

FLORIDA KEYS NATIONAL MARINE SANCTUARY ADVISORY COUNCIL

**Ocean Reef Club, Key Largo, Florida
October 16, 2007**

MINUTES

Members Present

Chris Bergh	Martin Moe
Jack Curlett	Ken Nedimyer
Dolly Garlo	George Neugent
Richard Grathwohl	Krueger Nicholson
Debra Harrison	Bruce Popham
David Hawtof	Gary Randolph
Don Kincaid	Brad Simonds
Jerry Lorenz	

Alternates Present

Stephen Friedman	Jim Trice
Jack Hildreth	

Call to Order/Roll Call/Approval of Minutes from August 21, 2007/Adoption of Agenda for this Meeting/Chairperson's Comments/Introductions

Chairman Bruce Popham called the meeting to order at 9:17A.M. He thanked Jack Curlett for making the arrangements to host the Sanctuary Advisory Council (SAC) at the Ocean Reef Club, for the refreshments, and buying lunch. It is good to vary the meeting location from time to time. He invited the alternates to sit at the table, to help keep them aware and involved in the SAC. Mr. Curlett in turn thanked the Ocean Reef Club and David Ritz of its community association.

The minutes from the August 21, 2007 SAC meeting were reviewed. Commissioner George Neugent moved that they be approved, seconded by Ken Nedimyer. The motion passed unanimously.

The agenda for this meeting was reviewed, and Commissioner Neugent moved that they be approved, seconded by Dolly Garlo. The motion passed unanimously.

People around the table introduced themselves and made brief comments about their seats, commitment to the SAC, and how long they have been Keys residents. Some highlights follow.

Martin Moe described how recently, he was successful at getting *Diadema antillarum* to metamorphosis, at 47 days, and passed around pictures. He is culturing them to try to improve herbivory on the reef, and hopes, in time, to develop large scale culture technology.

Richard Grathwohl commented about a recent newspaper article, which proposed seeding the open ocean with iron to grow algae. He is concerned about this and doesn't think it should be done.

Chair Popham stated that approval has been given for last go-round of SAC appointees, and that soon, recommendations will be submitted for the next round. He is excited about having new people come on the SAC.

Lilli Ferguson, Sanctuary Advisory Council and Volunteer Coordinator, informed the SAC on behalf of Chief of Staff Leigh Espy that the sanctuary's Key West complex recently won an environmental design award (Leadership in Energy and Environmental Design [LEED]), and said that posters were available for anyone interested. Superintendent CDR David Score added that phase two is now occurring, with all native landscaping being installed.

Superintendent's Report - CDR David Score, Superintendent (Florida Keys National Marine Sanctuary [FKNMS], National Oceanic and Atmospheric Administration [NOAA] Corps)

Superintendent CDR Score introduced Chief Jeff Lewis, of the U.S. Coast Guard (USCG), who is now joining the SAC as the agency representative for the USCG. CDR Score also introduced Pat Bradley, with the U.S. Environmental Protection Agency, who is now based in the sanctuary's Key West office, and will assist with helping to manage the resources better.

Following up on Chair Popham's remarks, CDR Score announced that he received approval on the afternoon before the SAC meeting of the new SAC appointments: Jim Trice is now the Citizen at Large - Upper Keys member; Jack Curlett is now the Fishing - Recreational member; Jason Bennis is now the alternate for Debra Harrison's Conservation and Environment seat; Rob Bleser is now the alternate for the Diving - Upper Keys seat; Bruce Popham is serving another term as the Boating Industry member; Brad Simonds is serving another term as the Fishing - Sports Fishing member; Cal Sutphin is now the alternate for the Citizen at Large - Middle Keys seat; Dave Vaughan is now the alternate for the Research and Monitoring seat, and will fill in as the primary since the seat is vacant until a new primary member is seated; Donald Way is the new Fishing - Recreational alternate; George Neugent is serving another term as the Elected County Official member; and Forrest Young is now the alternate for the Fishing - Commercial - Marine/Tropical seat.

CDR Score also mentioned the LEED certification, and said phase two of the facility design is now occurring, with all native landscaping being installed on the grounds. In addition, there is a new Mote display at the Eco-Discovery Center.

