

FLORIDA KEYS NATIONAL MARINE SANCTUARY ADVISORY COUNCIL

**Florida Keys Eco-Discovery Center, Key West
Tuesday, December 8, 2009**

MINUTES

Members Present

Jason Bennis	Bob Holston
Chris Bergh	Don Kincaid
Jeff Cramer	Jerry Lorenz
Jack Curlett	Corey Malcom
Jon Fajans	Rob Mitchell
Dolly Garlo	Martin Moe
Richard Grathwohl	Ken Nedimyer
David Hawtof	Bruce Popham

Alternates Present

Clinton Barras	David Makepeace
Alex Brylske	Bob Smith
Bruce Frerer	David Vaughan

**Call to Order/Pledge of Allegiance/Roll Call/ Approve Minutes from October 20, 2009 Meeting/
Adopt Agenda for this Meeting/Chairperson's Comments/Introductions**

- Chairman Bruce Popham called the meeting to order at 9:03 A.M. and welcomed everyone.
- Jack Curlett led the group in the Pledge of Allegiance.
- Chair Popham mentioned the recent loss of Sanctuary Advisory Council (SAC) member Krueger Nicholson, and the group observed a moment of silence. Chair Popham said he had a photograph of Mr. Nicholson from 2004, provided by Fiona Wilmot, and he would send it to the SAC. **ACTION ITEM:** Chair Popham to send photograph of Mr. Nicholson to the SAC.
- After review of the draft minutes from the October 20 meeting, Alex Brylske moved that they be approved, and Ken Nedimyer seconded the motion; as there were no suggested changes, Chair Popham then deemed the minutes approved.
- Chair Popham noted that the agenda for the meeting was very full, and that he, Sean Morton and Lilli Ferguson had to work hard to get all the items into the agenda; he asked for people's cooperation to keep the meeting moving. Chair Popham asked if there were any additions or changes to the agenda and, as there were none, Mr. Nedimyer moved to adopt the agenda, seconded by Chris Bergh. Chair Popham then deemed the agenda adopted.
- Chair Popham noted that County Mayor George Neugent was in Tallahassee and Monroe County Commissioner Heather Carruthers was on vacation, so there was unfortunately no representation for the [Elected County Official] seat.
- Chair Popham thanked Ms. Ferguson and the staff for putting the meeting together; he said he hoped staff members of the Florida Keys National Marine Sanctuary (FKNMS) could be introduced before lunch and join in the lunch.
- He said that the SAC had a lot to be proud of, and had gelled together well in the past year. The SAC almost always came to consensus because people work hard to come together. He added that Mr. Morton

had been managing well in a tough management environment. Mr. Morton said was great getting to know everyone and the issues in the Keys, and getting everyone's help throughout the year.

- Dolly Garlo said she was not able to actively participate as much as she'd like this year, but that the SAC Education and Outreach Working Group brought excellent groups to the SAC, and that it was good to know of the other sanctuary partners out there.

- Dave Vaughan agreed with Dolly on the presentations, and added he was glad global climate change and sea level rise and ocean acidification came to the forefront on the SAC agendas, as he felt those were the biggest challenges.

- David Makepeace said he was relatively new, but it was enlightening to him about the amount of exchange that occurs between meetings, that the SAC gets a lot of background, which is empowering and enlightening, and he is able to take information and communicate it to his constituencies.

- Chair Popham said all the SAC Working Groups did a great job this year, particularly the work done by the SAC Ecosystem Working Group on the Everglades National Park Plan and the work done by Mr. Nedimyer and Mr. Moe on coral restoration and *Diadema*.

- Mr. Nedimyer said, with the coral restoration grant that his organizations and others around the table have now, a lot of it was due to the interaction that takes place at SAC functions.

- Martin Moe said it was great to live in this special place, that this group knows it is in trouble, and that we are doing everything we can to preserve and protect it.

- Dr. Brylske announced, wearing his hat as senior editor of *Dive Training* magazine, that one of the feature articles was on restoration. He said, in his capacity as faculty for the [Florida Keys Community] College [FKCC], that there would be a restoration course in the spring term, which Mr. Nedimyer and others had helped to develop. Much of the lab work will be done in Mr. Nedimyer's coral nursery. He invited people to get involved with this course as a speaker or otherwise.

- Richard Grathwohl offered thanks for former SAC member Debbie Harrison for stressing global warming issues for a long period of time.

- Chair Popham thanked everyone as a group, and for the great value they bring.

- Ms. Garlo said the Sanctuary Friends Foundation of the Florida Keys (SFFFK) had a new website, and that a Keys environmental calendar was up and operational, adding that anyone can sign up for an account to post environmentally related-events that are open to the public (following a few guidelines). She also said SFFFK had started a membership drive. Finally, she added that SFFFK has the environmental pledge drafted by Mr. Moe with others' help up on the SFFFK web site.

Acting Superintendent's Report – Mr. Morton, FKNMS

Mr. Morton introduced Craig Wanous, the manager of the Eco-Discovery Center, and asked him to give a quick update on the Center; Mr. Morton said he would not make any further report due to the full agenda. Mr. Wanous thanked Ms. Garlo and SFFFK; he noted SFFFK is the Center's main supporter with funding, since there a government budget crunch. He said the grand opening of the Center was January 13, three years ago; each year attendance goes up. This year, it was up 22% from the year before, he said. He said February and March were the busiest months, and September was the slowest. Thousands of visitors have come through, from a number of countries and from schools, organizations, and cruise ships. The Center is also becoming more of a common resource, he said, as more events were held there. Mr. Grathwohl commented that he always told his customers to visit the Center.

National Oceanic and Atmospheric Administration (NOAA) Office of National Marine Sanctuaries (ONMS) Southeast Region Report – Billy Causey, ONMS

- Dr. Causey said there was pride knowing this was the first SAC that was established in the country, and it went through tough times in the 1990s. He said this SAC tackles tough issues and works hard. Changes would be coming in the next couple of years, he added.

- He reported that the week before, the Flower Garden Banks SAC met; that group blessed network expansion at that sanctuary. He noted that in the northwest Gulf, some people were a little unsure about ocean acidification.

- Dr. Causey said Gray's Reef was very active, with two regulatory changes lined up on a research only area and implementing no spearfishing.
- He said Dan Basta was keenly focused on new sites. He added the program was a \$100 million program that was now operating at about \$50 million. He said he would not promote new sites, but them, but he could work with groups who want to move a proposed new sanctuary along, until Congress changes the way one may be designated. He explained that currently, a sanctuary may only be designated via Congress or an Executive Order. In St. Augustine, he said people were very interested in a new sanctuary, and that George Sedberry was leading that effort. He said there was huge commitment in that community, where the resources include right whales, archaeological resources, and sinkholes. Dr. Causey said he would keep the SAC apprised of this effort. *ACTION ITEM*: Dr. Causey to provide updates to the SAC on work on proposed new sanctuaries in the region.

