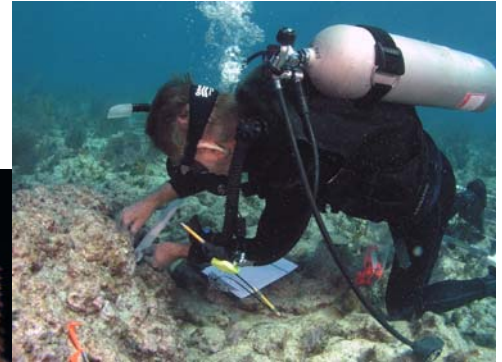


# Florida Keys National Marine Sanctuary Revised Management Plan



December 2007

U.S. Department of Commerce

National Oceanic and  
Atmospheric Administration

National Ocean Service

National Marine Sanctuary Program

This document is the revised management plan for the Florida Keys National Marine Sanctuary. It replaces the management plan that was implemented in 1996 and will serve as the primary management document for the Sanctuary during the next five years.

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### **Note to Reader**

In an effort to make this document more user-friendly, we have included references to the Florida Keys National Marine Sanctuary Web site rather than including the entire text of many bulky attachments or appendices that are traditionally included in management plans. Readers who do not have access to the Internet may call the Sanctuary office at (305) 809-4700 to request copies of any documents that are on the Sanctuary's Web site. For readers with Internet access, the Sanctuary's Web site can be found at [floridakeys.noaa.gov](http://floridakeys.noaa.gov).

# ABOUT THIS DOCUMENT

This document is a report on the results of NOAA's five-year review of the strategies and activities detailed in the 1996 *Final Management Plan and Environmental Impact Statement* for the Florida Keys National Marine Sanctuary. It serves two primary purposes: 1) to update readers on the outcomes of successfully implemented strategies - in short, accomplishments that were merely plans on paper in 1996; and, 2) to disseminate useful information about the Sanctuary and its management strategies, activities and products. The hope is that this information, which charts the next 5 years of Sanctuary management, will enhance the communication and cooperation so vital to protecting important national resources.

## *Sanctuary Characteristics*

The Florida Keys National Marine Sanctuary extends approximately 220 nautical miles southwest from the southern tip of the Florida peninsula. The Sanctuary's marine ecosystem supports over 6,000 species of plants, fishes, and invertebrates, including the nation's only living coral reef that lies adjacent to the continent. The area includes one of the largest seagrass communities in this hemisphere. Attracted by this tropical diversity, tourists spend more than thirteen million visitor days in the Florida Keys each year. In addition, the region's natural and man-made resources provide recreation and livelihoods for approximately 80,000 residents.

The Sanctuary is 2,900 square nautical miles of coastal waters, including the 2001 addition of the Tortugas Ecological Reserve. The Sanctuary overlaps four national wildlife refuges, six state parks, three state aquatic preserves and has incorporated two of the earliest national marine sanctuaries to be designated, Key Largo and Looe Key National Marine Sanctuaries. Three national parks have separate jurisdictions, and share a boundary with the Sanctuary. The region also has some of the most significant maritime heritage and historical resources of any coastal community in the nation.

The Sanctuary faces specific threats, including direct human impacts such as vessel groundings, pollution, and overfishing. Threats to the Sanctuary also include indirect human impacts, which are harder to identify but are reflected in coral declines and increases in macroalgae and turbidity. More information about the Sanctuary can be found in this document and at the Sanctuary's Web site.

## *Management Plan Organization*

Within this document, the tools that the Sanctuary uses to achieve its goals are presented in five management divisions: 1) Science; 2) Education, Outreach & Stewardship; 3) Enforcement & Resource Protection; 4) Resource Threat Reduction; and 5) Administration, Community Relations, & Policy Coordination. Each management division contains two or more *action plans*, which are implemented through supporting *strategies* and *activities*. The strategies described in the 1996 *Management Plan* generally retain their designations in this document. As in the 1996 plan, two or more action plans may share a strategy where their goals and aims converge. The 1996 plan can be accessed on the Sanctuary's Web site [floridakeys.noaa.gov](http://floridakeys.noaa.gov)

### *Accomplishments and Highlights*

The Sanctuary's programs and projects have made significant progress since the original management plan was implemented 1996. An overview of these accomplishments is provided in the Introduction. In addition, each action plan contains bulleted lists of accomplishments since the 1996 management plan was adopted.

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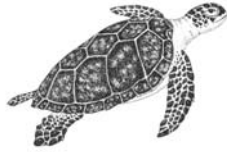


# Acronyms

ACHP	Advisory Council on Historic Preservation
AGRRA	Atlantic and Gulf Rapid Reef Assessment Program
ASA	Abandoned Shipwreck Act
ATBA	Areas to Be Avoided
AWT	Advanced Wastewater Treatment
CAD	Computer Automated Dispatch
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CERP	Comprehensive Everglades Restoration Plan
CFR	Code of Federal Regulations
CRCP	Coral Reef Conservation Program
DARP	Damage Assessment and Restoration Program
DEP	Florida Department of Environmental Protection
DTNP	Dry Tortugas National Park
EIS	Environmental Impact Statement
EPA	U.S. Environmental Protection Agency
ESA	Endangered Species Act
F.S.	Florida Statutes
FAC	Florida Administrative Code
FDACS	Florida Department of Agriculture and Consumer Services
FDCA	Florida Department of Community Affairs
FDHR	Florida Division of Historical Resources
FDOT	Florida Department of Transportation
FKNMS	Florida Keys National Marine Sanctuary
FKNMSPA	Florida Keys National Marine Sanctuary Protection Act
FPS	Florida Park Service
FR	Federal Register
FWC	Florida Fish and Wildlife Conservation Commission
FWRI	Fish and Wildlife Research Institute
FY	Federal Fiscal Year
GIS	Geographic Information System
GMD	Growth Management Division (Monroe County)
GMFMC	Gulf of Mexico Fishery Management Council
GPS	Global Positioning System
HAZMAT	Hazardous Materials
ICS	Incident Command Structure
ICW	Intra-coastal Waterway
IMO	International Maritime Organization
MBTA	Migratory Bird Treaty Act
MEERA	Marine Ecosystem Event Response and Assessment
MHR	Maritime Heritage Resources
MMPA	Marine Mammal Protection Act
MMS	Minerals Management Service
MOA	Memorandum of Agreement
MOU	Memorandum of Understanding

MRD	Marine Resources Division (Monroe County)
NCCOS	National Centers for Coastal Ocean Science
NEPA	National Environmental Policy Act
NGO	Non-governmental Organization
NHPA	National Historic Preservation Act
NMFS	National Marine Fisheries Service
NMS	National Marine Sanctuary
NMSA	National Marine Sanctuary Act
NMSF	National Marine Sanctuary Foundation
NMSP	National Marine Sanctuary Program
NOAA	National Oceanic and Atmospheric Administration
NOAA/OLE	NOAA Office of Law Enforcement
NOS	National Ocean Service
NPDES	National Pollutant Discharge Elimination System
NPS	National Park Service
NRDA	Natural Resource Damage Assessment Claims
NURC	National Undersea Research Center
OFW	Outstanding Florida Waters
OSDS	On-Site Disposal System
OSTDS	On-Site Sewage Treatment and Disposal System
PREP	National Prepared for Response Exercise Program
PSSA	Particularly Sensitive Sea Area
RECON	Reef Ecosystem Condition Program
REEF	Reef Environmental Education Foundation
RNA	Research Natural Area
RSMAS	University of Miami/Rosenstiel School of Marine and Atmospheric Science
SAFMC	South Atlantic Fishery Management Council
SAP	Science Advisory Panel
SAV	Submerged Aquatic Vegetation
SCR	Submerged Cultural Resources
SEFSC	Southeast Fisheries Science Center
SFWMD	South Florida Water Management District
SHIELDS	Sanctuary Hazardous Incident Emergency Logistics Database System
SPA	Sanctuary Preservation Area
SWIM	Surface Water Improvement and Management Act
SWM	Stormwater Management
TAC	Technical Advisory Committee
TNC	The Nature Conservancy
USACE	U.S. Army Corps of Engineers
USCG	U.S. Coast Guard
USDOC	U.S. Department of Commerce
USDOI	U.S. Department of Interior
USDOS	U.S. Department of State
USDOT	U.S. Department of Transportation
USFWS	U.S. Fish and Wildlife Service
USGS	U.S. Geological Survey
WAMS	Waterway Assessment and Marking System

WMA Wildlife Management Area  
WQPP Water Quality Protection Program  
WQSC Water Quality Steering Committee



# APPENDICES

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## **Appendix H – Public Comments and Responses**

### **General**

Comment (Florida DEP) - The plan needs to include more measurable performance goals. For many of the strategies, for example, the status is “implemented and ongoing” but no indication is given about what the Sanctuary hopes to achieve over the life of the new management plan and how we are planning to measure whether the management activity is achieving the outcomes managers hope to attain.

