

FLORIDA KEYS NATIONAL MARINE SANCTUARY ADVISORY COUNCIL

**June 20th, 2006
Marathon Garden Club**

FINAL MINUTES

Members Present

Jack Curlett	Martin Moe
Richard Grathwohl	Ken Nedimyer
Debra Harrison	Krueger Nicholson
David Hawtof	George Neugent
Don Kincaid	Bruce Popham
Mark Klingbeil	Deborah Shaw
Jerry Lorenz	Brad Simonds

Alternates Present

Tom Dillon
Walt Drabinski
Diane Silvia

In Attendance

Jeff Cramer

Call to Order/Roll Call/Approval of Minutes of April, 11, 2006 Meeting/Adoption of Agenda for This Meeting/Introductions

Chair Bruce Popham called the meeting to order at 9:07 a.m. The minutes of the April 11, 2006 meeting were approved as presented. The agenda was adopted as presented. Jeff Cramer, who will be representing the Florida Keys Commercial Fishermen's Association (formerly Monroe County Commercial Fishermen) at Sanctuary Advisory Council (SAC) meetings, was welcomed. Anne Morkill of U.S. Fish & Wildlife Service, the new manager for the Wildlife Refuges in the Keys, was welcomed. Commander David A. Score was welcomed back in his new role as Acting Superintendent. John Halas was offered congratulations in his new position as the Upper Region Manager.

Regional Report – Dr. Billy Causey (Southeast Region, NMSP)

Dr. Causey reported on SAC meetings at Gray's Reef and Flower Garden Banks National Marine Sanctuaries. He gave an update on the regional science program now co-located with Florida Institute of Oceanography in St. Petersburg, Florida.

He recognized Ivy Kelley from Coral Reef Classroom and spoke about the importance of incorporating ocean literacy into state education standards, a subject that was highlighted at a recent conference on ocean literacy in Washington, D.C. as well as at Capitol Hill Oceans Week (CHOW), which was also attended by Jan Blackmon, Florida Keys volunteer of the year. Congresswoman Ileana Ros-Lehtinen used the event to roll out her bipartisan Sanctuary Caucus, with Congresswoman Lois Capps of CA.

Dr. Causey regretted that the 10 projects prioritized by the Ocean Coastal Resources Council during an intense year-long process at an identified cost of \$19 million only had \$3 million approved by the Florida Legislature. This figure was further reduced to zero by the Governor's veto.

Chairman's Report – Bruce Popham (SAC Chair)

Mr. Popham reported on the annual Chairs/Coordinators meeting held in Washington, D.C. He said that an important discussion focused on the intersect between sanctuary advisory councils and NOAA fisheries management councils. By way of comparison, there is remarkably little conflict in the southeast and Gulf of Mexico regions compared with the east coast and Pacific regions.

Changing of the Guard – Captain Phil Heyl (U.S. Coast Guard)

Captain Heyl who is touring out of the Keys will be replaced by Captain Scott Bushmann. He reaffirmed the important relationship between the Coast Guard and the Sanctuary. He said that Key West is now a Coast Guard Sector, and not a Group which gives it port authority and not just the coordination of operational missions. (He gave a late-breaking report on a leaking LPG tank at MM107.) With the new leadership and new organization, the Coast Guard will be leading the effort to establish an Area Committee for safety issues and to produce an area contingency plan under the Maritime Transportation Safety Act.

Following on from the Safe Sanctuaries drill, Capt. Heyl recommended that further drills take place in which, although NOAA has an important role to play as the oil spill science people, the top drill team people need to be set up as the incident would play out. Discussion concerned the changing world situation in terms of disaster response. Further discussion concerned transitions in sanctuary waters between the Key West and Miami jurisdictions, and craft conflicts in Key West harbor.

Public Comment

H.T. Pontin, master mariner, thanked Captain Heyl for his help with jurisdiction and entered amended papers into the record for the April 11, 2006 meeting. He said that the sanctuary still doesn't have jurisdiction above the mean high water line, which extends only as far as Duck Key. He said that the sanctuary is in international waters, and that the United States needs to sign the Law of the Sea Treaty.

