

FLORIDA KEYS NATIONAL MARINE SANCTUARY ADVISORY COUNCIL

**Marathon Garden Club, Marathon
Tuesday, August 17, 2010**

MINUTES

Members Present

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

Alternates Present

Clinton Barras	Peter Frezza
Joe Boyer	David Makepeace
Alex Brylske	Jessica Pulfer
Heather Carruthers	Bob Smith
Bill Chalfant	David Vaughan
Bruce Frerer	

Call to Order/Pledge of Allegiance/Roll Call/ Approve Minutes from June 15, 2010 Meeting/ Adopt Agenda for this Meeting/Chairperson's Comments/Introductions

- Chairman Bruce Popham called the meeting to order at 9:02 A.M. He welcomed the group and thanked Lilli Ferguson and the staff for the work they did to prepare for the meeting. He also thanked the Sanctuary Friends Foundation of the Florida Keys (SFFFK) for the food and drinks, and said memberships and donations to SFFFK supported that.
- Ken Nedimyer then led the group in the Pledge of Allegiance.
- After review of the draft minutes of the June 15, 2010 meeting, Commissioner George Neugent moved that they be approved, and Mr. Nedimyer seconded the motion. As there were no suggested changes, Chair Popham deemed the minutes approved.
- Chair Popham asked if there were any additions or changes to the agenda. John Hunt said Bill Sharp would be doing a Fish and Wildlife Conservation Commission (FWC) lionfish survey update and asked that it be done at the beginning of the lionfish topic, before Lad Akins' talk. Acting Superintendent Morton said he would be addressing the fish feeding topic during the *Management Plan* implementation update. Ms. Ferguson mentioned that Pat Bradley and Karen Raine were not at the meeting to do their agency reports. Commissioner Neugent moved the agenda be approved with these changes, seconded by Alex Brylske. Chair Popham then deemed the agenda approved.
- Chair Popham noted that things had changed quite a bit as regarded the oil situation since June.
- He also mentioned the recent Sanctuary Advisory Council (SAC) application round, and reviewed the steps in the process, noting that the staff recommendation goes to the State of Florida and the Office of National Marine Sanctuaries (ONMS) for approval. Mr. Morton and Ms. Ferguson said they hoped the appointments would be made in time to enable announcements to be made at the October SAC meeting.
- Chair Popham said he knew term limits were being considered and hoped the SAC would have a chance to weigh in as its members have a lot of institutional knowledge.

Acting Superintendent's Report – Mr. Morton, Acting Superintendent, Florida Keys National Marine Sanctuary [FKNMS]

Mr. Morton said FKNMS was working to wrap up an agreement with FWC for enforcement, which would provide dollars for salaries and fuel to FWC, about \$1.3 - 1.4 million per year, for FWC to enforce the sanctuary regulations. He said ONMS and OLE had been gathering input from all sanctuaries to put together enforcement strategies and came out with a strategies document, and that Billy Causey is in charge of implementing it. It talks about different strategies and the performance that can be funded, as well as things like Team O.C.E.A.N. and different technologies, he said. He passed the document around and noted it was also available online.

Mr. Morton reported on behalf of Ms. Raine that two \$5,000 payments were collected, for sea grass groundings cases in Lakes Passage and the Stop Sign Flat area. He mentioned the good work done by FWC on groundings cases.

Mr. Morton pointed out John Bollinger in the audience, who went with Mr. Morton to DC this year as the FKNMS volunteer of the year. He noted Mr. Bollinger volunteers for the Eco-Discovery Center and Team O.C.E.A.N.

Regarding SAC term limits, Mr. Morton agreed that it should be put on [a future] SAC meeting agenda. *ACTION ITEM*: Mr. Morton to bring up the topic of potential SAC term limits at a future SAC meeting for discussion. Mr. Morton said there was a new set of SAC guidelines, but said term limits was not in it. He commented that there were reasons pro and con for term limits.

- Corey Malcom asked if there was pressure or a reason for the discussion on term limits.
- Mr. Morton replied that both the public and SACs at other sites (not this site) had brought it up, and that ONMS Director Dan Basta wanted to see turnover. Turnover could give others the change to sit on the SAC, but the flip side is that anyone can come to SAC meetings, which are public, and bring something up [during public comment period]. He noted that the Keys are small, and though the staff does lots of outreach, FKNMS does not always get its SAC seats filled.
- Ms. Pulfer asked if [a term limit policy] had to be uniform across all sanctuaries.
- Mr. Morton replied that said he was not sure. He said he had advocated that each site decide. He added that some folks had said this [issue] may go into the next reauthorization of the National Marine Sanctuaries Act.
- Dr. Causey said they had been pushing back on this from the beginning [this is not a new topic], saying there were some things in this SAC's favor, as this is not like San Francisco, and there are a finite number of people in the Keys. He said he did not want it to be in the reauthorization. He said this sanctuary was the first to have a SAC, and the authorizing act did not mention SAC member term limits. He said he thought it would be best for the SAC members to discuss this and send a message about their feelings.

National Oceanic and Atmospheric Administration (NOAA) ONMS Southeast Region Report – Dr. Causey, ONMS

Dr. Causey announced that the following Monday and Tuesday, senior NOAA legal folks would be in Key West. He said there would be a Southeast Region leadership team and legal meeting with people from the Office of General Counsel, and they would go on a half day field trip. The Superintendents in the region will present on their sites, and Dr. Causey said he hoped the message would get back to NOAA leadership about the importance of enforcement at the sites. He added a variety of tools were needed for enforcement. On August 3, Dr. Causey said he, Mr. Morton and others went to a law enforcement summit in DC, which included stakeholders from all over the country, including FWC. Several reports came out saying that NOAA needs to take a close look at enforcement, he said. He noted that there were four funding options over three years they would consider.

The 85-foot SRVX monohull research vessel, which landed in Fort Lauderdale at the end of May, will soon be renamed, Dr. Causey said. He said it would be a Southeast region/Northeast-Great Lakes vessel.

Dr. Causey said that the previous week he attended a meeting in Newport News, and in the next week, he would be going to the Blue Ocean film festival. He also noted there was an upcoming leadership conference, on which he would report back. *ACTION ITEM*: Dr. Causey to report back on a leadership conference.

He concluded by saying there was interest in increased conservation and protection of the Gulf. He mentioned several people approaching NOAA on "Islands in the Stream", including Kumar Mahadevan, Silvia Earle, and Larry McKinney. He said nothing was certain, but they would certainly work out front with fishermen and oil and gas interests. He said he would keep the SAC informed. *ACTION ITEM*: Dr. Causey to report back on advancements in conservation and protection of the Gulf.

Agency Report Highlights

U.S. Navy (USN) – Edward Barham, USN

Mr. Barham said he had nothing to report.

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

Mr. Genovese said that at the last meeting of its governing board, the board approved 27,000 acres of the sugar lands, and would pay about \$200 million in cash. This is a downsizing, he noted, but would allow them to not have to borrow funds. While the expected closing is October 11, he said there were two federal lawsuits and a state civil case that might delay it. He said some teapartiers and Rick Scott were at the board meeting, and opposed buying this land for restoration.

Mr. Genovese also reported the project engineer for the C-111 canal project stopped by his office and said everything was ahead of schedule.

Florida Fish and Wildlife Conservation Commission FWC Report – Mr. Hunt, FWC, and Capt. Pat Langley

Mr. Hunt said he had no report from the commission itself.

On the Linking Science to Management conference, he said there were over 200 abstracts submitted, and there will be a substantive change in how they will structure the conference. The organizing committee will be discussing this, he said, including oral vs. poster presentations. He said they had to cut out 60% of the oral presentations, due to the number of slots, and that the Brian Keller memorial would be on Tuesday night [October 19]. The early registration and hotel deadlines are August 27, he announced.

Capt. Langley said they made it through another mini season. He said he had a 2010 lobster sport season activity report which he would put out for people. He noted twenty officers plus investigators were involved. He then provided some statistics, including that there were about 4350 vessel inspections, 13,200 users were checked, 120 boating citations were issued, there were 172 resource citations, and there were 194 resource warnings. He noted the activity seemed like less than the year before, and it seems that way each year, and that there also seemed to be more families now. He also provided some comparative statistics from last year to this year.