Response - Thank you for the comment. Many of the activities are on-going and continuous. The draft has been reviewed and where necessary and possible, more detailed status statements were included. The performance measures for each of the Action Plans has been reviewed and revised to provide more quantifiable goals. In addition, Table 3.17 has been separated into separate tables, one for each Action Plan. The Performance Measures can now be found in Tables 3.17-3.30.

Comment (Florida DEP, others) (3) - The Sanctuary staff and leadership have done a phenomenal job with the resources available to them in acting as stewards for the world’s third largest coral barrier reef. There is much to laud in the draft review, both in accomplishments to date and plans for renewed and refocused efforts.

Response - Thank you very much for the comment.

Comment (Florida DEP) - EV. 1 Measuring Sanctuary Performance Over Time. - Commenter suggests that this section be moved to the very beginning of the strategies sections because all of the Action Plans should work to meet the Performance Measures found in the current EV.1.

Response - Thank you for the comment. This suggestion was evaluated in relation to overall organization of this plan and other NMS management plans. While there is merit in the suggestion the decision was made to leave this section of the Revised Management Plan as it is for this five year review document.

Comment - The Sanctuary’s strategic goals should be explicitly stated in the Introduction before or in conjunction with section 1.4 Accomplishments

Response - Thank you. The strategic goals are contained in the original FKNMS Management Plan (1996).

Comment - Recommend including a section in each action plan that briefly describes or identifies coordination and collaborative efforts and opportunities with other agency and organization programs; particularly resource management agencies that manage waters adjacent to the Sanctuary.

Response - This is a revised management plan and the type of interagency coordination referenced here is described in the original 3 volume FKNMS Management Plan (1996).

Comment - Recommend outlining some of the recent key partnerships with the Department of Interior, specifically, coordination concerning overarching management issues to include fisheries management, seagrass and coral restoration, coral disease and mapping, etc.

Response - Thank you for the comment. These interagency relationships are important and originally described in the final FKNMS Management Plan (1996). Some of these relationships are emphasized in various parts of the Revised Management Plan.

Comment - Recommend more explicit emphasis on coordination and collaboration with the USDOJ bureaus in the Science, Research, Education and Outreach, Enforcement and Resources Protection, and sections of the Resource Threat Reduction division of the plan. There is considerable coordination and collaboration among the Sanctuary and these entities at the staff and project levels. It should be better reflected at the strategic level in the plan.

Response - Thank you for the comment. Language has been changed in various Action Plan Strategies to be more inclusive.

Comment - Suggest better defining which units are applicable (dollars, hundreds of dollars, or thousands of dollars) in the various cost tables.

Response - Thank you for the comment. All tables have been reviewed to ensure units are included and are consistent.

Comment - Recommend the plan describe the process the agency follows in relegating shared management responsibilities to other state and federal Agencies (primarily DEP and EPA) and in some cases to NGOs. This would be primarily for the benefit of other land managers who use this type of plan for reference purposes.

Response - Thank you for the comment. Such a description was added to the introduction of this revised FKNMS Management Plan.

Comment - Recommend the plan include a section on how Sanctuary activities translate to the rest of the management community.

Response - Thank you for the comment. The Sanctuary overlaps 4 USFWS Wildlife Refuges, 6 state parks, 3 Aquatic Reserves, 2 existing National Marine Sanctuaries, and adjoins 3 National Parks. The FKNMS does not usurp the jurisdictions of those areas, but serves to compliment these authorities.

Comment - Recommend the plan address the extent to which the Sanctuary is bound to and follows the National Environmental Policy Act (NEPA) concerning various FKNMS management actions that likely invoke such statutory authority, including artificial reef placement, seagrass and coral restoration and other similar actions.

Response - The FKNMS complies with NEPA in all instances and does not feel that process needs to be described in a specific site management plan.

Comment - Recommend the plan expand upon and specify the legal authorities, enabling legislation and other regulatory policies, laws, ordinances and rules applicable to the Sanctuary. Currently the appendices include key laws and regulations governing the Sanctuary. We suggest FKNMS consider enumerating and elaborating upon the applicability of these key policy documents within the text of the plan.

Response - This information is contained in the Sanctuary's designation document, which is included in the final FKNMS Management Plan (1996). Such information is also available at our Web site ([floridakeys.noaa.gov](http://floridakeys.noaa.gov)).

Comment - Recommend creating a master table listing all 1997 plan strategies in alphanumeric order and stating if they are included in the 2005 plan and their location. Ideally this table would be in the introductory section or section 3.0 before Table 3.1.

Response - Thank you for the comment. This suggestion has been incorporated into this plan.

Comment - Suggest a simple statement accompanying the cost implementation table in each action plan stating the general cost categories (e.g. staff, facilities, contracts, etc). We are not suggesting that strategy costs be broken down to this level.

Response - Thank you for the comment. The suggested statement has been incorporated into the Final Revised Management Plan.

Comment (Florida DEP, other) (2) - Performance Measures in Table 3.17 should be better defined and quantifiable.

- For the "efficiency" performance measure, the table is not clear on how managers are planning to measure the efficient use of staff time and budget.
- For the "effectiveness" performance measure - these should be quantifiable. For example, for the Volunteer Action Plan, one of the measures is an increased number of volunteers; the Comment suggests managers should set a goal of either a percentage increase or total number increase of volunteers. A second example, for Damage Assessment and Restoration measure managers could set a targeted time line from the time a seagrass injury occurs from a vessel grounding to the time it is restored.

Response - Thank you for the comment. The Performance Measures have been reviewed and revised as appropriate (see previous response to similar comments).

Comment (Florida DEP) - Suggests that it is important to include copies of all the implementation and management agreements between the State of Florida and NOAA into the Final Revised Management Plan.

Response - Thank you for the comment. This is a revised Management Plan and is intended to provide updates and revisions to information provided in the original FKNMS Final Management Plan (1996). An update of the status of each of these agreements is included in the

Appendices of this final Revised Management Plan. A copy of each of the full agreements is posted on the FKNMS Web site ([floridakeys.noaa.gov](http://floridakeys.noaa.gov)).

Comment (Florida DEP) - Would like to re-open discussion on finalizing a permitting agreement that outlines the process of coordinating NOAA/FKNMS and FL DEP permit issuance within state waters of the FKNMS.

Response - Thank you for the comment. This is an important agreement, whose timeline for completion is outside the completion of this revised Management Plan. It is agreed that this agreement needs to be given priority completion once this document is finalized and formally adopted.

Comment - Asserts that the waters beyond Long Key are International Waters governed by International regulations or Rules of the Road and that the State of Florida has no claim to assert management of or over these waters.

Response - Thank you for the comment. This is not the interpretation of the territorial sea limits that we have been directed to implement under the authority of the Secretary of Commerce.

Comment - States that it is "imperative that we protect all coral reef systems where we can. They are important to many fisheries as well as the entire ocean ecosystem as a whole" and that the "FKNMS should be strengthened where ever possible toward direct preservation and recovery."

Response - Thank you for the comment. The FKNMS agrees with this comment and focuses management activities to achieve this goal.

Comment - Strongly urges Sanctuary managers to maintain a strong conservation plan in the Sanctuary

Response - The FKNMS agrees with the goal and intent of this comment.

Comment (3) - Go on the record against beach "re-nourishment" projects that harm greater Florida reef systems

Response - Thank you for your comment. NOAA and its various line offices respond to permit requests for beach re-nourishment on a case by case basis and do offer negative comments at times as appropriate.

Comment (3) - Oppose Navy testing that puts marine life at risk

Response - Thank you for the comment. The FKNMS and NOAA collaborate with the Navy at various levels on activities that affect Sanctuary resources.

Comment (3) - Begin a compilation of information lacking to establish a visitor carrying capacity of the Florida Keys reef track and the marine environment in the development of the Florida Keys Carrying Capacity Study



Response – Thank you for the comment. NOAA is conducting several socio-economic surveys and monitoring changes in the use of Sanctuary resources.

Comment – The State of Florida changed its dive flag regulations and the Sanctuary should change its regulations to be consistent with the requirements for state waters.

Response – Thank you for the comment. This regulatory change suggestion will be considered as part of the FKNMS regulatory review that begins when this revised Management Plan is finalized and adopted.

Comment (2) – The Sanctuary should more clearly elucidate a proposal for productively contributing to Biscayne National Park’s management plan reviews and implementation to promote actions that will benefit shared natural resources.

Response – Thank you for the comment. This proposal will be retained and considered for the next Management Plan review.

Comment (2) – overall the management plan’s re-organization looks promising but efforts need to be made to think in terms of conservation outcomes as the key organizing principle, to ensure aspects of each relevant action plan are prioritized and coordinated to achieve real-world goals.

