

**Florida Keys National Marine Sanctuary Advisory Council
Final Minutes – December 12, 2000**

Members Present

Rob Bleser	Warren Johnson
Virginia Cronk	Don Kincaid
Fran Decker	Karen Lee
Jim Fryer	Duncan Mathewson
Richard Grathwohl	Ken Nedimyer
Debra Harrison	Anita Schwessinger
David Hawtof	Deborah Shaw
Tony Iarocci	

Call to Order

Vice Chair Debra Harrison called the meeting to order at 9:08 a.m.

Approval of Minutes/Approval of Resolutions

Rob Bleser requested a correction to the October minutes to reflect that Todd Firm was in attendance as his alternate. On motion by Warren Johnson, seconded by David Hawtof, the minutes of the October 17, 2000 meeting were approved as corrected. June Cradick reported that the minutes for the special November 17 were not complete, and suggested the SAC review the resolutions from that meeting because of the timely nature of the splicing issue. Jim Fryer suggested a correction to paragraph three of Resolution #00-5 changing “adopt” to “support the adoption of”. On motion by Mr. Fryer, seconded by Tony Iarocci, the Sanctuary Advisory Council adopted Resolution #00-5 as corrected, and Resolution #00-6 (attached).

Approve Agenda

Mr. Iarocci requested the addition of an item under New Business to discuss support for Dan Basta as Director of the National Marine Sanctuary System. Ms. Harrison requested an item be added to discuss support of the Collier-Hoover Plan for Homestead Air Force Base. Ms. Cradick requested the update on the Tortugas Ecological Reserve (TER) be moved to the afternoon when Billy Causey will arrive. Mr. Fryer requested a report on the state of the reef as discussed by the recent Science Panel following the TER report. Mr. Iarocci requested he report on the South Atlantic Fishery Management Council meeting. Mr. Johnson moved to approve the agenda, as amended. The motion was seconded by Mr. Iarocci, and passed unanimously.

Update on Selection of New Council Members

Ms. Cradick reported that the Governor has not reviewed the applications for the vacant Sanctuary Advisory Council seats, and asked the members whose terms expire the end of December if they would be willing to continue on the SAC through the February 2001 meeting. The SAC members in attendance agreed to continue on the SAC.

Sanctuary Superintendent's Report - Ms. Cradick presented the report (attached).

Florida Department of Environmental Protection – Anna Marie Hartman reported on a recent damage assessment meeting in Beaufort, South Carolina. A greater emphasis is being put on collecting fines for ship groundings, and DEP has hired three people to work on groundings. Ms. Hartman also reported that DEP has requested a Governor's Proclamation naming March Seagrass Awareness Month. Ms. Hartman reported she has been appointed to the Florida Institute of Oceans. She also reported on the Governor's Oceans Committee of the Oceans Alliance where they are re-evaluating research priorities.

Public Comment

Kim Anaston commented on the need for increased monitoring and study of shallow and deep injection wells and their impacts on the Florida Keys ecosystem. She requested this issue be included under New Business at the next meeting.

Jim Bellizzi commented that Sanctuary regulations are unclear, specifically 922.163. Prohibited activities are listed in three separate manners in the regulations, which depict three different interpretations. Mr. Bellizzi suggested education rather than enforcement, and suggested methods such as signage and information to the hotel/motel associations and the cruise industry in Key West. Discussion was held regarding FKNMS education and FWC enforcement. Ms. Cronk invited Mr. Bellizzi to attend an Education Working Group meeting.

Mr. Bellizzi requested that the intent of the regulation pertaining to the speed of all vessels operating within the Sanctuary be placed on the next SAC agenda. Mr. Bellizzi also expressed his concern with the regulations in the Draft Management Plan regarding voluntary compliance with the regulations, and the fact that the Florida Marine Patrol (FMP) has only adopted one specific regulation within the Sanctuary with regards to Sanctuary resources only, and that there is not cross deputization between the FMP and the FMP Sanctuary officers. He stated he does not think the public is getting the benefit of the enforcement that they rightfully deserve, and it is incumbent upon each and every one of us to see that the regulations are enforced and abided by to preserve this Sanctuary as we have so enacted.

