

**FLORIDA KEYS NATIONAL MARINE SANCTUARY ADVISORY COUNCIL**

**Ocean Reef Club, Key Largo, Florida  
October 21, 2008**

**MINUTES**

**Members Present**

Chris Bergh	Don Kincaid
Jeff Cramer	Jerry Lorenz
Jack Curlett	Martin Moe
Jon Fajans	Ken Nedimyer
Richard Grathwohl	Bruce Popham
Susan Ford Hammaker	Brad Simonds
	Jim Trice

**Alternates Present**

Clinton Barras	Corey Malcom
Jason Bennis	David Makepeace
Peter Frezza	Bob Smith
Jana Fly	David Vaughan
	Scott Zimmerman

**Call to Order/Roll Call/Approval of Minutes from June 17, 2008/Adoption of Agenda for this Meeting/Chairperson's Comments/Introductions**

Chairman Bruce Popham called the meeting to order at 9:08A.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 for providing lunch.

The minutes from the June 17, 2008 SAC meeting were reviewed. Chris Bergh moved that they be approved, seconded by Martin Moe. ACTION ITEM: Corey Malcom asked to have the minutes of the June meeting amended to include his name on the "Alternates Present" list. The motion passed unanimously.

Regarding adoption of the agenda, Pete Frezza requested to move the SAC Ecosystem Restoration Working Group report to just prior to lunch. Ken Nedimyer moved to approve the agenda as amended for this meeting, seconded by Susan Ford Hammaker. The motion passed unanimously.

Chair Popham noted that the meeting dates for next year were provided in the packets. He also said the next meeting, in December, will be held in Key West, at the Eco-Discovery Center.

Chair Popham said he and Mr. Curlett, Jim Trice, and CDR David Score and met with Dan Kimball [of Everglades National Park] about regulatory processes. They purposed of the discussion was to try to come to some consistency between the two National Parks and the

Sanctuary on zoning issues such as language and signage, so it is not so confusing. There was agreement to work together.

Chair Popham then referenced the letter from Dan Basta that was distributed electronically to the SAC by Lilli Ferguson, asking for input on a national level from advisory councils. The idea, which has been raised at the national meeting of council chairs and coordinators this past May was to consider a national council [to advise Dan Basta], with the possibility of having the Chair from each SAC be a representative on the national advisory council. Mr. Basta suggested means of engagement on a national level in the letter and asked for input from the SACs. *ACTION ITEM:* SAC members and alternates to look at Dan Basta's letter on making the sanctuary program more effective on a national level, think of ideas, and bring them to the December SAC meeting for discussion. Mr. Bergh inquired about the number of sanctuaries across the nation and said he would like to see consideration of nongovernmental organization (NGO) representation at the national level. Chair Popham replied there are 13 national marine sanctuaries [and there is one marine national monument] across the nation, and that NGO representation is being considered as part of the proposal. Dr. Billy Causey noted that traditionally, site SAC member numbers have been kept at 15, but that the FKNMS and Monterey Bay National Marine Sanctuary each have a higher number as they were established before the cap was put on.

Chair Popham announced that the next meeting of council chairs and coordinators will be in May, 2009 in Michigan.

Chair Popham said that Norman Vogel, owner of the Rooftop Cafe, had sent an email to him requesting that a spearfishing seat be added to the FKNMS SAC, and he referenced the recent issues at Snapper Ledge as a reason he felt this was necessary. Chair Popham, in a reply email, thanked him for his interest and commitment to protection of the resources. He noted that the FKNMS SAC was created by a Congressional Act, and its number of seats is regulated by legislation and by its charter, and that there are a number of ways to participate in the SAC, including in working groups. He also explained that spear fishermen have representation through the dive industry, but said he would be willing to entertain a proposal if the SAC wanted to propose something to move forward. CDR Score added that that group may also be represented through the recreational fishing and commercial fishing seats, and there are also the citizen at large seats. Brief discussion indicated that the group did not wish to move forward with a proposal to add a new seat to the SAC.

Chair Popham welcomed a new SAC alternate, Clinton Barras. He is the alternate for the Tourism - Lower Keys seat, held by Bob Holston. Chair Popham noted Mr. Holston was unable to attend this meeting, due to being at the Diving Equipment & Marketing Association show.

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

CDR Score thanked Mr. Curlett again for his hospitality, then provided an update on where the regulatory update process stands. Some members of the staff have been working on this in between meetings, though the August SAC meeting was canceled. There are some proposed

technical corrections to the regulatory language, regarding consistency changes, some of which go back to when the Florida Fish and Wildlife Conservation Commission was reorganized, and some changes in the regulatory references are needed. These are currently in agency review, and are likely to be out for public comment by end of this month. There is also a group of staff members working on draft language to extend the no discharge of [marine sanitation devices] throughout the sanctuary, and an Environmental Assessment is being drafted. It is hoped this will be out at the end of this month or early next month, with a 90-day comment period. We will hear what the public has to say, then incorporate those comments into a final rule. On marine zoning, the timeline for regulatory review is the same as previously reported--in fiscal year 2009, FKNMS will focus on education efforts, distilling science on zone performance, and bringing people within NOAA, agency partners and interested members of the public into intensive evaluation sessions, with a formal review in fiscal year 2010, with public scoping. FKNMS needs outside support to do this, which is part of implementing the management plan. FKNMS staff members are fully tasked and so we need additional resources to do this, and if it doesn't get on the radar of the Office of National Marine Sanctuary headquarters policy and planning folks, and get additional resources, it will be difficult to do. If the SAC weighed in that this was a priority for the sanctuary, it could help get it elevated on the headquarters priority list. CDR Score then mentioned a resolution passed by the Village of Islamorada's council proposing Snake Creek as essentially a Wildlife Management Area (WMA), with vessel exclusion zones, to protect seagrass flats. He said FKNMS clearly supports this and that it complements existing WMA, and that the sanctuary will recognize this as it goes through the marine zoning evaluation process. Adding on to Chair Popham's remarks about the sanctuary and the National Parks, CDR Score said he is listening to the SAC's request to be consistent on areas that were obviously designated for similar purposes. He said there have been two meetings of South Florida marine and coral area managers about marking the areas the same way, and they have agreed to work on consistency of language used and also to get the folks together that are responsible for signage in the marine zones. In future, CDR Score said this topic may be brought back to the SAC and other support groups to see what makes sense in terms of signage or rule changes on the state or federal side. CDR Score then noted that Ms. Ferguson had recently forwarded the results to the SAC of the algal bloom workshop that the sanctuary held in March. The summary provided a good overview, in an easily understandable format, of what algal blooms are, and it noted that there are uncertainties and complexities surrounding blooms. Finally, CDR Score mentioned he and Chair Popham met with Roy Crabtree on aquaculture and the snapper grouper rule last week, while he was here for another meeting. Dr. Crabtree shared a lot of information with them during the meeting, and noted that he wants to keep addressing concerns on these topics.