Agency Report Highlights:

Florida Department of Environmental Protection (DEP) Report -- Kent Edwards, DEP

- Mr. Edwards said that his boss, Lee Edmiston, came to the area a few weeks ago and met up with Chair Popham and Mr. Bergh. He got a lot out of the trip, Mr. Edwards said. Mr. Edwards is looking forward to having him come back, and hopes Mr. Edmiston might be able to attend the SAC meeting in February.
- Mr. Edwards said people may have heard about nutrient criteria being developed by the State of Florida, and some lawsuits (which he did not plan to review). He reviewed that, in the Florida administrative code, the nutrient standard has always been a narrative standard and thus is hard to define. Now, the group working on this is working on specifying parts per million/parts per billion on nitrogen and phosphorus compounds. They will be meeting with different groups around the state, and he'll get them in touch with those people who have data, such as Joe Boyer, he said. *ACTION ITEM*: Mr. Edwards to connect the group working on nutrient criteria for Florida with people who have relevant data. Mr. Edwards said he thought there should not be a single standard around the state, as the conditions are very different around the state. There will be different legal issues between the U.S. Environmental Protection Agency (USEPA) and the DEP, he said and he said he hoped some of the workshops would be set up in the Keys.
- People may have heard on the Bill Becker radio show about the widening of the channel in Key West, he noted. He said that this should not be confused with a Navy and Army Corps of Engineers (ACOE) project, which those agencies are communicating about with FKNMS, regarding maintaining and dredging the channel. They are starting an Environmental Assessment on it, and FKNMS staff members will be reviewing that and looking at best management technologies. He will provide updates on this project in the future, he said. *ACTION ITEM*: Mr. Edwards to provide updates to the SAC on the proposed Navy and Army Corps of Engineers Key West channel project.
- David Hawtof asked if there was any movement toward widening the ship channel for larger ships such as the *Oasis of the Seas*, and asked if NOAA was in favor of widening it. Dr. Causey did not feel that the widening would happen, noting that even maintenance dredging was a tough issue, and had not been done since 1965, but was now being proposed to get sediment off the bottom. He said widening the channel would be new dredging and was prohibited in the regulations. Mr. Hawtof said he had talked to a number of citizens about it and they were all against it. Mr. Edwards said FKNMS had not been approached about this project, but that there were some obstacles to it, and that it could take twenty years to get such a project approved. Dr. Causey added that it was possible that NOAA could be trumped up to the highest levels on something like this, and he described how this had happened in the past. LCDR Michael Herring of the Coast Guard said he attended a recent meeting on this, with attendees from the City, the ACOE, the pilots and the cruise ship industry, and that the ACOE had received authorization and funding to study the widening of the channel. He also provided other details about such things as the timeline funding, noting any funding by Congress for the project would not take place until 2017, and that the study would be of existing data, for one year.
- Regarding partnering with FKCC and researchers, Mr. Edwards said FKNMS is looking into making the *Dante Fascell* available for these groups. FKCC will use it for coursework this summer, he said. Dr.

Brylske said next term, they should be out each Friday and Saturday. Mr. Edwards said funding provided [to FKNMS] from this will help keep the vessel maintained.

Everglades National Park Report – Tracy Ziegler, National Park Service (NPS)

- Dr. Ziegler provided an update on the [proposed] park pole and troll zone. They had a public comment period for month of November, and got about 200 comments, most very positive. They have decided which places to put signs along edge of Snake Bight and have started some of the contracting work.
- Also, she said there was a groundbreaking the previous week on the Modified Waters project for the new bridge on the Tamiami Trail to increase water coming into the Everglades.
- This year, she reported that 347 pythons were removed from Everglades National Park through the python removal program.
- Regarding the Dry Tortugas, she said Dave Hallac and John Hunt prepared a three-year progress report to go to Fish and Wildlife Conservation Commission (FWC) this spring, on the work that has been done in Dry Tortugas National Park. She added that Mr. Hallac would be happy to do a presentation, if the SAC was interested, once the report was final.
- Mr. Makepeace said that he had talked with two or three of the back country guides and anglers and all have individual special concerns about the pole/troll zone, but that all comments were positive about the efforts to do that and about the input being taken from the public and various groups on it.

South Florida Water Management District (SFWMD) Report -- Thomas Genovese, SFWMD

- Mr. Genovese said the pre-construction meeting for the C-111 spreader canal project would be the following day. He said construction would start in January, and the construction period would be for 18 months.
- He said the second phase of planning for the 73,000 acres of sugar lands had started, which his agency is scheduled to purchase. They are trying to figure out what to do with that property, and the bond validation issue to purchase those lands is still pending before the Supreme Court, he said.

Florida Fish and Wildlife Conservation Commission (FWC) Report – Capt. Patrick Langley, FWC

- Capt. Langley said that since the last meeting, they had a good case at Stock Island of 243 over the bag limit for *Ricordia*.
- He said he would put a report of the fiscal year out on the public handout table at the SAC meeting, and Mr. Morton said he would distribute the report to the entire SAC. *ACTION ITEM*: Acting Superintendent Morton to distribute the report mentioned by Capt. Langley to the SAC.
- Chair Popham said the FWC law enforcement did a great job with limited resources.
- Captain Langley announced that there were four new people who had recently finished training.

U.S. Coast Guard (USCG) Report – LCDR Herring, USCG

- LCDR Herring reported they have seen an increase in use of the liability trust fund for removing abandoned vessels from the Keys. The Coast Guard, FKNMS, FWC and DEP have been working on that, he said, and he added that he assumed the trend for using the fund would continue.

Along those lines, Chair Popham said that on the clean diesel initiative he had mentioned at a previous SAC meeting, he was not able to secure DEP's or the County's help in applying for the grant. As the application needed to be submitted today, he said it would not be submitted, but he said that the County Commission did pass a resolution supporting it. He said he was not giving up, but would need to wait for another round of grant applications.

U.S. Environmental Protection Agency Report – Pat Bradley, USEPA

- Mrs. Bradley announced that the USEPA administration had signed two findings about greenhouse gases under the Clean Water Act. There was an endangerment finding, that greenhouse gases endanger the health of existing and future generations. There was also a finding that gases from engines threaten public health and contribute to greenhouse gases, she said.
- The USEPA has proposed new emissions standards for light duty vehicles, she reported.
- Mrs. Bradley said that the Clean Air Act does work in concert with the Clean Water Act, and that the USEPA was working on some findings under the Clean Water Act on ocean acidification, etc. and that those findings will come out in 2010.

NOAA Office of Law Enforcement (OLE) Report – John O’Malley, OLE

- Special Agent O’Malley introduced his boss, Jeff Radonski, who was attending the meeting, and would be picking up a United States attorney today who might attend the meeting later.
- Special Agent O’Malley said the last two of the casitas divers would be sentenced tomorrow. Of 500 of their sites, he said 250-270, all within FKNMS, were removed so far, and that a sunken boat used as a casita was being removed. He said that the divers were looking at a 12-24 month sentence. Mr. Morton said there was a map going around the room regarding “Operation Frost Bite”, and that he would send it to the SAC. Those sites belonged to only two of the commercial divers, Special Agent O’Malley noted. He said there were other casitas he could not talk about right now due to the sensitivity of the issues, and that there are thousands more sites out there. He added that divers also shoot goliath grouper around casitas. *ACTION ITEM*: Acting Superintendent Morton to send a map of casitas sites from two commercial divers to the SAC.
- Mr. Radonski said that, due to the two investigators’ efforts, the Office of Enforcement has put priority on enforcement within the sanctuary. He said that they were highly dependent upon information. He added it would be good to know the ranked priorities of the SAC, enforcement-wise, in this area, and Chair Popham and Mr. Morton agreed he would like to see that as a SAC agenda item. *ACTION ITEM*: Ms. Ferguson to make a note on the planning calendar of suggested SAC meeting topics, to remind Mr. Morton and Chair Popham to schedule time for determining the SAC’s priorities on law enforcement efforts within FKNMS at a future SAC meeting.
- Special Agent O’Malley also briefly mentioned a commercial spearfishing case, which the Coast Guard helped with, at Riley’s Hump.