Response – Thank you for the comment. This proposal will be retained and considered for the next Management Plan review.

Comment – NOAA is urged to pursue efforts to re-organize as an agency that has as its chief mission a strong conservation mission.

Response – Thank you for the comment. This suggestion is beyond the scope of this management plan.

Comment – There is inconsistency in the number of vessel groundings between several sections of the management plan including Sections Enforcement & Resource Protection, Damage Assessment and Restoration Action Plan, Waterway Management.

Response – Thank you for the comment. The plan was reviewed for consistency and updated appropriately.

### **Science Management and Administration Action Plan**

Comment – Supports intensified scientific research in the Sanctuary and believes sound science should guide management decisions.

Response – Thank you for the comment. FKNMS agrees.

Comment – Strongly supports strategy W-34 Regional Science Partnerships and Reviews

Response – Thank you for the comment. FKNMS agrees.

Comment - (Table 3.1) Strategies W.29 Dissemination of findings and W.35 Data Management should be ranked high for all scenarios, at least as high as or higher than Strategies B.11 and W.32. Developing periodic reports on the Sanctuary health should be a particularly high priority.

Response - Thank you for the comment. FKNMS agrees; summary reports on findings of the FKNMS science program have been posted at the Web site and will continue to be produced.

Comment - Maintaining the TAC (W.32) should have a medium rank, unless the Sanctuary intends to increase the role of the TAC.

Response - The role of the TAC as advisors to the WQPP managers is critical. Full consideration will be given to increasing their role.

Comment - Strategy W.29 Activity (4) Sponsor conferences - recommend mentioning existing and potential collaborative efforts with other marine management and science agencies, particularly USDOJ bureaus.

Response - Thank you for the comment. This collaboration takes place at the level of the WQ steering committee, described in law in the Florida Keys National Marine Sanctuary and Protection Act (1990). The FKNMS also collaborates in planning Florida Bay Science Conferences and other meetings, many of which include USDOJ bureaus.

Comment - Strategy W.34 p 31 second paragraph, Activities (1) - add "Everglades National Park General Management Plan" to the list of projects identified.

Response - Thank you for the comment. This was included.

Comment - Supports research activities regarding environmental impacts of pesticides, wastewater and other pollutants and encourages coordinating them with pollution discharge monitoring and rehabilitation strategies.

Response - Thank you for the comment. The FKNMS agrees on the importance of this research and has given emphasis, along with EPA, on funding some of this activity.

### **Research and Monitoring Action Plan**

Comment - Supports further coordination with USDOJ of research needs and activities relevant to the Sanctuary

Response - Thank you for the comment. FKNMS works closely with USDOJ on numerous research activities.

Comment - Supports NOAA's plan to encourage additional research into the causes and impacts of outside influences affecting the ecological health of the Sanctuary.

Response – Thank you for the comment.

Comment – There is an on-going government sponsored research relevant to the action plans being conducted under the auspices of other agencies like USDOJ that is not mentioned in the plan. The plan could be enhanced by making reference to this research.

Response – Thank you for the comment. Many of these activities are described in the final FKNMS Management Plan (1996).

Comment – Supports the marine zone monitoring activities and particularly supports the goal of determining the effectiveness of varying protected marine zones.

Response – Thank you for the comment. FKNMS appreciates the support.

Comment – There is an inconsistency between the ranking for Strategies W.33 and Z.6 in Table 3.1 and their priority (highest) in the Priorities section on Page 36. Strategies W.33 and Z.6 should be ranked high for all scenarios in Table 3.1 They should be ranked at least as high as strategies that address just a single species, such as F.3. Furthermore, marine “no-take” zones are still a “hot” issue in marine ecosystem management. Assessing the effectiveness of marine zones is a high priority activity.

Response – Thank you for the comment. The Strategies were reviewed and the priority rankings remain substantially unchanged.

Comment – Strategy W.33 – Developing “ecosystem indicators” “to assess the health of the ecosystem” is an important and high priority activity. It should be listed as a separate activity to emphasize its importance. And it should be tied to the Developing Periodic Reports on Sanctuary health in Strategy W.29.

Response – Thank you for the comment. FKNMS agrees this is an important activity. Results will be included in periodic reports on Sanctuary health. However, no change was made to the final plan.

Comment – Strategy W.33, Page 39 – The qualifications of REEF’s volunteer fish monitoring crew should be included to ameliorate concerns regarding volunteer collection of monitoring data.

Response – Thank you for the comment. FKNMS felt the level of detail suggested by this comment was not appropriate as it would have to be provided for each of the volunteer programs throughout the document distracting from the overall message. Specific information on the training and qualifications for various volunteer programs can be obtained by contacting the program sponsor or the FKNMS Volunteer Coordinator. Further, the FKNMS Science Program evaluates projects individually to determine scientific validity and associated confidence limits of given results.

Comment – Strategy W.33, Page 39 – Monitoring of the biological community associated with mangroves should be considered.

Response – Thank you for the comment. This proposal will be retained and considered for the next Management Plan review.

Comment – Strategy Z.6 – Developing coordinated and collaborative efforts for monitoring in the TER and the adjacent DTNP RNA, also a “no-take zone,” should not only be mentioned but also emphasized and discussed. Perhaps this should be an activity. NPS would be equally responsible for implementation of this activity.

Response – Thank you for the comment. FKNMS agrees and has added updated language to reflect the on-going cooperative efforts in developing the RNA Science Plan to be consistent with the TER evaluation.

Comment – Strategy F.6 – Suggest mentioning coordination and collaborative opportunities with the Everglades NPS Florida Bay Fisheries dependent monitoring program which has been operating nearly continuously since 1958.

Response – This activity is between Everglades National Park and the National Marine Fisheries Service. It does not fall into the purview of the FKNMS.

Comment – Strategy F.6, page 48, Strategy Summary – the text states that “Regulations will be developed and implemented in accordance with FWC and the protocols for consistent regulations (see also Strategy R.2, Activity 6 in the Regulatory Action Plan.)” The meaning of this statement is unclear (regulations for what purpose?) Also, how do smaller sampling areas result in improved spatial resolution?

Response – Thank you for the comment. Any regulations developed would be the result of an extensive and inclusive public scoping and development process. The use of smaller sampling areas would serve to increase the number of total samples collected across discreet spatial areas.

Comment – Strategy F.6, page 48, Strategy Summary – Coordinate creel efforts (are these MRFSS creel surveys?) with Biscayne Bay and Everglades NPS

Response – The FKNMS revised language to address this concern.

Comment – Strategy F.6, page 48, Strategy Summary – clarify definition of pre-recruit. We assume this means juvenile fish and invertebrate surveys. We recommend sampling multiple habitat types, utilizing multiple gear types and seasonal sampling.

Response – Thank you for the comment. We have passed on the suggestion to FWC who is responsible for design and implementation of the surveys.

Comment – Strategy F.6, page 48, Strategy Summary – for investigation of life-histories of fisheries species, we recommend coordinating with Biscayne Bay and Everglades NPS to maximize benefits of research and to limit redundant research. We have passed on the suggestion to FWC who is responsible for design and implementation of the surveys.

Response – Thank you for the comment.

Comment – Strategy W.24, Activity (1) – A Florida Bay water quality model has not been developed. It is proposed but not yet developed.

Response – Thank you for the comment. This model is under development as part of the Comprehensive Everglades Restoration Plan.

Comment – Strategy F.11, page 50 – recommend coordinating with Biscayne Bay NPS on efforts to (1) evaluate impacts of fishing gear and methods of habitats and (2) conduct research on low-impact fishing gear and methods. Biscayne Bay NPS is equally interested in the output of these efforts.

Response – Thank you for the comment. These activities and other “Strategy F” activities commented on above were developed in the final FKNMS Management Plan (1996) through an interagency process including the National Park Service and various state agencies. NOAA is the primary lead in these activities. They are not mentioned in this revised plan because they are continuous and were identified in the original plan.

Comment – Strongly support the continuation of the ongoing Ecological Research and Monitoring program as it provides managers and scientists with long-term data sets on water quality, coral reefs, and seagrass communities.

Response – Thank you for the comment. FKNMS agrees.

Comment – Encourages the development of a new strategy – the *Diadema* population Enhancement Methods strategy which would be similar to the Queen Conch Population Enhancement Methods strategy.

Response – Thank you for the comment. The FKNMS will consider this proposed new strategy for the next management plan review and is currently supporting specific research projects in this area.

Comment (2) – Stronger steps need to be taken to ensure that research and monitoring meets basic standards for peer-review and quality – particularly stakeholder monitoring and research, baseline zone data collection, and monitoring of zones.

Response – FKNMS and EPA follow stringent peer-reviewed guidelines for special studies and other grant-supported research projects in the FKNMS.