Captain Langley said they were making a lot of spearfishing and crawfish cases in the Sanctuary Preservation Areas (SPAs).

Capt. Langley noted five new officers were a month and a half into their training.

- One officer was leaving but they were getting a transfer, Capt. Langley said in response to a question from Chair Popham about the status of positions.
- Bob Smith asked about dive accidents. Capt. Langley said there may have been one. He noted there was a suicide/boating accident death.

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

Dr. Ziegler said there was an increase in lionfish sightings in both parks recently. Their Submerged Cultural Resources team dove recently in the Dry Tortugas and saw lionfish. She said there were also two sightings in Everglades National Park, and a ton of sighting near its border. She said they were working on a lionfish management plan.

Of ten radio-collared pythons, nine were found deceased after the cold snap, she said, and the tenth, which was found in a breeding aggregation, was removed.

Finally, Dr. Ziegler reported that knotty tern numbers had increased this year, and six bridled tern nests were found at the Dry Tortugas.

NOAA Office of Law Enforcement (OLE) – Ken Blackburn, OLE

Special Agent Blackburn said they had a busy month, and worked with an FWC team on artificial reefs and habitats. Also, Special Agent John O’Malley busted a lobster retailer who was on craigslist. He also commented they needed more agents, same as usual.

Florida Department of Environmental Protection (DEP) Report – Todd Hitchins, DEP

Kent Edwards was unable to be present at the meeting, but Mr. Hitchins gave a brief update from Mr. Edwards. DEP Secretary Mike Sole was resigning, he said but Mimi Drew would be the Acting Secretary. He said that likely there would be a new Secretary after a Governor is elected in November.

Public Comment

David Sakowski said he said he wanted to let people know of a big problem created by Pine Channel. He passed around some photos, and said rubble from the old Flagler railroad had been dumped in the channel. He advocated for free flow of the ocean currents, saying that the sediment had built up so much there was a mudflat, and now the free flow of the ocean tides were blocked by the causeway. He said it needs a complete bridge over the whole channel, to flush out what he characterized as a cesspool. He also said the sediment needed to be dredged and the rubble removed. He noted he had been in the neighborhood for 28 years and that it used to be pristine, but that it continues to degrade.

- Dr. Brylske said he had spent a lot of time there and he agreed.
- Pete Frezza said that the Everglades restoration plan addressed this type of thing, but he was not sure if this particular one was listed.
- Jerry Lorenz added the feasibility study was on hold now, and that it was a much broader plan previously. He said it was approved by Congress.
- Dr. Causey said that was originally number seven, then slipped to 20, then off the list. He and others tried to support it, he said.
- Mr. Hunt said he was not sure the feasibility study went to the lower Keys.
- Dr. Causey agreed, but said that did not mean it would not be a beneficial project, whereas some projects, if taken out, could affect coral heads. This project did not have that, he said.

SAC Ecosystem Restoration Working Group Report – Dr. Lorenz, SAC

Dr. Lorenz said the Working Group discussed three topics at its last meeting. The first was the lionfish issue, and he asked Mr. Hunt if lionfish questions could be put in a survey for lobster mini season.

- Mr. Hunt thanked him for the suggestion, and said the request was in time by two hours.

The second topic was the Tamiami Trail issue again, Dr. Lorenz said. Currently, the plan is for a one mile bridge, to allow flow from the water conservation areas to the south side; this is part of the Modified Waters delivery program, he said. He said this would not raise the roadbed, which meant the Florida Department of Transportation would not allow raising the water level north of the road, and water to the Everglades would not increase. Dr. Lorenz said a draft resolution on this was sent to the SAC in advance of the meeting, which basically supported the Department of the Interior’s Alternative 6E to build an additional five and a half miles of bridge and raise the entire roadbed. This would allow raising the water levels, he said. He read the last portion of the draft resolution, from “Now, therefore...”

Dr. Lorenz moved passage of the resolution, seconded by Dolly Garlo. Discussion ensued.

- Ms. Garlo said it seemed like Section 1 could become a “Whereas”, which would support the [renumbered] Sections 1 and 2. She also wondered if the resolution should be sent to someone else, or if Dan Kimball would send it to others.

- Dr. Lorenz said that was the thinking, that the National Park Superintendent would forward it to others, but he said he did not have a problem adding others if anyone had a recommendation.

- Someone suggested sending it to the U.S. Army Corps of Engineers.

- It was agreed to add the Colonel from the Jacksonville District as a recipient. There was no further discussion.

The motion passed unanimously upon roll call vote. The wording of the resolution follows.

A RESOLUTION OF THE FLORIDA KEYS NATIONAL MARINE
SANCTUARY ADVISORY COUNCIL FULLY SUPPORTING THE
CONTINUED RESTORATION OF AMERICA’S EVERGLADES
AND ENDORSING THE NATIONAL PARK SERVICE’S
RECOMMENDATION TO BRIDGE AN ADDITIONAL 5.5 MILES
OF THE TAMIAMI TRAIL

August 17, 2010

WHEREAS, the Florida Keys National Marine Sanctuary Advisory Council recognizes that the restoration of America’s Everglades is critical to the long-term sustainability of south Florida’s economy, quality of life and environment; and

WHEREAS, Florida Keys National Marine Sanctuary Advisory Council recognizes that key industries and businesses in South Florida, including commercial and recreational fishing, tourism, real estate, boating, construction and agriculture, depend on a healthy America’s Everglades; and

WHEREAS, the two-lane Tamiami Trail highway (U.S. 41), constructed in 1928 to link Tampa to Miami, acts as a dam, blocking vital water flows from the greater Everglades into Everglades National Park and Florida Bay; and

WHEREAS the ecological health of the Florida Keys National Marine Sanctuary (FKNMS) and Florida Bay are inextricably linked, and

WHEREAS, the U.S. Congress, the U.S. National Park Service, the Skyway Coalition, Florida Keys National Marine Sanctuary Advisory Council, and others recognize that in order to protect and enhance the biological resources of Everglades National Park and Florida Bay and fully restore the Everglades, an 11-mile section of the Tamiami Trail bordering Everglades National Park must be bridged to the greatest extent practicable to allow water to freely flow into the Park; and

WHEREAS, the U.S. Congress directed the National Park Service to “immediately evaluate the feasibility of additional bridge length beyond that to be constructed pursuant to the Modified Water Deliveries to Everglades National Park Project (16 U.S.C. 410r-8), including a continuous bridge, or additional bridges or some combination thereof, for the Tamiami Trail to restore more natural water flow to Everglades National Park (ENP) and Florida Bay and for the purpose of restoring habitat within the Park and the ecological connectivity between the Park and the Water Conservation Areas” through the 2009 Omnibus Appropriations Act (H.R. 1105; Pub. L. 111-008, dated March 11, 2009); and

WHEREAS, the National Park Service has prepared a Draft Environmental Impact Statement (DEIS) for the Tamiami Trail Modification: Next Steps projects, as directed by Congress, which identifies 5.5 miles of additional bridging as the preferred alternative; and

WHEREAS, the National Park Service’s preferred alternative, alternative 6E, will provide the largest measurable environmental benefits to the Everglades ecosystem and a significant boost to South Florida’s economy; and

WHEREAS, construction of preferred alternative 6E will create jobs in South Florida’s engineering, science and construction sectors; and

WHEREAS, preferred alternative 6E will enhance the unique biological resources that attract over one million visitors from all over the world to Everglades National Park each year;

WHEREAS, preferred alternative 6E seamlessly integrates with the one-mile bridge project currently under construction to restore water flow through the historic River of Grass and to provide maximal environmental benefits to Everglades National Park, the State of Florida’s Water Conservation Areas and Florida Bay; and

WHEREAS, the Florida Keys National Marine Sanctuary Advisory Council fully supports the continued restoration of America’s Everglades and endorses the National Park Service’s preferred alternative 6E, as described in the May 2010 Draft Environmental Impact Statement for the Tamiami Trail Modifications: Next Steps project, which recommends 5.5 miles of additional bridging on the Tamiami Trail.