Vice Chair Harrison commented that the FKNMS has a strong education component and it is one of the action plans within the Management Plan. Ms. Harrison requested staff have someone from the FKNMS education department get in touch with Mr. Bellizzi. Ms. Cradick commented that FKNMS has a brochure route and FKNMS regulations are placed in all of the motels, hotels, and dive shops. Ms. Hartman commented that in the

past, Sanctuary regulations were only enforceable by Sanctuary officers, but now with the reorganization with the FWC, there has been a favorable change regarding cross deputizing officers.

Ms. Cronk stated that she and Mr. Moe are the education representatives on the SAC and would be happy to speak to Mr. Bellizzi further regarding his suggestions for educating the public. Vice Chair Harrison requested that staff add Mr. Bellizzi to the FKNMS mailing list.

Florida Fish and Wildlife Conservation Commission (FWC) – Mr. John Hunt reported that the Commission will meet January 24-25-26. The trap reduction program is on the agenda for the 25th, and the Tortugas Ecological Reserve and sponging is on the agenda for the 26th. He reported that the FWC will be preparing a sponging research plan. Public comment on the TER will be taken, and the decision will be made in March. Mr. Hunt encouraged SAC members to attend to express their support of the TER. Vice Chair Harrison requested Ms. Cradick forward a copy of the sponging resolutions with a cover letter to Representative Sorensen. Mr. Hunt commented that FWC economic fact sheets are available from the FKNMS Administrative office.

Sanctuary Enforcement Report – Lt. Bob Currul (FWC) reported that the grounding statistics for September were very low. In response to Mr. Iarocci's request, Lt. Currul reported on Sanctuary law enforcement boats ordered and projected for purchase this fiscal year.

Working Group Reports

Personal Watercraft – Richard Grathwohl reported the PWC Working Group will hold its next meeting December 13 at 4:00 p.m. at the Key Largo Library. A brief discussion was held regarding PWC regulations in the Monterey Bay NMS. Mr. Johnson referred to a recent letter H. T. Pontin sent to Mr. Causey and Chairman Neugent regarding jurisdiction (attached).

Water Quality – Ms. Harrison gave an update on the Florida Keys Water Quality Improvement Act. Mr. Fryer gave a summary on the status of the Conservation and Reinvestment Act (CARA).

Channel Marking – Warren Johnson reported he requested input from Randy Grau of Monroe County regarding inquiries received from fishing guides. Mr. Grathwohl commented the fishing guides concern is that the large number of channels marked causes confusion. Mr. Johnson concurred, and reported that the Propeller Club of Key West's position is that less marking is better than more, and that the 1997 plan was to mark only the narrow passages.

New Business

National Fishermen's Forum/South Atlantic Fishery Management Council

Vice Chair Harrison reported that she and Mr. Iarocci attended a conference sponsored by the National Fishermen, and Mr. Iarocci was featured in a national magazine.

Mr. Iarocci reported and complimented Ms. Harrison on her participation in the National Fishermen's Forum in New Orleans at the International Boat Show. He and Ms. Harrison discussed marine reserves and marine protected areas for the Tortugas at the forum. Mr. Iarocci gave a report on the South Atlantic Fishery Management Council meeting, commenting they have voted to go forth to endorse and put into effect more marine protected areas. Items discussed at that meeting included the definition of marine protected areas, and enforcement.

Support of Dan Basta

Mr. Iarocci spoke regarding support of Dan Basta as Director of the Office of National Marine Sanctuaries. Mr. Iarocci commented that Mr. Basta has really brought the Sanctuary program together, and has placed key people in leadership roles. Mr. Iarocci suggested the SAC write a letter of support. Ms. Harrison added information about Mr. Basta's involvement when the FKNMS was first established. Ms. Harrison made comments relating how impressive a manager he is, that he recognizes the importance of engaging stakeholders in the process, that he understands the progress the FKNMS has made, and he understands the importance of the research and monitoring the FKNMS does. A brief discussion was held relating to the importance of individual letters of support, as well as a recommendation to Sanctuary managers regarding a letter of support by the SAC. Debra Shaw moved that the Sanctuary Advisory Council recommend to the Sanctuary managers a letter expressing support of Dan Basta as permanent Director of the National Marine Sanctuary Program be sent to the Department of Commerce. The motion was seconded by Mr. Johnson, and passed unanimously.

