

FLORIDA KEYS NATIONAL MARINE SANCTUARY ADVISORY COUNCIL

**The Westin Key West Resort and Marina
245 Front Street, Key West, FL 33040**

April 21, 2015

FINAL MINUTES

Note: A video of this meeting is available on The National Marine Sanctuary Foundation's YouTube Channel at: <https://youtu.be/bwqfbRMY8z4?t=1s>. Click "See More" under the video to access hyperlinked timestamps that enable you to skip forward to specific agenda items.

The Florida Keys National Marine Sanctuary Advisory Council met on Tuesday, April 21, 2015 in Key West, 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) (absent)
Boating Industry: Bruce Popham
Citizen at Large – Lower Keys: Mimi Stafford
Citizen at Large – Middle Keys: David Vanden Bosch (absent)
Citizen at Large – Upper Keys: David Makepeace
Diving – Lower Keys: Don Kincaid
Diving – Upper Keys: Rob Mitchell (absent)
Education and Outreach: Martin Moe
Elected County Official: George R. Neugent (absent)
Fishing – Charter Fishing Flats Guide: Tad Burke (absent)
Fishing – Charter Sports Fishing: Steven Leopold (absent)
Fishing – Commercial – Marine/Tropical: Ben Daughtry
Fishing – Commercial – Shell/Scale: Jeff Cramer (absent)
Fishing – Recreational: Jack Curlett
Research and Monitoring: David Vaughan
South Florida Ecosystem Restoration: Pete Frezza (absent)
Submerged Cultural Resources: Corey Malcom (absent)
Tourism – Lower Keys: Clinton Barras
Tourism – Upper Keys: Andy Newman (absent)

Council alternates (present)

Boating Industry: Ken Reda
Conservation and Environment: Caroline McLaughlin
Citizen at Large – Upper Keys: Suzy Roebing
Citizen at Large – Lower Keys: David Hawtof
Diving – Lower Keys: Bob Smith
Diving – Upper Keys: Elena Rodriguez
Elected County Official: Heather Carruthers
Fishing – Charter Sports Fishing: Rob Harris

Research and Monitoring: Shelly Krueger
Submerged Cultural Resources: Diane Silvia
Tourism – Lower Keys: Joe Weatherby

Agency Representatives

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

I. CALL TO ORDER, ROLL CALL, AND MEETING MINUTES APPROVAL OF 02/17/2014 DRAFT MEETING NOTES

Chairman Ken Nedimyer called meeting to order after pledge of allegiance.

Approval of February 17, 2015 Meeting Minutes with no amendments

MOTION: Bruce Popham made motion, Rob Harris seconded.

The minutes were approved with no changes or objections.

No changes noted to the meeting agenda.

Chairman’s Comments (Ken Nedimyer):

- Ken Nedimyer thanked David Hawtof and Don Kincaid for 15 years of service to the SAC.
- Noted the meeting was streaming live on the internet and being taped.
- Applications for the open SAC seat for a Charter Flats Fishing Guide Alternate are still in review, but expected to be filled by the June meeting.

II. BETH DIEVENEY, UPDATE ON DRAFT ENVIRONMENTAL IMPACT STATEMENT DEVELOPMENT

Beth Dieveney gave an update on the ongoing marine zoning and regulatory review process.

The presentation can be viewed at:

<http://floridakeys.noaa.gov/sac/othermaterials/20150421reviewupdate.pdf>

The sanctuary is currently developing a set of management alternatives to be analyzed in a Draft Environmental Impact Statement (DEIS). The alternatives draw from the last two years of input from working groups and the sanctuary advisory council. Beth clarified that the documents that the Advisory Council looked at last June, August, and October were the ideas, inputs, and options for the sanctuary to analyze in the DEIS and not the DEIS itself.

Sanctuary staff is currently working with U.S. Fish and Wildlife Service (FWS) and state management partners to organize the ideas into regulatory and zoning alternatives as part of the analysis of environmental and economic impacts of each alternative.

Rob Harris asked when the public would be able to see the alternatives visually represented in updated charts and Beth Dieveney responded that this will be in the DEIS analysis which the sanctuary is targeting for the end of 2015. Ken Nedimyer noted that the maps included in the SAC recommendations to the sanctuary were simply the ideas put forward by the SAC and are not what the DEIS maps will look like. He reminded everyone that these recommendations represent the efforts of the working groups and the SAC, but that the DEIS will include input from NOAA and other partners.