### **Agency Report Highlights:**

#### **Regional Director's Report -- Dr. Billy Causey (NOAA, Office of National Marine Sanctuaries)**

Dr. Causey reported on recent happenings within the region. Last year at the October SAC meeting he sent up a trial balloon on the "Islands in the Stream" proposed initiative, and he thought at that time it would go well, and did not know it would create so much controversy. The proposal is in a "strategic pause" right now, he said. It is not moving through the Administration or NOAA right now, but there is a lot of interest for it. There was a lot of interest for it in the scientific community and a lot of mistrust among some stakeholders, especially from

some spear fishermen. He noted that the intention was not to try to circumvent the public process, but to get it queued up for a legacy process to occur during this Administration. The Administration is moving forward with three conservation initiatives in the Pacific. The areas are U.S. holdings in the central Hawaiian islands, the northern portion of the Marianas, and Rose Atoll (off American Samoa). People may or may not hear more about islands in the stream by end of the Administration. Dr. Causey then mentioned he had attended an ocean acidification workshop organized by The Nature Conservancy. This issue will be a tough one, affecting our fisheries and anything related with seawater. He mentioned to CDR Score he thought an expert on this issue should come and speak to the SAC about it. He then noted that Kacky Andrews is now the manager for NOAA's Coral Reef Conservation Program, and is working on implementing the "road map for success" of where the program wants to go in future. Dr. Causey will be involved in working groups that are forming on climate change, land based sources of pollution (of which he is the chair), and overfishing. *ACTION ITEM:* Dr. Causey will circulate the Coral Reef Conservation Program "road map" to the SAC, and will keep the SAC apprised of the progress of the working groups. Regarding other regional news, Dr. Causey said the staff in Galveston was hammered by the hurricane, and many had their homes damaged. If anyone wanted to help, donations of gift cards from Home Depot, Walmart, etc. would be appreciated, and will be sent to the "One NOAA" team there. *ACTION ITEM:* People wishing to donate a gift card to help NOAA employees in Galveston may send them to Karla Mendez, who will forward them on. Dr. Causey concluded by reviewing a week-long sanctuary program leadership conference that he, CDR Score and Mary Tagliareni attended in September. One day was spent meeting with different line offices at NOAA, to prepare for the transition in Administrations. The candidates have already had transition teams meeting with agencies. He noted that the more people within NOAA that know about sanctuaries, the better it will be for the sanctuaries.

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

Kent Edwards noted that there is a new director of the Office of Coastal and Aquatic Managed Areas (CAMA), Lee Edmiston, who came from the Appalachicola National Estuarine Research Reserve office. Mr. Edmiston has a good science and ecology background. Mr. Edwards met him last week during a CAMA meeting. He indicated that it is a tough time with the budget right now and there is a need to get "back to basics." Last week was Mr. Edmiston's third week on the job, and he has been visiting the different offices within CAMA. Mr. Edwards encouraged him to come to SAC meetings. Soon, Mr. Edwards will be taking the annual report to the Governor and Cabinet; it summarizes action plan status and progress. Mr. Edwards then talked more about the budget, saying that the situation is bad. There were quite a few cuts in Secretary Sole's budget, sent to the Governor's office, including closure of some parks and CAMA offices, in order to balance the budget and continue providing services. Regarding the FKNMS mooring buoy and marker program, there was a workshop in Key West to reach out to snorkel and diver operators, as the system is experiencing wear and tear. The staff showed them pictures and emphasized the need to properly tie up to the buoys. The messages got a good reception. The staff is looking to have another workshop November 6 on this. FKNMS is also looking to gain support for the Blue Star program. Mr. Bergh noted that at the Reef Resilience conference in April, the Australians had said that they have dive operators lease the ground where the buoys are, and then an operator can have exclusive use of the buoy; there are also public buoys. Mr. Bergh was not sure if the idea was right for our area, but urged the relevant trustees to consider it. Mr. Edwards

noted that this idea had come up in conversation, and that there are some issues in the state regarding permitting. Right now the buoys are exempt from regulation as the sanctuary maintains them and would like to continue that. But, we can continue to note the sanctuary is short of money and it takes about \$1000 per unit plus staff time and wages to maintain them. CDR Score added that some groups in the past have provided support of buoys in some areas. The rub with is that the sanctuary is supposed to be providing public access. Dr. Causey noted that all the buoys in the Great Barrier Reef Marine Park Authority in Australia are far offshore and there is no public access, as only operators go there. Each operator uses a buoy and platform and can move them around as needed. Mr. Moe said that if the idea were implemented here, perhaps the responsible party could also have responsibility for restoration of corals and *Diadema* in the area of the mooring buoy, including restoration after storms. Ms. Hammaker noted that the road program has each segment of a road sponsored by a specific organization and wondered if that could be done without jeopardizing permits.

Trudy Wilson of John Pennekamp State Park [part of DEP] introduced herself and said she plans to attend SAC meetings in the future.