Homestead Air Force Base/Collier-Hoover Proposal

Vice Chair Harrison reported the Supplemental Environmental Impact Statement (SEIS) for Homestead Air Force Base was released recently and the President will be making a determination on one of two proposals by January 7, 2001. Ms. Harrison gave a brief history leading up to proposals for the future use of Homestead Air Force Base. One proposal is for a commercial reliever airport for Miami-Dade, and the other is the Collier-Hoover proposal, an option which would economically benefit the area, and would provide hotels, a golf course, an office complex, and an aquarium/visitor's center that would promote the natural environment. Ms. Harrison mentioned several governmental agencies and entities that support the Collier-Hoover plan. Discussion was held regarding the background leading to the airport proposal. Some of the SAC members expressed concern that they did not have enough information to make a decision at this time. Discussion followed regarding the need for urgency. Ms. Shaw moved that the

Sanctuary Advisory Council recommend to FKNMS management support of the Collier-Hoover proposal for Homestead Air Force Base. The motion was seconded by Anita Schwessinger. Further discussion was held relating to it being too late to suggest any modifications to the proposal. Ms. Harrison commented that the SEIS has been done and the decision will be the choice between the two alternatives. Debra Shaw commented that the option which has a large aquarium would be immensely beneficial to us in the Florida Keys as far as educating the public, and would be far superior to having jets fly over the Sanctuary. Ms. Harrison also commented that the decision will be by Executive Order, with the President scheduled to sign it January 7, 2001. Upon roll call vote as follows, the motion passed: eight-- yes, four-- no, two-- abstain.

Sanctuary Superintendent's Report – continued

Washington, D.C. trip

Mr. Causey reported on a press event he attended December 11 in Washington, D.C. Secretary of Commerce Norman Mineta made an announcement at the National Press Club about the release of the Final Supplemental Environmental Impact Statement/Final Management Plan (SEIS) for the Tortugas Ecological Reserve (TER). Mr. Causey also reported on several other significant announcements Secretary Mineta made including some of the activities we are currently doing with Australia, particularly with the Australian Institute of Marine Science (AIMS). Dr. Clyde Wilkinson, a world renowned coral ecologist who has been working with the Great Barrier Coral Reef for many years, just completed a status of coral reefs around the globe. Mr. Causey stated he would get copies for the SAC members. The Secretary also announced that International Maritime Organization (IMO) rules are going into affect to establish a no anchoring area around the Flower Garden Banks National Marine Sanctuary. The Secretary also announced the working relationship with the Professional Association of Dive Instructors (PADI), and Project Aware regarding promoting some of the activities to address reef issues, and their new course curriculum.

Mr. Causey reported the Department of Commerce also announced some of the significant research and monitoring activities that are going to be jointly undertaken by Australia and the United States addressing coral reef initiatives. Mr. Causey attended a reception at the Australian embassy where he had the opportunity to meet with some of our nation's leaders and hear them talking in detail about coral reefs. Dr. Baker gave an excellent speech about the importance of coral reefs and addressed some of the major issues with both economic and biological significance.

Mr. Causey also reported, following the President's announcement designating the Northwest Hawaiian Islands Coral Reef Ecosystem Reserve on December 4, Dr. Baker of NOAA, asked him to take the message back to the Keys, that if it had not been for the FKNMS and their partnership with the State of Florida, we would not have this designation, nor would we have the Hawaii Humpback Whale National Marine Sanctuary.