III. DR. JEREMY JACKSON, STATUS & TRENDS OF CARIBBEAN CORAL REEFS

Dr. Jeremy Jackson, senior scientist emeritus at Smithsonian Institution and the Scripps Institution of Oceanography, gave a talk on “Long term drivers of Caribbean coral reef degradation and their implications for management.” The presentation is available at: <http://floridakeys.noaa.gov/sac/othermaterials/20150421jackson.pdf>. The video of the presentation is available at: <https://youtu.be/bwqfbRMY8z4?t=1s>.

Globally coral reefs are severely degraded because of human impacts, Jackson said, so to improve their resilience it is important to understand what pristine reefs were like and the drivers resulting in degradation so we can develop management actions to compensate for that. His presentation includes outcomes from a recent report and will also include his thoughts on what needs to be done in the Florida Keys from a scientific perspective. The report is available at: <http://www.icriforum.org/caribbeanreport>.

Discussion (council members)

The following points were made during the discussion and question period:

- Several council members thanked Jackson for his presentation, noting that there would be both strong support for and strong resistance to his message.
- Martin Moe asked if failures in juvenile settlement stages that were first observed in studies of *Diadema* larvae after 2012 could be due to the 2010 oil spill. Jackson’s response was that it was a sound hypothesis and noted that *Diadema* are coming back in Jamaica in some places, where the *Sargassum* (algae) is down and there is an increase in *Acropora palmata* (elkhorn coral). Jackson reiterated that he thinks this report is good news because it suggests that we can save coral reefs if we take the action.
- When asked about “getting the word” out to various entities, Jackson showed a follow-up slide on an Ayana Johnson study of fisher/diver perception showing divers thought reefs were healthy even though number and size of fish caught were declining.
- David Vaughan felt that in the Florida Keys, where there are plenty of parrotfish, new recruitment of coral larvae is jeopardized by parrotfish predation. Jackson stated this hypothesis needed to be tested because even though this dynamic might hold true on a smaller scale, there needs to be a large, controlled, adaptive management experiment to control for these variables.

- Jackson raised concerns about the reservoir of excess nitrogen in the honeycomb rock that is going to leak nitrogen into the water for the next 20 years.
- Rob Harris stated that, being from the fishing community, he recognizes that some of the points are valid, but questions some of them. He's seen diversity and abundance of the fish species differently than scientists. He targets mostly larger pelagic species and occasional reef fishes, but never parrotfish. Divers tend to look at abundances of small, darting fishes. He asks if there is a way to speak abundance of fish in a way that "we all can agree on." Jackson noted that ecologically, it is the biomass and numbers of large fish that are more functionally important than straight abundance. Although he had not studied billfish, he thought there were two trends to grapple with -- the photographs showing that trophy fish sizes have declined and data from early taxonomic fish studies done in the Dry Tortugas in the early 20th century. Four of the most abundant species in those studies are now endangered. Jackson explained that he feels that his choice of protecting 1/3 of the reef is reasonable because it still allows for quite a bit of fishing with responsible fishing. Stated Florida is not the worst case scenario for fish.
- Rob Harris felt there was very little data on the Marquesas and Tortugas reef and asked if it would be an example of a 1/3 closure because no one goes there. Jackson declined to respond based on ignorance of those details and the fact that corals are his area of expertise, not fish. He did mention that in the Sea of Cortez, they worked hard to set closures in places that would have the least impact on fisherman...but feels he needs to defer to the experts here on that question.
- Rob Harris agreed that there are a lot of illegal fishing activities taking place but felt the rules are fairly strict. Jackson commented that FKNMS would save money on enforcement and be more effective if we had "large chunks" instead of "little postage stamps" protected in marine zones – this is also true in forest management. He recommended maximizing the ability to control and enforce regulations by using larger protected areas, and he urged everyone to look at the state process in California.
- Ben Daughtry asked where the 1/3 number had come from, data or the "best scientific guess." Jackson recounted a meeting where Jane Lubchenco had proposed a 20 percent number as her best guess. Scientific models used to assess this number found it to be too low and noted the Australian rezoning of the GBR used a figure of about 1/3 because they realized that their prior protections had been too low. Jackson stated 1/3 is more than 20% and there's a lot of good reasons to believe in it but he is deliberately showing us it is not an airtight number. Suggested you could do experiments to test it. Right now, he said that if you exclude Tortugas, only about 2% of the reef is protected from fishing.
- Daughtry agreed with Jackson's positive assessment of Curacao, and agreed that wind conditions on the north (windward) side which make diving hazardous created a de facto protection of about 50% of the reef. Nonetheless, Daughtry agrees that fishing there seems pretty severe because he sees very few large fish. Jackson noted that there are no large sharks, groupers, or snappers but there are a lot of parrotfish and stated you can't equate fish and fish. Jackson feels Curacao and even Bonaire are overfished for large species, but he believes that are "holding on" due to the parrotfish. Jackson added that we may be undervaluing the role of surgeonfish, which are harder to survey because they are harder to identify/recognize. This was one reason his study relied on parrotfish. Overfishing is taxonomic specific.