### **Florida Fish and Wildlife Conservation Commission (FWC) Report--Lt. Ed Maldonado and John Hunt, FWC**

Lt. Ed Maldonado, FWC, talked about law enforcement issues. He mentioned the budget as well, saying that there have been cuts to the gas money, and patrols have been somewhat reduced. Five officers have been lost, one to promotion, and a total of seven will be lost. The vessel *Orion* has been replaced with a 50-foot safe boat, out of Marathon. Casewise, there have not been many groundings, but there have been a few here and there. There are still some people fishing and spearfishing in the Sanctuary Preservation Areas. Recently, they have made some good lobster poaching cases. This week, they are picking up traps. They have also had some trap robbing cases. He thanked Karen Raine, of NOAA's General Counsel, for doing a great job taking care of the cases sent to her; CDR Score seconded that. Ms. Raine, who was in the audience, said in turn that the FWC officers are doing a wonderful job. In answer to a question, Lt. Maldonado clarified that the positions have not been lost; the officers have left or been transferred. In 2008, per CDR Score, FKNMS had to reduce the amount of funding provided to FWC for law enforcement, and as the shortfall continues, this will translate into federal money being able to fund fewer law enforcement positions. Fuel has also gone up. Dr. Causey added that the FKNMS is now at a 2001 funding level. Mr. Trice asked, out of how many were there seven less officers on the water, and Lt. Maldonado replied, 32. Mr. Trice thought there may be ways to seek assistance for gas for law enforcement, and wondered if there was anything the community could do. Lt. Maldonado said he imagined assistance would be welcomed, and suggested Mr. Trice talk to Capt. Luher about it. Chair Popham said Major Edwards is doing a great job with what he has. David Makepeace asked where the fine goes when a case is made, and Lt. Maldonado said if it is a state case, it goes to the County. CDR Score said that if it is a federal case, it goes "back in the fuel tanks." He added that another point to make is that FWC officers are the lowest paid law enforcement officers.

John Hunt, FWC, introduced Martha Bademan, a new biologist in fisheries management, based at the regional office in West Palm Beach. That division has had staff based only in Tallahassee for a long time, and this is a first attempt build a regional presence. Mr. Hunt then noted, a few

weeks ago, FWC held a climate change conference, focusing on wildlife, from the marine environment to the mountains in north Florida. An initial action plan for the agency will go on the web soon, and PowerPoint presentations have been posted. *ACTION ITEM*: Mr. Hunt will send an email to Ms. Ferguson with the location of the climate change conference presentations on the internet, so she can forward it to the SAC. Regarding upcoming events, on December 3rd and 4th, the Commission meeting will be held in Key West at the Doubletree; two issues of direct connection to the Keys are the draft rule for the marine life fishery, which will be a fairly major change in the rules, and lobster. While he does not know the details, there has been an FWC working group, set up last spring, working on this. The next Florida Bay conference is December 8-11, in Naples. On December 9th, there will be a series of synthesis presentations, including on the topic of sea level rise. In the afternoon there will be a session on the level of knowledge gained since the previous conference. Mr. Bergh asked if Mr. Hunt would provide an update about this conference at the February SAC meeting, and he said he would. *ACTION ITEM*: Mr. Hunt to provide an update during his agency report at the February 2009 SAC meeting on the 2008 Florida Bay conference. CDR Score announced to the group that Mr. Hunt had been recognized for the second time as the Biologist of the Year for the state. Mr. Hunt said the recognition came from the Southeastern Association of Fish and Wildlife Agencies.

Chair Popham introduced Tom Genovese, of the South Florida Water Management District, who replaced Cecelia Weaver; she moved to another part of the state and they swapped bosses. Mr. Genovese said his background is a little different from Cecelia's and is in project management. He is looking forward to learning about issues and contributing to the SAC.

NOAA Fisheries Office of Law Enforcement (OLE) Report--Kenny Blackburn, OLE  
Kenny Blackburn said that they are fully staffed now, with two special agents in the Florida Keys. John O'Malley is his partner. They have had a busy past two months; they seized three vehicles and vessels and a lot of undersized lobsters (1700 lbs. of lobster tails as well as a number of whole lobsters) and served an arrest warrant. In answer to some questions, he said the lobsters are sold to the highest bidder. The money from the sale goes into a separate account, to be distributed after the case is settled, to the government or back to the person under arrest. In this case, they will also donate 100 lbs. of short lobsters to a nonprofit agency. The violator will have to pay for removal of the materials he put in the water. Mr. O'Malley added that a conservative estimate of the number of "casitas" in FKNMS today is in excess of 20,000.

### **Public Comment**

Several students from the Academy at Ocean Reef were introduced by their teacher and addressed the SAC: Anna Wilson (grade 3), and Christina DelRossi (grade 3), Michelle Santiago (grade 4), Kymberly Moore (grade 5), and Montana Manos (grade 7). The students are part of the national marine sanctuary's education program, in its second year at Ocean Reef. Ivy Kelley and Nancy Diersing worked with them on seagrass and Coral Reef Classroom, prompting them to put together a year-long Ocean Guardian program.

Ms. Wilson and Ms. DelRossi, in third grade, expressed worry about lionfish invading the sanctuary, and hoped that the sanctuary could work with other organizations to prevent this. Ms. Santiago thanked the sanctuary for its partnership with the Ocean Guardian program. Ms. Moore hoped that the sanctuary has enough money for Coral Reef Classroom, so the students can take

part in it later this school year. Ms. Manos said she and her family were at Buccaneer Island and saw some whales close to mangroves at high tide in September; she did not know if they were finback or pilot whales. She hoped the sanctuary could add this information to other data it has on marine mammals and high tides.

CDR Score addressed the topic of lionfish, saying that the sanctuary is working with the Reef Environmental Education Foundation, Mote and other organizations to document sightings and to set up response. MEERA is a program in place for folks to report all unusual sightings in the Keys. He encouraged the students to report any sightings.

Chair Popham recognized Glenn Patton, in the audience, of the Sanctuary Friends Foundation of the Florida Keys (SFFFK) to comment on the future of Coral Reef Classroom. Mr. Patton said his organization will coordinate with the sanctuary education staff to submit grants for Coral Reef Classroom. Chair Popham said he is on the board of SFFFK and said he thinks he can pretty much guarantee the program will continue to be funded on a long term basis.

Chair Popham asked if John Hunt would address the comment about whales. Mr. Hunt said he did not know what a pilot whale would be doing that far in to shore, and would not care to speculate. The high tides would have allowed for deeper water, but he said that scientists do not really understand why they end up in nearshore waters or why there are periodic groundings. Necropsies sometimes find a parasite or disease, but there is nothing definitive about why they are in a shallow environment. Dave Vaughan said it is a good point to make that scientists know very little about mammals in the ocean; they know so much about the land and land animals. He noted that they are also just scratching the surface about learning about corals, and they want to find out more information for the next generation, so they can take care of them. CDR Score added that there will be some high tides coming up in the next month or so, and that is important to pay attention to the higher water levels as it will be an indicator of what sea levels might look like in the next fifty years. Dr. Causey added an observation related to high water, that the sanctuary is working with agencies dealing with the 18 mile stretch, and now there is water boiling through under U.S. 1. There are both water and animal culverts, which seem to him to be working well.