Comment (2) – In general, monitoring and research needs to be conveyed to stakeholders, the public and decision makers in a more timely and effective manner.

Response – Thank you for the comment. FKNMS agrees and is working to improve reporting times and methods.

Comment (2) – Wildlife Management Areas must be monitored and adaptively managed.

Response – Thank you for the comment. The FKNMS agrees.

Comment (2) – Research focused on identifying and building coral reef resiliency to global climate change needs to be made a clear and explicit priority.

Response – Thank for the comment. The FKNMS is involved in developing a plan to implement coral reef resiliency strategies.

### **Education Action Plan**

Comment – Supports FKNMS community involvement and education as a means to facilitate voluntary public regulatory compliance and respect for Sanctuary resources.

Response – Thank you for the comment. FKNMS appreciates the support.

Comment – Educational efforts sponsored by the Sanctuary should include a conservation element teaching the importance of conservation of the marine resources

Response – Thank you for the comment. We believe this was addressed in Goal 3 of the Education and Outreach Action Plan.

Comment – The Blue Star program should include, at a minimum, that each business enlisted has demonstrated and document compliance with the NDZ, the ban on fish feeding, appropriate promotion and implementation of dolphin experiences, policies on board that prohibit the taking of marine life and proactive efforts to educate guests prior to entering the water.

Response – Thank you for the comment. The Blue Star Program guidelines and participation criteria are being developed as part of a separate, multi-party process.

Comment – Other established non-profit organizations beyond Sanctuary Friends need and deserve Sanctuary support as well

Response – Thank you for the comment. The FKNMS works with many non-governmental organizations who share common conservation goals and means of achieving them.

Comment – Suggest the FKNMS broaden their definition of key audiences to include the ethnic and cultural population mix endemic to South Florida

Response – Thank you for the comment. Language to this effect has been incorporated into the plan.

Comment – 3.2.1 Education and Outreach Action Plan – Suggest addressing with the introductory section the lack of an officially designated visitor center to serve as a primary point of contact for the public to inquire about Sanctuary activities, programs, policies, regulations, etc may be a contributing factor to FKNMS challenges.

Response – Thank you for the comment. The FKNMS has opened the Florida Keys Eco-Discovery Center in coordination with the NPS, USFWS and the SFWMD. This is the first visitor center in the FKNMS. The FKNMS Web site ([floridakeys.noaa.gov](http://floridakeys.noaa.gov)) also contains this information.

Comment – Recommend broadening the goals and objectives to include promoting public understanding of “marine resources in general” as well as the national marine sanctuaries.

Response – Thank you for the comment. This is a focus of the FKNMS has been made explicit in the revised Management Plan.

Comment – Strategy E.11, page 69 – Suggest FKNMS consider coordinating special event participation with their partners including other neighboring land management agencies such as NPS. FKNMS may also want to address the process they follow in determining how special events are approved and sanctioned in conformity with the Sanctuary’s mission and purpose.

Response – The types of “special events” are not clear. The FKNMS is partnering with the NPS, USFWS, and the SFWMD in the development and implementation of an interagency visitor center in Key West. Language has been addressed to make this clearer.

Comment – The Coral Reef Task Force Local Action Strategy is not mentioned at all. The FKNMS may want to summarize their involvement in advocating implementation of the strategy within the plan

Response – The FKNMS has revised the Management Plan to reflect this comment.

### **Damage Assessment and Restoration Action Plan**

Comment (3 comments) - It would appear that pages 91, 112, 241, 243 are somewhat in variance concerning the number of vessel groundings that occur every year. Suggest that some explanation be made as to the variance in the data and/or suggest that the number of groundings be checked and that the same number appear in each case.

Response – Thank you for the comment. The pages have been reviewed and corrected as appropriate.

Comment – Supports the proposed surveying of damage from propeller scarring and vessel groundings to design and improve waterway marking schemes and to assess the effectiveness of the channel marking master plan.

Response – Thank you for the comment. FKNMS appreciates the support for this activity.

Comment – Sanctuary policy and programs should make a clear distinction between reef restoration and artificial reef placements. It is recommended that the FKNMS facilitate approval of permits for other entities to install reef habitats to restore degraded coral reef communities.

Response – Thank you for the comment. The FKNMS has reviewed the language in the revised Management Plan. All permits for artificial reef placement within the FKNMS are given a full interagency review. NEPA is implemented when necessary.

Comment – This action plan is very comprehensive

Response – Thank you for this comment.

Comment – Recommend mentioning technical coordination and collaborative opportunities with adjacent NPS units, including technical information sharing, recognizing there might be legal limitations.

Response – The FKNMS collaborates and coordinates with the NPS at various levels and agrees this is an important step in the Damage Assessment and Restoration Plan.

### **Marine Zoning Action Plan**

Comment (2) – We were surprised and disappointed by the lack of serious, high priority commitment to the use of zones more effectively within the Sanctuary. We feel strongly that not having previously completed the identification of additional areas/regions suitable for placement of these marine protected areas is a fundamental error. And, that only doing them “when resources permit” is a further error. This activity should be the Sanctuary’s top priority.

Response – Thank you for the comment. The FKNMS agrees and will be considering additional marine zones in the regulatory process that will follow the finalization and formal adoption of this revised Management Plan.

Comment – It is critical that Western Sambo be assessed as a potential Ecological Reserve as a priority rather than “as resources permit.”

Response – Thank you for the comment. The FKNMS agrees that assessing existing zone boundaries and zone effectiveness is a priority.

Comment – We believe that there is available existing information that would support expansion seaward of Western Sambo and other cross sanctuary belts that incorporate the full range of contiguous interconnected habitats.

Response – Thank you for the comment. The FKNMS agrees on the need to review potential boundary changes based on current available research (such as that by the FWC) per Activity 3 of Strategy Z.2 Ecological Reserves (Marine Zoning Action Plan.) This recommendation will be incorporated into the regulatory review process that will follow the finalization and formal adoption of this revised Management Plan.

Comment (2) – In respect to Ecological Reserves, we feel that it is important for the review to explicitly address how innovative and successful the facilitated, consensus-driven, collaborative stakeholder process utilized by the Tortugas 2000 Working Group was. This process should be explicitly invoked for identifying and evaluating new areas.



Response – Thank you for the comment. The FKNMS agrees and has summarized the Tortugas 2000 process in the Strategy Summary for Strategy Z.2, Ecological Reserves (Marine Zoning Action Plan.) As discussed in Activity 5, the FKNMS plans to fully utilize lessons from the Tortugas 2000 process in any future zoning processes.

Comment (2) – We feel that identifying high impact activities, prioritizing new recovery and restoration targets and creating new conservation-oriented Special Use Areas should clearly be a top focus for the Sanctuary in the coming years.

Response – Thank you for the comment. The FKNMS agrees, and will follow a process described in Activities 5 and 6 of Strategy Z.3, Special-use Areas (Marine Zoning Action Plan), to undertake this assessment. This process will occur and additional areas will be considered in the regulatory review that will follow the finalization and formal adoption of this revised Management Plan.

Comment – Supports a balanced scientific and socio-economic approach to the analysis and development of additional management zones and described in the Marine Zoning Action Plan.

Response – Thank you for the comment. The FKNMS agrees.

Comment – Implores Sanctuary managers to consider economic impact of disallowing various public uses in given zones and compare the quantitative environmental benefits with the potential harm inflicted by various recreational activities.

Response – Thank you for the comment. NOAA and the FKNMS are supporting various socio-economic impact studies to address some of these issues. The Regulatory Action Plan specifically addresses physical impacts by all groups to the coral reef resources in the restricted use areas of the reef.

Comment – Requests the Sanctuary managers comment on whether Marine Zone Monitoring and Socioeconomic Research carry the genuine possibility of increasing boating access in restrictive zones.

Response – Thank you for the comment. NOAA and the FKNMS are conducting socio-economic studies that will provide some of the answers posed in this comment.

Comment - Feels there is no justification to impose total no-take zones when and if less draconian measures will accomplish the same objectives. Comment states that family-level fishing under strict limits played no role in the perceived Tortugas depletions, thus it is absurd to lock out the general public when more than 90 percent of the take was by large-scale commercial uses.

Response – Thank you for the comment. The FKNMS disagrees in that depletions in fish populations in the Tortugas region are not merely perceived but have been demonstrated through scientific studies. In addition, a thorough socio-economic analysis of Tortugas area users during the Tortugas Ecological Reserve development process indicated very limited

private recreational use of the area and subsequent minor loss in non-market user value. Please refer to the Final Supplemental Environmental Impact Statement/Supplemental Management Plan for the Tortugas Ecological Reserve, available at [floridakeys.noaa.gov](http://floridakeys.noaa.gov).