The budget is affected by the Federal government's continuing resolution; resources are currently tight, and are struggling to keep essential services going.

Regional Director's Report -- Dr. Billy Causey (NOAA, National Marine Sanctuary Program [NMSP])

Dr. Billy Causey, Director, National Marine Sanctuary Southeast Region, reported on recent happenings within the region. He has been involved in recent international collaborative efforts;

NOAA has worked with the Columbian National Park Service, Coralina, and Puerto Rico on marine protected areas.

In the Gulf of Mexico, the region is connected, as well illustrated by the *Diadema* die off in 1983. An "Islands in the Stream" concept paper has been developed (distributed at the meeting), to have a series of marine protected areas around the Gulf and Caribbean. This would provide connectivity for existing and new protected areas internationally, and has its genesis from Jim Connaughton's (Council on Environmental Quality [CEQ]) trip to the Dry Tortugas in January. He said the President was going to be developing some new initiatives, and asked if Dr. Causey wanted to propose something for the Gulf of Mexico. Dr. Causey stated this is the first public announcement of this concept, and the plan is to go through a stakeholder process to initially designate these special places as a co-managed Marine National Monument, working with the Minerals Management Service. It is one of several proposals before the CEQ. So far, the group working on this has met with some interested parties, including representatives from the oil industry, NGOs, the American Sportfishing Association, the National Marine Protected Areas Center, the Gulf of Mexico Fisheries Management Council, and others. Dr. Causey has more meetings scheduled to talk about the concept.

There were some questions and general discussion. Mr. Grathwohl suggested that it would be good to get this on the agenda of the National Charterboat Association meeting that is coming up in Maryland. Ms. Harrison asked about the process and the timing of designation, and Dr. Causey clarified that the intention is not to circumvent any public processes, but that if a Monument is designated with some degree of protection that all parties could agree to, we would come back afterwards to work with stakeholder groups, including the Fisheries Management Council, diver groups, etc. Existing regulations and authorities do not provide comprehensive protection. There is precedent for this type of process--for example, FKNMS was congressionally designated, then the details were filled in from the bottom up. Mr. Trice asked about drilling, and Dr. Causey replied that it has been proposed that slant drilling be allowed in a small area (not in Florida), but there may be difficulties with that, and also other stakeholders will need to be involved. The idea is to work together with the oil and gas industry. The overall process might take around three years. Now, the group is starting to put together a comprehensive package for the White House, to describe each of the proposed areas to be included.

Public Comment

Chair Popham noted that H.T. Pontin had asked that some information he faxed to the staff regarding jurisdictional issues be distributed to the council, and it was.

Douglas Bedgood of Keys Hydropower, a nonprofit organization, provided some information to the council about his objective to reduce causes of global warming in the sanctuary, and change the way energy is produced. Keys Hydropower has proposed a test ocean current turbine project, and he provided handouts and a DVD to the group. He requested the opportunity to do a more extensive presentation to the council at a future meeting. Commissioner Neugent, Mr. Edwards and Don Kincaid all attended a meeting about this project, and were favorably impressed. Ms. Harrison stated she would like to give information about the project to the Florida Department of Environmental Protection (DEP) staff, and have it go to the DEP Commission. There was some

discussion about how this technology would work, and about permitting, but more work toward the goal of producing energy in a more environmentally friendly manner.

U.S. Coast Guard Report – MSTC Jeff Lewis (USCG)

Marine Science Technician Chief Jeff Lewis reviewed some of the roles the USCG plays in the community. These include: safety, prevention, vessel safety inspections of passenger and fishing vessels, security, ensuring deep draft vessels have garbage and oil disposal facilities, groundings, marine permits, reviewing Army Corps of Engineers permits, and pollution response.

U.S. Fish and Wildlife Service Report -- Anne Morkill (USFWS)

Anne Morkill invited people to the 50th anniversary celebration of the National Key Deer Refuge, on November 17 on Big Pine Key. The celebration is open to the public. The Key West Wildlife Refuge will celebrate its 100th anniversary next year.

