

# **Florida Keys National Marine Sanctuary Advisory Council**

**June 21, 2005  
Marathon Garden Club**

## **FINAL MINUTES**

### **Members Present**

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

### **Alternates Present**

Tom Dillon  
Stephen Friedman  
Jack Elon Hildreth  
Bob Holston  
Tony Iarocci  
Jim Sharpe

### **Call to Order/Approval of Minutes/Adoption of Agenda**

Chair Bruce Popham called the meeting to order at 9:00 a.m. The Minutes were approved as presented. The Agenda was adopted as presented.

### **Sanctuary Volunteer Program – Nick Tagliarieni (FKNMS)**

Mr. Tagliarieni, who joined the Sanctuary in October 2004 after The Nature Conservancy handed over the volunteer program to the Sanctuary, gave a PowerPoint presentation on the components of the program and volunteering opportunities within the FKNMS. Discussion concerned the difficulty of securing housing for interns and students.

Chris Bergh recognized National Volunteer Coordinator, Mary Enstrom, for all her contributions in establishing the program whilst with The Nature Conservancy, and doing the same for all the other National Marine Sanctuaries. Bruce Popham recognized Richard Grathwohl as Florida Keys National Marine Sanctuary Advisory Council Volunteer of the Year.

### **Public Comment**

There was no Public Comment. Chair Popham wished H.T. Pontin well following his recent indisposition.

### **Sanctuary Superintendent's Report – Billy Causey (FKNMS)**

Mr. Causey drew attention to the Situation Reports in each folder. He commented on the recent exchange over a Policy Forum article in Science magazine concerning the status of U.S. coral reefs. He said that the National Marine Sanctuary Program regionalization package has been approved by Congress. Mr. Causey will be Acting Superintendent for the Caribbean, Gulf of Mexico and Southeast Atlantic Region. He said that he recently visited Ken and Kelly Nedimyer's coral aquaculture site in the upper Keys; video taken will become a Waterways segment. At Capitol Hill Oceans Week he accompanied George Neugent who was nominated for the Sanctuary Foundation's Volunteer of the Year.

### **Florida Department of Environmental Protection – Kacky Andrews (FDEP)**

Ms. Andrews reported on a number of issues arising from the recent legislative session. She mentioned the Tortugas, \$7 million for wastewater funding for the Florida Keys, and House Bill 1855. This creates a 15 member Florida Oceans Council appointed by the executive directors of FWC, DEP and Agriculture with a four-year term and budget of \$50 million. The council will ensure that science in Florida is directed towards management issues.

Ms. Andrews said that the Gulf of Mexico alliance of five states, initiated by Governor Jeb Bush, met and decided on five focus areas:

- water quality including shellfish beds and beaches
- reducing nutrient loads
- restoration of coastal wetland
- identification of habitats through mapping and remote sensing
- environmental education to promote a sense of stewardship.

Five white papers will be forthcoming. Following a presidential executive order, federal agencies are working with the alliance on an action plan for the Gulf on a very short time-frame. Further information can be found at [www.gulfofmexicoalliance.org](http://www.gulfofmexicoalliance.org).

The State of Florida has reached a tentative agreement with the Department of the Interior over ownership of submerged land in Tortugas National Park, in which both sides will focus on management and not ownership. The Governor and Cabinet will hear both sides of the natural resource area issue in the Dry Tortugas National Park General Management Plan Amendment on August 9<sup>th</sup>, when the Sanctuary's annual report will also be presented.

Mr. Causey reminded the council of the process whereby NOAA and the National Park Service developed the Tortugas Ecological Reserve, including the 46 square miles fishing closure in the Park, with commercial fishermen giving up a huge area in federal waters. The Coastal Conservation Association refused to participate in the scientifically driven process. Discussion followed concerning the initial lack of participation from some segments of the recreational fishing community and subsequent attempts at obstruction of acceptance of the Management Plan. Richard Grathwohl moved that the Sanctuary

Advisory Council make a recommendation to Sanctuary managers on the issue. The motion was tabled, pending development of appropriate wording.