Comment - Would like to see White Bank Reef become a SPA with a couple of additional mooring balls on the outside of the north patch.

Response - Thank you for the comment. The FKNMS plans to consider the inclusion of White Bank Dry Rocks, and other potential sites, as new SPAs per Activity 5 of Strategy Z.1 Sanctuary Preservation Areas (Marine Zoning Action Plan.) This will occur in the regulatory review process that will follow the finalization and formal adoption of this revised Management Plan. Should this review result in White Banks Dry Rocks being identified for designation as a SPA, a couple of additional moorings for the outside of North White Bank will be given priority on the "new buoys to be added" list.

Comment - Catch-and-Release Trolling in Preservation Areas (page 102) -allowing catch-and-release trolling in areas defined by FKNMS as fish and habitat "preservation areas" seems inconsistent with the basic tenets of preservation and conservation. If catch-and-release continues to be part of the FKNMS management plan, some guidelines should be made available to the fishing community providing basic information on the most beneficial methods for most small to medium fish to minimize unintentional fish mortality.

Response - Thank you for the comment. Catch-and-release trolling is currently allowed in 4 of 18 SPAs. A review of all allowable SPA activities is addressed in Activity 4 of Strategy Z.1, Sanctuary Preservation Areas (Marine Zoning Action Plan) and Activity 14 of Strategy R.2 (Regulatory Action Plan.) Any regulatory changes associated with allowable activities in the SPAs would be undertaken in the regulatory review process that will follow the finalization and formal adoption of this revised Management Plan.

Comment - Strategy Z.1, page 151 - Support the reassessment of whether catch-and-release trolling and commercial bait-fishing are appropriate activities for the SPAs in which they are currently allowed.

Response - Thank you for the comment. A review of all allowable SPA activities is addressed in Activity 4 of Strategy Z.1, Sanctuary Preservation Areas (Marine Zoning Action Plan) and Activity 14 of Strategy R.2 (Regulatory Action Plan.) Any regulatory changes associated with allowable activities in the SPAs would be undertaken in the regulatory review process that will follow the finalization and formal adoption of this revised Management Plan.

Comment - Asks NOAA to follow the lead of the National Park Service at Lake Mead National Recreation Area and prohibit the use of conventional two-stroke motors on all Sanctuary waters.

Response - Thank you for the comment. The FKNMS plans to address issues such as pollution discharges and impacts from PWCs and other vessels through activities in Strategy R.2 of the Regulatory Action Plan.

Comment - Sanctuary managers should avoid severe boating impediments such as zones that significantly limit or prohibit recreational boating, idle-speed zones, and bait fishing prohibitions unless scientific data unequivocally indicates the necessity of such measures.

Response - Thank you for the comment. Throughout the Plan FKNMS indicates management decision making will be based on sound science as well as stakeholder input.

Comment - Requests that Sanctuary managers properly consider the impact shifted boundaries will have on boating operations and safety prior to any modifications.

Response - Thank you for the comment. The FKNMS agrees and will evaluate safety as well as environmental concerns prior to shifting any zone boundaries.

Comment - Requests that Sanctuary managers further elucidate the rationale for the inquiry into potential boundary changes (page 152) and how "use conflicts" or "enforcement" impact zone boundaries.

Response - Thank you for the comment. The FKNMS will consider boundary changes to existing zones (Activity 3 in Strategy Z.1, Z.2, and Z.3, and Activity 2 in Strategy Z.4) as needed to reduce new or existing user conflicts (e.g. conflict among non-consumptive users and consumptive users along the boundary of a zone), or to improve enforcement (e.g. if zone boundaries are confusing and therefore complicate user compliance with regulations.) Any zone boundary changes would be undertaken in the regulatory review process that will follow the finalization and formal adoption of this revised Management Plan.

Comment - Encourages such scientific evaluations as identified on Pages 152, 153 and requests that these studies include comparative data to ensure that protective zones do not include recreationally prohibitive measures without adequate justification. And, that these studies should further distinguish consumptive recreational activities, such as fishing, from non-consumptive travel through zones.

Response - Thank you for the comment. Through the activities outlines in the Research and Monitoring Action Plan, the FKNMS will continue to obtain valuable data on consumptive and non-consumptive activities and their effects on the zones.

Comment - Table 3.1 - Strategies Z.2 and Z.3 should be ranked high for all scenarios.

Response - Thank you for the comment. The FKNMS has decided to maintain the rankings as originally published.

### **Water Quality Action Plan**

Comment - Strategy W.19, page 187, paragraph 2 - consider replacing the existing sentence with the following sentence " *The Strategic Science Plan for Florida Bay*, prepared by the Florida Bay and Adjacent Marine Ecosystems Program Management Committee focuses on science information needs for Florida Bay ecosystem restoration, including restoring more natural freshwater inflow patterns."

Response – Thank you for the comment. The suggested change is an improvement and has been included in the plan.

Comment - Pollution Discharges (page 98) – supports the Sanctuary’s Water Quality Steering Committee’s request that NOAA establish a no-discharge zone for federal waters of the Sanctuary

Response – Thank you for the comment. The FKNMS is including consideration of the establishment of a “no-discharge zone” for the entire FKNMS in the regulatory process that will follow the finalization and formal adoption of the revised Management Plan.

Comment (3) – Continue to take a strong lead on promoting implementation of Advanced Wastewater treatment Keys-wide, especially in recommending allocation of federal and state funds

Response – Thank you for the comment. The FKNMS agrees and will continue to work with Monroe County, municipalities, state, federal, and NGO partners on the Florida Keys Water Quality Improvements Program Delivery Team to encourage funding sources and allocate available resources to priority projects.

Comment – supports NOAA’s recognition that impacts outside the Sanctuary boundaries such as stormwater run off, waste water treatment and freshwater flow can negatively impact resources inside the Sanctuary and asks NOAA to continue its strong commitment to address these impacts.

Response – Thank you for the comment. The FKNMS will continue to focus on the potential impacts of water flow from outside the FKNMS boundary.

Comment - Waste Water (page 192) – states that it appears that the entire section on wastewater will have to undergo substantial re-drafting and updating. The Commenter provided documents to assist with the updating on information relating to Key Largo wastewater treatment.

Response – Thank you for the comment. The FKNMS agrees that “Strategy W.3 Addressing Wastewater Management Systems, Activity 4- Implement a Master Plan” is out of date and that strategy was updated to include more recent status and implementation information.

Comment – Sanctuary is urged to take a “bottom-up” approach and adopt the recommendations of the Pew Ocean Report and the US Commission on Ocean Policy that called for ecosystem-wide watershed planning.

Response – Thank you for the comment. The FKNMS by its own Congressional designation is designed to apply an ecosystem approach to management. The FKNMS remain committed to an ecosystem approach to management.

Comment - Sanctuary leadership is needed to support the challenge of providing upgraded nutrient stripped tertiary treatment throughout the Florida Keys especially recommending allocation of federal and state funds for these upgrades.

Response - The FKNMS works closely with its partners in the EPA, the State of Florida DEP and the County to address nutrient issues in the Sanctuary. This will continue to be a priority.

Comment (2) - The goal statement to “understand and address water quality problems” does not imply vigorous action and is far too weak. The statement should be revised to “better understand water quality problems and actively implement solutions to reverse trends and restore healthy water quality.”

Response - Thank you for the comment. The suggested language is an improvement and will be included in the revised document.

Comment (2) - The objective of ensuring “that restoration plans and surface-water improvements and management plans for South Florida and the Everglades are compatible with efforts to maintain water quality within the sanctuary” also needs to be strengthened with the Sanctuary advocating strenuously for actions directly intended to improve and restore Sanctuary water quality.

Response - Thank you for the comment. The FKNMS as a charter member of the South Florida Ecosystem Restoration Task Force and Working Group continues to see restoring the correct water quality, quantity, timing and distribution back into the system is a priority.

Comment (2) - Where Sanctuary representatives are directed to “participate in review and revision of restoration plans and water management plans to enhance and complement,” they should actually be directed to provide strong leadership to achieve significant water quality improvements.

Response - Thank you for the comment. The FKNMS and its partners on the WQ Steering Committee continue to demonstrate leadership in achieving significant water quality improvements.

Comment (2) - Why is funding estimated for W.19 so low? How can the Sanctuary provide strong leadership in the region on \$5K annually?

Response - Thank you for the comment. The EPA, in cooperation with the State of Florida, is authorized by Congress in the FKNMSPA (1990, as amended in 1992) to implement the WQPP for the FKNMS. The EPA spends in excess of \$1.0M annually for long-term monitoring projects, special studies, and data management.

Comment (2) - Should the Sanctuary consider adding NGOs to the Water Quality Protection Program’s Steering Committee?

Response - Thank you for the comment. NGOs have been added to the Water Quality Steering Committee.