### **SAC Ballyhoo Working Group Report--Ken Nedimyer, SAC**

Mr. Nedimyer, chair of the SAC Ballyhoo Working Group reported on the group's meeting in September. Charter boat fishermen are allowed to hair-hook for ballyhoo in Sanctuary Preservation Areas (SPAs) with a permit; several years ago the charter boat fishermen approached the sanctuary with the idea and it was approved. Every year, this is reevaluated, to see how it is working and to determine if everyone is still comfortable with what is going on. The consensus at the September meeting was that everything is going well, and there are no big problems with enforcement or permit reporting. Also, the commercial ballyhoo netters and the charter boat fishermen have been working together to have commercial ballyhoo fishermen leave the SPAs; and five out of the six boats have abided by this, but one boat has repeatedly continued to set nets in an area the charter boat fishermen use. Representatives from these user groups met after the Working Group meeting, and Working Group members encouraged them to work it out amongst themselves. Mr. Nedimyer noted that this hairhooking has a limited season from about October 15 to April 15, which is when they do offshore sailfishing and need the bait. The impact

from this to the SPAs is probably not consequential. Mr. Bergh inquired about commercial fishing in SPAs and Mr. Nedimyer said he thought the commercial ballyhoo fishermen were allowed to set nets on the perimeter SPAs; he did not think they could actually set nets in a SPA. Chair Popham asked if it would be possible to break out the different SPAs, when the sanctuary staff is looking at regulatory changes, and CDR Score said that part of what would be evaluated is allowable activities by zone, and if this issue comes up again then, the staff will examine it. Dr. Causey noted that the SPAs were set up to allow catch and release trolling; hair-hooking was allowed on the sides. The reason for having the exception for hair-hooking in the SPAs is if the fishermen have a bad day offshore, they need another area to go to.

### **SAC Education and Outreach Working Group Report--Martin Moe, SAC**

Mr. Moe, Chair of the SAC Education and Outreach Working Group noted that the group has not been that active over the last few months, though not for lack of trying. The summer meeting was scheduled about the time of lobster mini season and needed to be changed, then Fay and Ike interrupted having a make up meeting. There are a variety of projects the group is working on, and some members of the group have been working with the SAC Ecosystem Restoration Working Group. His time has also been taken up with his *Diadema* project, which he briefly described. Jeff Cramer asked if larvae settle where the parents are, and Moe Mr. replied that they hatch out and are in the plankton for a period of time, and then settle and survive only on bottom areas with suitable substrate and certain bacteria, where they then develop into small juveniles. He also noted it helps if there are adults there, cleaning the reef, and a large amount of *Diadema* in the system. Mr. Cramer suggested that the *Diadema* be started in areas where there are no predators. Mr. Moe noted that the next Working Group meeting is October 28 in Marathon, at the State building. ***ACTION ITEM:*** Mr. Moe will send out an agenda for the October 28 SAC Education and Outreach Working group to group members. He noted that at the International Coral Reef Symposium (ICRS) there was a call to action; nine decisive actions can be taken to save the coral reefs. The third one is about protecting coral reef herbivores. He said he didn't think banning the sale of things such as parrotfish would help herbivory on the reef, and that what was missing was *Diadema*. Over the past year, he has succeeded in getting adults to spawn on demand, and he currently has about 700,000 late stage larvae. He will be getting together with a University of Miami scientist later to discuss next steps, and hopes to be able to do an experimental research project similar to Mr. Nedimyer's coral restoration work. Dr. Causey noted that the fish mentioned in the call to action are targeted by other nations that are part of the ICRS, and that the overfishing there affects the reefs, so that is what that item was about. Mr. Moe also noted that SFFFK, of which he is a board member, is a nonprofit organization, and that it is the only organization that focuses directly and completely on support for the National Marine Sanctuary. He said that everyone in the room has a strong interest in the ecology and environment of the Florida Keys, and we have to be able to support the sanctuary. One of the ways to do that is to support SFFFK, and become a member. It provides direct financial and physical support to FKNMS, and does many things that the sanctuary staff is unable to. Mr. Patton passed around membership applications.

### **SAC Ecosystem Restoration Working Group Report--Jerry Lorenz, SAC**

Jerry Lorenz, Chair of the SAC Ecosystem Restoration Working Group, held a meeting on October 7; the major topic was planning for the Southern Everglades and Florida Keys Ecosystem Restoration workshop next month. He commended Pete Frezza for filling in very



well while Dr. Lorenz was on medical leave. Mr. Frezza noted that the group and some others had been planning the workshop over the past few months, and due to the August SAC meeting being canceled, had not had a chance to bring the discussion before the SAC until this meeting. The current draft workshop agenda is in the packets provided to the SAC; it is pretty well set although the group is still taking comments and answering questions. The workshop is planned for November 18 in Tavernier at the Elks Lodge, and he thanked all who have been helping to plan it. He noted that there has been a lack of public understanding and interest in Everglades restoration and its connection with the Keys. He briefly reviewed agenda and why the workshop is structured the way it is, and encouraged people to email him if they had comments beyond any provided at this meeting. John Hunt had no comments on the agenda, but said that this topic is overdue to look at. He mentioned that extending an invitation to Commissioner Bergeron might be a good idea, as he has an interest in Everglades and high waters. Chair Popham suggested it might be appropriate to invite all of the FWC Commissioners. *ACTION ITEM:* Extend an invitation to all FWC Commissioners to the restoration Workshop, perhaps with a phone call to Commissioner Bergeron. Jason Bennis suggested it would be good to invite any others, such as Congresswoman Ileana Ros-Lehtinen and her staff, who may have been missed in terms of outreach. CDR Score encouraged advisory council members to reach out to their contacts, as this issue is very important. A few years ago, there was a similar panel with an update on the Comprehensive Everglades Restoration Plan, and this will somewhat provide an update of what has happened since then. *ACTION ITEM:* SAC members and alternates to reach out to their contacts to let them know about the restoration workshop. In response to a question, Dr. Lorenz said that a media marketing plan was being worked on, and CDR Score added that, once the SAC is in agreement about the workshop, then the sanctuary staff will begin to roll out the announcements, including in the paper and on the radio. Chair Popham said he has volunteered to go on the radio. Dr. Lorenz and Chair Popham noted that the SAC did not seem to have any objections to the draft workshop agenda, and it was deemed blessed.