- Daughtry felt there was a tremendous amount of law enforcement here and that the discussion about improving this through different marine zoning had already been discussed in the Ecosystem Protection Working Group.
- Harris asked again about the 1/3 or 20% number. Jackson stated 20% wasn't enough but it would be a "fabulous" start. Rob Harris asked if this would mean all access to all users and Jackson agreed fisherman that take the rap for that but divers also have an impact. He gave an example of a Curacao dive operator who hesitated to show tourists seahorses because of the frenzy and impacts that result from divers who can't keep their gear off the bottom. Jackson commented there are international programs to reduce diver impacts but he felt that 95% of diving tourism is a "bull in the china shop" because tourists don't know how to dive with low impacts.
- Joe Weatherby asked what "overfishing" meant. Jackson clarified he meant that the take is such that it cannot recover to its original abundance.
- Joe Weatherby asked whether the backcountry of mangroves (nurseries) and remoteness was a factor in the healthy reefs they found in these studies. Jackson noted the seagrass "the mangrove-seagrass nexus" is an important nursery and asset that the Florida Keys should continue to protect. Even though the condition of reefs here is as bad as Jamaica, we have the potential to improve conditions more than they do.
- Bob Smith asked if Jackson's studies indicated whether an investment in education and enforcement would deal with a problem if there was no change to enforcement. Jackson stated that decades ago, it that may have made a difference, but that Florida Keys are at "Apocalypse Now" stage and can't afford to waste any more time. He has a graph he's not ready to show until he more thoroughly tests it but he feels that it suggests the following factors are correlated with education/enforcement: governance (based on a 6-point index), regulation, remoteness, tourism pressure, agriculture, and population density. He commented that the science is done, and now this is a socioeconomic problem.
- Bob Smith asked if anyone knew of a study looking at the socioeconomic impacts of Jackson's recommendation to protect 1/3 from use. Jackson thought many tourists don't necessarily all come to take advantage of the water and that it wouldn't make a dent in tourism if you protected 1/3 of the reef. He added there were already too many tourists and suggested re-orienting to a higher end tourism market to balance between economic benefits and reducing impacts.
- Martin Moe noted that the *Diadema* is a biological deterrent to reef visitors and Jackson laughed and said that he thought he was going to say sharks. Talked about a major decline in local sharks and noted that used to be the greatest biological deterrent to diving.
- Billy Causey thanked Jackson for including Flower Garden Banks data and commented that Cuban governance was very different because they set aside 40% of their waters. He noted that we did indeed have a very different form of governance here.
- John Hunt extended Jackson an invitation to present to his own leadership; Jackson accepted and said that he wanted to bring Lauren (one of his students) with him. Noted that one of her studies showed the importance of sponge filtration and that there are very good reasons to believe that these diseases were related to the collapse of sponges, much

like the collapse of oysters and their filtration functions in Chesapeake Bay, which later led to subsequent increase in oyster diseases.

- Suzy Roebing noted that she served on Ecosystem Protection Working Group where they tried to create large, new zones that set aside areas with specific features rather than just a percentage of the reef. She asked Jackson how important it is to place zones in productive areas to enable areas to bounce back. She also asked whether closing spawning areas temporally would work. Jackson responded that he believes Bermuda Fisheries used seasonal closures to close spawning areas only during spawning season and therefore believes it may be effective. But he noted that the Great Barrier Reef process or the California coastal process have one thing in common, which is that you have to look at the full diversity of habitats and embrace the protection of that full diversity of habitats. You just can't stick the protected areas in the unprotected places. You have to put them in all the different kinds of places and that does get a little bit more difficult with the goal of having them be as big as possible. Jackson also gave the example of the very unpopular decision in New England to shut down the highly productive George's Bank with a large closed area that fisherman argued wouldn't work. Yet, aerial photographs show wall-to-wall fishing boats along the outer perimeter of the zone. He stated shutting down small 10 and 20 mile areas just anywhere doesn't make sense but rather incorporate the principle of protecting the full diversity of habitats and of productivity when you select a larger closed zone. Referenced Enrique Sala paper on proposal for the zoning in California as a model.
- Rob Harris asked if you had to close 1/3 of the reef and reduce accessibility points in order to make that work. Jackson responded that it's important not to make the mistake of protecting one area while leaving another area unprotected, which can cause the pressure to shift to a new, unprotected area. As much as he believes in closures that are enforceable, he believes in a combination of closures and "real regulation" that are "sane." The biggest concern about MPAs is not whether they work, but the fact that there's a limit to how much area you can protect unless you do something about the other issues. One example is regulating illegal fishing more effectively.
- Rob Harris asked whether artificial reefs would help. Jackson stated he hates artificial reefs, which he sees as dumping. Hard surfaces do create habitats for certain kinds of fish habitat but there are still carrying capacity limits and they often attract fish from elsewhere rather than produce new fish.
- Carolyn McLaughlin asked him about communicating the importance of these areas, which she feels is really only effective if done through economic valuations. Jackson replied that it's easy to value some activities such as sport fishing, diving, and tourism, but others, such as coastal protection from sea level and hurricanes, and aesthetics, are much harder to capture. He felt that has been an ethical shift away from citizenship and towards consumerism.
- Ken Nedimyer thanked Jackson for coming and stated he spoke a truth that a lot of people didn't want to hear. He agreed with Jackson that climate change, while he doesn't deny it, isn't the only thing causing reef declines. Jackson said climate change is an important factor but it hasn't done that much yet and it's going to get worse.