Florida Fish and Wildlife Conservation Commission (FWC) Report -- Capt. Laurie Luher (FWC), Major Mike Edwards (FWC), and John Hunt (FWC)

Capt. Laurie Luher introduced Capt. Patrick Langley; he'll be overseeing the *Gladding* and Dry Tortugas team. She introduced Lt. Bill Burns. He is the supervisor of the sanctuary law enforcement team from the middle to lower keys. He introduced a new sanctuary law enforcement officer, Steve Golden, who has just begun his assignment here. Capt. Luher then mentioned the recent death of a free diver on the wreck of the *Duane*; he'll be missed. She stated the *Pippin* live rock removal case was recently completed, with the NOAA Office of Law Enforcement (OLE) and FWC working together. There was a 10-month sentence and the vessel was forfeited.

Major Michael Edwards said they have been going over the manatee plan; manatees are increasingly visiting Monroe County, which was not previously included in the action plan developed for other areas. Efforts to have boaters keep their speed down have been excellent, and there have only been two manatee deaths in Monroe County this year. He also reviewed the enforcement efforts made during the lobster mini season, including different tactics that were used, and there was only one accident reported, which is unusual. Over the next year and a half, he wants to develop an operating plan to bring extra manpower from other parts of the state to deal with all of the people that come for mini season, as well as to maintain law enforcement efforts year-round. He also stated there was mixup in the newspaper report on the *Playmate* case, and clarified what took place (there was a pushing match when trying to determine what fishing activities had occurred, and charges were filed when the vessel returned to Key West; the individual plead guilty in court). He mentioned Dick Smith of NOAA's OLE left the region and has taken a homeland security-related job. Finally, he reviewed the budget situation, what it would take to get to the mandated reductions, and the vacancy of several officer positions in the south region.

John Hunt reported that a stock assessment workshop on mutton snapper is taking place in St. Petersburg; he will join the second day of it. The results will be reported in early 2008. The Commission meeting is scheduled for December 6 and 7 at the Key Largo Marriott. The lobster draft rule will be on the agenda; FWC has been holding workshops in the Keys and other parts of Florida about it, but the staff hasn't finalized recommendations yet. Anyone concerned about the

interaction of fishing gear and reef habitat should come to the Commission meeting to make a statement. Other topics on the meeting agenda include conch research and restoration, red and gag groupers, and more discussion of a memorandum of understanding/agreement between the Commission and Biscayne National Park. He doesn't have the details of the contents of the memorandum. Mr. Hunt also provided a handout regarding sampling of the algae bloom, done on October 11. Concentrations of the algae were small for *Synechococcus elongates*, as compared to the August counts in a similar area.

Commissioner Neugent asked about recent lobster meetings. There was a meeting in Key West, and one in Marathon. There was discussion of a 300 foot prohibition from shoreline for snorkeling and diving year-round in Monroe County. John Hunt and Capt. Luher said this idea was brought up by a man from the upper Keys, and it is not a position the Commission has taken. Islamorada and Key Colony Beach have some prohibitions for safety reasons. The Commission will be discussing the tagging program. Commissioner Neugent asked if the SAC wanted to take a position on the matter regarding environmental impacts; there are social and resource issues, caused by the numbers of people coming to fish for lobster. Swimming and diving in canals, and personal watercraft use were also discussed in terms of safety issues. Impacts to regulations changes on law enforcement resources were also touched upon. Chair Popham asked Commissioner Neugent to try to bring a proposal back to the SAC in the afternoon for discussion, if he felt a position should be taken. CDR Score encouraged him to look at all of the recommendations and nonrecommendations that have come out.

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

Kent Edwards stated he is attending on behalf of Stephanie Bailenson. He echoed CDR Score's comments, stating it is a tight budget year for the state. Stormwater grant funds coming to Monroe County have been cut; the state budget will be coming out soon. The Governor's Climate Action Team report will come out in November. Three new places in the Keys have joined the Green Lodging Program. The draft revised sanctuary management plan is going to the Governor and Cabinet in December. Finally, Mr. Edwards reviewed the state of recycling in the Keys, based upon telephone calls he has recently made to government agencies responsible for this. Participation in recycling in Key West is only 1%; the perception of many is that recycling materials go to the landfill. In reality, recycling materials are separated from trash and taken to a facility in Broward County. A few years ago, glass was used as fill at some sites--there are high truck tipping fees associated with it.