Comment (2) – Can more information be provided (i.e. hard numbers) regarding accomplishments on inspection and compliance for cesspits, OSTDS and package plants?

Response – Thank you for the comment. This issue will be raised before the Water Quality Steering Committee with any information to be reported through the Committee proceedings.

Comment (2) – What are the implications of the fact that “the focus of the cesspit identification and elimination programs shifted to only the areas identified for onsite wastewater systems in light of the delays in implementing larger-scale AWT systems elsewhere?

Response – Chapter 99-395, Laws of Florida, requires that all wastewater facilities in the Florida Keys be upgraded by 2010. The chosen action reduces the possibility that owners of non-conforming systems would have to upgrade twice.

Comment (2) – Won’t “resource based, nutrient-reduction targets” ultimately be critical for evaluating long-term success? If so, shouldn’t plans be initiated to begin developing these, since the process is likely to be long and controversial?

Response – Yes. It was recognized that in the long term, nutrient reduction targets were critical in restoring and improving water quality. However, it was recognized that they would take a long time to develop, and in the interim implementing improvements based upon best available technology was recommended. Recently (2005), the State of Florida prepared a “Water Quality Status Report- Florida Keys”. That report is the first phase of a Total Maximum Daily Load Study for the Florida Keys. This is a watershed management approach for restoring and protecting water resources.

Comment (2) – Can more information be provided about the municipalities that have failed to implement a master wastewater plan, or have but are failing to meet deadlines? What are the implications for Sanctuary water quality? Will there be penalties for continued failures?

Response – All municipalities in the Florida Keys have initiated wastewater improvement projects. All wastewater treatment systems (onsite and centralized) must be upgraded to current standards by 2010. Penalties for failing to meet the requirements of Chapter 99-395, Laws of Florida, will be determined at a future date.

Comment – What are the implications for Sanctuary water quality of Key Largo’s elected Wastewater Board determining “appropriate sewage treatment requirements?”

Response – Actions of the Key Largo Wastewater Board are reviewed by the Florida Keys Water Quality Improvements Program Delivery Team and must be approved before funds are allocated. Also, the Water Quality Protection Program Steering Committee plays a major role in assuring that all plans are consistent with the Sanctuary’s Water Quality Management Plan, the Monroe County Wastewater Master Plan, and other applicable planning documents.

Comment (3) - How is it that despite beach closings, and human viruses found in canals and nearshore waters, Florida has no plans to incorporate biocriteria in water quality standards for marine waters? How does the Sanctuary plan to respond to this?

Response - The development of biocriteria is a priority of the State of Florida and is included in the "Comprehensive Science Plan" for the Florida Keys National Marine Sanctuary. Biocriteria are currently being developed for other waters of the state, and are planned for waters surrounding the Florida Keys.

Comment (2) - Likewise, although Florida is developing new water quality standards for nutrients, there are no plans to specifically address the Keys, where (like the Everglades) nutrients are known to pose a particular threat. How does the Sanctuary plan to respond to this?

Response - The State of Florida and its local and federal partners have initiated a Total Maximum Daily Load Study for the Florida Keys. The first phase of that study, "Water Quality Status Report- Florida Keys," has been completed. The current schedule projects completion of the TMDL Study in 2008.

Comment (2) - Can more information be provided about retrofitting hot spots and portions of US 1 for stormwater - i.e. what is being done in the other municipalities and along the highway?

Response - Stormwater improvements are discussed in detail in the Monroe County Stormwater Master Plan, the Islamorada Stormwater Master Plan, and the City of Key West's Stormwater Master Plan. Innovative solutions and pilot projects are required to test treatment of stormwater runoff within limited spaces available in island settings. If additional funding becomes available, innovative pilot projects will be funded as part of the Special Studies Program.

Comment (2) - Has the Sanctuary considered serving as the coordinator and promoter for the various campaigns and materials to support Best Management Practices for storm water runoff? And do any of these target homeowners?

Response - Monroe County, the municipalities, and the South Florida Water Management District are more appropriately suited to take the lead in assuring that Best Management Practices for storm water are incorporated in project designs and are enforced. Monroe County, the City of Key West, and the Village of Islamorada have completed and are implementing storm water management plants. Education of homeowners is a key factor in improving storm water treatment. Homeowners are required to meet current standards during upgrades or redevelopment. Construction of injection wells in flood prone areas in Key West and the landscaping on Indian Key Fill are two examples of recent storm water improvement projects by municipalities.

Comment (2) - Efforts to reduce nearshore water quality from the impacts of pesticides (both locally applied and distributed via aerial application) should be a priority for the Sanctuary.

Response - Application of pesticides and their potential impact on non-target organisms is a priority of the Sanctuary and is included as a priority research item in the Sanctuary's "Comprehensive Science Plan." One completed special study has addressed this issue and an additional special study on the topic is currently being performed.

Comment (2) - Reduction of phosphorus loading from lawn and garden fertilizers also poses a serious threat to the health of the nearshore marine environment and the Sanctuary should actively pursue a significant reduction of that impact.

Response - Thank you for the comment. The FKNMSPA (1990) and its partners on the Water Quality Program Steering Committee are continually striving to reduce these impacts.

Comment - The Sanctuary should take a leadership role in reducing the pollution that is discharged from the Everglades into Florida Bay

Response - NOAA and the FKNMS are charter members of the SFERTF and the Working Group. The entire group provides leadership in addressing these issues and to address the quantity, quality, timing and distribution of freshwater back into the system.

#### **Waterway Management Action Plan**

Comment - Strongly encourages the establishment of mooring fields at Blackwater Sound, Community Harbor, Pine Channel and other areas determined to be feasible as they will enhance public enjoyment of the Sanctuary.

Response - Thank you for the comment. The FKNMS will work closely with local, state and other federal partners to consider implementing this recommendation.

#### **Law Enforcement and Resource Protection Action Plan**

Comment - State Law officers do not have the authority to issue tickets or to arrest people for fishing in International Waters but they do within the Territorial Sea.

Response - NOAA and FWC disagree. The FWC officers have full federal authority through a Cooperative Enforcement Agreement.

Comment - Believes that effective enforcement of existing regulations should precede more onerous regulations.

Response - Thank you for the comment.

Comment - Strategy R.2 Page 98 - FKNMS, in addition to working with the SAC, is also obligated to coordinate installation and permitting of the markers through the USCG and/or the FL DEP. Suggest that FKNMS elaborate upon the permitting process it follows regarding the installation of their channel markers and other Aides to Navigation within Sanctuary waters.



Response – The FKNMS coordinates with the appropriate local, state and federal agencies in the permitting process.

Comment – Supports the evaluation of boundary demarcations and buoy positions and believes that clearly demarcating channel boundaries is a strategy that will facilitate voluntary regulatory compliance.

Response – Thank you for the comment.

Comment – Enforcement Action Plan, page 106-108 – Public involvement through site-specific interpretive patrols is an intriguing concept that other land management agencies could potentially benefit from. Please elaborate on the make-up of this program.

Response – Thank you for the comment. FKNMS feels the level of detail in the revised Management Plan is sufficient. More information can be obtained at the FKNMS Web site ([floridakeys.noaa.gov](http://floridakeys.noaa.gov))

Comment – Enforcement Action Plan, page 106-108 - Enforcement personnel costs are identified at least that \$3K/year. Is this figure correct? Does FKNMS have a fiscal arrangement with another entity that results in enforcement costs being so low?

Response – Thank you for the comment. FKNMS commits over \$1.5M to enforcement every year. Funds are transferred to the FWC and NOAA OLE for enforcement purposes. The costs identified in the Enforcement Action Plan Implementation Cost Table are those to provide additional staff and are not the total cost of enforcement personnel.

Comment – Strategy B.6, Page 109 – With respect to cross-deputization through the FWC, Biscayne Bay NPS suggests FKNMS consider indicating the training required for the commissioned law enforcement officers to receive these state law enforcement credentials, 80 hours of training in addition to attending the FWC 12 week basic law enforcement training course.

Response – NOAA cross deputizes state FWC officers to enforce federal regulations. This strategy is not advocating the cross-deputizations of Federal Officers to enforce state laws.

### **Threat Reduction Action Plan**

Comment – Spearfishing tournaments are inconsistent with the concept of a Sanctuary. The Sanctuary is encouraged to decline to permit such activities. However spearfishing for residents should continue.

Response – Thank you for the comment. FKNMS will continue to track this activity and implement management actions in conjunction with its management partners (FWC, SAFMC and GMFMC).

Comment – Begin assessing the establishment of a concessionaires permitting system for dive and charter boat operations within the Sanctuary

Response – Thank you for the comment. This recommendation will be incorporated into the regulatory review process that will follow the finalization and formal adoption of this revised Management Plan.