**Florida Fish & Wildlife Conservation Commission – John Hunt (FWRI)**

Mr. Hunt observed that the commissioners are also excited by House Bill 1855 and are contributing towards the white papers. He said that the exceedence of allocated red grouper take in the Gulf of Mexico is going to be difficult for the Gulf of Mexico Fisheries Management Council due to the same recreational fishing lobby group. Most of the grouper species are harvested in federal waters. However, the Commission will be involved. Bag limits and fishery closures are under review.

Mr. Hunt reported that the ad hoc advisory committee for spiny lobster stakeholders is being formed and appropriate management changes for the fishery will be recommended. The stock assessment for this fishery is that it is not over-fished, but still heavily capitalized. Discussion concerned the utility of bag limits on a huge recreational fishing population.

Ken Nedimyer reported on the Marine Life Working Group which will also be looking at bag limits and size limits in the coming year and streamlining the rule through a public process.

**U.S. Fish & Wildlife Service – Van Fischer (USFWS)**

Mr. Fischer reported on projects being undertaken in the Refuges, including one on Key deer and one on white-crowned pigeons. He said that the Refuge office has assumed the role of manager for many of the lands that the State is acquiring in the Keys. The Comprehensive Conservation Plan process is ongoing, including consideration of lifting the ban on personal watercraft in the backcountry. Discussion concerned the low level of local support for reintroducing personal watercraft into the backcountry as opposed to industry associations and lobbying efforts from out of state. The involvement of the State in a federal refuge was also discussed. It was determined that there is sufficient redundancy built into the backcountry plan and under Sanctuary regulations that the ban will not be lifted.

**Law Enforcement – Lt. Bill Burns (FWC)**

Lt. Burns gave an update on Memorial Day statistics. He reported that the custom built boat for patrolling the Tortugas will be ready in the winter of 2006. The keel is currently being laid. He reported on some cases of crawfish violations resulting in arrests, fines and citations. Discussion concerned the increase of kiteboarders and potential disruption of wildlife on the flats in the upper Keys.

**Spearfishing Tournament Working Group Report – Bob Holston (SAC) and Anne McCarthy (FKNMS)**

Mr. Holston gave a report on the final meeting of this working group on May 24<sup>th</sup>. It was established that the overall impact of spearfishing tournaments in the Florida Keys is no greater than that coming from the general spearfishing community.

Ken Nedimyer moved, seconded by Ralph Boragine, that the Florida Keys National Marine Sanctuary Advisory Council accept the findings and recommendations of the Spearfishing Tournament Working Group and enter them into the Public Record. They are as follows:

- I. Due to lack of information about the total number of fish harvested (those taken during the tournaments) the working group believes there is an excellent opportunity for tournament participants and organizers to work closely with the fisheries management agencies or researchers (FWC, NOAA Fisheries, councils, or other) to provide data (life history, tissue samples, etc.) in order to better understand these target species.
- II. At the current level, spearfishing tournaments do not need to be regulated, banned or limited by number of tournaments or participants.
- III. The level of spearfishing tournament activity should be a matter of FKNMS record.
- IV. The working group recommends that spearfishing tournaments should not be aggregate weight tournaments.

The motion passed unanimously upon voice vote.

#### **Working Waterfront Working Group Update – David Ray (Executive Vice President, Marine Industry Association of Florida)**

Mr. Ray said that the Keys is a microcosm of a phenomenon that is occurring throughout Florida. Boatyards are being replaced by parks and private development and this is impacting an industry that is almost twice as large as the citrus industry. Two major bills have passed the legislature to address this, HB955 and HB989 and been signed into law by the Governor. An inventory of the entire state is being made and economic scenarios are being developed. He encouraged everyone in the Keys to educate policy makers and keep access to working waterfront.