NOW, THEREFORE, BE IT RESOLVED that the Florida Keys National Marine Sanctuary Advisory Council, through the Superintendent, recommends:

SECTION 1. The Florida Keys National Marine Sanctuary Advisory Council, through the Superintendent, will forward a copy of this resolution to Dan Kimball, Superintendent of Everglades National Park and Colonel Alfred A. Pantano, Jr., U.S. Army Corps of Engineers.

SECTION 2. This resolution shall become effective immediately upon its adoption.

Passed on this date: August 17, 2010.

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: Mr. Morton to consider/follow up on the recommendation of the SAC regarding the Tamiami Trail bridge extension resolution.

Dr. Lorenz then reviewed the last item discussed by the SAC Working Group, the oil spill issue, and he turned it over to Jon Fajans. Mr. Fajans said that, since June, he had worked out of the command center as part of the NOAA subsurface monitoring unit. He discussed the work done by the group, using a fleet of vessels using a variety of sampling methods, surveying around the wellhead and at some of the seeps in the region. He said they also tracked what was left of the subsurface plume, which he said was a mist 40-60 km from the wellhead. He said that, from looking at thousands of data points, the Keys were unlikely to see any effects from the oil. He also said a number of vessels had been mapping in the Loop Current and did not find any hydrocarbons in the surface water or subsurface water.

- David Hawtof said he heard a rumor of an ecology-based vessel in the Key West harbor.

- Mr. Fajans asked if it was Greenpeace.

- Dr. Hawtof said he had heard they were going to be paid and data would be kept secret.

- Mr. Fajans said there was a request from Greenpeace to access the exclusion zone. He said they were allowed to proceed and may do whatever monitoring they want; British Petroleum and NOAA were not paying them, he said. He then provided details about which scientists and agencies were monitoring on various vessels, and said the U.S. Environmental Protection Agency, NOAA, and contract vessels were putting their data into databases everyone would have access to (with raw data going through a quality assurance/control process prior to being made public).

- Dr. Hawtof asked if the rumor was false.

- Mr. Fajans indicated he did not know of any government scientists on board.

- Dr. Causey said that Chuck Messing of Nova [Southeastern University] and another scientist were on board the Greenpeace vessel, and that he and others were on board it the previous Friday. He said Greenpeace had been to St. Petersburg and would be sampling in the Dry Tortugas and the Gulf and would be going in and out of St. Pete.

- Mr. Fajans said it was possible that the Nova Southeastern scientists received some of the chunk of the \$10 million that Florida Institute of Oceanography (FIO) managed for Florida scientists to do response-based monitoring.

- Dr. Lorenz said he had a list of FIO-funded projects and Mr. Hunt said he had it too. Dr. Lorenz said he would send it to Ms. Ferguson to send around to the SAC. *ACTION ITEM:* Dr. Lorenz to provide a list for the SAC of FIO-funded projects for the SAC. Dr. Lorenz added that, through the Florida Ocean Council, there was a proposal to have future funds go through the sunshine process, including public comment. He said FIO did a great job but the committee was not subject to sunshine laws.

Dr. Lorenz concluded by noting Mr. Frezza had put out pamphlets regarding the Tamiami Trail modification on the public handouts table.

Water Quality Protection Program Update – Chris Bergh, SAC

Chris Bergh said it met in July and meets every six months; he said it was set up at the same time FKNMS was established, to focus on water quality in the Florida Keys ecosystem. He thanked Nancy Diersing for her preliminary minutes from the meeting, which he used for doing this report.

- Mr. Bergh said the deadline for wastewater improvement in the Keys was extended to December 31, 2015, and that existing package plants would have to apply and hook into centralized sewage systems by that same deadline. He said Key Largo and Marathon were close to completing their systems and hookups; Islamorada was slowly moving forward; and the lower Keys, from Sugarloaf to Big Pine Key was the farthest behind.
- Mr. Bergh said an update was provided at the meeting on stimulus funding for wastewater improvement projects in the Keys, and he reviewed the amounts provided to different jurisdictions. He said a potential \$8 million was waiting in the wings, and that bills for more funding were sent.
- There was also an update on oil spill activities at that meeting, he said.
- Mr. Bergh then reported on a process, by USEPA and implemented by the DEP on total maximum daily loads (TMDLs) for nutrients or other types of pollutants that can be introduced into a water body. The Keys are doing a Reasonable Assurance Document instead of a TMDL process, which should provide the regulatory reasonable assurance that the water quality will improve, he said. There is some contention that the reasonable assurance is overstated, he reported. He said the USEPA would be reviewing the RAD, and would have comments in the next six month or so. Also, Dr. Boyer is developing the numeric nutrient criteria for the Keys, Mr. Bergh added.
- As background, Dr. Boyer said that the USEPA was sued by Earthjustice, which forced the USEPA to tell the state to “get cracking”. He said there has been a Technical Advisory Committee (TAC) for setting freshwater criteria for years, but this [lawsuit] has provided a jumpstart on the marine system. He said there was a meeting a year and a half ago with a number of agencies in Tallahassee, and he had a discussion with them on what to do in the Keys. They had wanted to use a watershed-based model that deals with river inputs, which the Keys do not have. There has been work to get agreement amongst the stakeholders, to then provide to the USEPA; he said that when it goes to the USEPA’s Science Advisory Board, they will decide on the process. He said he would give an update when that happens. *ACTION ITEM*: Dr. Boyer to provide an update to the SAC once the USEPA’s Science Board makes a decision on the Keys water quality criteria. Dr. Boyer also reviewed who he had met with to get consensus on the nutrient criteria for the RAD.
- Commissioner Neugent asked a question about a person Dr. Boyer had consulted, and Dr. Boyer said he was OK with the offshore part but was unsure if it would apply to the canals. He added there was discussion among DEP and the County to reclassify canals, but that had not gone forward.
- Commissioner Neugent then asked if they discussed shallow well injection. Dr. Boyer said that was not discussed.
- Mr. Bergh reviewed that Bill Kruczynski had reported on the book he is writing/editing on the Southeast Florida marine environment, and that it would be out as soon as this fall, and would be available online as well. He said there would also be a comprehensive document capturing all the Water Quality Protection Program monitoring research, longer term monitoring in the Keys, and special studies and other topical information.
- At the meeting, there were annual reports from the three USEPA-funded monitoring programs, he continued. One interesting point was that for the first time since the Coral Reef Evaluation and Monitoring Program began, stony corals showed an increase between 2008-09. There was discussion on the use of the three programs’ monitoring data, Mr. Bergh said, and he added that the USEPA was under pressure to prove the data was being used for something. He said the programs get about \$1.1-1.5 million per year (and they used to get more, to include special studies), but their funding base has been cut. He said that even within the USEPA, money had gone to other priorities. He said there was an effort to create a document on the use of the data as well as raise awareness about the Water Quality Protection Program.
- Generally, the Water Quality Protection Program is in a transitional phase, he said, with the focus going from wastewater improvement to thinking about what the next big thing is on which the group can focus. Mr. Bergh has said to focus on the effects of climate change and sea level rise, and added that stormwater is also on the horizon. He also said discussion is occurring about what the steering committee should be doing. He mentioned who is on the steering committee and on the management committee.

- Dr. Boyer said the TAC should be adjusting the science, but the group had not been used in many years and needed to be revived. He felt if the USEPA ran out of money, the TAC should design some sort of monitoring program.
- Commissioner Neugent said he was concerned about the nutrient issue, and he had talked to folks about getting the RAD approved; Dr. Boyer thanked him for his efforts.
- Dr. Causey said he was not on the management committee (he is on the steering committee), but Mr. Morton and Scott Donahue were. He provided some background on when the comprehensive land use plan was put together, how attended, and the agreements, noting sometimes we do not remember the things at which we have succeeded. He said the management and steering committees heard the concerns about doing something, and Dr. Kruczynski sent out a three page document about what to do next. He said new ideas were needed, including engineering solutions, beyond replacing septic tanks.
- Mr. Hunt said he was a new member of the management committee and was also on the TAC. He announced the management committee would be meeting in two days to go through the suggested strategies for the program. He hoped they would then work with the steering committee on next steps. He felt Dr. Boyer's vision for the TAC needed to be incorporated, and that who was on the TAC should probably also be reevaluated.
- Chair Popham thanked the people involved and the SAC for his advice on Water Quality Protection Program activities.