IV. CITY OF KEY WEST REQUEST FOR VOTING SEAT

Sean Morton noted that Mayor Cates had come to him with a request to add a voting seat to the Advisory Council for the City of Key West. The formal letter from Mayor Cates to the sanctuary was included in the Advisory Council packet for this meeting and is available here <http://floridakeys.noaa.gov/sac/othermaterials/20150421catesletter.pdf>. Mayor Cates was not available due to an official event, but City Commissioner Tony Yaniz will speak on behalf of the City and answer questions. Adding a new voting seat would require a change to the advisory council charter, so today this was open for discussion. The Director of the Office of National Marine Sanctuaries Dan Basta would have to approve that request, if it was made.

Commissioner Yaniz:

Commissioner Yaniz reiterated and supports the request of the mayor and city of Key West to have a voting seat on the SAC. He notes that it is imperative that there be a clear and direct line of communication between the SAC and the City of Key West. He also noted the importance of preserving our resources, while also ensuring that fisherman are not disenfranchised from their ability to make a living.

Discussion:

Chairman called for either a discussion or motion. Don Kincaid made a motion to recommend including a City of Key West representative on the council. David Makepeace seconded it for purposes of discussion. The following points were made:

- Clinton Barras asked whether it was correct that the chamber and the fisherman's association had come to the city commission and if it was correct the city didn't want the sanctuary take any action that would restrict the fisherman. Barras said that what they were trying to do now was to gather information and not just make knee-jerk reactions. He asked how Commissioner Yanniz could complement Dr. Jackson on his presentation this morning and still justify both positions.
- Commissioner Yanniz replied that what we're actually opposed to is, there's a fine line between fish count, fish sizes and quotas and some of what the sanctuary's doing bleeds over into that. We firmly believe per the Magnuson Act of 1976, fish counts, fish quotas, etcetera fall directly under the purview of the State of Florida. That's the vote that we made. The only objection that we have as a commission is that we disallow any kind of repercussions to the commercial fisherman of our city. That's why we made the motion that we made. I applaud Dr. Jackson, I think it needs to be looked at. But here's part of the issue that you have -- you have overfishing, you have development, you have agricultural run-off, and you have tourism. Well, let's start with agricultural runoff. Big sugar, big money, good luck. Cruise ships, big money, good luck. Development, big money, good luck. Who's got the small pockets? Fisherman. I just want to make sure that we have a voice as a city that represents both keeping and protecting our natural resources but also speaking for the fisherman. And I don't see those things as being mutually exclusive.
- David Makepeace was concerned about the precedent set by including the City of Key West, in that other municipalities may want to be involved. He didn't want to entertain this change just for the City of Key West.