Florida Fish and Wildlife Conservation Commission (FWC) Report Cont. – John Hunt, FWC, Fish and Wildlife Research Institute

- Mr. Hunt noted he would be brief, and knew the permit issue would be talked about later in this meeting.
- He said that there was nothing of high priority for this group at the FWC Commission meeting.
- He said there would be an all-day workshop January 12 on the Tortugas Research Natural Area at the Krome Center in Homestead.
- Jason Bennis mentioned that Ken Haddad was retiring, and Mr. Hunt confirmed that Mr. Haddad was retiring on December 31. He said that Nick Wiley has been in place for a little while and was “Executive Director in Waiting” right now.

Public Comment

Lee Starling showed what a legal grouper, taken with a commercial permit from Gulf looks like. He said they needed to be 18 inches long to spawn – the one he showed was sold to him at his fish shop by a spearfisherman. He expressed that money needs to be given to law enforcement to do patrols. He complimented the efforts of Lt. Joe Scarpa and Special Agents O’Malley and Ken Blackburn, saying they had done a lot of good work, and were not “bubbas”. He felt that every restaurant was buying illegal fish, and that busboys were selling illegal fish. He stated FWC used to have boats at choke points, that this prevented a lot of crime, and that FWC should do that again. He also discussed the need for FKNMS to

run with laws that made sense, saying that Gulf rules and southeast Atlantic rules did not apply here, and that FKNMS could create its own rules. He also thought people should stop killing permit while they are spawning. He concluded by saying he wanted a separate FKNMS zone with eco-based fished rules, and that he hoped what he said would be considered.

Dr. Causey asked if Mr. Starling would be willing to go to DC to sit on a panel at short notice to express these same things; Mr. Starling said he would. Dr. Causey added a comment that the average person renting a boat in Key West did not know that within 12 miles, he/she could be in three jurisdictions. He also said that when this sanctuary was being designated, there were meetings with NOAA's National Marine Fisheries Service (NMFS) on this, and it was tough; they did agree to move towards joint fisheries, which they have done on a species by species basis.

Michael Pollack said that he had been a fishing guide in the Keys since 1986 and did not think that any animal should be shot while spawning – he said that states do not do that with deer. He did not think there should be a ban on shooting fish altogether, just when spawning.

Mr. Hunt commented on Mr. Starling's point, and said that if there was talk about creating a special zone, it would not be an FKNMS zone. If it ever came to pass, he said, it needed to be bigger than the FKNMS. He added that he wanted people to know there would be a permit discussion later in the meeting. Also, he noted that on December 10, the FWC would be taking up the matter of the draft permit rules. He encouraged people to attend or have a representative at that meeting.

Jim McKillip said that he was a flats guide in Key West and was opposed to spearfishing of permit. He thought it should be designated as a sport fish, and catch and release imposed.

Blaze Vic said there were 30,000 registered boaters in Monroe County, and it amazed him how few boats he saw out on the water, given the ones that may be seen on trailers and streets. He wondered why there were so few out doing something [on the water].

Mr. Bergh said that this was the first time he had heard of harmonization of fishing regulations around the Keys. He said it was an interesting idea, and that this SAC was not about fisheries regulations, but it could encourage fisheries regulators to take a hard look at that.

Mr. Radonski commented that this was a sector idea, and it was going into effect in the Northeast, with regulations to be developed for each sector.

SAC Education and Outreach Working Group Report – Mr. Moe, SAC

Mr. Moe said there was a special meeting November 13 of the SAC Education and Outreach Working Group, to discuss the issue of youth [ages 14-17] involvement with the SAC and to develop recommendation for the SAC on this issue. Options included not recommending any change, and exploring ideas for possible implementation and recommending them to the SAC.

The group discussed both the formal options provided by the ONMS for youth involvement in the SAC and some informal options. A formal program such as establishing a nonvoting youth seat on the SAC would involve school and parental permissions and government formalities. The Working Group noted that the SAC has involved youth informally since its inception, and that there are many ways in which youth are and can be involved with the SAC. The group felt that it made the most sense to keep things simple at first, starting with some informal options, to weigh community interest and support, before considering establishing in sort of formal option for involving youth.

The group developed a number of recommendations for informal ways the SAC could enhance youth involvement with the SAC. These included having the Working Group work on developing ways in which SAC members could do outreach to youth about the SAC and letting youth know how they may provide advice to the Acting Superintendent via the SAC; list the ways in which youth may provide input currently, including those ways as part of the outreach along with a brief explanation of what the SAC is; look at different means and contacts for the SAC to deliver these messages to youth; have FKNMS staff members include messages about the SAC all general FKNMS overview presentations made in the community; have SAC members encourage youth, as individuals or part of a class, to attend SAC meetings, and if interested, to comment during public comment periods; include youth organizations in the pool of potential organizations for inviting to give the education/outreach organization talk at SAC meetings; if a youth organization is engaged to do this talk, encourage the organization to send a youth speaker; encourage SAC members already mentoring youths in programs like "Take Stock" to bring the youths to a SAC meeting; and that point people on the Working Group for assistance with informal outreach to involve youth in the SAC were Mr. Moe and Dr. Brylske, as member and alternate for the Education seat. Ms. Ferguson suggested during that meeting that, if the SAC chose to follow the Working Group's recommendations, that it be given six months to a year to see how it goes before evaluating if any different actions might need to be taken; the Working Group agreed that this was the best thing to do.

Mr. Moe said the next meeting of the Working Group would be on January 26 at the SFFFK office, and reviewed the topics to be covered at that meeting. He asked that SAC members provide any comments or suggestions they might have to him, Dr. Brylske, Mary Tagliareni, Ms. Ferguson, or any other member of the Working Group. Discussion ensued.

- Dr. Brylske commented that youth can provide a benefit to the SAC and the SAC could provide a benefit to youth; he also thought social networking sites could be a benefit from youth involvement.
- Dr. Hawtof said he had talked to teachers at schools around here and most did not know there was a sanctuary or what it meant.
- Mr. Makepeace offered that one way for SAC members to consider trying to get kids involved was when there were topics that might be of interest [on a given SAC agenda] such as related to recreational angling and spearfishing. Over the years, he said he has had his students involved with the sanctuary on a topical nature.
- Dr. Vaughan agreed youth were important and that a survey done by the Environmental Defense Fund found that youth education, into action, had more impact than any other age group.
- Mr. Grathwohl said in past administrations, they could not reach out to schools.
- Chair Popham said there was some value in having youth involved in what the SAC does.
- Dr. Causey said during Tortugas 2000, Debra Harrison formed Team Panda in Marathon, which spoke before the FWC Commission and twice before the governor and cabinet.
- Chair Popham suggested Mr. Moe talk to Ms. Harrison about Team Panda and how that worked; it could possibly serve as a model, he said.
- Mr. Moe said Mr. Nedimyer's program with youth and coral was another good model.

Chair Popham thanked Mr. Moe and the group for their good efforts. ***ACTION ITEM:*** Mr. Moe to continue working with the Working Group on the issue of involvement of youth ages 14-17 with the SAC, and to report back to the SAC at subsequent meetings.

SAC Ecosystem Restoration Working Group Report – Jon Fajans, SAC

Mr. Fajans thanked the Working Group members for another successful year in supporting the SAC. He said the Working Group met November 12 and the SAC had received the draft minutes from that meeting. Mr. Fajans said the group's first recommendation to the SAC stemming from that meeting was to start to plan a half day information session, SAC meeting or daylong workshop on the pros and cons of coastal

offshore [oil] drilling as it was back in the news and on the agenda for the Florida legislature. The Working Group felt perhaps the sanctuary [staff] should be better educated about what the plans were, where potential drilling efforts might take place, and potential impacts to the sanctuary, should drilling proceed. He asked to SAC to say how they would like that information presented to them.