Report on FWC Permit Workshop – Richard Grathwohl, SAC

Mr. Grathwohl said he attended a video conference July 12 at the Fish and Wildlife Research Institute, and that the goal of this public workshop was to discuss extension of FWC management options for the permit, Florida pompano, and African pompano fisheries into federal waters. In addition to receiving information, including FWC proposals, members of the public stated many ideas and came to an understanding on the topic, he said. He said that FWC manages marine fisheries resources for their long-term well-being and the benefit of people now and in the future. The Division of Marine Fisheries also strives to support sustainable fisheries and balance access and harvest among different user groups and interests, he said. Mr. Grathwohl reviewed that at the December FWC Commission meeting, its staff recommended options for the draft rule. Extend state regulations into federal waters with recreational bag and slot limit of six permit and pompano combined within the 11-20 inches fork length slot limit, including one fish greater than twenty inches fork length per person and two fish maximum per vessel. Commercial size limit of 11-20 inches fork length and no possession of permit over twenty inches in fork length. Establish a commercial trip limit of 250 permit in all waters, including inside PE zone for PE holders. Allow Pompano Endorsement holders to use their allowable gear to catch permit that occur with pompano inside the Pompano Endorsement zone. For African pompano, in conjunction with permit rule changes, the FWC staff recommended possible recreational and commercial rule changes. Extend the African pompano state regulations for all harvesters into federal waters, including bag limit of two fish per person or vessel trip limit, whichever is less in number. Size limit minimum of 24 inches fork length hook and line fishing; only additionally in federal waters, allow spearfishing of African pompano pursuant to established bag and size limits. Use of any multiple hooks in conjunction with live or dead natural bait and snatching prohibited.

Mr. Grathwohl felt this was a good move for federal waters. He said it had been brought up that spear fishermen in the middle Keys were having a field day with African pompano. He said the next steps were evaluating public comment on the FWC staff recommendations. He said some could not even be thought of, like the recommendation to allow spear fishing inside of state waters, which was said by the staff that it could not happen, and that it was explained to him that the commercial spear fishing matter was never entertained nor thought of and would not happen at all. At the September FWC Commission meeting, he said the draft rule for permit, Florida pompano and African pompano would be heard. If directed, he said there would be a final public hearing at the November Commission meeting, and if approved, the rules

would become effective January 1, 2011. Mr. Grathwohl concluded by saying everything would basically benefit the fishing guides.

Special Agent Blackburn said he got a lot of calls per year on this. He said if federal laws are put in place for fishery management plans that do not exist now, they will get in place for other sport fish like cobia. He commented, "Good job."

Lake Surprise Causeway Removal Project and Post-Removal Monitoring Results – David Tomasko, PBS&J

Dr. Tomasko noted he was with the watershed science and assessment program with PBS&J, and that he used to work at Crane Point. He was pulled in on the water quality aspect of the project. He said they work on a lot of TMDL stuff.

The Lake Surprise Causeway dated back to 1906, and was part of the Flagler railroad construction, he said. They scooped dirt from one side and piled it up with junk such as timbers to make the road grade. He noted this changed the salinity in Florida Bay quite a bit. As part of the Florida Department of Transportation's (FDOT's) U.S. Highway 1 improvement project, the causeway was removed (after hurricane season), as it was an artificial impediment. He provided examples of how water quality improved in other places with causeway removal.

Dr. Tomasko said that FDOT asked PBS&J to come to work on the project, as FDOT and Water Management District staff members had concerns about water quality. PBS&J developed a before and after control and impact monitoring program for the project. He said the District wanted a control area in Little Buttonwood Sound, and so monitoring sites were chosen at random there and in Lake Surprise. PBS&J looked at how the places changed when compared to each other, and they came up with a statistical technique to compare very different places over time.

In reviewing the monitoring results, Dr. Tomasko said the causeway removal did not change the temperature; there may have been an effect on salinity (a reduction); there was no clear effect for pH; the results were similar at both sites for dissolved oxygen; there was no apparent effect for nitrogen; phosphorus was 50-75% lower in Lake Surprise than before causeway removal (the opposite of what the District had been concerned would happen); there was no spike in chlorophyll in Lake Surprise after causeway removal; and there was a drop in total organic carbon in Lake Surprise. Regarding seagrass, he said they did not see a crash in leaf area in Lake Surprise. In summary, Dr. Tomasko said that the project benefitted water quality, did not seem to have a short term [negative] impact, and was consistent with the Comprehensive Everglades Restoration Plan (CERP). He also showed a graphic depicting four other potential tidal restoration sites in the Keys.

Discussion ensued.

- There were questions about how and why the control site was chosen; it was the District chose the control site, Dr. Tomasko said.
- Dr. Boyer asked if PBS&J looked at both the east and the west.
- Dr. Tomasko said they did. He also said, anecdotally, on the south or west side, the water clarity changed a lot, and seagrass can now be seen from the surface.
- A person in the audience asked about retention of nutrients and phosphorus.
- Dr Tomasko said they did look at phosphorus availability. He said it was in marl, but was not necessarily biologically available, and this was dependent on soil type.
- Jason Bennis thanked Dr. Tomasko and Adam Gelber for making the trip. He asked if the report had been finalized and if it could be shared with the SAC.
- Dr. Tomasko said he would have to ask FDOT about if it were publicly available. *ACTION ITEM*: Dr. Tomasko to ask FDOT if the final Lake Surprise Causeway removal report is available.

- Mr. Bennis said he understood this [project] was a mitigation requirement. He thought the idea was that the increased flow would show a rebound in seagrass.
- Dr. Tomasko said he thought FDOT had someone looking at seagrass recolonization on the mound.
- Mr. Frezza asked if FDOT had contracted anyone to do a before and after on the bridging and the culverts at Manatee Creek.
- No, Dr. Tomasko said. He agreed it was something that should be looked into.
- Dr. Boyer mentioned another group might be doing it; Dr. Tomasko responded that group was mostly doing work related to the roadside permit.
- After some further group discussion of results, entities involved, the C-111 canal, and seagrass recolonization and other issues, Mr. Bergh asked about a CERP project Dr. Causey had mentioned that seemed to have fallen off the list, and about the process to reignite it.
- Dr. Causey said it was all about tradeoffs. He said as some things high on the list started getting done, other things dropped off the list as centerpieces of CERP.
- Dr. Boyer said it got bogged down with the fiscal model.
- Dr. Lorenz said there was a demonstration project and a feasibility study.
- In response to a question from Chair Popham about other potential Keys projects, Dr. Tomasko said two projects were completed around here.
- Mr. Hunt said data collected with farm bill money to support restoration years ago were sitting on their server.

SAC Education and Outreach Working Group Report – Martin Moe, SAC

Mr. Moe said the template for the PowerPoint presentations had been approved and it could be used to preface any presentation SAC members wanted to put together. He added that Dr. Brylske may put together one on lionfish. The presentations people create could be used by other SAC members as well, Mr. Moe felt.

Mr. Moe said the letter to teachers on youth involvement in the SAC was underway, and should be completed by September. He said a few changes were suggested at the last Working Group meeting and Mary Tagliareni had them.

The Working Group discussed the education/outreach organization presentations for the coming meetings, and for this SAC meeting, the topic of lionfish was chosen [rather than a specific organization's education/outreach efforts]. He said the October SAC meeting presentation would be on the Aquarius mission, which would be underway at the next SAC meeting.