- Martin Moe brought up the phrase “no taxation without representation” but agreed that including several new municipalities could make for an unwieldy situation. Suggested a non-voting seat and asked if Monroe County seat is a non-voting seat. It was clarified that Monroe County was a voting seat and is labelled as a “local government” seat.
- Elena Rodriguez counted 8 plus seats representing various factions of the fishing industry and that there are also Citizen-at-Large seats representing the Lower Keys that are representing Key West and come from Key West. Ben Daughtry asked for a show of hands of how many people here live in Key West and 7 people raised their hands. Ben stated he felt that Key West was already fairly represented and agreed with the concern that other cities might also request to have a voting seat here.
- Rob Harris stated that he does support the independent cities and that the sentiment of “no taxation without representation” was a valid concern. He pointed out that there is still a vacant seat for the Charter Flats Fishing seat and there is nothing stopping people from getting involved and sitting in on that seat. He feels that there should be a way to represent the cities as a general seat, but people have to decide whose there.
- Heather Carruthers pointed out this is not taxation without representation because county commissioners represent all the citizens in the County. She feels you could make a good argument that if one municipality is allowed, others should be and that there could be a good case made for why Islamorada, which depends on the water so much, or Key Largo, where diving tourism is important and the pressure of the 5 million people in Miami. She felt nothing was stopping city commissioners from applying to the vacant Guides seat.
- Bob Smith asked whether there was a precedent for other advisory councils having a municipal seat. Sean Morton answered that there were local government seats on most advisory councils, and that we already have that so a City of Key West seat would be a further addition.
- Mimi Stafford agreed that being too large would be unwieldy and that the city can come to any meeting and public testimony is available at every meeting as a way to be heard.
- Heather Carruthers felt this was not a board dominated by elected officials and it helps keep politics out of it. She would hate to see it become too much of a political body.
- David Makepeace felt that non-voting seats for all the municipalities may help improve two-way communication but is not in favor of supporting a voting seat.
- Ken Nedimyer pointed out that if there were some city officials sitting in the meetings, it would educate at least one more elected official.

David Makepeace asked if there was any support for this motion on the table because he wanted to rescind his second, which he’d made only to hear discussion, so he felt it would be disingenuous to continue to support it. No other support or second was made.

Ken Nedimyer noted the Motion failed.

V. WATER QUALITY PROTECTION PROGRAM UPDATE

Sean Morton gave an update on the recent FKNMS Water Quality Protection Program Steering Committee meeting on behalf of Chris Bergh, who is the representative of the Advisory Council on the WQPP Program Steering Committee. The presentation is available at:

<http://floridakeys.noaa.gov/sac/othermaterials/20150421wqppupdate.pdf>

Marine Zoning and Regulatory Review: Artificial Habitat Working Group Update (Discussion and Potential Action)

Beth reminded the last Advisory Council meeting had been devoted to hearing about regulatory issues related to habitat permitting, placement, and use. This had helped further development of goals and objectives for an Artificial Habitats Working Group, and Joe Weatherby was identified as a chair. Since then, it had been decided to set up a two-day workshop in July to further the discussion. The presentation is available at:

<http://floridakeys.noaa.gov/sac/othermaterials/20150421ahupdate.pdf>

VI. PUBLIC COMMENT

Public comment was provided by four individuals.

Julie Dick, Everglades Law Center.

Good afternoon, I'm Julie Dick with the Everglades Law Center. Today I am here on behalf of Last Stand and the Florida Keys Environmental Fund. First of all, I just want to say thank you Dr. Jackson. That was such a compelling presentation and I think very much a needed education for all of us in here. I really appreciate it and I think that it contributes so much to decisions that are in the process of being made through the agency right now. I want to once again put on the record our desire and urging for large contiguous areas – protected areas -- running from onshore to offshore in all the subregions of the Keys that protect the viability of species in all stages of their life cycle. The marine zoning that can occur through this management plan is going to be critical to the ongoing viability and health of this region. I thought that Dr. Jackson's points were more compelling than anything I could say but just again, on the record, I want to continue to emphasize the importance of that as this process moves forward.

A second item I wanted to discuss today has to do with shallow injection wells. Since I last mentioned anything about the shallow injection wells for wastewater, Florida Keys Aquaduc Authority (FKAA) and the Board of County Commissioners have approved and decided to move forward with deep water injection wells at Cudjoe, which is great. There was a study done – a tracer dye study – showing that the effluent from shallow injection wells would make it up to the surface waters. It's very concerning. I really applaud FKAA and the BoCC for moving forward with that. However, in the meantime, Stock Island, under the supervision of DEP, is moving forward with shallow injection wells. I think given the new information, given the position the BoCC and the FKAA have taken at this point and what the study that Dr. Briceno showed, it would be a prudent time for this body to take a position on shallow injection wells and I urge the SAC to pass a resolution, to send a letter, to take a position and ask DEP to require deep injection wells at Stock Island. They're increasing their capacity dramatically at that sewage treatment facility and it will be injecting the wastewater only 120 feet down and we can expect that that will be coming up to the surface and impacting the water quality. So the SAC, this council, can take that into consideration today.