Card Sound Road Cleanup Project -- Jon Ricisak (Miami-Dade Department of Environmental Resources Management [DERM]) and Lee Hefty (Miami-Dade DERM)

Jon Ricisak and Lee Hefty of the Miami-Dade County DERM reported on the status of the development along Card Sound Road, and efforts to address illegal activities and structures. Recently, John Halas of the sanctuary's Upper Region office was in contact with Mr. Ricisak, discussing the sanctuary's jurisdiction in that area--it goes into Barnes Sound and Card Sound. Mr. Ricisak works for the coastal resources section, and oversees compliance and enforcement. DERM and other agencies have been working on this for many years, but some people were unaware that part of the area is within the sanctuary's jurisdiction.

Mr. Ricisak made a presentation about the status of the area, focusing mostly on the Miami-Dade County side, where DERM's jurisdiction lies. DERM is the environmental regulatory arm of the county. There are derelict structures and abandoned vessels at various points along the road, as well as structures and vessels that are being used and de facto marinas. DERM requires a permit for structures over water, but no permits have been issued for this area. There is no sewage or trash pickup on Card Sound Road. The areas are shallow, and not appropriate for mooring vessels. Mr. Hefty added that Miami-Dade County also has not given any permits for any of these structures, and new things appear all the time. Miami-Dade County is partnering with the state and other Miami-Dade County agencies to deal with this, and would also like to partner with Monroe County and the sanctuary. People are building structures without any ownership of the land (though some have claimed ownership), and are damaging mangroves and seagrass beds and causing water quality impacts. The state has filed action to assert ownership over the land. However, the "Save Card Sound Road" website promotes more of this type of development in the area.

Mr. Simonds commented that he saw these same issues in the 1970s, and wondered why the problems have gone on since that time. Mr. Hefty responded that they are certainly trying to get them addressed and stopped now. Dade County did make an effort, but it fizzled out due to the complexity of the issues. Chair Popham asked about the interaction with Monroe County, and Mr. Ricisak and Mr. Hefty responded that there hasn't been much, but the southern district of DEP has been spearheading working with Monroe County. There is some NOAA and other grant money, which is being used where there is no dispute over who owns the land; it will occur on publicly-owned land.

Mr. Halas is working with Mr. Ricisak, and Rich Jones of Monroe County. A plan needs to be created for work on publicly owned lands. Dr. Causey stated there are tools for addressing many of the problems noted, but it will take everyone working together. The liveaboard issue, which is statewide, also should be considered. CDR Score mentioned a draft agreement with Monroe County to remove derelict vessels. The sanctuary isn't eligible to apply for funds, but can support those who can with matching resources. Commissioner Neugent stated Monroe County has spent lots of funds cleaning up derelict vessels, and when there was a Marine Resources Department, aggressively went after these problems.

The people on public lands in this area have been notified. Alabama Jack's is in Monroe County; they do have a lease from the state. DERM has been delegated authority by DEP over some submerged lands in Miami-Dade Co. Kent Edwards stated in Monroe County, DEP would need to assert jurisdiction over submerged lands, and the structures. DEP, Monroe County and the Sanctuary would all be involved in dealing with it.

CDR Score stated the sanctuary has provided a letter of support for this specific grant. He said a resolution from the SAC to support these types efforts overall, with the recommendation provided to him, could be useful.

Ms. Harrison composed and read a draft resolution regarding addressing the Card Sound problems. Ms. Harrison moved, seconded by Jerry Lorenz, that this resolution be passed.

Upon inquiry, Mr. Ricisak stated that there is a meeting this Thursday at 10:00 AM at the Florida Department of Environmental Protection Division of Law Enforcement offices in Miami (the agency organizing the meeting), to look at this issue and how all the agencies can work together on law enforcement and regulatory levels.

After some discussion about which agencies have jurisdiction over which parts of the area, money distributed and needed for cleanup (which depends on the definition of cleaning it up), some difficulties posed by private ownership claims including going through eviction processes, and a few friendly amendments to the original language, the resolution passed unanimously upon voice vote.