Comment (3) – Work to reduce the impacts of the specially-designated recreational lobster days

Response - Thank you for the comment. FKNMS will continue to track this activity and implement management actions in conjunction with its management partners (FWC, SAFMC and GMFMC).

### **Maritime Heritage Resources Action Plan**

Comment – Pages 130-143 – The text which addresses strong partnerships between FKNMS, FDHR and the Advisory Council on Historic Preservation (ACHP) neglects to mention the tremendous collaboration that is underway between Biscayne Bay NPS and FKNMS. Especially in regards to the work through out 2004 and 2005 in developing a Maritime Heritage Resources Interagency Agreement.

Response – Thank you for the comment. Language has been added to highlight this productive partnership.

Comment – Strategy MHR.5, page 143 – Recommends the following language be inserted under Activities (2): FKNMS and Biscayne Bay NPS will continue to develop cooperative cultural resources programs to enhance social science research, resource protection and public information and education surrounding submerged archaeological sites, objects and associated records.

Response – Thank you for the comment. FKNMS feels the language currently in the revised Management Plan is sufficient to the purpose intended.

Comment – Strategy MHR.5, page 143 – In respect to the flow chart concerning interagency coordination, suggest not just limiting the list to just DRTO but also include Everglades and Biscayne Bay NPS.

Response – Thank you for the comment. FKNMS has revised the language to be more inclusive.

Comment (Florida Bureau of Archeological Research (BAR)) – Prefers that since the State of Florida owns abandoned shipwrecks in 65 percent of the Sanctuary that management strategies detailed in the MHR Action Plan be more balanced, both in implementation and funding to reflect NOAA’s policy on resource protection through research, education and recreation.

Response – Thank you for your comment. The FKNMS MHP and the State of Florida BAR plan to hold periodic meetings to discuss effectiveness of strategies, progress toward intended goals, and availability of funding support from each agency.

Comment (Florida BAR) – strongly recommends that the Sanctuary implements the recommendation on page 132 to hire an underwater archaeologist as soon as possible and to supplement the position with two assistants to implement the Action Plan as intended.

Response – Thank you for the comment. The FKNMS has assessed this need and has added this position to a list of priority needs.

Comment (Florida BAR) – agrees that the most important Activity proposed in the 2005 plan is “create an MHR Field Unit.” They are concerned that it is in the MHR Permitting strategy. Commenter asserts that placing the unit in the Permitting strategy makes it appear as though the unit will be used primarily for permitting rather than the core functions of MHR management such as inventory, recording, evaluation, monitoring, interpretation and protection.

Response – Thank you for your suggestion. This Strategy is incorporated into two of this Action Plan Strategies. FKNMS feels it is clear that the role of the unit would include both core functions and permitting.

Comment (Florida BAR) – On page 134 bullet 1 – It would be better if the sentence read “...establishing principles of joint management and guidelines for permits.”

Response – Thank you for the comment. The suggested revision was incorporated.

Comment (Florida BAR) – On Page 131 paragraph 5 – This sentence should read: “permission may also be required from FDEP/FDSL (Division of State Lands, Board of Trustees of the Internal Improvement Trust Fund),” since Consent of Use to use state lands is necessary where excavation is involved, and this permission is under the authority of the Department of Environmental Protection, not the Division of Historical Resources.

Response – Thank you for the comment. The suggested revision was incorporated.

Comment (Florida BAR) – On Page 131, recommend removing the phrase “may ultimately deteriorate due to natural processes” to come back into agreement with the 1997 negotiated language as reflected in the Programmatic Agreement.

Response – Thank you for the comment. The suggested revision was incorporated

Comment (Florida BAR) – On Page 136, recommend removing the phrase “would be adversely impacted.” to come back into agreement with the 1997 negotiated language.

Response – Thank you for the comment. The suggested revision was incorporated.

Comment (Florida BAR) – on page 136, a number of terms have been needlessly hyphenated. These terms are established in the Programmatic Agreement without hyphens and they are grammatically correct in that form.

Response – Thank you for the comment. The FKNMS has made the appropriate editing changes.

Comment (Florida DEP) - requests NOAA and Florida Dept of State's Division of Historical Resources discuss specific changes within the action plan while referring to the Programmatic Agreement for SCR management and develop a consensus on approaches and level of resource allocation to the protection and management of these historic resources in the FKNMS.

Response - Thank you for the comment. The FKNMS and Florida Dept of State's Division of Historical Resources met and discussed these topics. The results of the discussions have been incorporated into this document.

Comment - Strategy MHR.2. Establishing an MHR Inventory (page 139, par 2) - Comment wishes to point out surveying and collecting anecdotal information from "salvors" may not produce very much information.

Response - Thank you for the comment. Information from "salvors" has advanced FKNMS knowledge of our maritime heritage resources.

Comment - Maritime Heritage Resources Inventory - Can the Sanctuary be a bit more specific about the bibliographic database that has been created? Describe what information elements are included in the database.

Response - Thank you for your comment. Currently the bibliography database consists of annual reports from FKNMS permit holders and is not complete yet.

Comment - Maritime Heritage Resources Inventory - Can the Sanctuary provide the reference title (address) that is used for searching the internet?

Response - Thank you for your comment. FKNMS will consider appropriate public access to this information.

Comment - The Issue of Commercial Salvage (page 133) - Mentioned in the paragraph "In consultation with the state, which owns abandoned shipwrecks in 65 percent of the Sanctuary, and consistent with the Abandoned Shipwreck Act, commercial salvage of abandoned shipwrecks 'has been determined not to be a compatible use in areas where there is coral, seagrass or other significant resources.'" Who made this determination?

Response - The primary goal and objective of the NMSP is resource protection. Proposed methods of effectively transplanting seagrass and coral for the recovery of significant maritime heritage resources will be evaluated on a case by case basis. FKNMS and the State of Florida prefer in-situ preservation.

Comment - Maritime Heritage Resources Accomplishment (page 134) - Of the 550 sites mentioned it should be noted that not all of these sites were "Maritime Heritage Sites"... that is shipwrecks. A large number are "natural values"... interesting corals and coral fragments. Most of the sites in the five volume set covers only the Upper Keys.

Response - Thank you for your comment. Appropriate revisions have been made.

Comment - Maritime Heritage Resources Implementation (page 131, par 2) - It is mentioned that FDHR has developed a range of management tools that can be usefully applied within the Sanctuary. Perhaps the Sanctuary should describe some of the management tools.

Response - Thank you for your comment. The MHR Action Plan includes the management tools and strategies (inventory, document, monitor, and interpret).

Comment - Maritime Heritage Resources Permitting (Page 136) Last Sentence - "No permits will be issued for excavation in areas where coral, seagrass, or other significant natural habitats would be adversely impacted." According to the Advisory Counsel on Historic Preservation updated Policy Statement on 'Balancing Cultural and Natural values on Federal Lands dated December 20, 2002, Managers are supposed to ensure that cultural values are afforded equal consideration. Accordingly, it would seem that each case should be investigated separately rather than categorically issuing a "No Disturb rule."

Response - Thank you for your comment. Each permit application is considered and evaluated on a case by case basis. The intent of the Advisory Counsel's Policy Statement on Balancing Cultural and Natural Values on Federal Lands is to promote the protection of both natural and cultural resources. Federal agencies should not let the protection of either resource cause the disturbance or degradation of the other. Both types of resources should be equally protected. FKNMS and the State of Florida prefer in-situ preservation.

Comment - Maritime Heritage Resources (page 241) - The writing is somewhat cumbersome.

Response - Thank you for the comment. Some editing of the text on this page occurred.

### **Mooring Buoy Action Plan**

Comment - The Sanctuary should establish vessel limits on the use of reef mooring buoys.

Response - Thank you for the comment. The FKNMS has implemented such limitations in the Tortugas Ecological Reserve. Additionally, special mooring "U-bolts" heavier line and larger buoys are being installed for larger vessels. In the Upper Keys a maximum vessel length of 60 ft is the design criteria and the strong recommendation for "single pin" or manta ray buoy anchors depending on weather conditions. Heavier "U-anchor" systems will be considered in the future for large vessels in the Upper Keys.

### **Volunteer Action Plan**

Comment - 3.2.2 Volunteer Action Plans (page 80) - Does the Sanctuary's Volunteer Program have insurance coverage as did the Nature Conservancy's?

Response - The FKNMS Volunteer Program is covered under the Federal Worker's Compensation Program.

Comment - Supports the continuance of volunteer monitoring programs specifically identifying Reef Medics and Adopt-a-Reef Programs.

Response – Thank you for the comment. FKNMS appreciates the support.

Comment – Activity 1 of the Volunteer Action Plan, the volunteer based Florida Keys Watch water quality monitoring program, has been completed and is no longer operational from The Nature Conservancy’s perspective.