Update on the Proposed Tortugas Ecological Reserve

Mr. Causey gave an update on the Tortugas Ecological Reserve process, reporting that the Final SEIS/Management Plan was released a week ago. Mr. Causey talked about the process and timeframe, stating that the final document was completed with the assistance of DOC attorneys Mark Haflich and Ted Beuttler. Mr. Causey reviewed the contents of the final plan mentioning the thorough job which was done addressing the comments. Mr. Causey reported that the preferred alternative contained in the FSEIS is the same as in the draft, except the regulatory component is Alternative D rather than Alternative C. He explained the reasons leading to the decision to recommend Alternative D, which included analysis of the verbal and written public comments, and that the Gulf of Mexico Fishery Management Council had asked the National Ocean Service to consider closing their areas of jurisdiction to diving activities. Mr. Causey reported that there is no recreational diving that is going to be affected in that area. The environmental gains in this particular instance far outweigh any socioeconomic impacts.

Discussion was held regarding no diving and no anchoring areas, and the area where continuous transit with gear stowed will be required. Mr. Causey reported that the FWC will consider the Tortugas Ecological Reserve proposal at their meeting in Miami in January, before it goes to the Governor and Cabinet for consideration. Ms. Harrison asked Mr. Causey about the importance of giving public testimony at the FWC meeting in January. Mr. Causey commented about the importance of testimony by individual members of the public, representatives of non-government organizations, and from people who make their living from the water.

Science Panel

Mr. Causey reported on the Science Panel advisory meeting held December 5 and December 6 to review the FKNMS coral, seagrass, water quality, and zone performance monitoring programs. Dr. Bill Kruczynski, EPA, worked with Dr. Brian Keller, FKNMS Science Coordinator, to identify and invite the following scientists for the review panel: Dr. Felicia Coleman-FSU, Dr. Jonathan Garber-U.S. EPA, Dr. Ronald Kneib-University of Georgia, Dr. Michael Risk-McMaster University, Dr. Susan Williams-Bodega Marine Laboratory, and John Hunt-FWC. Mr. Causey stated the purpose of the panel is to provide guidance to the Sanctuary managers for the next stages of the Sanctuary's research and monitoring program, and to develop a five-year science plan. The science panel listened to presentations of current research and monitoring activities. Some of their comments regarding water quality and coral reef decline recommended immediate corrective actions. Mr. Causey and Mr. Hunt gave an overview of the panel's recommendations. Mr. Causey stated the SAC members will be provided with a copy of the recommendations in the near future. The Sanctuary Advisory Council discussed the life expectancy and percentage of the decline of coral reefs, particularly related to the urgent need for water quality corrective actions.

Proposed Designation of the Florida Keys as a

Particularly Sensitive Sea Area (PSSA)

Ms. Lindy Johnson, Attorney-Advisor, NOAA General Counsel, International Law Office, explained the designation of a PSSA, and presented the background, the benefits, and reviewed the proposal to identify the marine area around the Florida Keys as a Particularly Sensitive Sea Area (PSSA). A copy of Ms. Johnson's presentation is attached. Ms. Johnson also reviewed charts depicting Areas to be Avoided (ATBA) and the Sanctuary boundaries. Mr. Johnson asked if an anchorage area is included in the proposal. Ms. Johnson responded that suggested alternative anchorage areas are included in Annex 4 or Annex 5 (attached). Ms. Johnson also reviewed a chart showing the location of the Racon beacons. Ms. Harrison recognized Warren Johnson and the Propeller Club for their work in accomplishing the placement of the Racon beacons. Vice Chair Harrison passed the gavel to Vice Chair Johnson requesting that he act as Chair for the remainder of the meeting, in recognition of his familiarity with the remaining issues.

Ms. Johnson reviewed the timeframe required for designation of a PSSA. Mr. H. T. Pontin asked how many gallons of crude oil go through the Florida Straits. Ms. Johnson replied that she did not know the number of gallons, but 42 percent is tanker traffic. Mr. Pontin commented that there has not been a crude oil mishap in the Straits of Florida, so why the rush. Ms. Johnson said the rush is not just because of tanker traffic, but to address vulnerabilities such as anchor damage. Captain Bob McGuire asked, when the IMO accepts this PSSA, can they change or amend it later with regard to anything that affects this area without consulting NOAA? Ms. Johnson said that IMO proposals have to come from relevant countries; the IMO cannot make changes that are not based on a proposal. Captain McGuire commented that a request could come from another country. Ms. Johnson said the United States would not have to agree with it; the country in whose waters the issue is has the advantage. Ms. Johnson commented that she is not aware of the IMO ever adopting a proposal that the host country did not like.