Dr. Lorenz noted that other items discussed by the Working Group included a cleanup around lightstations, as proposed by Jon Fajans; Mr. Fajans asked to speak on this topic at the December SAC meeting, so Dr. Lorenz didn't go into further detail during the meeting. Dr. Lorenz also spoke about a C-111 canal user group/working group meeting he had just attended, and said that a plan has been developed for the C-111 canal that could help Taylor Slough and Florida Bay. This was the second time this type of meeting was scheduled the same day as a SAC meeting. There could be a 10-15% increase in flow to Taylor Slough; Dr. Lorenz said that 10% will not be ecologically significant. The Water Resources Advisory Committee (WRAC) is putting these meetings on. Dr. Lorenz moved, seconded by Mr. Bennis, that the SAC ask CDR Score to request that the Water Resources Advisory Committee hold a C-111 canal working group meeting on the operational plan here in the Keys. The motion carried with none opposed. *ACTION ITEM:* CDR Score to follow up on the SAC resolution to request that the WRAC hold a C-111 canal working group meeting on the operational plan in the Florida Keys. The best time would be after the SAC workshop, Dr. Lorenz noted; he also said he had asked at the meeting he had attended that they not schedule the WRAC meetings on the same day as SAC meetings. Finally, Dr. Lorenz said that Jeanette Hobbs offered to lead an outing, after the next SAC Ecosystem Restoration Working Group meeting October 31, to the field to look at the Port Bougainville restoration sites. *ACTION ITEM:* anyone interested in joining the field trip to be led by Ms. Hobbs to Port Bougainville on October 31 should email Dr. Lorenz or Ms. Hobbs.

**Water Quality Protection Program Steering Committee Report--Bruce Popham, SAC**  
Chair Popham noted that George Neugent was not present, so he provided an update on the Water Quality Protection Program. At the last meeting, a budget was passed and the group discussed the bond issue. CDR Score talked about the annual report and some of the other plans relevant to water quality. He said he would try to provide a condensed version of the discussion at the next SAC meeting. *ACTION ITEM:* CDR Score to try to provide a condensed discussion of the Water Quality Protection Program annual report/plans at the December SAC meeting. CDR Score then noted that the Condition Report should be drafted by the middle part of January, and the staff will try to roll that out to the SAC first. *ACTION ITEM:* CDR Score to work to have the SAC provided advance information about the Condition Report prior to the report's release. CDR Score noted that part of the challenge is to effect change, get a return on the investment, and maintain the investments made. He added that connecting Florida Bay to the sanctuary is important, but all agencies involved are seeing their funding eroded. Joe Boyer, from the audience, said the District is reassessing all of the monitoring stations. Dr. Causey said that, regarding the blackwater event of 2002, it was Dr. Boyer's and other data that allowed taking "big sugar" off the hook for that event. Dr. Causey and CDR Score noted that the existing water quality stations are all needed to get enough water quality data for analysis in a meaningful way. Ms. Hammaker added that she thought Commissioner Neugent would want to share information about a recent trip to Washington, DC; there were seven meetings with the staff of several members of Congress, and we should see some \$85 million dollars worth of funding coming here. The first small amount will be \$45,000, but there is allowance for invoicing of future work to be done. She also talked about discussions of the Senate Water Appropriations Committee regarding increasing funding for water quality and allowing the Army Corps of Engineers to have ecosystem restoration in its mission. She also noted that there will likely be an increased focus on infrastructure funding in the new administration and that environmental justice may also come to the forefront.

Prior to adjourning for lunch, Chair Popham amended the agenda to have the proposal for sanctuary preservation area status for snapper ledge item to be moved to just after lunch.

**Proposal for Sanctuary Preservation Area Status for Snapper Ledge--Bruce Popham, SAC**  
Chair Popham noted that Stephen Frink has information up on his web site and a petition proposing Snapper Ledge as a SPA. CDR Score suggested the SAC talk about this proposal today, but wait until the December meeting to act on any resolution. Chair Popham asked if the sanctuary would want to consider the proposal alone, or as part of the whole process to review marine zoning. CDR Score said that if he was presented with a SAC resolution resoundingly supporting the idea and urging NOAA to take action, and NOAA decided to do so, it would have to go through a public process to gain input on the designation. It is a relatively isolated area. The sanctuary staff is building off of the marine zoning workshop, the Florida Reef Resilience Program workshop, and will use the Condition Report use to decide where to go, and that is teed up for the next 2-3 years. If this proposal goes first, based on a resolution, it would be about a 14-16 month process if everything went well, and that would be dependent on staff resources, headquarters resources and support, etc. Office of National Marine Sanctuary headquarters does not have this proposal in its work plan, and the headquarters staff is looking to the FKNMS staff to do the education and support building that CDR Score mentioned earlier regarding the overall