- Mr. Moe's opinion was that SAC meetings were pretty full as it was, and he thought a special SAC meeting or workshop would be best.
- Mr. Morton said a special workshop takes a significant amount of staff time, and that he was not sure that it would take a full or half day to bring the information forward.
- Mr. Fajans said the thought was to bring people from both sides of the issue and about how drilling could affect the sanctuary, and he listed some proposed ideas for speakers.
- Mr. Bergh said the Senate President put forth a recommendation or request for a study of the pros and cons prior to any action.
- Dr. Causey said it was a train that was moving quickly. He said heard from Senator [Bill] Nelson's office and others that the legislature was leaning heavily towards the drilling and the Senate President was actively promoting it. He said it would be useful to know where the currents would take oil on the back side of the Keys.
- Chair Popham said that there was only one meeting before the legislature meets, and that he sensed from Mr. Morton that the FKNMS staff was spread thin at best, so they could certainly block out time during the afternoon of the February meeting, to meet the small window of time on this.
- Mr. Fajans said the Working Group could prepare a statement and circulate for comment, then provide it to the SAC for a vote at next meeting.
- Mr. Morton noted a little bit of surprise regarding the search for more education on what was going on, as he thought the SAC opinion was pretty strong in one direction on drilling off the west coast. He thought the issue could be heard at the next SAC meeting with some discussion if the SAC felt it was ready to take some sort of action.
- Mr. Makepeace said that he would appreciate hearing the pro side as well, and would appreciate receiving a proposed draft resolution in advance of the February SAC meeting.
- Chair Popham asked Dr. Causey if some science could be brought into it.
- Dr. Causey suggested someone from the University of South Florida's marine science department.
- Mr. Edwards said that the matter is of concern to both federal and state and suggested a recommendation from the SAC include [the state Office of Coastal and Aquatic Managed Areas] (CAMA) and his boss Mr. Edmiston, so a recommendation could go up through the Secretary.
- Mr. Hunt said these were fish and wildlife issues so suggested addressing FWC as well.

ACTION ITEM: Mr. Fajans to follow up with Chair Popham and Acting Superintendent Morton regarding scheduling an offshore oil spill session for part of the next SAC meeting and to work with the Working Group on a draft recommendation which he would provide to the SAC in advance of the next meeting.

Mr. Fajans noted that the Working Group had discussed having a speaker come before the SAC to provide a summary of the Lake Surprise causeway removal and findings to date; the folks responsible for this had indicated they were willing to do this. He said that if the SAC would like to hear a talk on this, he could make it happen. He did not feel that there was necessarily an urgency on this, so it could possibly be later in the spring. Mr. Bergh said that he had a draft of the monitoring report and that there had not been of lot of time so far, so waiting another six months or so would provide more information. Mr. Fajans asked if anyone were opposed to hearing this in six months. No one was. Chair Popham agreed this could go on a SAC agenda in the future. *ACTION ITEM:* Mr. Popham and Acting Superintendent Morton to determine when they wish to schedule a SAC agenda item summarizing of the Lake Surprise causeway removal and post-removal monitoring, and to communicate that back to the Working Group and Ms. Ferguson.

On behalf of the working group, Mr. Grahwohl read a draft resolution on permit for the SAC, which had been provided to the SAC in advance of the meeting. Mr. Grathwohl moved that it be adopted, and the motion was seconded by Jerry Lorenz. Discussion ensued.

- Dr. Hawtof said Mr. Hunt's paper he had put out showed a decrease in commercial fishing landings, and that it was stable, but stable way down than what it was years before. He found that alarming and was also concerned about fishing for permit while they are spawning.

- Mr. Hunt said he did not know much about permit, but had looked at the report on the [FWC] website, which said that spawning aggregations needed more study; no spawning season or area closure was currently recommended, and the recommendation was to extend the regulations to federal waters. He also said most comments received did not support a closure during spawning season.

- Mr. Grathwohl said when an FWC person provided a chart during a public workshop, she said that the bar graphs were not based on a stock assessment or hard numbers, and that the information came from trip tickets, etc. but a lot of it did not add up. He said it did not make sense to close the fishery without a stock assessment.

- Mr. Curlett suggested a wording change related to having sufficient science in place to warrant a spawning season closure decision, to find out when the permit are spawning, which Mr. Grathwohl agreed to; Mr. Bennis suggested some further wording changes along those same lines. He noted that FWC Commissioners had worked on strategies for spawning stocks for a long time, each time going out for public comment, which resulted in weakened strategies. He thought it was best if FWC had more information on spawning aggregations and heard from folks with information. Ms. Garlo suggested adding "to encourage" that this study be done, and that the SAC err on the side of protection, rather than err on other side. Others agreed erring on the side of protection was a good idea.

- Mr. Grathwohl said the SAC could email the Commissioners directly rather than getting into the regulations direction, and that his intention with this was to state support the FWC staff recommendations.

- Corey Malcom suggested changing the language to support a closure to protect spawning aggregations until science said it was OK to open it.

- Mr. Moe said the problem was taking spawners out of the population, and he would like to see spawning aggregations protected. There were other comments along those lines.

- Mr. Fajans said he understood no federal regulations were proposed and that FWC was recommending extending state regulations into federal waters.

- Mr. Bergh commented that the sanctuary [staff] does not write any of these fishing regulations.

- There was some discussion about SAC advice. Mr. Morton noted that, per federal law, SAC advice is provided to the Secretary of Commerce, through him [the authority is delegated from the Secretary of Commerce and the Undersecretary for Oceans and Atmosphere to the sanctuary superintendent].

- Chair Popham asked for a show of hands on keeping the last bullet in the draft; no one raised a hand, and Mr. Grathwohl agreed it could be taken out.

- Mr. Bennis suggesting adding that the SAC further recommended study of spawning aggregations, and Mr. Grathwohl thought it could be worded to say the SAC supported a closure until the science showed the fishery should be open, and the group was agreeable to that suggestion.

- Someone suggested the lead in to the last bullet needed rewording if the last bullet was to be removed, and it was agreed this need to be done.

Chair Popham asked if the motion could be tabled so the language changes in the draft resolution could be worked on during lunch, and then the SAC could come back to it. There was no opposition. Mr. Fajans said that was all for the Working Group's recommendations.

Dr. Causey made an announcement of interest to the group related to ecosystem restoration, saying that there had been an issue with deep long lines and turtle catches in the Gulf of Mexico. He said some

groups and representatives had come before the Gulf [of Mexico Fishery Management] Council to say there were less turtle catches with fish traps than with long lines. He said fish traps catch a lot of reef fish that were not managed by the Gulf Council which were important to the ecosystem. He said that he had talked to Roy Crabtree about it. He announced that there was a meeting being pulled together by the conservation community on December 15 in St. Petersburg to get the debate going about fish traps. He encouraged people to talk to [Gulf Fishery Management] Council representatives or anyone along those lines about this.

Dolphin SMART and Evaluating the Impacts of Boat-based Tourism near Key West – Stacey Horstman, NOAA, NMFS and Laura Engleby, Dolphin Ecology Project

Ms. Horstman introduced herself, noting she had been working with FKNMS on Dolphin SMART and that she wanted to let the SAC know the status of the program and what is next. She added that Laura Engleby of the Dolphin Ecology project would speak after her talk, about related dolphin research.

Ms. Horstman said that the Dolphin SMART idea was generated in the Keys by some operators, when there were around 40 operators viewing resident dolphins in a small area. She spoke about workshops held in 2002 and 2004 about irresponsible viewing of dolphins and the repercussion for both the dolphins and humans, and that they heard operators' concerns. The operators suggested a voluntary certification style program to recognize responsible operators. Dolphin SMART began in January 2007 as a pilot program in Key West, she said, and four trainings have been conducted. She also said that Dolphin SMART was implemented in Alabama in October 2008.