The text of the resolution follows:

**Resolution of the Florida Keys National Marine Sanctuary
Advisory Council
October 16, 2007**

The Florida Keys National Marine Sanctuary (FKNMS) Advisory Council supports all efforts being undertaken by Miami-Dade County Department of Environmental Resources Management to reduce pollution, including nutrient loading, impacts to seagrasses and benthic communities, debris impacts, and impacts to endangered species, to the waters of Florida Bay and the Florida Keys National Marine Sanctuary originating along the Card Sound Road corridor.

The FKNMS Advisory Council further recommends that Monroe County re-establish the Monroe County Department of Marine Resources to support this effort.

Passed unanimously on this date: October 16, 2007.

The Council is an advisory body to the Sanctuary Manager. The opinions and findings of this publication do not necessarily reflect the position of the Florida Keys National Marine Sanctuary and the National Oceanic and Atmospheric Administration.

Education/Outreach Presentation - Mary Tagliareni (FKNMS)

Mary Tagliareni, FKNMS Education Coordinator, gave a presentation on what the sanctuary education staff does and how they do it. Education and outreach are management tools, reaching the people that impact the resources. FKNMS has more visitors than other sanctuaries, but have fewer residents than some. Is also has a good portion of the U.S. as an audience, as the Mississippi River Basin drains into the Gulf of Mexico. Of course, global issues affect coral reefs too. Challenges include: there is no single point of entry, diverse audiences, resource damage, general lack of awareness, and national science standards for school children don't mention the ocean at all.

There is an FKNMS education and outreach action plan, developed through public input, including from the SAC. It was estimated that it would cost \$5.2 million and 22 FTEs and 80 volunteers to implement the 46 activities in this action plan. The revised management plan, also developed with public input, is going before the governor and cabinet in December, has a new education and outreach action plan. It has 9 strategies and 38 activities. It is estimated to cost \$4.2 million to implement.

Mrs. Tagliareni reviewed how environmental education/outreach planning is done, the education and outreach tools the staff use, and the staff members assigned to each program (Team O.C.E.A.N., Coral Reef Classroom, the Eco-Discovery Center, maritime heritage resources, festivals and events), and ties with other staff functions, including communications and volunteer management. There is also a teacher awards program, which is funding dependent. The message and the best tool must be considered in every idea. The staff works on a collaborative, partnership basis with many other agencies and groups, including the Sanctuary Friends of the Florida Keys Foundation. FKNMS produces and distributes its own products and those of other groups.

There was some discussion of how to reach the goals, including the people in the Mississippi River basin. This year, the NMSP leadership team met in Milwaukee, and visited the Shedd Aquarium. Other efforts involve rivers to reef education, such as how the Georgia Aquarium's efforts with Gray's Reef National Marine Sanctuary. There is no lack of good ideas; it is a matter of balancing to get the best "bang for the buck." Mrs. Tagliareni encouraged the group to view the products at the back of the room she brought as examples of the work the sanctuary does and what other groups do.

Dolphin Research in the FKNMS -- Jennifer Lewis (Florida International University [FIU])
Jennifer Lewis, Doctoral candidate at FIU, gave two presentations about ongoing research she is conducting with students in FKNMS, both involving social forces and manmade disturbances. She has permits to do this work. Once the studies are complete, she would be happy to do another report to the SAC. Brief summaries of the presentations follow.

In the first presentation, "Movement in Bottlenose Dolphins," she described how animal movement is driven by such things as the need to feed, currents, social forces, and forces created by man. A few individuals can influence group movement and habitat use. Bottlenose dolphins are easy to study as they are near shore, and have a fission/fusion nature of grouping. This study is intended to determine if bottlenose dolphins use leadership; and, if used, to determine what dictates it, what habitat use patterns exist, costs and benefits provided by leadership, and if optimal habitat use and foraging exists. The work is conducted between Boca Grande and Johnson Key, up to 1 nautical mile offshore. Animals are identified and data is collected via observation by boat and a video camera mounted on a balloon. One of the preliminary results shows that when group size increases, the fraction of leaders goes down. This research is significant because of knowledge that will be gained about social complexity, individual influence on group movements, and group formation in relation to what is optimal for individuals.