marine zoning process. To move forward with a Snapper Ledge proposal would require the support of Dr. Causey and NOAA leadership, and getting the headquarters staff to do it. The impacts of the action on the environment and on the users, would need to be considered, and an environmental assessment would be done. He suggested that the SAC consider where we are with the overall marine zoning review as this could delay that by a certain period of time. Dr. Causey agreed, and said there are best case and worst case scenarios regarding rulemaking. In the best case, within 17 days of having a ship on Tortugas Bank they went through the federal rulemaking process to make a rule, but they had full support to stop anchoring of ships in the Tortugas. The worst case was the Management Plan process; Congress gave the program 36 months to do it and it actually took five years, though some of that was not our fault. The same people are needed to work on a matter regardless of if it is one rule or multiple rules, but the more complicated it is, the longer it would take. Richard Grathwohl has been talking about WMAs over the years and he has been patient. FKNMS has been criticized for yielding to divers and not moving forward on WMAs. So, in order not to have it look like the sanctuary is considering one group over another, perhaps WMAs should also be considered. Mr. Bergh noted that the March workshop looked at various zoning approaches, including from other parts of world, and out of that came a set of recommendations which called for a comprehensive look at all of the zoning issues, including initiating new places for zoning. That process is coming in 2009 and 2010; Mr. Bergh said he saw why Snapper Ledge has people's attention, but he thought it would be more efficient to include it in the broader package. Mr. Nedimyer agreed, commenting that there was no need for it to go on the fast track ahead of everything else. Mr. Trice said that emotion has been created around the killing and gutting of a nurse shark, but there are a number of other places they could do that as well. Mr. Cramer said none of the commercial fishermen he has talked to have a problem with it being a SPA but the biggest concern is the fast tracking and he said he liked the due process, and did not want to see a precedent set or to see the system messed up. CDR Score there would still be a public process, and that we can't make it go that much faster. He said he wanted to harness the brainpower of the SAC to plan in a strategic way, including laying out the issues for people. Mr. Moe said that he heard the problem at Snapper Ledge was about an operation teaching people how to spearfish, and doesn't think making that area a SPA will solve the problem; it is the attitude of people using our natural resources, and there should be an element of education and community outrage about our natural resources. He recommended looking at ways of preventing this in some fashion. The discussion continued on for some time about the regulatory process, possibly looking at WMAs first, resource allocation issues, reliance on the SAC to help set FKNMS priorities, the uniqueness of Snapper Ledge; other special ledge areas all the way along the Keys to the Marquesas, using sound science, public support for the proposal, enforcement of regulations and precedent setting. Dr. Causey said he would support an emergency closure in future if warranted, but this does not fit that. Popham stated that he thought the SAC should turn the matter back to Mr. Frink. He would like to see this as an item on the December agenda and have Mr. Frink be present. Chair Popham and Don Kincaid both talked to Mr. Frink, who indicated he would be willing to come to the December SAC meeting. There was general consensus that people would like to make the area a SPA, but that it is a matter of timing and process. Perhaps Mr. Frink and others could be enlisted to be involved in the broader marine zoning process. *ACTION ITEM:* Per Chair Popham's request, Ms. Ferguson to ensure the Snapper Ledge proposal is included on the agenda for the December SAC meeting.

**Aquarius Coral Restoration/Resilience Experiment**--Margaret Miller, National Oceanic and Atmospheric Administration, National Marine Fisheries Service; Ken Nedimyer, SAC and Coral Restoration Foundation; and Lauri MacLaughlin, FKNMS

Three speakers talked about the Aquarius Coral Restoration/Resilience Experiment (ACRRE). Lauri MacLaughlin mentioned in terms of background that, in about 2003, FKNMS started partnering with the Navy and other agencies in Key West, protecting corals from a dredging project in Key West Harbor. FKNMS has also rescued corals from a Navy project at the Truman annex mole pier and other seawalls, and from other projects in Key Largo. Thousands of corals colonize these areas. Corals are normally removed intact, but sometimes they come apart; they are cached at the Key West office, and are available for research, aquaria exhibits and restoration purposes. They did run into some barriers in terms of permitting though. Some of the corals are now part of a research project to study growth and other factors, she noted, which Margaret Miller will be talking about. Dr. Miller said that the National Undersea Research Program (NURP) and Oceanic and Atmospheric Research received some Coral Reef Conservation Program support around 2007 for a restoration project at the Aquarius lab run by University of North Carolina Wilmington, and she began working with FKNMS and other partners on the appropriate topics for the research. Coral translocation and restocking came up as issues. In 2008, NURP hosted a workshop, which resulted in recommendations about what needed to be done. The ACCRE project scientists are looking at fine scale adaptations of coral, genetics of the corals used in the project, evaluating the coral genotypes, health and disease, and the performance of corals from different sources, when stocking corals back into the wild. Using both field and lab cultured stocks, in June they transplanted *Montrastraea faveolata* and *Acropora cervicornis*. They are using Aquarius because it is a fair bit deeper than a typical ship grounding site, its set up for saturation diving, the fact that it is a research only area and an "experimental site", and that other data is available to help interpret events. She described the research design, where the corals came from, and the roles each scientist played. Mr. Nedimyer described the location and setup of Aquarius, and the week-long training required to go there. He described how things are brought into and taken out of the habitat, support for the scientist, and the need to decompress for 17-18 hours at the end. Dr. Miller then concluded with a review of the scientific measurements made after the mission, which will be done periodically, and some preliminary results. About 300 coral fragments were transplanted in eight days. Variation has been seen among the species, with more staghorn experiencing mortality, and the local staghorn performing better. There has been a little predation of *Acropora* by a specific type of snail, and butterfly fish may be predated on some of the *Montrastraea*. She thanked all of the project partners, and mentioned that, regarding permitting, she hopes to work with her FWC partners and collaborators to try to encourage development of policy and permitting guidelines regarding genetics and the release of corals, as the risk factors are different for corals than they are for finfishes.

### **Public Comment**

Mr. Patton of SFFFK said that, in addition to Mr. Moe's comments about membership in SFFFK, support of the sanctuary, etc., the board has approved April 5-12, 2009 as Reef Week. SFFFK will have a celebration, and Coral Shores, Marathon and Key West High Schools will all participate during the week and will learn more about the sanctuary. He said that they need all kinds of environmental organizations to participate and hold their own events during Reef Week, and SFFFK will promote the week and all of the events. One event will be showing films from

the Gray's Reef Film Festival. There will be scientists talking about their work as well. SFFFK is looking for volunteers to assist, and there are many opportunities to get involved. Preliminary planning for Reef Week in 2010 has also begun.

