

Florida Keys National Marine Sanctuary Advisory Council

Final Minutes – December 11, 2001

MEMBERS PRESENT

Tom Davidson	Nancy Klingener
Fran Decker	Karen Lee
Richard Grathwohl	Martin Moe
Debra Harrison	Ken Nedimyer
David Hawtof	George Neugent
Tony Iarocci	Anita Schwessinger
Don Kincaid	Deborah Shaw

ALTERNATES PRESENT

Greg DiDomenico
Sheila Mullins

Call to Order

Chairman Neugent called the meeting to order at 9:17 a.m.

Approval of Minutes/Adoption of Agenda/

Approval of Schedule for Calendar Year 2002 SAC Meetings

On motion by Thomas Davidson, seconded by Tony Iarocci, the Minutes of the October 16, 2001 meeting were approved as presented. The agenda for today's meeting was adopted as presented. Mr. Causey inserted into the calendar a special meeting on marine mammal stranding issues scheduled for January 17, 2002 at the Marathon Garden Club, commencing at 1:00 p.m. After some discussion, the schedule was adopted as presented.

Public Comment

Mr. Pontin read the attached comments into the record, concerning a difference of opinion that he had with Mr. Causey about the responsibility for determining the appropriate authority to have jurisdiction over Sovereign Submerged Lands in the Florida Keys, at a meeting of the Key West Propeller Club. Mr. Causey reminded Council Members of a previous vote by the Council not to debate jurisdictional issues. Both Mr. Nedimyer and Mr. Iarocci expressed a desire to engage Mr. Pontin on issues related to the expertise of the Council, suggesting that legal matters were outside that area. After Mr. Kincaid added some historical insight into the State's decision over ownership, Mr. Davidson suggested that the Council should either rescind the motion relating to discussion of jurisdictional issues, or abide by it.

Superintendent's Report – Billy Causey

Mr. Causey presented the attached report, especially mentioning a Gift to the Earth Award presented to the Sanctuary team by the World Wildlife Fund; the appointment of Lt. Robert Kamphaus to the FKNMS Lower Region Assistant Manager position; and a visit paid by the Stanley Switlik Alpha students and their chaperones to the Tortugas. In addition to hosting many visitors, Sanctuary staff gave presentations at several

international and national meetings. Mr. Causey was one of two keynote speakers at the Second National Conference on Aquatic Environments in Townsville, Australia, in November.

Ms. Harrison expressed grave concern over a recent action taken by the Monroe County Commission to divert funds earmarked for waste water infrastructure projects for the Lower Keys to augment private funds for the sinking of the Spiegel Grove to create an artificial reef. She moved that the Sanctuary Advisory Council take action to recommend that the Superintendent address the Monroe County Commission at their next meeting on this issue. Chairman Neugent explained that both he and Commissioner Williams were absent at that particular meeting due to illness and, while supporting the Spiegel Grove Project, concurred that it was an inappropriate source of funding. The motion was seconded by Mr. Kincaid, and upon roll call vote, passed unanimously.

Chairman Neugent thanked the Superintendent and Sanctuary staff for their supportive work throughout the year. He specifically acknowledged the efforts of Sharyn Collette.

Mr. Causey reciprocated the acknowledgment to the Chairman and Council Members. He introduced Ken Haddad, the Director of the Florida Marine Research Institute (FMRI) for the Florida Fish & Wildlife Conservation Commission (FWC) based in St. Petersburg. In response to Ms. Mullins' query about the status of the letter from the Council to the State of Florida, concerning the authorization of additional law enforcement officers for the Sanctuary, Mr. Causey indicated that progress was being made.

**Department of Environmental Protection (DEP) –
Fritz Wettstein for Anna Marie Hartman**

Mr. Wettstein reported on two issues. The first was a meeting held between DEP and FWC concerning the removal of lobster trap debris after storms, with significant input from Mr. DeDomenico on behalf of the Monroe County Commercial Fishermen, Inc., (MCCF) recognizing the need for legislation to allow the removal of trap debris, by Sanctuary personnel, from Sanctuary Preservation Areas and other closed areas without incurring criminal penalties. Mr. Wettstein also gave a status report on the implementation of the No Discharge Zone in State waters.