The third thing I wanted to alert folks to is some legislation that has been proposed in the US Senate – it's gone through committee in the U.S. Senate and is now assigned to committee in the House. It would essentially remove the role of the sanctuary in any enforcement or being able to

prohibit discharges of graywater within sanctuary boundaries so any incidental vessel discharges – bilge water, gray water, anything essentially beyond sewage and oil – would be significantly weakened largely in terms of the regulation of vessel discharges. The sanctuary and NOAA would really no longer have a whole lot of sway in regulating these discharges, that would go to the Coast Guard and a lot of vessels fishing vessels, any vessels less than 79 feet-- military vessels, recreational vessels would become exempt, so I find it to be concerning legislation. I know the SAC itself cannot take a position on that but I hope as individuals you'll contact your Congressperson, your Representatives, and ask them to oppose this legislation. I will be working on a letter on this and some other points on this legislation so please feel free to get in touch with me if you'd like to do anything about it. It's Senate Bill 373. So, that's all that I have today. Thank you for your time and consideration.

Brice Barr, President of the Key West Charter Boat Association.

Good afternoon, my name is Brice Barr, I'm the President of the Key West Charter Boat Association. I just have a couple of quick comments. One was about the DEIS. It keeps coming up about the misinformation and rumors. I'd like to comment on the charts that are being analyzed for the DEIS from the working group headed specifically by Mr. Chris Bergh. We had an additional meeting -- meetings, like 60 regional meetings, which I had to take days off to go to. We all made a lot of comments and recommendations. They were made by a wide variety of user groups. We were under the understanding that the working group was going to reconsider the original lines that were drawn on the charts, which does not seem to be the case.

Some of the considerations seemed to be overwhelmingly opposed yet they still seem to be moving forward and considered by the SAC. The process seems to already be decided. The EIS is being considered and worked on. Beth said there will be updated charts with lines on them. There has to be areas of recommended boundaries in order to even do the study. It's disappointing to me that all these recommended changes and closures affect so many people and their livelihoods, and yet only one person out of the 30 people that were here this morning, Mr. Rob Harris, had a question about what is really going on.

With regard to the spawning aggregations, we have openly endorsed a reduction in bag limits of species that the state says, with the best available science, are not endangered. We can live with reductions of bag limits of certain species. Let's manage the fish, not the spot.

As far as the fish pictures that were compared by Dr. Jeremy Jackson, we still catch a lot of the fish that he depicted in the pictures, we just release them. The Goliath groupers seem to be healthier than ever. Back then, those fish weren't managed and now they are. There's a lot of reasons those pictures don't even make sense when you compare them. One is there were no bag limits back then. The time of year. One captain may have been better than another. It could've been – weather could have been a factor, there's numerous variables. There's no way you can compare the way something was and the way it is now.

I've been fortunate enough to travel all the way around the world. I've been to Bermuda, I've been to the Galapagos and other destinations. I've been diving in these places. I'm not a scientist, but I have been on the reefs in these locations and it is as beautiful as ours. Places like Bermuda

has less population, they have volcanic formations which are completely different than ours. We can all agree that there's a lot of pressure on our coral reefs and numerous factors and they're not all attributed to fishing. Natural phenomena that are completely out of all of our hands can contribute to these. If we can focus on water quality, we can help save our reefs.

With the SPAs that are in place now, Dr. Jackson says the problem is overfishing, yet the SPAs are open only to diving and they are on the decline. How can we say that fishing is a culprit, when there are no SPAs with fishing only? Yet he says that the fisherman blame everything on sunblock. I'm a diver and I love diving, it just needs to go both ways. We just ask that the recommendations be fair to all user groups and that we are still able to make a living. Closing giant areas is the ultimate fisheries management.

Richard Gomez, Key West Charter Boat Association.

Hi everyone, I'm Richie Gomez, a Board member with the Charter Boat Association and past President. I can certainly agree with one statement by Mr. Jackson. He said that if you close off a third of the reef tract, things will probably improve on the reef. Obviously so. But what he's asking, in my opinion, is to kill our city. Because those tourists, that are buying the trinkets, as he said, in our shops, would probably not be here if it wasn't for them wanting to enjoy our ocean and our fishery.

You know, I'm sure that fishermen are not the enemy of the sanctuary. What I'm not so sure of is that the sanctuary is not the enemy of the fishermen. Especially after that wonderful speech that blamed fishermen for so much of the problem with our ecosystem. And adding insult to injury, this gentleman blamed parrotfish and surgeonfish...I've never heard of a parrotfish or surgeonfish fishery, and I don't think that I ever will...among other herbivores for the increase in microalgae. Well, during many of these meetings I've attended, without quoting me, I would say that I'd heard that microalgae was caused by many factors, possibly the least of which was fishing. And we certainly can't be blamed for the die-off of sea urchins. I've never heard of one of those fisheries either.