Response – Thank you for the comment. The language was reviewed and revised as appropriate.

### **Regulatory Action Plan**

Comment – Supports the status quo option with respect to Sanctuary bait-fishing and ardently opposed the recommended blanket bait-fishing prohibition.

Response – Thank you for the comment. A review of all allowable SPA activities will include multiple opportunities for public comment and input before any changes are made. This regulatory review process will begin only after this revised Management Plan is finalized and formally adopted.

Comment – Encourages NOAA to follow the Sanctuary Advisory Committee’s recommendation that the Sanctuary ban personal watercraft.

Response – Thank you for the comment. Members of the public will be afforded multiple opportunities to review and provide input to a series of regulatory alternatives associated with PWC and other vessel operation in the Sanctuary that will be considered after this revised Management Plan is finalized and formally adopted. The FKNMS is committed to working with its local, state and federal partners to reduce the impacts of all boats on the resources of the FKNMS.

Comment – Takes issue with the assertion on Page 100 that “during the five years since implementation of the original Sanctuary Management Plan, the controversy over PWC operation has increased. Comment believes the opposite is true.

Response – Thank you for the comment. The FKNMS agrees and revised the Management Plan to reflect accordingly.

Comment – Appreciates that FKNMS has acknowledged on Page 100 the positive changes within the PWC industry since the 1997 management plan was adopted.

Response – Thank you for the comment.

Comment (2)– Supports Alternative #1, “Status Quo – No action beyond activities implemented in other action plans related to PWC adopted use (e.g. additional WMAs, concentrated nearshore enforcement, boater-education initiatives) and recommends that no further regulations be promulgated.

Response – Thank you for the comment. Members of the public will be afforded multiple opportunities to review and provide input to a series of regulatory alternatives associated with PWC and other vessel operation in the Sanctuary that will be considered after this revised Management Plan is finalized and formally adopted.

Comment – Strongly urges FKNMS to disregard any anti-PWC rhetoric espoused by special interest groups whose agenda consists of championing PWC bans without scientific support.

Response – Thank you for the comment. Members of the public will be afforded multiple opportunities to review and provide input to a series of regulatory alternatives associated with PWC and other vessel operation in the Sanctuary that will be considered after this revised Management Plan is finalized and formally adopted.

Comment (3) – Continue active support for the current ban on PWC in the National Wildlife refuges’ backcountry waters.

Response – Thank you for the comment. Members of the public will be afforded multiple opportunities to review and provide input to a series of regulatory alternatives associated with PWC and other vessel operation in the Sanctuary that will be considered after this revised Management Plan is finalized and formally adopted.

Comment – States the entire area should be kept entirely free of all ships.

Response – Thank you for the comment. The FKNMS Area-To-Be-Avoided (ATBA) and the Particularly Sensitive Sea Area (PSSA) have both been effective tools for addressing major ship groundings on the coral reefs of the FKNMS.

Comment (2) – Fish feeding should be banned from the Sanctuary along with pollution discharge.

Response – Thank you for the comment. Fish feeding and pollution (through the establishment of a no-discharge zone) will be addressed as described in Activities 12 and 3 respectively, of Strategy R.2 (Regulatory Action Plan). This regulatory review process which will begin only after this revised Management Plan is finalized and formally adopted.

Comment (4) – Encourages NOAA to ban cruise ship discharges of treated or untreated sewage as well as treated or untreated graywater in all the waters of the Sanctuary, not just those parts of the Sanctuary containing state waters. And the Comment urges NOAA to prohibit all discharges from all ocean-going ships that transit the Sanctuary while approaching a US port of call.

Response - Thank you for the comment. Pollution discharges through the establishment of a no-discharge zone are specifically addressed in Activity 3 of Strategy R.2 (regulatory Action Plan.) Cruise ships, as well as other vessels, would be subject to any new regulations promulgated. The regulatory review process will begin only after this revised Management Plan is finalized and formally adopted.

Comment - Encourages NOAA to establish a monitoring and education program to ensure compliance with the Commenter's previously proposed discharge ban on all ships transiting the Sanctuary.

Response - Thank you for the comment. A regulatory review process will begin after this revised Management Plan is finalized and formally adopted. Should such a ban be adopted as part of that process, plans will be made at that time to determine whether monitoring and/or education programs should be developed in association with the ban.

Comment - On Page 361 NOAA states that questions have been raised regarding its ability to ban PWC due to a state law passed in 2000. It is the Commenter's opinion that the state law does not bar either NOAA or the state from enacting a PWC ban since the law merely prohibits the enactment of any "ordinance or local law" that discriminates against PWC.

Response - Thank you for the comment. Legal interpretation of existing laws will be given full review and consideration before changes to any FKNMS regulations are enacted. Members of the public will be afforded multiple opportunities to review and provide input to a series of regulatory alternatives associated with PWC and other vessel operation in the Sanctuary that will be considered after this revised Management Plan is finalized and formally adopted.

Comment - Requests thorough scientific review of the effectiveness and necessity of the current regulation prohibiting vessel speeds greater than idle in areas designated as idle speed only/no-wake, and within 100 yards of navigational aids indicating emergent or shall reefs (page 98). And, that the Sanctuary consider such modifications as allowing moderate boat speeds in combination with more clearly demarcated channel and reef markings.

Response - Thank you for the comment. Full consideration of this request will be made during the regulatory process that will begin following the finalization and formal adoption of this revised Management Plan.

Comment (Florida DEP) - Commenter understands there will be a separate regulatory review process and that there will be recommendations on zoning, permitting, no-discharge regulations and others. They look forward to working with NOAA as a cooperating agency and co-trustee during this process with the ultimate objective of enhanced protection of the natural resources of the Florida Keys.

Response - Thank you for the comment. FKNMS is also looking forward to conducting a positive and inclusive regulatory review process.

### **Sanctuary Advisory Council Action Plan**

Comment - The role of the SAC has been largely ceremonial and it has provided an opportunity for information sharing and the airing of opinions. To be effective, the Sanctuary should follow-up with actions to reduce identified impacts discussed at length by the Council.

Response - The FKNMS strongly does not agree with this comment regarding the nature of the role of the Sanctuary Advisory Council.



Comment - For the benefit of other agencies cooperating with the FKNMS it would be helpful if the plan addressed the specific congressional authority that enables the agency to establish a standing advisory council. It would be helpful if the FKNMS outlined their authority to establish the advisory council, how members are appointed, and the process the Sanctuary follows with respect to forming working groups under the auspices of the council.

Response - Thank you for the comment. This authority is laid out in the FKNMSPA (1990) and the National Marine Sanctuary Act. It is now addressed for all National Marine Sanctuaries in policy documents. These are available in our appendices and on our Web site ([floridakeys.noaa.gov](http://floridakeys.noaa.gov)).

## **Appendices**

Comment - Appendix C - FKNMS Regulations (page 310 par L (1)) - Suggests that sentence (1) be re-written to state that permit applicants shall designate a Project Director who has the requisite training and experience to be in charge of planning, field recovery operations and research analysis. This person could be a degree holding archaeologist or an individual with equivalent training and experience.

Response - Thank you for the comment. This suggestion will be reviewed during the regulatory review process to be initiated once the FKNMS revised Management Plan has been finalized and formally adopted.

Comment - Appendix C - FKNMS Regulations (page 310 par L (2)) - States that an approved nautical conservator shall be in charge of conserving any artifacts and materials recovered. To the Comment's knowledge that are no listings of "approved" nautical conservators or for that matter "approved" conservation laboratories.

Response - Thank you for the comment. This comment will be reviewed during the regulatory review process to be initiated once the FKNMS revised Management Plan has been finalized and formally adopted.

Comment - Programmatic Agreement (Page 356, para H. Deaccession/Transfer Permits) - Is there any reason in "law" that establishes 50 years for the basis for the Sanctuary to consider items of that age as being "archaeological interest."

Response - Thank you for the comment. Any concerns associated with this Agreement are outside the bounds of this revised Management Plan document. The question will be held for review during the next review of the Programmatic Agreement.

Comment - States the Programmatic Agreement needs to be modified to reflect Presidential Executive Order 13287 on Preserve America. Comment asserts the Programmatic Agreement fails to take into account the Preserve America initiative program and NOAA's participation in the program. Specifically the Programmatic Agreement does not mention the Advisory Council on Historic Preservation (ACHP) updated policy statement on "balancing cultural and natural values on federal lands, dated 12/30/2002. As a result the State of Florida and the Sanctuary's

position regarding the issue of commercial salvage of abandoned shipwrecks where there is coral, seagrass or other significant resources is without sensible foundation and should be modified and a procedure worked out to review possible recovery of items by permit applicants.

Response - Thank you for the comment. Modifications to this Agreement are outside the bounds of this revised Management Plan document and will be considered separately during the renewal of the Agreement.