Sanctuary Superintendent's Report – CDR Dave Score (FKNMS and NOAA Corps)

Commander Score laid out his professional philosophy and personal commitment towards his new role and responsibilities in the sanctuary and to the community. Under the authority of the National Marine Sanctuary Act and the Florida Keys National Marine Sanctuary Act, he stressed the importance of working with the public using science, education and enforcement and collaborating with other agencies.

He reported that the soft opening of the Nancy Foster Center is in September, with the hard opening on Saturday, January 13th 2007, and that a sanctuary presence remains in

Marathon with offices over Don Pedro. Following on from the management plan process, regulatory scoping meetings will be held after hurricane season. In terms of staff, there are some changes: LT. Benjamin Sniffen of NOAA Corps has joined the Lower Region as Assistant Manager. Jacquelyne Laverdure joins Team OCEAN in the Lower Region.

Florida Department of Environmental Protection – Sera Harold (for Stephanie Bailenson, FDEP)

Ms. Harold revealed that Kent Edwards has been selected to fill the position of Environmental Administrator and will start on July 24th. A major milestone for state employees of the sanctuary was the approval of GS equivalence with federal employees, ending a long-standing disparity.

Wildlife Refuges Report – Anne Morkill (FWS)

Ms. Morkill said that part of the attraction of moving to the Keys from Alaska was working with the sanctuary towards common goals for resource protection. The refuges are working on a Comprehensive Conservation Plan which will set goals and objectives for the islands for the next 10-15 years, including law enforcement which is understaffed. She said that she looks forward to working with the Sanctuary and the Park Service in educating the public about uplands impacts on marine resources.

Fish & Wildlife Conservation Commission Report – John Hunt (FWRI)

Mr. Hunt mentioned the recent research mission aboard the R/V Spree to the Dry Tortugas. Participating as a dive volunteer was SAC member Dr. David Hawtof. FWRI staff are currently engaged in intensive sonic tagging of several species and receiver deployment to investigate habitat connectivity in Western Sambo, including the offshore bar separated from the reserve by 100ft of sand bottom. Discussion concerned the deployment of additional mooring buoys in the Lower Keys specifically to benefit fishermen in rough weather. The general consensus was that this is not feasible.

Sanctuary Law Enforcement – Officer Bill Green (for Capt. Luher, FWC)

Officer Green reported that Capt. Luher and Lt. Burns are out of action for medical reasons. Officer David Graham joins the sanctuary in the Upper Keys after 24 years with marine patrol. He gave activity updates on ATBA violations, groundings and fisheries violations in the Tortugas as well as a migrant landing. The major law enforcement undertaking was a charter fishing detail in Key West in May including 3 federal citations, state violations, 27 infractions, one criminal action and one arrest. Nine licenses were sold by 9:00 a.m. the following morning. Discussion concerned fishing regulations, particularly kingfish.

Commissioner Neugent raised the issue that Monroe County constituents have expressed great concern over unregulated access to reef fish spawning aggregations in the Sanctuary. Other SAC members echoed similar concerns from their constituents. It was agreed to arrange a fact-finding inter-agency workshop comprised of panels of experts on the subject in the Fall.

Chairman's Report – Bruce Popham (SAC Chair)

Mr. Popham reported on the annual Chairs/Coordinators meeting held in Washington, D.C. He said that an important discussion focused on the intersect between sanctuary advisory councils and NOAA fisheries management councils through the Magnuson-Stevens Act. By way of comparison, there is remarkably little conflict in the southeast and Gulf of Mexico regions compared with the east coast and Pacific regions.

He said that it was fast-paced two day meeting highlighting the supposed formation of the North West Hawaiian Island Sanctuary, the significant budget reduction for FY2006, the Sanctuary caucus, communication between SAC members and the community, the Sanctuary Foundation and the significance of the National Marine Sanctuary Act. Mr. Popham stressed the importance of performance measures to the sanctuary program as a means to achieving budget goals. There are 19 measures with 200 potential actions. He also mentioned panel presentations on acoustics and oil and gas exploration in sanctuaries, for which PowerPoint copies are available.

Acroporid Working Group Report – Ken Nedimyer (SAC)

Mr. Nedimyer reported that the two acropora species were listed in the first week in May as threatened under the Endangered Species Act. The working group discussed allowable activities that constitute “take” under the 4(d) rule, given that most “take” is not allowed in the Florida Keys National Marine Sanctuary. The group determined in advance of the NOAA Fisheries public outreach meetings in the Keys that the biggest threats to the survival of these species are from hurricanes, bleaching and diseases. The draft 4(d) rule will go out to the public in September and the final version will be ready in December. After that the focus will shift to critical habitat determination and a recovery plan for the species.