And wow, I am so surprised that the sanctuary would not welcome the mayor or city commissioner to be a part of this process that has so much to do with the future of our city. And if one more member would be so detrimental to the sanctuary process -- as if one more member would be that detrimental to process. And, speaking of the city reps -- which were very few in the sanctuary -- how many of them have asked or spoken to the city of the plans for the sanctuary which are going to have such a dramatic effect on the city's future? Besides Sean Morton, which would have never bothered with the city it wasn't for the association blowing the whistle as loud as we could. You set a bad example and furthered the fisherman's feeling that we are being singled out as the weakest link.

Shame on all of you. And, God willing, because of your negative response, more power to us. As our whisper for fair treatment becomes a shout, my hopes would be that you would all be held accountable for your constant attack on the weakest link.

David Horan, Key West Charter Boat Association.

That's a hard act to follow. Your first speaker, Julie Dick. I'm not her. I'm not being paid. I'm here because I've been here for 43 years practicing law, and diving and enjoying the environment, and having kids and grandchildren.

Your staff position is that closing zones to any commercial or recreational fishing is not fisheries management. Folks, it's a duck. The issue is, do you really want to know what's going on behind the scenes with regard to this concept of marine zoning? You voted to send some of the working group recommendations up for the draft environmental impact statement. Now, how many of you knew what areas you were actually recommending for the environmental impact statement? How many of you knew what actual areas you were recommending? Raise your hand. You did? You ever seen a map of those areas? I asked for it. I asked for it in emails a number of times.

And so, let's do this. Let me read you two emails, and these are within minutes of each other -- 12:11 pm on February 11 and one at 3:48 pm. The first one is Beth to Mr. Tamara, which is a county commissioner. It said, "The recommended zones and changes that have worked with the advisory council working groups has not been finalized to be put into maps yet." Then, at 3:48 pm, to Rich Jones, it says, "The sanctuary staff is now doing an environmental and economic impact analysis of the advisory council recommendations that will be released as a draft environmental impact statement for advisory council and public review and comment in late 2015."

You can't have it both ways. If you don't have the map, how do you do an environmental impact statement that includes the environment and economic impact, etcetera. Now, you will get a draft environmental impact statement. There's going to be 3 or 4 alternatives that will be given to you. The smaller of the proposed alternatives will be the least restrictive, and most of you will vote for the least restrictive alternative, and it'll pass. And what you probably won't realize is a result that the closures you will vote on is a result that only a few of you started out to close.

You may or may not realize it, but your process is being pursued on your proposed marine zoning is to divide and conquer. Half the dive operators support closures against the recreational and commercial fisherman. Half the backcountry guides oppose the charter boats. Folks, it's a duck. It is in fact under the Magnuson Act. It's the only way we can ever attack it as being too much. If you look, I've got a book back there that thick and it's just been published, and it's called America's Fisheries Resources. You know, it never mentions the Florida Keys National Marine Sanctuary, or any other national marine sanctuary. You know why that is? Because fish aren't in your purview. You will find that out eventually, but they'll be a federal district court judge that says, hey, it's a duck. It's fishery management, and you're not supposed to be doing it.

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

NOAA Florida Keys National Marine Sanctuary Report, Sean Morton

- This is FKNMS 25th anniversary year so planning for a November celebration is in the works. Actual anniversary date is November 16th. We will be reaching out to partners on how to get involved.
- South Atlantic and Gulf Mexico fisheries management councils will both be meeting in Key West the week of June 8th, with some joint meetings included. The South Atlantic Council is looking at special management zones.
- NOAA research vessel Nancy Foster will be working in the Sanctuary in June, looking at a variety of questions along with Florida FWRI scientists.

FWC Fish and Wildlife Research Institute, John Hunt

- The upcoming Joint Fisheries Council Meeting was in response to a SAC request to improve collaboration among FWC and the two Councils.
- At last week's FWC meeting, the consent agenda included allowing commercial lobster diving fisherman to transfer their licenses. Expected to be effective July 1 of this year.

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

- John Pennekamp State Park is updating their unit management plan. Park has had record public attendance lately, and engages the public in shoreline and reef marine debris cleanups.
- DEP's Coral Reef Conservation Program is still working with "Our Florida Reefs" Community Planning Process. Within the last year, a team and community working groups listed over 200 management actions that were whittled down to 100-120 actions that the Southeast Florida Coral Reef Initiative (SEFCRI) team is working to refine and eventually prioritize. They are using a software called the Decision Support Tool to put 10 years of regional data into a spatial format to examine data such as highest coral cover and fish data to understand and track actions in spatial context.
- Working with Director of the Florida Coastal Office Kevin Claridge to represent the state of Florida to US Coral Reef Task Force. Have communicated alarming declines of Florida Reefs. New workplan expected out next February.
- Also briefing new DEP Secretary Steverson, who is personally familiar with the Florida Keys from time spent snorkeling and lobstering in the Keys.
- Kevin Claridge noted they are updating the DEP Secretary on the Keys and participating in events such as Ocean Day and Earth Day.

