anywhere. Regarding: fisheries management. I looked up the Sanctuary regulations. There is nothing in it that says anything about fisheries. So if you're going to get into fisheries, you should put it on your website. It's not your job to regulate mutton snapper. Let the fisheries management council do it.
- Billy Wickers, Charter boat Association.
Listening to you guys since lunch seems like you guys don't know if there is fisheries management or not in the Sanctuary. How can you guys sit here and make a legitimate decision on what you're supposed to do, if you don't even know what you are? Theoretically, you should know you're rules, you should know where you should be. Finally, the coral is the ecosystem you're trying to protect correct? What does that got anything to do with dragging lines to 150 feet? 200 feet off of Marquesas. You guys need to focus on saving and protecting the reefs. Leave the fisheries management council to make fisheries regulations. I can ask each one of you guys the same question and each one of you will tell me a different answer.
- Ken Nedimyer, SAC.
I think some people want to hide behind water quality, education, and law education and not deal with the other issues. Extractive uses and physical impacts are two other big issues. I think divers do have a lot of physical impacts. So there are not just three main issues. There are five main issues. This group can make recommendations to do whatever you feel like doing. It's better that we make the recommendations than from somebody from Tallahassee telling you what to do.

- Walter Rentz, Fisherman.
Doesn't coral spawn? Should we close areas in Key Largo in August then? Tell all dive operators to do something else until spawning is over. That is a recommendation from me. If we are going to work on spawning closures, work on coral spawning closures.
- Gary Dandz, Fisherman.
I'm disagreeing with Ken Nedimyer. When you come into the Keys, they say it's the diving capital of the world. It's also called the fishing capital of the world. All day I've been here and I haven't heard nothing. Are we going to have an answer by the end of the day? Or are we going to be in the blind until the next meeting? Does anybody have an idea? I don't know how many more meetings I have to be at, but I'll be at every single one of them until the decisions are made.

6. Discussion: Refine and finalize Ecosystem Protection Criteria

- The working group agreed upon option 2: Working group finalize criteria for agency staff to use to review and screen ecosystem protection zone options for working group to consider.
- The original draft criteria developed by the working group can be found in the June Notes section on the website.
- Additional criteria to consider:
 - determine if the recommendation outside FKNMS authority/jurisdiction – if so we can eliminate
 - minimize impacts to commercial fishing
 - continue to consider 'No Action'
 - recognize additional areas zoned (Upper Keys and impact from Mainland)
 - consider displacement of use
 - assess how water quality interacts with zoning structure (i.e. enabling factor)
 - consider fewer zones with clear – easy to comply with boundaries
 - implement intelligent design of zones (size, placement, boundary, productivity)
 - evaluate working group ideas against criteria
 - add other ideas for WG consideration based on criteria
- Working group member requested that in addition to evaluating existing working group zoning ideas against these criteria; that the agency staff identify other potential areas (based on the criteria) for the working group to review and consider.
- Other issues to consider:
 - Voting structure and the fact that a vote of a 3 which indicates neither agree nor disagree counts toward consensus. Consider changing how the voting is conducted.
 - Concern about representation of the working group and ensuring that all seats are filled including charter fishing and diving.

Follow-Up Actions for Working Group Members

1. Continue to stay involved in the process by engaging in future meetings.
2. Continue to inform user groups/constituents of evolving process.

Decision Items of Note

Working group will finalize criteria for agency staff to use to review and screen ecosystem protection zone options. Working group will continue to meet (likely in 2014) to review, discuss and consider these options before making a formal recommendation to the SAC.