Wetsuits as Pathogen Vectors – Discussion

Following a poster presentation at a recent meeting, the role of wetsuits as mechanisms for spreading bacteria and viruses was discussed. Discussion concerned remedial action (bleach is best, Lysol does work), and the overall seriousness of the threat posed to living corals. It was generally agreed that precautionary measures should be adopted whenever possible. Additional discussion concerned the appropriate legislative conduit for dealing with the sale of marine curios in the Florida Keys.

Water Quality Protection Program Working Group Report – Bruce Popham (SAC)

Mr. Popham reported that the group has met and membership has increased. The Water Quality Protection Program Steering Committee (steering committee) met by conference call and approved the budget for FY2006 and set the date for the next meeting at July 25th, 2006 at Key Colony Beach City Hall. Discussion concerned the allocation of money approved by the Florida legislature for storm water and wastewater infrastructure improvements in Monroe County. Further discussion concerned objectives the working group would like to have realized by the steering committee. They are:

- 1) Monitoring results from the past 12 years
- 2) Update on status of all storm water and wastewater projects ongoing in the Keys
- 3) An active dialogue on funding to meet the state 2010 mandate.

Ms. Harrison moved that the Florida Keys National Marine Sanctuary Advisory Council recommends to Sanctuary managers that they communicate to the U.S. Environmental Protection Agency, District 4 and to the State of Florida the support of the council for the resolution passed by the Water Quality Protection Program Steering Committee on March 4, 2005 resolving “that the Project Development Team (PDT) for water quality improvements in the Florida Keys serve as the entity to determine allocations of federal and state monies made available for wastewater and storm water infrastructure improvement projects in the Florida Keys, and that the PDT be composed of elected officials and supported by technical staff, and agree to previous commitments made to determine allocations of federal funds, and reach a consensus on future allocations of State funds.” The motion was seconded by Dr. Shaw. Discussion followed concerning the readiness of projects within Monroe County to take advantage of the funding, and intent of the legislature in disbursing funds, as well as past precedents. Tom Dillon, representing the Key Largo Wastewater District, indicated a preference for that body not to deal with the PDT. The motion was passed unanimously upon roll call vote.

Public Comment

Alex Score of the World Wildlife Fund announced a new program being initiated to work on Everglades restoration, Florida Bay and coral resilience through education and outreach. It will give people an exposure to the real issues affecting the region, including climate change, coral diseases and water quality and will create a meta-tool for managers to better manage resources.

Setting the Agenda – Bruce Popham (SAC chair)

Mr. Popham stressed the need for year-out planning for the agenda. Discussion concerned incorporating pressing issues that are not pre-determined, and the lack of time at meetings to address all the topics. It was agreed to devote more time to committee and working group issues on the agenda. Discussion concerned more frequent meetings and the constraints imposed by the Sunshine Law on conference calls.

Sanctuary Advisory Council Charter

Dr. Hawtof moved, seconded by Dr. Shaw that the Florida Keys National Marine Sanctuary Advisory Council recommends to sanctuary managers that the council charter be adopted as posted at the Florida Keys National Marine Sanctuary website (www.floridakeys.noaa.nos.gov). A friendly amendment was supplied by Ken Nedimyer to reflect the new seat representing South Florida Ecosystem Restoration. The amended motion was passed unanimously upon roll call vote.

August 15th, 2006 Agenda Items

Items discussed were the socioeconomic resurvey of Monroe County by Bob Leeworthy (NOAA), oil and gas exploration in the region and an expert workshop on Everglades Restoration to be moderated by Greg May, Executive Director of the South Florida Ecosystem Restoration Task Force. Specifically, Modified Waters and the C-111 spreader canal system were mentioned, with input from the South Florida Water

Management District, Army Corps of Engineers and Everglades National Park as well as South Florida Ecosystem Restoration SAC member Dr. Jerry Lorenz.

Adjourned 4:00 p.m.

Respectfully submitted by

Fiona Wilmot
SAC Coordinator