Ms. Harrison moved that the Sanctuary Advisory Council recommend the Florida Keys National Marine Sanctuary support the adoption of the northernmost Area to be Avoided (ATBA) and designation of the Florida Keys as a Particularly Sensitive Sea Area (PSSA). The motion was seconded by Richard Grathwohl and passed unanimously.

Public Comment

H. T. Pontin, representing the Ramrod Key Yacht Club, presented the attached letter and read the attached laws regarding personal watercraft into the record. Vice Chair Johnson referred to a letter from Vice Admiral Card of the Coast Guard dated March, 2000, and an additional letter from H.T. Pontin (attached). Mr. Causey asked Mr. Pontin about the status of his federal case. Mr. Pontin said it has not been settled, the court issued a "no opinion" on his right to navigate. Mr. Causey made comments relating to the SAC could not debate an issue regarding a case which is in the U.S. court; and that it is his understanding that the SAC voted unanimously to form a PWC Working Group. Vice Chair Johnson commented that the PWC Working Group meets December 13 and Mr.

Pontin's concerns can be further discussed at that time, and possibly staff could get some feedback regarding the legal issues for the February SAC meeting.

Warren Johnson's presentation is attached. Mr. Causey commented, regarding the item in Mr. Johnson's report about Carnival Cruise Lines conducting a monitoring program with the University of Miami, he attended the first meeting of the Florida Ocean Alliance recently in Miami, and it was great to see the major cruise lines taking a leadership role in addressing ocean issues. Captain Bolling, U.S. Coast Guard, commented that his office does inspections and deals with the safety and environmental people from the cruise lines, and he senses they are doing the right thing to protect the environment. Mr. Fryer asked about the source for the biodegradation timeline. Mr. Johnson said he got the information from a Navy League or Propeller Club newsletter.

The Regular Meeting was recessed at 3:30 p.m. to hold a Public Hearing

Public Hearing

Proposal to Amend Sanctuary Regulations to Revise the Boundary of the Northernmost Area to be Avoided off the Coast of Florida

Mr. Causey presided over the Public Hearing and introduced Capt. Larry Bolling, U.S. Coast Guard Marine Safety Office, and Ole Varmer, NOAA Attorney-Advisor. Mr. Causey gave the history of the ATBA as it is today, and an overview of the proposal to "shave the elbow" of the northernmost ATBA off the coast of Florida.

Captain Bolling, Commander of the U.S. Coast Guard Marine Safety Office in Miami, introduced Captain Joe Nimitz, Group Commander, Key West; Lt. Doug Campbell, Marathon Supervisor; and Lt. J. G. Keith Hartley, Miami office. He reviewed the background and explained the Coast Guard's authority relative to the proposal, and reported that a letter has been sent to NOAA stating that the U.S. Coast Guard fully supports the initiative to "shave the elbow".

Ole Varmer, NOAA General Counsel, reviewed the two processes for establishing the Area to be Avoided (ATBA)—domestic and international. Mr. Varmer explained NOAA's role in the domestic process and the purpose of the public hearing.

Mr. Warren Johnson and Captain Ed Crusoe spoke in favor of the proposal.

The Sanctuary Advisory Council members in attendance reaffirmed their support of their April, 1998 Resolution recommending shaving of the elbow.

Mr. Causey thanked the U.S. Coast Guard, Karen Lee thanked Warren Johnson, and Richard Grathwohl thanked Captain Ed Crusoe for their diligent efforts with regard to this proposal. Mr. Johnson added that there were four members of the Ship Groundings Committee of the Propeller Club that originated this proposal in 1995—himself, Captain Crusoe, Dan Provert, and H. T. Pontin.

The Public Hearing concluded at 3:55 p.m.

Items for the February 20, 2001 Agenda:

Education Update

Injection Wells

PWC Working Group Report

The meeting was adjourned at 4:00 p.m.

Submitted by,

Sharyn Collette