One of the main things discussed at the last Working Group meeting was lionfish, Mr. Moe remarked, and the fact that the lionfish situation was much worse than when Mr. Akins last presented to the SAC. Mr. Moe then passed a [deceased] lionfish around so the SAC could see what these fish looked like. He said he brought others to give to Dave Vaughan.

- Mr. Akins said he (REEF) gets them in the end, and so Mr. Moe gave them to Mr. Akins.

The last thing the Working Group talked about, Mr. Moe reported, was if the group could do anything meaningful in terms of Deepwater Horizon oil spill outreach. They did not come up with anything.

Mr. Moe concluded by saying the next meeting of the Working Group would be October 1 at 10 AM at SFFFK.

Dr. Brylske added the group had talked about increasing effectiveness of outreach, and said the Florida Keys Community College would be offering a course which would cover research and conservation issues. He offered that SAC members could bring an issue to talk about during the course, which will be

on Saturdays. He had a brochure and a copy of the course syllabus for those who were interested, and he said the class was for credit, but could be audited.

Update on FWC Lionfish Survey Questions. – Mr. Sharp

Mr. Sharp gave an update on lionfish questions, to be asked annually of potential lobster fishers, after the annual mini season. He said the request came from the SAC Ecosystem Restoration Working Group, and FWC was able to include the questions this year. He reviewed that FWC has been doing surveys since 1991. They were done through the mail through 2007, and after that by email. FWC does its survey of the two day special sport season and the first month of regular season, he said, and surveys a subsample of potential lobster fishers based on home residence and license/permit type.

On August 2, FWC emailed about 3000 potential lobster fishers and successfully contacted 2700. People were asked if they observed lionfish during the two-day season, and if so, how many. They were also asked what they did with the fish (observe, kill or capture), and to provide a general description of the locations, habitats, and depths. Mr. Sharp said about a third of respondents saw a lionfish. In the Keys, the average of lionfish seen was about two. He said about 70% of respondents just observed the lionfish, but about 25% killed some or all seen. He then provided some information on where there were seen and in what habitat types in the Keys. He concluded by saying FWC recommends that this user group should be specifically targeted to be a partner in lionfish control and management.

- In answer to a question from Chair Popham, Mr. Sharp said they were collecting data through Labor Day, he confirmed in answer to question from Chair Popham.
- Chair Popham asked if there were any surprises.
- Mr. Sharp said it was surprising a third of respondents saw lionfish.
- Mr. Bergh asked if they would do this in future years, to see if the percentage seen or killed went up.
- Mr. Sharp agreed that needed to be done.
- Mr. Hunt said that since the statistical design was in place, all they need to do is write questions, and Mr. Sharp did that in 24 hours this time. He said this could be continued as long as needed, and he reiterated that this was an important user group.
- Chair Popham asked if the database was public; the answer was yes.
- Mr. Moe said it was important to get specimens to Mr. Akins for scientific research.
- Mr. Smith said the 70% was the biggest target they could do something about; Mr. Akins agreed.

Current Status of and Control Strategies for Lionfish in the Keys – Mr. Akins, Reef Environmental Education Foundation (REEF)

Mr. Akins introduced Alecia Adamson of REEF, who provided cooked lionfish samples to the SAC. Mr. Akins said he had been doing a lot of lionfish talks recently and wanted to go over some of the basics, adding that he had printed up some lionfish quick facts. He briefly noted that REEF is a marine conservation organization based in the Keys, and that it has done work on monitoring and assessments. He mentioned that he had been working on invasive species, and that lionfish were not the only non-native species in Florida waters. He then provided a field guide on fish not indigenous to Florida to the SAC members.

Mr. Akins showed some fish slides and said most were only sighted once or twice, and were not able to survive. Lionfish are able to survive, and he said this was the first time a non-native fish successfully invaded the Atlantic. He showed a map with the progression of lionfish sightings, with the first one in the mid 1980s. He said that eggs and larvae were dispersed through currents downstream, where the fish establish. REEF has been collecting samples of lionfish, and they have been found as deep as 600 feet on reefs, as well as on shallow reefs, artificial structures, etc. He said their spines are venomous (pointing out where they are on the fish), and a sting can be painful, but no fatalities are known. He said the treatment for a sting was flushing with hot water.

Mr. Akins noted collecting and handling lionfish can be tricky, and reviewed that handnets seem to be the best way to capture them, where allowed. He noted that normal working or dive gloves do not protect against the spines.

He provided information on how lionfish have been shown to stay around the same sites, about their growth rates, what they eat (almost everything), densities, etc. He noted that lionfish are outstripping the availability of reefs to replenish themselves. He said tests of four types of fish showed none of them would eat lionfish. People are the top predator of lionfish, he said.

- Mr. Moe mentioned he saw a report that trumpet fish eat them.
- Mr. Akins replied it was a sample size of one coronet fish, in the Pacific.
- Dr. Causey said a common triggerfish ate a lionfish after it was dead.
- Mr. Moe asked if they were taken on hook and line.
- Mr. Akins said recreationally, but infrequently, they were.
- Someone asked if they were cannibalistic.
- Mr. Akins said there were no documented cases in the natural environment, but they were in aquariums.

Mr. Akins said that they have been doing workshops throughout the Caribbean to educate people and involve them in removing lionfish; some important elements include increasing awareness, standard reporting formats, and training. He noted that Karrie Carnes would be talking more about education and awareness.

In January 2009, the first lionfish in the Keys was sighted and was removed, Mr. Akins said. By October 2009, they had spread up and down the Keys, and now they get dozens of reports a day. He said most have been found in nearshore patches and near bridges; most of the time, they rest under shelters, and there are often multiple fish together. He said they study specimens to get information about genetics, age, growth, what they are eating, reproductive status, etc.

One of the Key issues is there are areas in FKNMS where taking anything is prohibited, he noted, but he said that FKNMS can issue permits for marine professionals to take them in those areas. He worked with the FKNMS staff to hold training workshops, covering how to collect and handle lionfish, reporting mechanisms and disposal requirements. He said FKNMS issued over 240 permits to attendees of 15 workshops. Some attendees did not have the necessary materials to collect fish, so REEF provided 27 collecting kits to key responders; they also established specimen collection banks in various Keys locations. He noted he put out information with the locations of those banks. Outside of restricted areas, he emphasized that anyone can remove lionfish by methods allowed for removing other fish, and that there was no season or bag limit [for lionfish].

Mr. Akins said they have organized lionfish derbies in the Bahamas, and announced the dates and locations for three derbies in the Keys (Key Largo September 10-11, Marathon, October 15-16, and Key West, November 12-13). He mentioned there were prizes and the categories, and that they were still seeking sponsors. He felt these would be good for outreach and education as well as removal of lionfish.

In other efforts, he said they would be continuing the workshops, and they were working on a lionfish cookbook, which would include information on collecting and preparing the fish. There is also a lot of research going on, including by the U.S. Geological Survey. He concluded by saying a regional strategy workshop was being planned.

Discussion ensued.

- Mr. Curlett asked if there were lionfish in the Red Sea.
- Mr. Akins said they were native there.