Mr. Grathwohl expressed concern over the DEP authorized release of acid waste water from Piney Point phosphate mine into Tampa Bay, as reported in the Tampa Tribune, and suggested that the Council should state displeasure of this action to the Secretary of the DEP. Mr. Kincaid added the proposed desalination plant in Tampa Bay is a potential source of upstream contamination. Chairman Neugent determined that more information was needed before the Council could properly take action. Mr. Haddad, at Mr. Hunt's behest, outlined the circumstances leading to the DEP action and explained the minimal nature of the chemical impact of the desalination plant on Tampa Bay. Ms. Lee asked that the issue be put on the next SAC agenda.

Florida Fish and Wildlife Conservation Commission (FWC) – John Hunt

Mr. Hunt reported on actions taken by the Commissioners regarding the sponge industry, including an increase to 5” across the top as the minimum size for a legally harvestable sponge and the need for an identifying endorsement for all sponge fishers. He noted that jointly with colleagues, he will be conducting an extensive survey of nearshore hard-bottom communities, starting in the Spring, that will address some of the sponge issues. Mr. Hunt mentioned Chairman Neugent’s presentation to the Commissioners on the Council’s recommendation for lobster tags during the mini-season. He said that the Commissioners adopted the recommendation as a way to enforce bag limits and prevent multiple trips per day during the mini-season, although this will not take place without approval by the Florida Legislature for levying a fee to cover the cost of the tags. Mr. Iarocci offered on behalf of the MCCF to expedite the process. Mr. Grathwohl referred to the recommendation of the Florida Guides Association, the Marathon Guides Association and the Florida Keys Guides Association to the Commissioners on reducing the bag limits for snook on the West Coast.

At the request of Chairman Neugent, Mr. Hunt gave an update on current knowledge of the virus afflicting lobsters, as well as mentioning a Caribbean-wide study of lobster population fluctuations related to the El Nino/La Nina cycle conducted by Nelson Earhardt of the University of Miami. He clarified for Ms. Mullins the request made by The Florida Conservation Association to the Commission to study manatee populations in the State of Florida, with a view to re-assessing their protective status. Ms. Mullins asked that the issue be put on a future SAC agenda and Chairman Neugent agreed. Ms. Klingener also asked that Mr. Hunt give the Council an update on the ballyhoo fishery at a future meeting.

Mr. Causey mentioned collaboration between Sanctuary staff and FMRI staff on investigating the urchin aggregations destroying manatee grass beds in Florida Bay that have concerned commercial fishermen and asked for specific location information of urchin aggregations from the fishing community. Mr. Iarocci stressed the importance of a regional focus on fisheries issues.

Sanctuary Enforcement Report (FWC) – Lt. Bob Currul

Lt. Currul reported on the results of the debris removal with 65 and a half tons taken from the water and the successful prosecution and sentencing of two of the perpetrators. This was a result of inter-agency collaboration, including FWC and Sanctuary officers and personnel, DEP personnel and National Marine Fisheries attorneys. He mentioned the deployment of bilingual ‘No Fishing’ stickers on buoys marking the no-take zones, and Lt. Currul commented on compliance problems with some of the fishermen locating traps at the edge of the Tortugas Ecological Reserve. He said that the Coast Guard, with the assistance of the National Marine Fisheries Service, has conducted some over-flights to the Tortugas that did not reveal any violations.

Public Comment

Ms. Mathews recommended that the Council apprise the Water Quality Steering Committee of water quality issues outside of Sanctuary boundaries that impact Sanctuary resources.

Mr. DeDomenico expressed the hope that a turning point has been reached in the trap-theft problem for commercial lobster and stone crab fishermen, with the example of the recent conviction and sentencing of two trap robbers.

Mr. Causey drew attention to two attached items, one concerning the announcement by Deputy Secretary Bodman to the Coral Reef Task Force of \$34 million in funding for coral reef conservation, the other concerning the official swearing in of Vice Admiral Conrad Lautenbacher, USN (Ret.), as the new NOAA Administrator.