FWC Division of Law Enforcement, Captain David Dipre

- The new FWC Colonel Curtis Brown is reorganizing with the goal of changing how investigation section and resource section work together with cross-training to get more investigative resources into the field. Right now, basic operations and patrols (safety and fisheries) take up a great deal of resources and they need more investigators. They expect

to get more investigative positions to get a total of 54 positions in the Keys. Eight new recruits altogether will be trained by December, bringing them to full staff for the first time in years.

- Captain David Dipre would take over all operations from Key Largo to Key West. Captain Rob Beaton would handle all the investigative sections from Dade County to Monroe County. Major Escanio will remain the regional commander. Expect to have more capacity for in-depth resource investigations.
- Dr. Jackson's presentation got him thinking about what FWC can do to be more effective. He looked at their statistics. Every week they average ~10 fisheries cases of various degrees, from citations to multiple people going to jail adding up to more than 500 cases per year. A typical law enforcement statistic is that about 10% of all crimes are caught, which suggests there are probably many violations not being caught each year. He appealed to the advisory council to push for more law enforcement and noted there is regular turnover and they need more eyes on the streets.
- Internet crimes services are going through the roof, often minor crimes such as kids illegally harvesting alligator.
- Boating safety has gone very well. BUI teams have been busy in Monroe and Dade County and have made a number of cases where they caught fatally intoxicated boaters.

United States Coast Guard (USCG) Report, Michelle Comeaux

- USCG has been working on marine debris and are preparing for the upcoming hurricane season by getting staff Incident Command Structure (ICS) qualified.

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

- Deputy Director has left the agency. They also have a vacant regional supervisory position. Down to about 89 special agents for the country, including Hawai'i, American Samoa, and Puerto Rico, so having 2 in the Florida Keys is a big deal. Expecting new enforcement officers within the next few months, and possibly one in the Keys. Have hired 30 so far, and some have reported for duty. Joe Scarborough, former *Peter Gladding* captain, was one, has experience in the region.
- Operation Rock Bottom has been addressing illegal trade of marine life species for 4 years. Sources have helped gain information and obtain search and arrest warrants for probable cause. It is winding down, now in phase 12 of 15. Every case and arrest leads to more information. Bob Kelton and his General Manager Bruce Brandt out of Miami with DR Imports changed their plea and were sentenced. DR Imports stands for Dominican Republic, but marine life was being harvested from FKNMS and falsely labelled as originating from Haiti. This was the main target of operation rock bottom, and they recently received their sentencing.
- Veatch brothers changed plea in Lacey Act Violation and are awaiting sentence for placing illegal casitas and fishing off those casitas. They must remove their casitas, which is underway today. Within the last week, contractors have removed two 20-yard dumpsters of heavy metal and concrete marine debris that has been damaging the environment.
- One of their Miami agents, Tony Rodriguez, went to Honduras to help with import/export trade laws.

- Noted that the NWS Hurricane Hunter crew will make appear at the Marathon Airport on May 8 at a public event.

US Navy (USN) Report, Ed Barham, USN

- Ed Barham reported that Navy was doing several 5-year natural resource surveys including the endangered rice rat, shorebirds, smalltooth sawfish in addition to annual crocodile and Lower Keys Marsh Rat surveys. Also have \$85,000 to remove non-native Australian pines, and will focus on Trumbo Point Annex this year.
- Boca Chica marina has been a Florida DEP “Clean Marina” for 15 years and this year they will receive a “Resilient Marina” designation.

National Marine Sanctuaries/Southeast Region Report, Sean Morton for Billy Causey

- Sean Morton noted that Billy Causey had to leave to participate in the president’s Earth Day speech in the Everglades tomorrow.

No Reports from the Following Agencies:

- US Fish and Wildlife Service (FWS), Florida Keys National Wildlife Complex
- NOAA Fisheries Service
- NOAA Office of General Council (NOAA OGC)
- National Park Service (NPS)
- US EPA

VIII. UPCOMING MEETING AND CLOSING REMARKS

Next meeting will be in Marathon at the Marathon Hyatt. Artificial Habitat Working Group meeting will come in July, so look for those dates to be posted.

IX. ADJOURN