#### **Dry Tortugas National Park General Management Plan Amendment**

Richard Grathwohl, seconded by Ralph Boragine, moved that the Florida Keys National Marine Sanctuary (FKNMS) Advisory Council respects the exhaustive efforts that were undertaken in bringing together an expansive and representative stakeholder working group that reviewed all the scientific and socio-economic data that resulted in unanimous support for the establishment of the Tortugas Ecological proposal, including the boundaries located within Dry Tortugas National Park. The FKNMS Advisory Council further has received periodic updates on the many benefits that will be associated with providing the habitat connectivity that can only be accomplished when the final Dry Tortugas National Park portion of the Tortugas Ecological Reserve is finalized. This FKNMS Advisory Council is fully cognizant of the commitment and sacrifices made by all user groups in reaching the agreements on the management protocol of the Tortugas Ecological Reserve, including the portion located within Dry Tortugas National Park, reached in consideration of equity of shared adversity for commercial, recreational, charter, spearfishing and diving interests. This FKNMS Advisory Council respects the fact that each of these user groups was fully represented on the Tortugas Ecological Reserve Working Group, and each group representative at the conclusion of the

exhaustive, two year working group process, voted to support the boundaries and the regulations that comprise the Tortugas Ecological Reserve, including the portion located within Dry Tortugas National Park.

Therefore, the FKNMS Advisory Council strongly recommends that the Florida Governor and Cabinet vote to adopt the management agreement for the Tortugas Ecological Reserve for the portion contained within Dry Tortugas National Park.

The motion passed unanimously upon roll call vote.

**The NASA-USGS-NPS EARL Airborne Lidar Survey of the Dry Tortugas in August 2004 – Dr. John Brock (USGS)**

Dr. Brock gave a PowerPoint presentation on a survey of the shallow and emergent portions of the Dry Tortugas conducted just before Hurricane Charley passed over. Discussion concerned availability of the maps for general use. The Park Service is concerned that they may be inappropriately used to locate shipwrecks.

**USGS Seeks Caribbean Regional Applications for a Novel Along-Track Reef Imaging System – Dr. Phil Thompson (USGS)**

Dr. Thompson gave a PowerPoint presentation on this two-person system that can amass 80,000 images in six hours, with applications for monitoring population ecology amongst other things.

**Economic Value of Bag Limit Changes: Recreational Spiny Lobsters – Dr. Bob Leeworthy (NOAA)**

Dr. Leeworthy gave a PowerPoint presentation on a survey conducted by Dr. Walter Milon for NOAA on the economic value of bag limit changes. It was determined that people value a reduction in bag limit greater than they value a gain for the two-day sport season and not the regular season. Further areas for research include how to make an allocation decision between recreational and commercial fishermen. The next round of surveys will most likely be combined with FWC's spiny lobster survey. Dr. David Loomis (U. of Massachusetts) will be examining societal preferences and values in the Keys connected to the spiny lobster fishery.

**Florida Keys Coral Bleaching Early Warning Network – Cory Walters (Mote Marine Laboratory)**

Ms. Walters gave a PowerPoint presentation on a new system which monitors environmental conditions to predict coral bleaching events and uses volunteer reporting to collect information on actual bleaching. This is based on the BleachWatch program at Great Barrier Reef Marine Park Authority. A Current Conditions report is available at [www.mote.org/Keys/research/bleaching.html](http://www.mote.org/Keys/research/bleaching.html). Regional training for volunteers is being conducted by MOTE and Sanctuary staff. Discussion concerned collecting data at the surface as opposed to subsurface.

**Letter from H.T. Pontin**

Kacky Andrews read the attached letter from Mr. Pontin into the record.

## **Acroporid Listing: Public Hearing – Jennifer Moore and Stephania Bolden (NOAA Fisheries)**

Ms. Moore gave a PowerPoint presentation on the status of the proposal to list Elkhorn and Staghorn corals as either threatened or endangered under the Endangered Species Act. After summarizing and listing factors, NOAA Fisheries made a finding that a threatened listing is warranted. The hybrid acroporid does not warrant a determination. Under “threatened” designation, take prohibitions are not automatically transferred. A 4(d) rule to issue protective regulations is anticipated. Critical Habitat will be designated, and a recovery plan developed to get them off the list. Further information can be obtained from <http://sero.nmsfs.noaa.gov>, or by calling (727) 824-5312. NOAA Fisheries invited questions on the presentation or the process.

Discussion was wide-ranging, and included:

- the listing for critical habitat
- procedure to move a species from threatened to endangered
- protection of the species in areas outside U.S. authority
- management tools that are not already in use in the Keys
- CITES
- Vessel groundings and incidental anchoring
- State of Florida entering into a section 10 permit
- Impact on commercial fishermen
- Lags in the historical record for species presence
- Hurricanes, global warming, CO2
- Beach renourishment projects
- Restoration and research projects
- 30 year time horizon
- civil, criminal and administrative violations
- unique biological characteristics of clonal animals
- importance of these particular corals

### **Public Comment**

Dennis Henize of the grassroots organization Last Stand exhorted for the highest protection possible, given the available science.