In the second presentation, "Does Human Disturbance Mimic Predation Threat?" they are measuring the impact of vessel traffic on habitat use by bottlenose dolphins, using the same data collected for the first project. Dolphins in areas of high vessel traffic flow have to be vigilant; vessels may mimic predators and dolphins have been known to vary habitat uses according to predation threat level. Impacts with boats can cause injury and death in the dolphins, or cause them to capture less prey. This study is intended to measure prey availability according to habitat type, divide traffic routes by usage, and measuring dolphin habitat use. The results will indicate whether vessel disturbance affects dolphin habitat use in a similar manner as disturbance from natural predators. They do eat grunts, and have been known to go after mullets. The animals around Key West are fairly habituated to boats. She has not studied if the population size is increasing, but would like to look at that. The study results may be applicable for future conservation measures.

Ecosystem Restoration Working Group Report -- Jerry Lorenz (SAC)

Jerry Lorenz said five topics were discussed at the last meeting. Chris Bergh reviewed the first topic, having a SAC MPA workshop, as he was put in charge of organizing it by the group. He reviewed a draft agenda for a full day workshop and got feedback, and the focus is on marine zoning and FKNMS. The tentative date is March 18, 2007 at either the Marathon Emergency Operations Center or at the Key West Harvey Government Center, so the meeting can be filmed and broadcast. The meeting would be focused on answering specific questions, with the morning being informational, with case studies, and the afternoon with breakout groups to discuss the questions, then reconvene for discussion. Possible actions on the part of the SAC to inform management could be discussed.

Upon inquiry by Dr. Causey, Mr. Bergh affirmed that the workshop would include revisiting the locations and purposes of the existing management areas. Dr. Causey said they are designed to reduce user conflicts, not for fishery management purposes.

Chair Popham added that whenever there is final approval of the management plan, he and CDR Score talked about having the SAC meet to look at what the final plan is, how that fits into the SAC Working Groups, and how that fits with the MPA workshop. The plan will dictate how we move forward. CDR Score said that March will still work well to have the workshop. It will bring people up to a common level of understanding about what has and has not worked in certain areas and socioeconomic and research impacts. As the sanctuary reopens the zoning issue, the workshop will help with what tools are out there.

There was some discussion about if the agenda is aimed at expanding zones, or making new ones. But, Mr. Bergh said the opposite could be true, and it is meant to be unbiased, so if it appears that way, it should be fixed. Mr. Edwards commented that there needs to be an open, public stakeholder process, as changes will go before the governor and cabinet again. There was general agreement to these points.

Dr. Causey said there was good monitoring early on. Mr. Grathwohl asked why there is no research coming out of the research only area. CDR Score said it was set up as a control area, and Dr. Causey said researchers would be welcomed there, but none have come.

Mr. Lorenz said the group also discussed Everglades restoration, Modified Water Deliveries. The water was supposed to go into Shark River Slough, and much money has been spent, but the water can't get there due to Tamiami Trail. It would need to be taken out and raised. He reviewed what the Department of the Interior's (DOI) plan was to get water there.

Ms. Harrison recently attended some meetings about this. The project was first approved in 1989, and work is still ongoing to deliver the water back to Florida Bay, which will determine its health. There was a move to call the project done, but there were complaints, so Congress approved a limited reevaluation review. The U.S. Army Corps of Engineers (ACOE) was supposed to have a preferred alternative with benefits and costs by 7/1/08 of flows under the bridge; they are not eager to do it. Recently, she received news that the Water Resource Development Act would be able to sustain any vetoes, and it will be funded. The ACOE said it would not consider the most recent DOI plan (which is supported by the Miccosukees, the Water Management Board and the environmental community), and will only look at 16 previously modeled projects. These were already rejected for various reasons. The ACOE also suggested that if the state allowed them to raise the road, the project would work. They are also focused on creating a system of 17 culverts to create a 3000 foot wide swale to bring water into the park. But NPS scientists said the only way to increase flow is to open up new sections under the road. The group Ms. Harrison is working with is reporting back to the state, various agencies to discuss their concerns. Ms. Harrison agreed to draft a resolution regarding including the newest proposal in the review.