Live Rock Aquaculture – Ken Nedimyer

Mr. Nedimyer gave a presentation on his live rock project in the Florida Keys. He started with a historical overview of the live rock business in the State of Florida, from the harvesting of wild live rock to the cultivation of live rock on sandy bottom. He shared details of the processes and experimentation that he endured to maintain his two sites, one in Federal and one in State waters, with bureaucracy and storms heading the list of impediments. He illustrated his presentation with slides of representative organisms that settle on his sites including a specimen rock with brain coral which he showed at the Second Annual Marine Ornamentals Conference in Orlando, and which is now being used for research at the University of Miami. Mr. Nedimyer concluded with the observation that the future for aquarium organisms lies in tank cultivation. Questions and comments followed.

Techniques development for the reestablishment of the long-spined sea urchin, *Diadema antillarum*, on two small patch reefs in the upper Florida Keys

– **Martin Moe and Ken Nedimyer**

Mr. Moe accompanied his attached presentation with a series of slides contrasting the state and condition of reefs in the Florida Keys before the *Diadema* die-off in 1983-4 and the present day, showing the difference between coral-dominated reefs and algal-dominated reefs. Additionally, he described and illustrated the procedures involved at all levels of the project, from inception to implementation and follow-up, and emphasized the feasibility of a project of this nature as a tool for habitat restoration. Questions and comments followed.

Discussion of Strategy for Lobster Mini-Season

Mr. Causey explained that the 300 ft. buffer zone around the Keys, a ‘de facto reserve’, was considered by Major Long at the FWC meeting in November and determined not to be enforceable. Therefore, the Commissioners did not take action. He said that Chairman Neugent responded immediately, convening a meeting of policy makers, resource managers and enforcement officers to examine alternatives to the buffer zone.

Mr. Neugent thanked Mr. Bellizzi for his support in trying to find a solution to the Keys-wide concern over the mini-season. He said that once it was apparent that the buffer zone was not enforceable, he, Mr. Bellizzi and Billy Causey met with the Monroe County Sheriff's Department and with FWC enforcement officers, Lt. Bob Currul and Major Long. He indicated that the willingness of the Sheriff's Department to support FWC officers with enforcement on improved residential shorelines, marinas and private canals made the issue acceptable to Major Long, provided that it is year-round and not just the mini-season. Mr. Neugent stated his intention is to introduce the subject to the County Commission and the municipalities, and then return it to the FWC Commissioners for approval at their next meeting. He added that Major Long pointed out that keeping divers away from those areas enhanced their safety. Mr. Wettstein asked if these rules will be in place for the next mini-season and Mr. Bellizzi said that they are implementable. Discussion followed, with Lt. Currul clarifying that Major Long was looking to restrict the taking of marine life in those areas via diving alone. Mr. Moe observed that this would apply to Monroe County residents as well as visiting divers. Ms. Mullins raised the issue of securing alternative funding for tags so that they could be issued for the next mini-season. Mr. Grathwohl moved that the working group's recommendation for restricting diving for marine life along designated structures be adopted by the Council, but the motion failed for lack of a quorum.

Florida Keys National Marine Sanctuary: An Ecosystem Report Card

– Billy Causey

Mr. Causey gave a presentation summarizing the findings of a number of the scientific projects and special studies undertaken by the Sanctuary. The summaries were presented the previous week at NOAA Headquarters in Silver Spring, MD with the collaboration of the FKNMS team, EPA, the State of Florida and NOAA, and many of the contributing scientists. Topics ranged from oceanography to the cellular level.

Sanctuary Advisory Council Work Plan for Calendar Year 2002

Mr. Causey proposed deferring this item to the next meeting.

Unfinished Business

Mr. Wettstein raised the subject of a special panel on oil spills that had been requested at a previous meeting. Mr. Causey pointed out that the Coast Guard will be unable to contribute at the present time, so it was put on the agenda for the April 16, 2002 SAC meeting by Chairman Neugent.

Announcements

Ms. Klingener announced the release of The Socioeconomic Study of Reefs in Southeast Florida, with a contribution by Dr. Bob Leeworthy of NOAA, specifically mentioning the high level of acceptability for no-take zones among residents of the Florida Keys.

Items for the February 2002 Agenda

SAC Work Plan for Calendar Year 2002

Contaminants in Tampa Bay

Manatees

Ballyhoo

Lobster tags

Adjourn

The meeting was adjourned at 3:24 p.m.

Submitted by,

Fiona Wilmot

Approved: February 19, 2002