DeeVon Quirolo of Reef Relief, representing several organizations such as Global Coral Reef Alliance, Friends of the Everglades, SurfRider and speaking on behalf of Don DeMaria and Curtis Kruer, said that the membership of 4,000 values the importance of coral reefs. She said that the economic value of coral reefs makes it imperative to save the rainforest of the ocean. She proposed that the status be endangered and not threatened for these species and that *A. prolifera* be included in the designation. Ms. Quirolo suggested that this could be used to influence federal energy policy and reduce global warming. She recommended that wastewater and storm water treatment facilities be upgraded in all U.S. territories and that standards be applied to cruise ships. There should be federal funding to match local funding in preventing land-based sources of pollution, with measurable goals. She indicated that the Endangered Species Act may be

the only regulatory tool available to control global warming, and that this would be a wise course of action for the federal government. She entered a document into the record.

Brent Plater of the Center for Biological Diversity, the author of the petition to NOAA Fisheries to list the Caribbean acroporid corals under the Endangered Species Act (ESA), outlined the reasons for the petition. He said that he requested that three species be considered, but NOAA Fisheries only accepted two. ESA allows for protection of similar looking species as an enforcement issue. He observed that under this important act, 99% of the species on the list have not gone extinct. Under Critical Habitat Protection species are twice as likely to recover. He said that carbon dioxide and emission impacts are not addressed.

Bob Holston of the Keys Association of Dive Operators said that this issue has created more questions than answers, and that in the history of the Sanctuary Advisory Council, members have never had to make a decision and then decide what the debate will be. He said he came into the meeting supportive but now is not so sure.

Martin Moe, a retired marine biologist, said that Caribbean reefs are built on fast-growing acroporid corals, which suddenly started to die out in the 1980s. He suggested that the problem is not so much what is killing them, but what is preventing them from regrowing. Considering the time frame, he proposed that the *Diadema* demise is highly significant, and that Dr. Bill Precht had observed a correlation between the resurgence of *Diadema* and elkhorn corals. He indicated that some experimental work is needed to test that hypothesis. Mr. Moe recommended that the corals be listed under threatened status.

Tony Iarocci of Global Marine Consultants said that everyone knows that the corals are in trouble, but so are people who earn their living on the water. He stressed the importance of ecosystem based management and that it is important to get this message out. He said that the Sanctuary Advisory Council represents the local people and they should make sure that all the people are involved and understand what's going on.

Dorothy Witwer described herself as not a college graduate, and not a scientist, but a grandmother who wants her grandkids to have a decent planet. She said that she may have a simplistic frame of mind, but when an animal or plant is in trouble, then we should make every effort to save it, because the ecology depends on the presence of the species world wide. She knows that we have to have the science and everything else, but we need to save what is in trouble.

Bill Ferrell of the Keys Association of Dive Operators said that he was concerned about the corals being listed as endangered, and preferred they should be listed as threatened. He is concerned that the people of Monroe County should pay for the sins of the world, and has a fear that big government in Washington, D.C. is making rules for people.

Captain Don Kincaid of the Stars & Stripes showed slides of historic stands of branching corals from the 1970s in the lower Keys, and then showed similar areas without them

taken last year. He mentioned the cold fronts coming through the Keys that were also associated with massive fish kills, and that there are areas of regeneration at present.

Ken Nedimyer, seconded by Ralph Boragine, moved that the Florida Keys National Marine Sanctuary Advisory Council establish a working group to advise NOAA Fisheries in development of recommendations on the proposed listing of two acroporid coral species as threatened under the Endangered Species Act. Discussion concerned representation, the 4(d) rule and the need for considerable public input throughout the geographic range of the Keys. An October time-frame was suggested to start the process before the May 9<sup>th</sup>, 2006 proposed listing date. The motion passed unanimously upon roll call vote.

### **Unfinished Business**

The date, location and scope of the upcoming retreat were discussed.

**Adjourn 3:48 p.m.**