She described the suite of elements operators would engage in to become certified, noting it was meant to be a collaborative program. The intention is to try to reduce wild dolphin harassment, which is illegal under the Marine Mammal Protection Act, she said. She also reviewed the program mission, the criteria operators follow, the recognition certified operators receive, initial and annual evaluations by a paying guest enlisted to assisting the Dolphin SMART program (who does not identify him/herself to the operator until after the evaluation is done), and public awareness and outreach efforts. Outreach materials are provided free of charge, she said. She also described how cause marketing benefited the companies in the program.

Ms. Horstman said next steps for the program were to: implement the "Proud Supporters" program in Hawaii, implement the program in central west Florida, identify infrastructure needs for other areas, determine needs for streamlining growth nationally, and identify resources to support program growth in all areas.

Ms. Engleby stated that she wore a few hats and that she worked for Mr. Crabtree. This presentation was being made under her Dolphin Ecology Project hat, she said. In 2003, she said funding was obtained from the dolphin license plate, and NMFS and the Dolphin Ecology Project worked on starting Dolphin SMART.

Ms. Engleby provided an overview about changes in dolphin behavior when in contact with people, saying they will move, leave an area, go underwater, get habituated, etc. These shorter term impacts can lead to longer term changes, she said, adding that there were safety issues with people swimming with dolphins. She provided results from a study on impacts to dolphins from vessel activity done in Australia. One result was that dolphin abundance decreased in the tourist areas, as sensitive animals were displaced from areas of disturbance. Ms. Engleby also reviewed impacts on bottlenose dolphins near Key West, and studies on populations and operators back to 1986. Earlier on, she said there were a number of operators that offered opportunities to swim with dolphins, and now operators primarily offer viewing opportunities. The study showed where the dolphins are most often found near Key West, and 260 dolphins were identified. She provided details on the ranges of dolphins, where vessels go, findings on

violations of the distances vessels are required to maintain from dolphins, findings on disturbance behaviors of the dolphins, etc.

Ms. Engleby concluded by noting next steps for research were to: monitor population parameters, assess overall program success in addressing and mitigating dolphin disturbance, and provide quantitative comparisons of the daily lives of dolphins resident in tourism versus other zones.

Chair Popham thanked them for their presentations, and encouraged people to ask them questions during the break. He then turned it over to Mr. Morton, to introduce FKNMS staff members in Key West who were present to meet the SAC. People briefly stated their names and their roles on the staff. Chair Popham thanked the staff and said that the SAC appreciated everyone and all that they did.

Mr. Morton also introduced a Department of Justice attorney who was present at the meeting, mentioning he would be involved in the prosecuting and sentencing of the casitas cases.

Presentation to Former SAC Member, Debra Harrison, in Appreciation of Exceptional Service – Bruce Popham, Chair

Chair Popham said everyone knew Ms. Harrison had left the SAC. She came to this meeting just for this presentation. He asked Dr. Causey to speak to her history, and noted he understood that she had served the longest on a SAC, of all the SACs across the country.

Dr. Causey said their relationship went way back, and that she had always been those for good or for worse. Ms. Harrison expressed that it was a joy to be here, and that this [appreciation] was meaningful to her. She thanked everyone for the work they had done and were doing, encouraging people to keep up the good work. She said she would be doing her part on the Florida Energy and Climate Commission. She and Dr. Causey reminisced about their work going back many years beginning with a large ship grounding, and the efforts that led to the creation of the Florida Keys National Marine Sanctuary and development of the *Management Plan*. Dr. Causey also mentioned how they had served as members of the Commission for a Sustainable South Florida. He expressed his appreciation to her for her special efforts to find the middle ground on issues, including with the sugar industry and during the Tortugas 2000 process.

Chair Popham said the SAC had gotten together, and on behalf of the SAC, he presented Ms. Harrison with the gift of a painting by Fran Decker. Ms. Harrison thanked the SAC and said it was beautiful. The SAC applauded her.

Education/Outreach Presentation – University of Florida (UF)/Monroe County Extension Service -- Doug Gregory (UF/MCES)

Mr. Gregory started his presentation about the MCES with a review of the history of land and sea grant universities, which receive money from the U.S. Department of Commerce. He said that the University of Florida was both the land and sea grant university for the state, and that the County does the extension service. The Monroe County Extension office formed in 1972 with a mission of improving quality of life via education, he said. He noted they had many partners in their work.

MCES has several programs, Mr. Gregory reviewed, including environment and urban horticulture, family and community development, and seafood. He described each program and their use of volunteers (particularly in the Master Gardener program). MCES was instrumental in community organizational development, he noted, including the establishment of the Florida Keys Land and Sea Trust in 1978. MCES also used to do a tropical fruit fiesta event until budget cuts impacted their ability to do so.

Mr. Gregory said that the marine Sea Grant program worked on spiny lobster research from 1974-1980, and that led to the establishment of the state marine lab in Marathon. Programs have included a Monroe County Marine Resource Inventory in 1976-1978, the Marine and Port Advisory Committee and a boating improvement fund (which after 1993 was transferred to MCES, except for the roadside trap storage program), vessel safety training, fisheries management, seafood safety, a lobster fisheries program, climate change education, and a Monroe County Task force on formation of a green team. Other former programs included the 4-H Youth program, which had a big focus on marine resources and the Florida Bay Education Project (which was a partnership with a number of agencies, including FKNMS).

Regarding future efforts, Mr. Gregory felt everything needed to take a second seat to climate change, and that the focus should be on mitigation and adaptation. He reviewed efforts to date, and work with Green Living and Energy Education.

On collaborations with FKNMS, he said this included public workshops on marine protected areas, the sentinel lobster fisheries program, and his serving on the SAC as an alternate for a few years. In future, he thought there was a possibility for working with FKNMS on climate change mitigation efforts and fisheries-related issues.

Mr. Gregory concluded by noting their office had three extension agents and one administration support person (down from a high of twelve in the past), and that they welcomed partnering with groups.

Dr. Causey asked how he was related [organizationally] to Karl Havens, the Director of [Florida] Sea Grant. Mr. Gregory said that under Mr. Havens was the Marine Extension Program Director, and he (Mr. Gregory) works under that person. He said since he is also the Monroe County Extension director, and as such answers to an Extension supervisor. Chair Popham thanked him and said the SAC appreciated the information.

Management Plan Implementation- Proposed Marine Sanitation Device Discharge Rule– Mr. Morton (FKNMS)

Mr. Morton said he had asked Ms. Ferguson to include *Management Plan* Implementation as a standing SAC agenda item so he could provide updates on implementation and regulations, and that this provided a public forum for discussion about this. He said the long-awaited draft marine sanitation device (MSD) discharge regulation proposing elimination of the exemption for discharges from MSDs [throughout the waters of FKNMS] was on the streets, as everyone should be aware. This issue was something that had been recommended and approved for moving forward with as part of the *Management Plan* review, he related. The proposal also includes that MSDs must be locked, he said, so that law enforcement personnel could tell when people are complying. He said while he knew the SAC had supported this throughout the *Management Plan* process, he and others in NOAA would like to hear (and he needed to hear) what the SAC thinks on the proposed regulation, and he noted that the public comment period was extended to one day beyond the February SAC meeting (to February 17). Mr. Morton added that there was an environmental assessment, and the information was on the website and was distributed to the SAC.

Chair Popham said that the Florida Keys state waters in the sanctuary already had a no discharge zone since 2002, and that the other piece of the puzzle in the sanctuary was federal waters. He asked that the SAC Ecosystem Restoration Working Group come up with a resolution for the next meeting. ***ACTION ITEM:*** The SAC Ecosystem Restoration Working Group to draft a resolution for SAC consideration at the February 16 SAC meeting on the proposed NOAA regulation on MSD discharge in FKNMS.