- Mr. Curlett wondered why there were not more there, and Mr. Akins replied that something, they do not know what, is controlling them there.
- Dr. Brylske asked about taking lionfish in the Sanctuary Preservation Areas (SPAs).
- Mr. Morton said they had been talking about this a lot. Short of going through a regulatory change, he said FKNMS has been allowing it through issuing permits. Permits have been issued to agencies and Blue Star dive shops for pole spears, he added. He said there was also a question on enforcement, as it becomes more difficult when people have pole spears in SPAs and say they are going for lionfish.
- Rob Mitchell asked how they [lionfish] spread so far.
- Mr. Akins said the female lays a buoyant mass of eggs, and those eggs drift downstream. As the juveniles settle out on reef, then they reproduce. Not every lionfish stays in exact same place, but a lot of them do, he said.
- Mr. Moe said he thought the Dry Tortugas would be a seed area for the whole Keys and East Coast and he wondered if there could be control measures for that area.
- Mr. Akins replied he would leave it to the agencies, but noted that it is a huge area.
- Jessica Pulfer asked about the threat of lionfish going through the canal to the Pacific.
- Not much, Mr. Akins said, as there is lots of fresh water in the canal. He said some models show them possibly showing up on the west coast of Africa, and he said they would spread through Brazil.
- Ms. Pulfer asked about restaurants putting lionfish on their menus.
- Mr. Akins said he had talked to restaurants about that, and said the samples had come from 5-6 inch filets.
- Dr. Vaughn commented that control does need to be done regionally, and said there is a big impact on fishermen from this. He provided an estimate, based on information Mr. Akins had provided, about how many fish would be taken out by lionfish on one acre of reef.
- Mr. Bergh asked if anyone had picked control areas.
- Mr. Akins said had they had research from the Bahamas, Puerto Rico and St. Croix, and that early research showed regular visits, perhaps monthly, can keep lionfish out [of control areas].
- Mr. Smith asked, with all the information that is already out there, why 70% of divers who saw lionfish did not collect them.
- Mr. Akins speculated it could be because it was lobster season, or people could be afraid of stings, or that they may not have had training.
- Mr. Hunt pointed out that this was a statewide issue, with most of those people not from the Keys and not getting the information the Keys has had on them. He advocated rethinking how to do outreach.
- Mr. Akins agreed, and mentioned efforts and plans to reach out to other areas in Florida.
- Corey Malcom asked Mr. Morton if there were areas within the sanctuary he would like to see as a priority for being lionfish-free.
- Mr. Morton said that they had been thinking of this since the beginning, but they wanted to see what the science said and how the derbies went. After they have some results to consider, they may then see about having the public go to a particular area or having professionals go to Ecological Reserves.
- Mr. Malcom suggested getting people involved, like with “Adopt a Highway”, for a specific area.
- Mr. Morton said it was like invasives on land, and that is was a challenge.
- Mr. Moe asked if there was a data bank of impacts to people, such as on stings.
- Mr. Akins said in other parts of the Caribbean, they have gotten data from hospitals. He felt “Did you get stung?” might be an interesting question for the surveys.
- Mr. Curlett apologized to Mr. Akins, saying he had wanted to have members of the Ocean Reef Rod and Gun Club hear Mr. Akins present. Mr. Curlett provided a check for \$2500 from the Club to REEF.

Public Comment

Spencer Slate said Mr. Akins used to work for him, and commented what Mr. Akins was doing was wonderful. He hoped the lionfish do not take over here as they have done in the Bahamas. Mr. Slate than said he came to speak about the article in the paper where a nine-year-old girl was bitten by a barracuda in

Key West. He said Tim O'Hara tried to relate it to what Mr. Slate does. He described how he and another man led interaction dives before Pennekamp Park or the Key Largo National Marine Sanctuary were established. He said his company takes people out to the reefs on his boats; he said they were not uncontrolled, and noted that he has been doing this since 1956 and that it is their business plan. They take the bait in buckets to attract fish, and have two divers in front of the [recreational] diver at all times. He said there were two accidents among 400,000 [interactions]. He said they teach people to not fear the sharks, barracuda, moray eels, etc. Mr. Slate said when the sanctuary plan was started in 1991, it started from people like Bob Holston and himself, when things like three ships crashing on the reefs destroyed acres of coral. At that time, he said the sanctuary did not have teeth for ticketing. He said they supported the Keys Association of Dive Operators (KADO) to protect the reefs. They made it a coral sanctuary, but not a fish sanctuary, he said, so people could fish, spearfish and net fish, and they made the SPAs small enough so livelihoods could continue. He said what he does is not a trick or gimmick but is an educational process. He noted he had talked to Mr. Morton about being involved in any working group that may be formed on this or in any discussion. He also said he was a former SAC member.

Ann O'Bannon, a Key Colony Beach resident, said she has been a fan of Mr. Slate's creature feature. She said he was a teacher and dive instructor, and that he taught his students respect for all sea life. She had told of nurse sharks and grouper left to die and said there were illegal fish traps within the sanctuary's limits, and she asked who was stopping this horrific and illegal behavior. She made a few additional remarks about moderating or being regulated as well as about bureaucracies, and stated her support for Capt. Slate's operation.

Ken Harris introduced himself as a captain, and said that he was a recreational fishing guide in Key West for thirty years. He said he became famous for catching and releasing sharks with a fly rod. Ten years ago, he began to think of taking his career in a different direction, and now does shark eco tours with a partner, using a 35-foot catamaran. He said they take one bonito and cut it in half, the same as when he fished with a hook. He said they do allow the shark to eat a bait, but they do it in a way that is responsible, and they move around from spot to spot to show people what lives out there, and they do not allow people to get out of the boat. They provide education on the tours, and show that sound plays an even bigger role than scent does in the backcountry. He said he had no complaints when he caught sharks on a hook, but there was a little phobia when [he started his shark tours] and he had shark decals on his boat. He said the Oceanic Defense organization and FKNMS came out on his boat, before he started the [shark tour] business, so he could show them what he did, and they both gave him a thumbs up. He said Oceanic Defense was in partnership with his company now. He was concerned about being caught up in the wording on fish feeding, and he felt it would be unfair, after the two organizations went out with him, to be told he could not do it the way he does anymore. He said that he does not show up anywhere snorkelers go. He hoped the problems with fish feeding would be examined, adding that, at restaurants, people are feeding the tarpon. He also said he had seen three barracuda bites in 30 years, when people dangled their feet over the side when people were tarpon fishing. He concluded that there were responsible tours, and that he does education about the sharks, including the value of live sharks over dead sharks. Finally, regarding lionfish, he said he was not sure he had ever seen an invasive species eradicated.

SAC Outreach on Lionfish in the Keys and SAC Discussion – Ms. Carnes, FKNMS and SAC

Ms. Carnes introduced herself as the FKNMS communications coordinator. She clarified that FKNMS has never said it would eradicate lionfish, as that was not possible. She thanked the FKNMS education and outreach team, and briefly described their work in the community.

She talked about how a lionfish outreach plan was created. During early invasion outreach, they let people know lionfish were not wanted, that they were an ecological threat, and how to recognize them. An early action was reporting sightings, and REEF produced a great decal with two numbers on them. Outreach

was done to dive operators, marinas, the Florida Keys Commercial Fishermen's Association and other targeted audiences. They also reached out to the public through the press, radio shows, a one-pager and a lionfish exhibit at the Eco-Discovery Center. Early on, many people did not know what lionfish looked like, and they did not want to promote killing and grilling them if people were not sure what a lionfish was. Some people did know as there were people dressed as lionfish at Fantasy Fest, she noted.

They started to shift their response when they thought people knew what lionfish looked like. In August 2009, they shifted to FKNMS permitting and to intermediate invasion outreach. In order to prevent people from getting stung and to increase safe removals of lionfish, they held trainings, and had outreach messages to encourage people to report sightings, and worked to get out the messages that lionfish removal is allowed from non-no-take areas and that training is important for safe removal. REEF/Mote capture kits were distributed, and outreach was done for the mini lobster season, she reported. She said about 234 on-water professionals received lionfish removal permits and four research organizations received permits to remove lionfish from no-take areas, and that six permits were pending for Blue Star operators. They also established lionfish collection banks, and created decals and posters. She said she would be happy to provide a PDF of the poster to anyone who wanted one and that REEF would likely be happy to share the decals. She also mentioned that there was lionfish outreach going on nationally.

Now that the lionfish invasion is advanced, Ms. Carnes said they are promoting the message of eating lionfish. She added that NOAA was doing an "eat lionfish" campaign and there was work being done to have a restaurant tour in major cities. Messages she emphasized people could use were: "kill at will", "kill and grill", "if you can't beat 'em eat 'em", and "submit specimens."

Ms. Carnes reiterated that there were three lionfish derbies and tastings coming up, and provided some additional details about the events and prizes. She said she would be happy to share the PDF of the lionfish derby poster to those who wanted it. Other future outreach will be to get more lionfish information available online and to have a Waterways episode on lionfish. Other ideas are to focus on bilingual education and to have a cookbook. Ms. Carnes concluded by urging people to spread the word, and noted there was a cascade effect from doing so.