Dr. Causey suggested sending it to the South Florida Ecosystem Restoration Task Force, and cc-ing elected officials. CDR Score said he would get it to Tim Keeney to bring to the Task Force.

Mr. Lorenz said the group reviewed the C-111 canal; the proposal now is to put in plugs to affect seepage and return water back to the bay. It is slated to be done within a year, and the ecological impacts will be studied. The plugs are designed to reduce seepage, but won't eliminate it.

The group also discussed removal of Lake Surprise causeway; Ms. Cecilia Weaver recently provide an update. The Water Management District is putting together a white paper about the impacts.

There is a proposal to put two new nuclear reactors at Turkey Point; it could have impacts to wetlands in Biscayne Bay and would need water to cool them. Mr. Lorenz was told they would take the water from the aquifer, but he hasn't seen the plan yet.

The group talked about the recent algal bloom as well in the meeting. Mr. Moe said the strong east winds, lower water temperatures, and shorter days have diminished the bloom, but it is still there, on the bay and ocean sides. Mr. Nedimyer commented that all sponges except one species are dead except one species; a mile out, they are not all dead. Mr. Cramer added that fishing for lobsters has been impacted. The idea of having a quick response, a quick ecological assessment from scientists during such events, was discussed, and that FKNMS could play a role. CRD Score stated that the sanctuary is pursuing funding to have a scientific workshop to examine scientific data related to water quality back to the 1990s, if rapid or additional assessments or are needed, and what needs to be done for long range planning. The hope is to have this workshop

in December. Mr. Grathwohl stated people in skiffs could help with sampling, and CDR Score said they should get in touch himself, Corey or Eric Bartels.

Mr. Lorenz is working with a management team (including FKNMS SAC members and staff) to create a monitoring plan for Everglades Restoration that looks at impacts, including to the marine environment. The National Centers for Coastal Ocean Science, Center for Sponsored Coastal Ocean Research announced its FY 2008 solicitation for proposals, and this is in response to that.

Ms. Harrison then read a draft resolution regarding the Modified Waters Deliveries Project. Ms. Harrison moved, seconded by Mr. Nedimyer, that this resolution be passed.

**Resolution of the Florida Keys National Marine Sanctuary
Advisory Council
October 16, 2007**

To: The South Florida Ecosystem Restoration Task Force (SFERTF)
cc: Senator Bill Nelson, Florida Department of Environmental Protection Secretary Michael Sole

The Florida Keys National Marine Sanctuary Advisory Council respectfully requests that the SFERTF direct the Army Corps of Engineers to include the Department of the Interior Modified Water Deliveries/Decomp. Transition Plan in the alternatives to be presented as a part of the Limited Reevaluation Review for the Modified Waters Deliveries Project.

Passed unanimously on this date: October 16, 2007.

The Council is an advisory body to the Sanctuary Manager. The opinions and findings of this publication do not necessarily reflect the position of the Florida Keys National Marine Sanctuary and the National Oceanic and Atmospheric Administration.

Public Comment

There was none.

Education and Outreach Working Group Report - Martin Moe (SAC)

Martin Moe said the group tried to meet twice last month, but both were cancelled for different reasons. He reviewed the SAC decision to have a different education or outreach organization come to each SAC meeting, to create stronger and better bonds with the groups. Mrs. Tagliareni did an excellent job on the first report. The next group to come will be the Crane Point Museum and Nature Center. If people can think of other ideas, please let him know. At the next Working Group meeting, he would like to discuss American Samoa's "role model for responsibility" and

its applicability to the Keys. Also, the group may help the Ecosystem Restoration working group on the outreach aspects of the MPA workshop.