Mr. Morton said this would also be discussed during the Water Quality Protection Program Steering Committee meeting, which Chair Popham said was scheduled for January 20.

Mr. Morton requested that, in their role as Advisory Council members, people get the word out to their represented constituencies (the people who provide input to SAC members) about the fact that the draft rule and environmental assessment were out, and that people could respond in writing to the FKNMS's Key West address or via a website (www.regulations.gov). He and Mrs. Tagliareni said FKNMS would also have three public meetings on this on January 21 Marathon, January 25 in Key West, and January 27 in Islamorada, and a notice would be out soon about those meetings. ***ACTION ITEM:*** The SAC to make its represented constituencies aware of the proposed NOAA regulation on MSD discharge in FKNMS and opportunities for public comment. Chair Popham noted that he had been trying to respond on the marine street side to things people had said about the proposal, and that he would try to send his response to FKNMS. He said there were adequate pumpout facilities throughout the Keys now. Mr. Morton said there was information about that in the Environmental Assessment directed people to go to the website if they had questions.

Dr. Causey said that only 37 comments nationally were received on the regulation that was passed previously under the Clean Water Act, mostly positive. Mr. Edwards added one small thing for when people looked at the proposed regulation, that it was for the whole sanctuary, and was intended to provide consistency among federal and state waters.

SAC Ecosystem Restoration Working Group Report Cont. – Mr. Fajans, SAC

Mr. Grathwohl re-read the draft resolution previously discussed with a few wording changes: deletion of the last bullet, addition of a new paragraph after the bullets recommending a spawning season closure for permit and having science in place, and inclusion of advice to the Acting Superintendent regarding people to receive the resolution.

Mr. Hunt suggested Mark Robson be included in the advice regarding who should receive the resolution, and Mr. Grathwohl agreed.

The motion passed unanimously upon roll call vote.

The wording of the resolution follows.

**RESOLUTION SUPPORTING THE FLORIDA FISH AND WILDLIFE CONSERVATION
COMMISSION'S (FWC) PROPOSED
CHANGES TO PERMIT REGULATIONS
December 8, 2009**

WHEREAS permit are an economic and ecologically significant fish species in the waters of the Florida Keys National Marine Sanctuary (FKNMS), and

WHEREAS there are no regulations for permit in federal waters and the Magnuson-Stevens Act allows state regulations to extend into federal waters in the absence of federal rules, and

WHEREAS the benefits of proposed regulations would aid enforcement of state fishery rules and protect permit spawning fishery stocks within federal waters, and

WHEREAS there is currently no commercial trip limit for permit within the slot limit of 11-20 inches for state or federal waters, and

WHEREAS even though commercial harvest is small there is the potential for this fishery to grow and a trip limit would be a proactive way to prevent excessive expansion of this fishery, and

WHEREAS there is a lack of data on spawning aggregations and no current stock assessment on permit

NOW THEREFORE the FKNMS Sanctuary Advisory Council (SAC) resolves to support the two below FWC staff recommendations, which were drafted as a result of findings from the Permit Fishery Workshop, and will be presented to the full FWC Commission on December 10:

- Extend state permit regulations into federal waters
- Initiate a commercial trip limit number for permit

The SAC further recommends the support of a spawning season closure for permit until such time that the science is in place showing there is no detrimental effect on permit stock assessments.

The SAC further resolves to request that the acting superintendent forward this resolution to the FWC by email due to the timing, to commissioners@myfwc.com and cc to Jessica.mcawley@myfwc.com and cc to mark.robson@myfwc.com.

Passed unanimously on this date: December 8, 2009.

The Council is an advisory body to the sanctuary superintendent. The opinions and findings of this publication do not necessarily reflect the position of the Florida Keys National Marine Sanctuary, the National Oceanic and Atmospheric Administration, the Florida Department of Environmental Protection, or the Florida Fish and Wildlife Conservation Commission.

ACTION ITEM: Acting Superintendent Morton to consider/follow up on the recommendation of the SAC regarding State of Florida fishing regulations for permit.

Vandenberg Marine Life – Bob Smith and Don Kincaid, SAC

Mr. Smith said that, in addition to his SAC duties, he served as a director for Artificial Reefs of the Keys. He introduced some members of that group in the audience who had worked on the sinking of the Vandenberg. He then introduced Mr. Kincaid and noted that he had asked Mr. Kincaid to give a snapshot of the marine life that had developed on the artificial reef in the short period of time since it had been sunk.

Mr. Kincaid showed photos taken of the Vandenberg before it was sunk, during the sinking, and after it was sunk. He said he followed its progress to become an artificial reef since he met Joe Weatherby. Also, he mentioned that he had crossed the Pacific on its sister ship when he was nine years old. Mr. Kincaid also described the steps taken to get the ship into Key West, and modifications that were made to it prior to sinking it. After it was sunk, it was clean of marine life at first, then algae and sea tunicates started to grow on it, he said. Now there are invertebrates and fish all around and in it, and he said it was not uncommon to have 200 people dive it.

Mr. Edwards asked if Mr. Kincaid had established stations for taking the photos. He said the photos were taken by hand-held cameras, and that he did return to the same places. Dr. Brylske said that the FKCC had deployed two permanent transects on the ship and would be collecting time series data.

Bob Holston said they knew the artificial reef would be an economic boon. Regarding his business, it had been down 3% at the end of May, but it was up 17% after the end of October. He also mentioned an organization that was promoting a “wreck trek” in the Keys.

Potential Amendment to FKNMS SAC Charter – Chair, Vice-Chair Terms – Mr. Morton, FKNMS

Mr. Morton said there was a handout in the SAC packet on this item. He noted that Chair Popham had been ably serving, but that the FKNMS SAC Charter limited the terms of the chair and vice-chair. He said he wanted the SAC to look at this issue before the next vote for SAC officers, ahead of time, so it could be before SAC as an option to eliminate the officer term limits from the charter. He added that he was not sure that Mr. Popham had decided yet if he wanted to continue on as the Chair. Mr. Morton also said officer term limits were an issue with every SAC, and that while SACs started with limits in their charters, he thought they typically took them out.

- Mr. Moe asked about the draft language on subsequent terms and an officer could have as many as they wanted. Mr. Morton said that the language would make the terms unlimited.

- Mr. Bennis asked about the current officer term language in the charter. Chair Popham replied that an officer term was two years and there was a limit of two terms. Chair Popham also said it would be the SAC’s choice in April [when the next SAC officer election will be held] to continue having him serve as the chair, adding that he would be happy to do so. He also said he thought this issue may have been brought up before.

The motion to approve the draft charter amendment was moved by Mr. Grathwohl and seconded by Mr. Fajans.

Brief discussion ensued. Mr. Moe commented that he would like the wording to be clear that the recommendation was for officers to serve open-ended terms. Mr. Malcom suggested adding the wording “, without limits.” This amendment was accepted by the group.

The motion passed unanimously upon roll call vote.

Below is the text approved by the motion.

**Florida Keys National Marine Sanctuary
Advisory Council Charter
DRAFT
AMENDMENT #1**

The following revisions are made to the charter as signed on 12/31/07, and hereby amended on the date indicated below.

The “Council Officer Elections and Terms” section of the charter is revised to read:

Third sentence: “Terms of the chair and vice-chair are two years.”

Fourth sentence: “If reelected, the chair and vice-chair may serve subsequent terms, without limits.”

All other terms of the charter remain in full force and effect.

Daniel J. Basta

Date

Director, Office of National Marine Sanctuaries

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ACTION ITEM: Acting Superintendent Morton to ensure the draft amendment to the FKNMS SAC Charter is provided to ONMS for consideration.