The group then discussed the lionfish issue some more.

- Mayor Pro Tem Heather Carruthers asked if there could be a Facebook page on what to do with them.
- Mr. Morton said two pages had been set up, one in North Carolina, and said there was nothing stopping having another one for the Keys.
- Dolly Garlo said SFFFK had a Facebook page, and anyone could post there. She asked if a PDF of the upcoming derby could be linked to it.
- Ms. Carnes said yes, but it was not designed yet, and Ms. Adamson said REEF already had some information up, which they needed to make more direct.
- Mr. Grathwohl said he did not think we would eat our way out of this problem. He thought a \$100 deposit should be put down when nonindigenous fish are sold, and people could turn fish back in for their deposit when they want to get rid of them. That way, he felt that the number being sold could be tracked and people would not release the fish into the wild as they would want to get their money back.
- Clinton Barras said FloridaKeys.com works with Monroe County Tourist Development Council's web site and he would work with Ms. Carnes to get information about lionfish posted.
- Ms. Pulfer asked if Ms. Carnes had anything on the Keys information station.
- Ms. Carnes said they had lionfish footage, but she did not know how to edit it, but would welcome assistance from someone who does. She added that Channel 5 folks had offered to have information aired on their station, and she said there was a radio public service announcement.
- Mr. Makepeace suggested Ms. Carnes go to Key West High School, as he felt there were talented editors there who would do it for free. He then asked if there was a market for lionfish for tropical fish collectors.

- Mr. Nedimyer said there was a market, but there were more fish than the market would bear. He said he had sold every one he had caught, and that all the tropical fish collectors were selling them.
- Mr. Moe joked there should be a restaurant [serving] lionfish, iguanas and pythons.

Deepwater Horizon Oil Spill Response Update – Mr. Morton

Mr. Morton noted said since the bottom kill of the well had taken place, they were in a more relaxed position. He said there had been work done throughout the Florida Keys on tarball response [unrelated to Deepwater Horizon], as Capt. De Quattro reported at the last SAC meeting. He said they were still getting tarball reports, and 130 were collected from 15-16 different sources. FKNMS continues to do natural resource damage assessment work related to Deepwater Horizon, he said. He said there would be a tremendous database of information on the status of the resources, and that they were using this as they updated the Area Contingency Plan for the Florida Keys. Mr. Morton said some of the models had also been updated. In conclusion, he said the science on the spill would continue for decades, and that there was a lot to do still on the Gulf Coast.

SAC members had some comments and questions on this topic.

- Mr. Grathwohl expressed concern about the fishery, especially bluefin tuna breeding, and on sailfish, marlin, mahi mahi and dolphin spawning.
- Mr. Morton mentioned monitoring, noting Dave Score had been right there monitoring after the oil spill hit. He said they probably would not know the impact for a while.
- Mr. Bennis ask if there would be ongoing research into the health of the fish stocks and their spawn ending up in the Keys and Florida Bay.
- Mr. Morton said there was an annual cycle of monitoring of fish, and this has been incorporated into that cycle and the results would be used in models used by Fishery Management Councils as they consider impacts and setting limits. He felt it could be 6-7 years down the road until the impacts from 2010 were known.
- Mr. Bennis asked if NOAA led the research effort, or if it was universities across the spectrum.
- Mr. Morton replied it was across the board but the Southeast Fisheries Science Center was very much a part of it.
- Mr. Barras commented about the amount of oil spill and reports that, using the smell test, fish and shellfish were OK to eat.
- Mr. Morton said science centers were doing chemical analyses and smell tests. He noted that they were watching that closely as it took just one contaminated sale for hysteria to hit about seafood in the Gulf.
- Mr. Barras said he wondered about long term effects of Corexit dispersants, particularly on people's endocrine systems.

Management Plan Implementation – Mr. Morton

Mr. Morton said he continued to report on this topic as he expected zoning to be a continuing topic. The *Condition Report* is a bit behind as the science team of one was involved in the oil spill work, and a person at headquarters was having some medical problems. He said he did put in a request for help from the NOAA Biogeographic team for assistance and hoped it would get funded.

- Mr. Grathwohl asked if Wildlife Management Areas would be included in that.
- Mr. Morton said yes, it would be a comprehensive review of all zone types, covering all of the Keys and a bit beyond, up to Martin County.
- Mr. Bergh asked what type of study this was.
- Mr. Morton said it was a biogeographic analysis. A team would come in, collect all the data, including on biogeographic hotspots, and manage it in one place. The first product for the entire Florida reef tract would be like an atlas. He said he did want to have the *Condition Report* and the zoning report done before starting the conversation on zoning. He also said the Biogeography team could ask the SAC for input.
- Mr. Bergh asked what would happen if this were not funded.

- Mr. Morton said something else would be tried. He said he had asked for a smaller analysis, but was not successful. He also commented about some vacant positions.
- Mr. Bergh expressed he was sad [to hear this was the plan].
- Dr. Causey let Mr. Bergh know that he was not happy about it either, referring to how things were done in the Tortugas process, and the support there was for that. However, he said the [proposed] product would provide a lot of information, and other efforts could happen simultaneously.

Mr. Morton's second update was on the final rule related to discharge of marine sanitation devices in FKNMS. He said it was at the headquarters office, and while he did not know how long it would take to go through, the attorneys were working on the final rule. He said that General Counsel would be visiting the next week and one of the things they would talk about is how long it takes to get rules through the system. He said in this case, it has taken 2-3 years and was discussed in 2001. He felt this was a fairly simple and non-contentious issue compared to others.

The final thing, per his email, Mr. Morton reported on was that the *Management Plan* said FKNMS should look at, among other things, potential changes in regulations for fish feeding. He said he had already taken some public comment on this. He said the recent incident brought this to the forefront, but that since 1997, any discharge in the sanctuary, with exception of things like chum and fish parts used in traditional fishing, was not allowed, and also there was no fishing in a SPA or Ecological Reserve. He reviewed that the *Management Plan* said options were to do nothing related to fish feeding, to extend existing state rules into federal waters (the rule is fairly narrow and only applies to divers feeding fish he said), or have a discussion with the SAC and move forward with some sort of action. He said without question, they would be talking about education on discharge. He said it was not necessarily an enforcement priority as there are a lot of other things going on. His intention in bringing it up was not necessarily to have an action item, but to hear SAC members' thoughts on fish feeding and what sanctuary staff should do beyond what they are already planning.

SAC members then responded with questions and input.

- Mr. Curlett asked Mr. Morton to describe fish feeding, and if it would include breaking off chum under water.
- Mr. Morton asked if he was fishing in this scenario, and Mr. Curlett said no. Mr. Morton said that would be fish feeding then. He quoted part of the state regulation that refers to divers and fish feeding.
- Mr. Barras asked about food machines, and Mr. Morton said they were not prohibited under the state rule.
- Mr. Curlett asked about chumming and if a line had to be kept in the water the whole time.
- Mr. Morton said if you pull the line out [but are still chumming], you are discharging.
- Mr. Grathwohl said he was thinking about etiquette for this, such as other programs like Blue Star, and he wondered if there was a middle ground, such as having a workshop, so as not to put Capt. Slate or Capt. Harris out of business. Or perhaps there could be permits, he thought.
- Permitting is an option, Mr. Morton replied.
- Dr. Causey said fish feeding was becoming a big issue in 1985 in the sanctuary and in places like Hol Chan. He said there was a Diving Equipment & Marketing Association standing room only debate, and that Capt. Slate was there. He said education was tried but did not go anywhere. Also, he noted a lot of people think it is just about safety, but it is not; it sets fish up for poachers [to get them] or for an unaware person [to accidentally get into a bad situation]. He said people used to put cheese whiz in the water, and he would take the cans away, as it changed yellowtail behavior and was beyond traditional fishing techniques.
- Don Kincaid said none of the owners of big snorkel or dive boats encourage fish feeding, but he said many of the crew come from other places and they do not know any better, and many mates put their lunches over the side so they do not have to bring garbage back. He also said tourists show up with plastic bags of peas or cheese whiz. He also said the fish became used to people getting sick off the

snorkel boats. Now, he said that the fish hide under the boat when it pulls up. He said anything can be thrown and the fish will come right up for it, and the barracuda are waiting to take the fish.