**Archaeological Surveys at Turtle Harbor, North Key Largo--Corey Malcom, SAC and Mel Fisher Maritime Heritage Society**

Mr. Malcom mentioned that his employer, the Mel Fisher Maritime Museum, was established by Mel Fisher as a not for profit organization. The employees look for historical other resources that are interesting and can be used as tools for learning. The *Henrietta Marie*, a slave ship, was found by Mr. Fisher past the Marquesas, and the museum subsequently picked up the project. Dennis Trelewicz, before his death, had been working on the Submerged Resources Inventory team with the sanctuary, and he wanted to partner to find a slave ship, the *Guerrero*, wrecked off of Key Largo in 1827. It had a history back to 1812 involving piracy and treachery. It was first called the James Monroe, and began as a cargo boat, but it became a privateer, and was successful in capturing British ships. It also engaged in trade between France and the U.S., then made its way to Cuba. In 1826, there was a lot of piracy of ships going between Cuba and Africa. The ship became a pirate ship and a slave ship and changed names a few times, becoming the *Guerrero* in 1827. December 19, 1827, a British ship, the *Nimble*, spied a suspicious ship in the Bimini chain and started chase. That night there was a firefight, and the *Guerreo* hit a reef off of Key Largo, while carrying over 500 slaves in the hold. The *Nimble* also hit the reef a couple of times, but was eventually towed off the reef by wreckers. Wreckers began salvaging both vessels and wreckers and the *Nimble* took as many Africans as it could. The pirates got away on some of the wrecking vessels to Cuba, and the *Nimble* went to the Keys. The goods from the *Guerrero* were sold at auction in Key West, and the ship itself was likely stripped and burned, somewhere near Carysfort reef. Several partner organizations are now searching for it, and they narrowed down three areas to search using magnetic surveys. CDR Score helped in getting NOAA mini grant and other funding was also obtained. They are looking for iron, as ships had lots of iron on them. Several interesting targets were found. They found an anchor that appears to be from the *Nimble*, iron ballasting and cannon shot on the reef, and a shipwreck, with various artifacts, including lead musket shot and copper sheeting. They also found a wreck that seems to match the *Guerrero*. They want to go back to do some more mapping and look for other evidence, such as human remains, gold dust or elephant tusks, and will be working with the sanctuary staff to determine the best course of action. CDR Score added that there is a lot of interest in the site due to the story, the cultural resources, the slave trade, the loss of human life, etc., and the hope is to bring in others in the future to help interpret the findings.

**Education/Outreach Presentation: Florida Keys Commercial Fishermen's Association (FKCFA)--Scott Zimmerman, SAC and FKCFA**

Martin Moe introduced Scott Zimmerman, SAC alternate and Executive Director of the Florida Keys Commercial Fishermen's Association. Mr. Zimmerman said he has been in the position about two years, and thanked Mr. Cramer for doing outreach among commercial fishermen as part of his SAC duties. The mission of the Association, which has about 150 members, is to advocate for protection of commercial fishing in Monroe County. It represents and educates commercial fishermen, and partnering with others is a high priority. The Association encourages commercial fishermen to employ responsible fishing practices, works to improve fisheries

science through cooperative research, and works to advance the science of the fisheries in the fishing community to ensure the resource is productive. He described some challenges the industry faces, including storm impacts and facility closures, and said the Association is working with the County to preserve working waterfronts. On this topic, Mr. Cramer said he would like to see government entities such as the State, County, or Army Corps of Engineers build a marina for commercial fishermen, like in Seattle. Mr. Zimmerman noted that commercial fishermen assist in protecting NOAA trust resources, via such activities as participation on the SAC, working on area closures, and working on limited entry issues to reduce impacts on fish stocks and habitat. In addition, the Association is a supporter of the Coral Restoration Foundation, and is participating in an FWC cooperative research effort to look at keeping gear from moving during storms. The Association also holds a seafood festival annually in Key West. Currently, they are applying for a marine debris grant. In terms of what FKNMS can do to help the Association, he felt that the sanctuary could assist with education/outreach collaborative efforts, such as something like the Seafood Watch program. He said FKNMS could also assist by promoting sustainable fishing practices and marine debris removal efforts.

### **Discussion of Proposed Fishery Management Council Actions in the Florida Keys--Brad Simonds, SAC and Group Discussion**

Brad Simonds said that the South Atlantic Fishery Management Council (FMC) had proposed a January 1 through April 30 closure for all shallow water groupers. Those months were chosen to protect spawning gag groupers. His constituency, as well as recreational fishermen, had problems with this proposal. He noted Bill Kelly, who represents the Islamorada Charter Boat Association and other groups, was present and available to answer questions. Mr. Simonds said he had a resolution which he wanted to SAC to discuss and vote on at this meeting, subject to changes to make the group happy, as December would be too late to vote. He also said the for-hire industry wanted to avoid a draconian situation that would prohibit any retention of a single grouper during the proposed period, which is the heart of their charter. He noted that gag groupers are less than 2% of the total catch, but to protect them, they are being asked to give up all other groupers. He added there have been no current stock assessments on the other grouper species, and out of the eight species, there were only two species that are significant for the for-hire industry here - black and red grouper. There is talk that up to thirty percent of the recreational fishing businesses could go out of business in next six months, he said. He also noted there was a meeting to discuss the issues with Roy Crabtree, the administrator, and Mr. Crabtree is not changing his mind on the proposal. Mr. Simonds stated that the for-hire industry is seeking other solutions, such as a boat limit of below one per person, or, if gag grouper really are the problem as shown by scientific data, giving up fishing gag grouper for a year. He also said he believes Monroe County is unique, and there should be some compromise for the County in regards to this rule. Mr. Kelly said some of the fisheries are in worse shape than when they came under the control of the FMC, and he did not think that the scientific data were there to support the proposed action. A SouthEast Data, Assessment and Review (SEDAR) assessment is scientific and extensive, he said, and the report used in this case was much more informal than a SEDAR. He also said there is no scientific data or studies on any of the species except the gag grouper. He mentioned garnering support in terms of resolutions from Monroe County resolutions, the various local chambers of commerce, and others. A SEDAR stock assessment is scheduled for June 2009, but will not be completed until January 2010, he said, and the FMC has a requirement to meet some Magnuson-Stevens Act criteria by January 2010. He concluded the

fishermen he represents would like to see the Secretary of Commerce amend the proposal to include only gag grouper and bump up the SEDAR stock assessment so it is finished in 2009. They would be happy to abide by the SEDAR results.

Mr. Trice made a motion to adopt the resolution (which was passed in hard copy around the table), seconded by Mr. Cramer. Discussion ensued. Mr. Bergh asked if the wording about "marine protected areas" could be changed to "no take zones," and Mr. Trice was agreeable. Mr. Nedimyer commented he rarely ever sees a legal black or red grouper any more, and that the fish are in deep trouble; Mr. Kelly replied that he did not disagree, but that the FMC was failing to follow its own requirements for science, the black and red groupers here are considered pretty robust as compared to other areas, and that there was still room to reduce bag limits. Additional comments were made on various points including the different tourist seasons among the affected states, and the state of the science on the groupers.