Discussion of Agenda for 2010 SAC Summit – Chair Popham

Chair Popham asked if the SAC had any comments on draft agenda for the SAC Summit in May, and if the SAC wanted to submit a case study proposal for the Summit. He described how one of the benefits of the meeting was to share common problems and issues. He also said he got great value from talking to other SAC chairs and to Mr. Basta.

- Mr. Hawtof said he understood that many councils had animosity amongst their members, and maybe Chair Popham could suggest ways for them to improve their relationships, and share what this SAC does that is different. Chair Popham said he was not sure what the answer was, but he would think about it.
- Mr. Morton said he thought the work this group did on the Everglades National Park *Management Plan* was a good case study, and that the SAC work applies to other federal agencies, particularly the water quality and fishing components. He added that Everglades National Park was going to be forming its own advisory council.
- Mr. Makepeace suggested referring to the discussion on permit, due to the overlapping jurisdictions, and that there could be discussions on better interactions with partner agencies, including looking at collaborative models. Chair Popham said that dovetailed with Mr. Morton's comments about the Park's *Management Plan*.
- Chair Popham said he could think of a few ideas for a case study, but that the Everglades National Park suggestion was on the top of his list.
- Dr. Causey talked about the work done on Biscayne National Park, and how that helped them get through a thorny fisheries management plan process. He suggested this and other examples of marine spatial planning be considered.
- Ms. Ferguson suggested Chair Popham review the case study guidelines and timeframe for the group so they knew what the SAC Summit agenda planning committee was looking for in terms of proposed case studies, and he reviewed them for the group. Ms. Ferguson noted that the timeframe for the case study to have taken place was since the previous SAC Summit [May 2009]. She also added that both Chairs and Coordinators present their SAC's case study, if selected.
- Mr. Nedimyer suggested that smaller- scale user group issues might be good for a case study, as those were strengths of the SAC Working Groups.
- Mr. Morton noted there was a park-sanctuary relationship on the Olympic peninsula as well.
- Mr. Moe suggested a discussion of the relationship with SFFFK.

Chair Popham concluded that, with the SAC's permission, he would draft something up based on the input provided on case study ideas. ***ACTION ITEM:*** Chair Popham to draft a paragraph on a proposed FKNMS SAC case study for submittal to the 2010 SAC Summit agenda planning committee.

Public Comment

Tad Burke spoke, and mentioned his profession as a fishing guide and his many community affiliations. He talked about having been diving in the keys since he was a kid, and how things were now downright desperate. He thought FKNMS was doing a wonderful job. He said he came to ask that offshore aquaculture facilities not be allowed within FKNMS. He mentioned having been to Washington a few times, and that he recently went on the bequest of Food and Water Watch to a hearing on offshore aquaculture; he heard industry representatives telling lies so they could get what they wanted on behalf of industry, he said. From what he had read, he did not think anything good would come to the sanctuary from offshore aquaculture. He requested that the SAC put together a resolution not to allow offshore aquaculture within FKNMS. He also asked that they write the Gulf of Mexico Fishery Management Council to question why that council would allow it to happen, noting he thought any water from the Gulf would end up here.

- Mr. Grathwohl suggested that the SAC Ecosystem Restoration Working Group work on the suggestions regarding offshore aquaculture.
- Mr. Bergh reminded the group that there was a presentation later in the meeting on offshore aquaculture.
- Chair Popham said he wanted to clarify there would be no aquaculture within the sanctuary.
- Mr. Morton said he would explain about the sanctuary regulations related to this later in the meeting.

Joe Allen, a Democratic candidate for Governor of Florida briefly spoke. He asked how he could help this organization and others achieve the goals they were trying to achieve. He mentioned being a resident and a member of Reef Relief. He then provided his contact information and encouraged people to get in touch with him.

Ms. Harrison spoke, expressing support for what had been said about offshore aquaculture. She was not sure everyone understood the impacts; she described some related to antibiotics, nutrient pollution, etc., and that it was done primarily to make dollars. She also said there were efforts to do aquaculture in ways that were not harmful.

Patrick Rice introduced himself as the Dean of marine science at FKCC, and said he considered himself an environmentalist. He felt sometimes when things were done the wrong way in name of environmentalism, it could do harm. He noted tons of research was being done on offshore aquaculture, and that numerous studies showed that if the right technologies were used and if operations were far enough offshore, no nutrients were detectable. He agreed people were doing offshore aquaculture for the money, and also felt that doing aquaculture to feed the masses where needed was important. He commented that coastal aquaculture was different from offshore aquaculture, and mentioned the use of polyculture (with mussels and algae used to filter the water). He felt it was important to study the bioenergetics of aquaculture versus a wild fishery, and stated a real problem was that population everywhere continued to grow. He clarified that he was not saying offshore aquaculture was necessary in sanctuary waters, but he did not want people to have a blind eye. He concluded by saying FKCC was looking at it for conservation, that people should look at data, and have an open mind.

Review of Offshore Aquaculture in the Gulf of Mexico – Marianne Cufone, Food and Water Watch

Ms. Cufone thanked the group for the opportunity to present, and provided a bit of background about herself, saying she was a director for Food and Water Watch, a national nonprofit consumer advocacy organization. She described the organization's mission. She noted that she was not at the meeting to point fingers, but to support certain types of aquaculture, adding she thought there were ways to do it that would not hurt fisheries. She passed around some handouts on the topic.

Ms. Cufone discussed historic ocean fish farming offshore, from three to 200 miles. She considered three miles nearshore, she said, and said that some issues with nearshore aquaculture had been pollution, habitat

alteration, diseases, parasites, escapement, use of antibiotics and various chemicals, use of wild fish in feed, and exclusive/conflicting use of public areas. She also discussed some of the species farmed, including cobia and a proposal in Hawaii for ahi.

She reviewed how ocean fish farming had been a hot topic nationwide and in the Gulf for the past eight years. She said she had been involved in agency regulations on this with the Minerals Management Service and NMFS, and on the plan with the Gulf of Mexico Fishery Management Council, which she said was approved by default September 3, 2009. She said bills had been introduced on this topic on the national level, and a new one was supposed to be introduced but had been postponed. She felt a national bill might trump or grandfather the Gulf plan.

Next, Ms. Cufone reviewed some aspects from that Gulf of Mexico Fishery Management aquaculture plan. She said the types of systems for offshore aquaculture were not known yet, or where they would be. She said the species permitted would include anything allowed under the Gulf Council except corals and shrimp. She also said chemical usage would rely on existing laws and regulations, that buffer zones were lacking, and that the plan removed the provision preventing aquaculture in National Marine Sanctuaries.

Ms. Cufone noted her organization was not necessarily anti-aquaculture, but that it was anti-bad aquaculture, and they were for land based re-circulating aquaculture systems. She described why she felt this was a good method, including that it was bio-secure, energy efficient, and used low amounts of recirculated water. She also described aquaponics, in which fish and plants were grown in the same facility.

She requested that the SAC recommend that NOAA ban ocean fish farming in the FKNMS under the Gulf plan, and write letters to Representatives Lois Capps and Nick Rahall urging legislation to halt the plan and perhaps offering recirculating aquaculture systems as an alternative.

Ms. Cufone concluded by saying the plan was currently suspended, and that regulations had been drafted but not approved. She also said that the NMFS was waiting to see what happened with national legislation.

Discussion ensued.

- Mr. Barras asked about costs and if they were the same for the same amount of fish. Ms. Cufone said she would forward a fact sheet with information on this to him.