- Ms. Garlo said she and Mr. Morton had a bit of an email exchange, and while she did not remember all of the 88 pages he sent her, she said discharge or deposit seemed to be prohibited. She was not sure why this was not already covered.
- Mr. Morton said she was correct that fish feeding was the act of throwing something into the sanctuary, and unless someone is engaged in traditional fishing, that [act] is already prohibited as a discharge. He repeated that, in the *Management Plan*, it clearly contemplates further regulations related to discharge, and thus, he wanted to bring it up to the SAC.
- Ms. Garlo felt that if it were prohibited across board, then [FKNMS management] could develop a policy and do a permit allowing certain exemptions.
- Mr. Bennis said what happened in Key West was prohibited. They were in a SPA, threw a bagel, and the girl's hand was bitten. He said he saw this on CNN and that there was a negative public perception about getting in the water. He also said there were some responsible operators. While he was not sure where FKNMS management was in the *Management Plan* review and permitting, he thought it would be bad if the FKNMS staff turned its back on this type of thing going on. He would like to see work with the community, and responsible operators, and did not want to see any setbacks on things such as lionfish or zoning, etc. He said he agreed with Ms. Garlo. Mr. Bennis then asked when Capt. Langley had pulled someone over for throwing bread or a bagel in the water.
- Capt. Langley said the rules, as Mr. Morton said, did say a little bit about an exception on customary use for fishing.
- Mr. Morton reiterated that there is an exception for fishing but nothing else.
- Chair Popham asked, as there is a regulation in place, was there anything else that needed to be done?
- Mr. Morton said that was the question, and as the *Management Plan* said to ask the SAC, that was what he was doing.
- Ms. Pulfer said she was on board with not altering behavior of fish in the underwater environment. She commented that there were other ways to educate people. She also said the incident had set her back with educating children, just as was the case with Steve Irwin [who died from a stingray accident]. She said children were afraid to get in the water.
- Mr. Moe talked about taking his grandsons out snorkeling, and having a discussion with them about having the right attitude as they kept finding small lobsters without their tails. He said the real problem was changing human behavior, and we have tried to do that for a long time. He felt innovative ways were needed to provide the message that these natural resources belong to us, the people. He said he has tried to do this in a lot of different ways and more needs to be done. He acknowledged that the FKNMS education staff was doing an excellent job.
- Mr. Bergh mentioned the issue of not feeding fish was similar to not feeding bears in a National Park. But, he said there were people like the two who talked to the SAC earlier who have built their businesses around this. He felt something like a special permit should be done for those operators who have a record that this is part of their business, and not permit any additional ones.
- Dr. Causey said this issue has been around for a while, and it really came down to the values. He talked about how there used to be professionals out at Looe Key and Key Largo e all the time. At Looe Key, there were two officers there most of the daylight hours, and if they saw someone throw something there, they would go up to them and tell them it was not allowed. He acknowledged that was not always the way it happened, and that there is much that is not seen. He said it had to be added to the priority list, and enforcement had to make decisions. He agreed that it gets back to education.
- Ms. Garlo commented about if [fish feeding] was prohibited, what did it say if the regulation was not being enforced. She thought this was a perfect opportunity to communicate with the public that it was not allowed, and then for FKNMS to create some kind of a policy or management aspect to allow responsible providers [to continue operating].
- Mr. Morton said the [Key West] case was under investigation currently.

- Special Agent Ken Blackburn said the Coast Guard was taking the lead on that Ms. Raine was also considering what to do on it.
- Various other people continued to add thoughts on this issue, including more about the difficulty of educating people and enforcing the existing regulations.
- Mr. Kincaid felt that law enforcement just needed to give one boat in Key West a warning or ticket and that would stop everyone in that area. He said he did not think of it as a big enforcement deal, but he said there was a lot of turnover of mates on the boats.
- Popham asked if DC would push hard for something to be done.
- Mr. Morton did not know, but said there was a strong reaction since it was on CNN, etc. He said he came from the Monterey Bay sanctuary, and he wrote the regulation on white shark attraction. People were chumming and dropping blood there so people could look at the sharks. He said surfers were not happy and that started the regulatory process out there. He agreed this had not been a law enforcement priority, noting there is an education component, and saying he could work with Mr. Holston or KATO to get a letter out to all the dive operators to remind them about the regulation. There were a lot of different ways they could go with this, he said. Mr. Morton brought up one thing that had not come up in the discussion - water quality, including people putting fish parts into canals. He also said he wanted to talk to the attorneys' office about potentially permitting some folks.
- Mr. Smith said the only reason they talking about this was a human being got hurt. He felt if no one else got hurt, it would not come up again. He said the regulation was not there for human safety, but the public was not concerned about the environment, and that businesses are saying this is safe. He wanted people to remember that "safety will bite you in the permitting."
- Dr. Causey concurred with what Mr. Kincaid said about news spreading along the waterfront, and mentioned efforts in the 1980s with newspaper articles about not touching/standing on coral and giving out lots of tickets. This caused the dive boats to then tell people not to do these things. He felt maybe something could be done internally, working with the press.
- Chair Popham wondered if there was value in having a SAC Working Group to discuss the suggestions made.
- Mr. Holston suggested having Mr. Morton come to next the dive meeting and to see where it goes.
- Mr. Morton asked if he meant KADO or something like that, and Mr. Holston did.
- It was felt this was a good suggestion.
- Mr. Bollinger (from the audience) said Team O.C.E.A.N. could do outreach, as they are out there on a regular basis and know where the snorkel and dive operators go. They could tell people it is against law to throw anything in the water, which he felt would be an effective an immediate type of outreach.
- Mr. Kincaid said he could think of four to five other barracuda accidents, and none involved fish feeding. He briefly described them.
- Mr. Morton asked Ms. Ziegler if Biscayne had any relevant rules.
- Ms. Ziegler replied that she was not sure about Biscayne but it was not allowed in Everglades National Park or Dry Tortugas National Park.
- Special Agent Blackburn said with a citing in the Park, the Department of Justice would go before a magistrate and there would be criminal provisions and a fine, jail or whatever. In the sanctuary, he said there would be one lawyer, Ms. Raine, to assess a civil penalty. He noted almost all the sanctuary regulations get civil penalties, and that makes it hard for enforcers like him (he added he is a two-man agency), when thinking about putting together a task force on something like this. He felt more criminal provisions could be put in the sanctuary regulations.
- Chair Popham recapped the suggestions the SAC made.
- Ms. Garlo said she wanted to hear back on this [in the future].
- Chair Popham agreed that could be done.

Upcoming Meeting and Closing Remarks – Chair Popham

Chair Popham said the October SAC meeting would be at Ocean Reef, courtesy of Mr. Curlett. Mr. Curlett said Ms. Ferguson would send out a reminder for people to give Mr. Curlett an RSVP if they are

coming, since there will be lunch. *ACTION ITEM*: When the reminder comes out about the October SAC meeting at the Ocean Reef Club in Key Largo, SAC members will need to RSVP to Mr. Curlett for the lunch.

Chair Popham also said Ms. Ferguson asked him to talk about the [upcoming] agendas. He mentioned [as he had in the past] that people need to email him and Mr. Morton [and cc Ms. Ferguson] well in advance of a SAC meeting so they know about the suggestions and can include on a planning calendar. He said there are lots of topics, and sometimes there is no way they can have them all heard by the SAC. He they start working on setting the agenda three or so weeks ahead of a SAC meeting. He added that it is critical to get out the public notices by a certain time frame. He said some things do come up at the last minute, but it is critical to get out the public notice so the public knows what the SAC is going to be talking about.

He said it was a good meeting and thanked everyone for their participation and involvement.

Adjourned, 3:57 PM.

Submitted by Lilli Ferguson