Water Quality Working Group -- Commissioner George Neugent (SAC)

Commissioner Neugent was nominated to be chair of the Water Quality Working Group. He and Ms. Ferguson talked about what went on in the group in the past, what is going on with other groups in Monroe County, and if there is a need for this Working Group. Since the Department of Community Affairs found unincorporated Monroe County noncompliant on addressing wastewater, he would like to convene the Working Group to see if they want to be the hammer to help move forward. Chair Popham added that he and Commissioner Neugent attended the recent Water Quality Steering Committee Technical meeting, which was beneficial; they will be reviewing all the science done to date. Commissioner Neugent is concerned over the lack of funding, and the unfunded mandate to achieve goals. The state will fine individual homeowners in noncompliant status and require them to become compliant. There is also frustration over unfulfilled state and federal promises. The next step is to convene the Working Group, see what members' interests are, and determine actions.

Regulatory Review Process - CDR David Score, Superintendent, FKNMS, NOAA Corps

CDR Score made a brief presentation on the Management Plan review and regulatory process. The draft revised plan cleared NOAA in September, and now there is a firm date of December 4 for review by the Governor and Cabinet. Cabinet aides will be briefed prior to that date. It is hoped the plan will be approved that day. CDR Score encouraged members of this group to go to the hearing and speak about it. Once approved, it will be published.

Any minor regulatory language clarifications will be run through the SAC and published. Sanctuary staff members will initiate a review of proposed regulatory changes, including a public scoping process, to be advertised in the *Federal Register*. There will also probably be listening sessions again. The SAC would be briefed and CDR Score asked that members look again at the issues and details in the draft plan. Issues include: salvaging and towing, baitfishing, fish feeding, research-only area restrictions, dive area restrictions, mariculture, pollution discharges, marine life rules, additional permit types, evaluating allowing activities in existing zones, evaluating marine zone area designations, and evaluating other zoning needs. The MPA workshop may help kick off this process, with a phased approach following it. He will revisit the planning process at the December SAC meeting.

SAC Charter Review - Chair Bruce Popham (SAC)

Chair Popham reviewed the proposed changes to the SAC charter, distributed before the meeting. He commented most of the changes are housekeeping items; for example, removing the language about a Secretary, since this SAC does not have one.

Commissioner Neugent moved, seconded by Mr. Trice, that the changes be approved. The word "Charter" was added before "Sports Fishing" in the list of member seats. The motion passed unanimously.

Unfinished/New Business

CDR Score gave another brief presentation, "NMSP Aquarius Mission 2007 - If Reefs Could Talk." This 9-day mission generated a good deal of publicity and visits to the web site. Different research and monitoring projects were done, focusing on sponges, including in-situ, real-time nutrient measurement with a mass spectrometer as water passes through the sponges.

Regarding the FWC meeting in early December, Mr. Trice asked if there should be a brief resolution encouraging FWC to authorize and fund a lobster tagging program in mini season in Monroe and Miami-Dade Counties and allow public boaters to remove debris out of season. CDR Score said the Lobster Advisory Panel has passed that rule, and the FWC needs to pass it.

Mr. Trice made a motion, which was seconded by Commissioner Neugent. After some discussion, a friendly amendment, and clarification that the resolution covers the stated issues only, the resolution passed. The final text follows:

Resolution of the Florida Keys National Marine Sanctuary Advisory Council October 16, 2007

The Florida Keys National Marine Sanctuary Advisory Council continues to encourage the Fish and Wildlife Conservation Commission to authorize the funding and implementation of a lobster tagging program during sports season within Monroe County and Dade County and to continue to focus on the removal of lobster and stone crab derelict trap debris as recommended by the Lobster Advisory Panel.

Passed unanimously on this date: October 16, 2007.

The Council is an advisory body to the Sanctuary Manager. The opinions and findings of this publication do not necessarily reflect the position of the Florida Keys National Marine Sanctuary and the National Oceanic and Atmospheric Administration.

Commissioner Neugent commented about the sponge issues, stating that there used to be a group that wanted to eliminate sponging in the Keys, and asked if the SAC wanted to review that. After some discussion about who would need to be involved in discussing this, the availability of sponges and effects on fishermen, it was suggested that part of the workshop that FKNMS is trying to plan for December could look at the effects on commercial sponging. Dr. Causey stated that the sanctuary authority plus FWC authority could be used to create an emergency closure. CDR Score offered to provide information from a sponge workshop held a few years ago.

Adjourned, 4:25 PM.

Submitted respectfully by Lilli Ferguson