- Someone in the audience, recognized by Chair Popham, commented about Americans being food poor, and that that was a big factor. Ms. Cufone said the beauty of land-based systems was that they were scalable. She also stated offshore fish farms done for profit often did not result in the fish being used for food locally.

- Mr. Nedimyer commented that he grew coral and live rock on a passive basis, with nothing added. He said there were several other types of passive, beneficial aquaculture taking place in the Keys. Ms. Cufone clarified she had been discussing only finfish aquaculture.

- Mr. Moe talked about comparing apples and oranges, and small systems to produce protein versus ocean farms producing high value products. Ms. Cufone said she did not disagree. She said that, often proponents of fish farming discuss the need to feed the masses, which she said was not the purpose of big fish farms.

- Mr. Makepeace said it was his sense this was too complicated and important to have any possibility of being addressed by the SAC at this meeting.

- Chair Popham said the SAC had passed an aquaculture resolution in the past. Ms. Ferguson briefly summarized it for the group.

- Mr. Morton passed around a letter from the Assistant Administrator from the Fisheries Service to the Gulf Council chair. It laid out the NOAA position, he said, and he reminded the SAC that he had

reviewed the Gulf plan on offshore aquaculture at the previous SAC meeting. He said that the last administration tried to do an aquaculture bill but it did not get traction, which was probably why the Gulf Council went forward. NOAA could not deny the plan under the Magnuson Stevens Act, he reviewed; it could only deny it if there was no jurisdiction (and there was). He stated the Fishery Management Council could not adopt regulations, and that only NOAA could do that, and they would have to go through a public process under the Administrative Procedure Act. NOAA was looking at national standards and a policy, he said, as requested by the House Resources Committee almost a year ago, and hearings were held already on this. NOAA was still working on the standards and policy, Mr. Morton said, and had been told they might be drafted by mid spring. Whatever comes out will not look like the Gulf Council plan, Mr. Morton said, noting this issue was very complex.

Mr. Morton commented that if the SAC wanted to take this on, he would get someone from NMFS to come and give an update on the offshore aquaculture issues. He said he was not sure what they would say until the draft policy was available, however.

Dr. Vaughan commented that the discussions against the bad kind of aquaculture hinder the good kinds, and that many facts people used in debates were not true. He recommended that the SAC not make a hasty resolution, and encouraged the use of those who had aquaculture expertise.

Mr. Morton concluded by saying that, within FKNMS, there was a prohibition in place on structures on the seafloor, and the feed used would be considered a discharge. He also mentioned other hurdles.

Ms. Cufone noted there was no open ocean finfish farming in the United States; there were two in Hawaii's state waters, and the farms in Washington state waters were not considered ocean aquaculture.

Linking the Economy and the Environment of the Florida Keys/Key West, a Decadal Look at Recreation-Tourism – Bob Leeworthy, NOAA, ONMS

Dr. Leeworthy began by referring SAC members to the handouts provided for more detail beyond what he planned to cover in his presentation. He introduced his colleague, Dr. Loomis, who was sitting in the audience.

A baseline study was done in the Florida Keys in 1995-1996, with regulations going into effect in July 1997, Dr. Leeworthy said. Dr. Causey clarified that the overall sanctuary regulations went into effect November 16, 1990, but other, specific regulations went into effect later on. Dr. Leeworthy said there was a Socioeconomic Research and Monitoring Program, which held a workshop in 1998 in the Keys. Stakeholders recommended that the study be done about every ten years. The baseline study was comprehensive and serves as a census of outdoor recreation and tourism in the Florida Keys, he said. Due to various survey approval issues, the ten year replication became a 12 year replication, he noted.

Dr. Leeworthy mentioned the many funding and working partners for the most recent study, then reviewed study methods of two surveys (by mode of access, and customer), types of information gathered and some of the results to date.

Some of the key findings were that all water-based activities lost market share over the 12-year period, and only visiting museums or historic areas and cultural events gained market share. Also, the total visitation in person-days went down over this period, but person-trips went up. In addition, for all activities except beach use, the number of participants declined, Dr. Leeworthy said. Another key finding he noted was that 57% of total employment in Monroe County was dependent on recreating visitor spending.

There were a few questions and comments about the findings, and the number of sets of results.

- Dr. Causey said there had been a trend for a while to have fewer, higher quality visitors.
- Mr. Moe asked if airfare and gas costs were captured, and Dr. Leeworthy said they were, if the expenditures were made in Monroe County.

Dr. Leeworthy said he and his colleague had not yet run all the numbers to have findings on results, such as visitor satisfaction, but they were working on it. He concluded by saying he had not yet received the resident visitor survey, and that would also be important.

Other Business

Chair Popham acknowledged Mr. Bergh, who read a resolution drafted by Ms. Harrison, with the inclusion of a few edits Mr. Bergh had made. Mr. Bergh moved approval of the resolution, seconded by Mr. Barras.

There was brief discussion. Dr. Causey said he had talked to Ms. Harrison and that she asked it be provided to Dr. Lubchenco before December 13.

The motion passed unanimously upon roll call vote.

The wording of the resolution follows.

FLORIDA KEYS NATIONAL MARINE SANCTUARY ADVISORY COUNCIL RESOLUTION December 8, 2009

Whereas, the Florida Keys National Marine Sanctuary and Protection Act (Act) was established by Congress and signed into law by President George H. Bush in 1990; and

Whereas, the Act recognized the natural resources located within the Sanctuary boundaries as the underwater equivalent of the tropical rainforests; and

Whereas, the Act required the development of a management plan that would protect those resources, which include the world's 3rd largest coral barrier reef; and

Whereas, the Act authorizes that the Sanctuary is to address impacts occurring from both within and outside of the Sanctuary boundaries that are negatively affecting those resources; and

Whereas, regular monitoring and scientific assessments have established that warming ocean temperatures related to anthropogenically induced global climate change are having deleterious impacts on the health of the Florida Keys coral reef ecosystem; and

Whereas, catastrophic collapses of various ecosystems, including tropical coral reefs, are projected if global temperatures exceed an increase of 2° C or higher, according to the 2007 report by the United Nations Intergovernmental Panel on Climate Change (IPCC); and

Whereas, the United Nations 2009 Climate Change Conference is currently being held in Copenhagen, Denmark with the goal of reaching an international accord on greenhouse gas emissions reductions that would curtail rising temperatures and catastrophic climate impacts; and

Whereas, the United States Congress has yet to adopt binding climate change legislation nor agreed to any international climate change treaties,

Therefore, the Florida Keys National Marine Sanctuary Advisory Council strongly encourages the United States delegation to the 2009 United Nations Climate Change Conference to support international covenants to reduce greenhouse gas emissions commensurate with preventing a global temperature increase of 2° C or higher, and that the United States Congress ratify such a treaty.

Passed unanimously on this date: December 8, 2009.

The Council is an advisory body to the sanctuary superintendent. The opinions and findings of this publication do not necessarily reflect the position of the Florida Keys National Marine Sanctuary, the National Oceanic and Atmospheric Administration, the Florida Department of Environmental Protection, or the Florida Fish and Wildlife Conservation Commission.

ACTION ITEM: Acting Superintendent Morton to consider/follow up on the recommendation of the SAC regarding the U.N. Climate Change Conference.

Mr. Morton said Dr. Lubchenco was now on Facebook and she was doing a good job of letting folks know what she was doing and answering discussion questions.

Dr. Vaughan commented about some information he saw recently on a map of lionfish sightings in Cuba; they had over 250 sightings the first year data was gathered there. He said he hoped some Cuban scientists would be attending an upcoming meeting hosted by Mote in Sarasota, and that there would be an opportunity to get those scientists to come to the Keys to learn about some of the monitoring techniques and practices in place here.

Adjourned, 4:44 PM.