Chair Popham said he and CDR Score had met with Mr. Crabtree (the SAC were all invited, but only Popham came), and provided some of the details from the discussions. Common ground needs to be found to support local fishermen, he said, but the fishermen also need to recognize that the FMC made the decision, and that the FMC members were not coming here to talk about our decisions. Also, he said Mr. Crabtree agreed that the dividing line of the FMCs, down Highway 1, does not make sense. Regarding tagged grouper, the highest number show up in the Keys. Chair Popham noted that he has not caught a legal grouper in two years in the middle Keys (while giving the caveat that he is not a professional fisherman). He thought the SAC should look at middle ground in the language to provide support that everyone could agree to. CDR Score said he got the sense Mr. Crabtree that he was not going to change his position due to his support of the FMC's charge to end overfishing, but Mr. Crabtree did think there was a possibility to work through Tony Iarocci to get the Keys grouper issues reintroduced to the agenda. Chair Popham noted that Mr. Crabtree said there were still other fish that people could fish during that closed season. CDR Score also said he did not think it possible to go back to the Secretary of Commerce with a recommendation, but he might be able to make recommendations to the FMC. Mr. Kelly said he would talk to Mr. Crabtree and Mr. Iarocci the day after the SAC meeting about getting this issue revisited on the next FMC agenda.

Mr. Nedimyer inquired about the "Monroe County rule" and asked what it meant, and Mr. Kelly clarified that he had proposed the rule, which would be no fishing of gag grouper and a self imposed reduction of the bag limit on other groupers in Monroe County until the stock assessment was completed. Further suggestions were made for striking references to litigation, changing "Secretary of Commerce" to the South Atlantic FMC, and changing the wording on the area of closure in the draft resolution.

Chair Popham noted that the FMC is the expert on the fishery experts and that the SAC is not. He suggested wording about having the FMC reconsider the rule for Monroe County, and not direct the FMC to take an action. He also said that other FMCs and SACs have had conflict, and that the FKNMS SAC had not, and he did not want to jeopardize this. There was some further discussion about looking at the entire resource/ecosystem, and a question about why the FMC would want to fast track the grouper issue. Mr. Simonds noted that he had recently drafted the resolution, and was simply looking for some support from the SAC. Chair Popham suggested

that the motion be retracted, and that a brief break be taken so that a few people could get together and suggest some new language. The motion was retracted.

After the break, the SAC reconvened, and Mr. Trice read and moved a new version, which was seconded by Mr. Curlett. For the benefit of the group, he reviewed each paragraph from the earlier version and noted any suggested changes. The third, seventh and eighth paragraphs were deleted, there were some specific wording changes in the other paragraphs, and the last paragraph was modified to request the Superintendent ask the FMC to reconsider the interim rule to amendment 16 to exclude all grouper other than Gag Grouper within the Florida Keys National Marine Sanctuary waters. In response to a question, it was stated that there was no change to the bag limit, currently five per person. CDR Score mentioned the follow-on actions he would take based on this recommendation and who he would send the SAC resolution to if it passed. There was a comment from one SAC member had some discomfort with the resolution; the member said the SAC handbook states the SAC is not allowed to make rules and regulations, and this feels like interfering. Also, the member noted the sustainable seafood card passed around earlier advised avoiding eating grouper. CDR Score said he felt it a recommendation from a stakeholder group and was not weighing in on whether the fisheries science was valid or not; he said would forward the recommendation if the SAC wanted him to, and if the SAC was comfortable with it. Dr. Causey noted that the comments did bring to the surface some problems faced within NOAA related to its various mandates. Dr. Causey said he wanted the group to remember that there is a formal process for how to engage in fisheries issues. He commended the group and said felt it was within its bounds to comment on the issue, and that Mr. Crabtree does respect this diverse body of people. Chair Popham noted that Mr. Crabtree had said that he would not bring the issue back onto the agenda himself, but if there was another member who represented the constituents here wanted put it back on the table, that would be fine.

A roll call vote was taken, and the amended resolution passed unanimously. The wording was as follows:

**A RESOLUTION OF THE  
FLORIDA KEYS NATIONAL MARINE SANCTUARY ADVISORY COUNCIL  
October 21, 2008**

Whereas the South Atlantic Fisheries Management Council (SAFMC) voted by an 8-5 margin in September for a closure of the retention of all shallow water Grouper species from Jan 1 2009 until April 30 2009 as a means of protecting spawning Gag Grouper, the so called "interim emergency rule" to amendment 16

And whereas the harvest of Gag Grouper in Monroe County, Florida, represents less than 2% of the total catch for the South Atlantic region.

And whereas a severe economic down turn has resulted in greatly reduced fishing efforts by all user groups

And whereas the Florida Keys National Marine Sanctuary has trustee responsibilities for marine resources within the Florida Keys National Marine Sanctuary



And whereas a closure of all shallow water Grouper species during the height of the traditional tourist season would have an adverse economic impact on the charter fishing and tourism industry of Monroe County, Florida

And whereas Monroe County, Florida, represents a unique region within the larger South Atlantic area, for many reasons including its inclusion in the Florida Keys National Marine Sanctuary who's zoning already includes no take zones

Therefore, the Sanctuary Advisory Council (SAC) requests the Florida Keys National Marine Sanctuary Superintendent respectfully request to the SAFMC that they reconsider the interim rule to amendment 16 to exclude all grouper other than Gag Grouper within the Florida Keys National Marine Sanctuary waters.

Passed unanimously on this date: October 21, 2008.

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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:* CDR Score to take follow up action on the SAC grouper resolution passed by the SAC. Chair Popham thanked everyone for participating in the discussion.

### **Unfinished/New Business**

CDR Score announced that Richard Ross, Upper Keys Tourism alternate, lost his job in the tourism industry and so has respectfully bowed out of the SAC. The sanctuary will probably wait until April to fill the seat. He said the process is two years away from getting on track, with one third of the seats expiring each October.

Separately, CDR Score noted that a rule will probably will be coming out in the future about permits for offshore ocean aquaculture. The Gulf Council is taking comments through the end of the week following this meeting. There will be a public comment period, and an Environmental Impact Statement, which would recognize sanctuary authority. He said the sanctuary staff would have the ability to comment on matters within the sanctuary, but would not have final rulemaking authority, and would not have authority outside sanctuary waters.

Adjourned, 5:06 PM.

Submitted respectfully by Lilli Ferguson