

National Marine Sanctuaries
National Oceanic and Atmospheric Administration



Implementing FKNMS Regulatory & Marine Zoning Action Plans

A Presentation to the Sanctuary Advisory Council

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NATIONAL MARINE
SANCTUARIES

FLORIDA KEYS

Outline

- Purpose
- Why do We Need Regulations?
- Why Review the Regulations?
- What Could the Review Entail?
- Current Regulation & Marine Zone Recap
- 2008 Marine Zoning Workshop
- Questions for the SAC

Purpose of Today

1. Provide the SAC information on the state of planning and implementation of the *FKNMS Revised Management Plan*
2. Solicit from the SAC advice on implementing the Regulatory and Marine Zoning Action Plans

Why do we Need Regulations?

National Marine Sanctuaries Act:

- Comprehensively conserve and manage marine areas and activities
- Maintain biological communities and protect habitats
- Enhance public awareness, appreciation, and sustainable use
- Support scientific research
- Facilitate uses of resources to the extent they are compatible with resource protection

Why Review the Regulations?

1. Public Input and Interest
2. Adaptive Management
3. New Scientific Findings
4. Emerging Issues
5. Legal Mandates
6. Management Plan Direction

What Could the Review Entail?

1. Evaluate the FKNMS Boundaries
2. Assess current Sanctuary-wide regulations
3. Review types, locations, size, shape, and number of marine zones
4. Assess current zone-specific regulations

What Could the Review Entail?

- **Partner Participation**
 - State of Florida DEP and FWC
 - Fishery Management Councils
 - USFWS, NPS, USEPA, Monroe County, towns
- **Public Participation**
 - Sanctuary Advisory Council process
 - Public Scoping Meetings
 - Solicitation of comments on potential alternatives
 - Meetings with stakeholder constituencies

Sanctuary-Wide Regulations

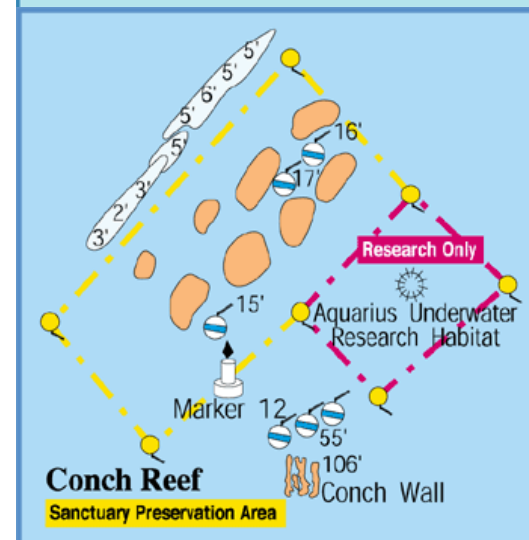
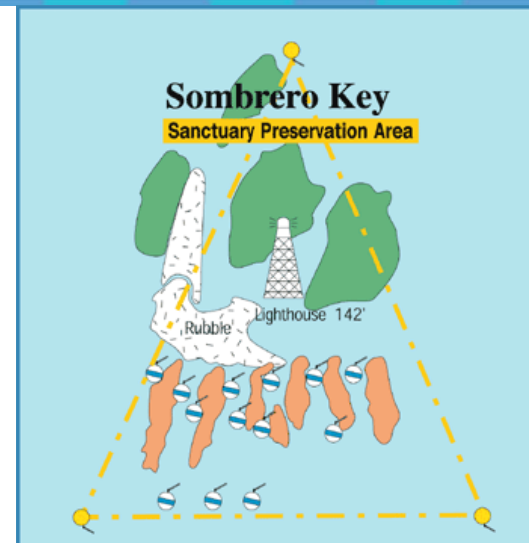
1. Mineral or hydrocarbon exploration or development
2. Remove or injure coral or live rock
3. Alter the seabed (drilling, dredging, placing material)
4. Discharge or deposit trash, sewage, or pollutants
5. Operate a vessel:
 - To strike coral, seagrass, or other immobile organisms on seabed
 - Anchoring on coral in water <40' when bottom is visible
 - Operate faster than no wake speed in certain areas
 - To injure birds or marine mammals
 - To endanger life, limb, marine resources or property

Sanctuary-Wide Regulations

6. Dive or snorkel without a dive flag
7. Release exotic species
8. Damage or remove markers or buoys
9. Move or possess historical resources
10. Take any marine mammal, sea turtle, or seabird
11. Possess or use explosives
12. Harvest marine life except as allowed by FWC
13. Interfere with enforcement activities

Types of Marine Zones

- Ecological Reserves
- Sanctuary Preservation Areas
- Special-Use Areas
- Wildlife Management Areas
- Existing Management Areas
- Area to be Avoided
- FKNMS Boundary



Zone Specific Regulations

- SPAs, ERs, and Research-only Areas
 - Discharge any material other than cooling water and engine exhaust
 - Harvest or damage coral, inverts, fish, bottom formation, algae, seagrass, or other organism
 - Fishing, except catch and release at 4 SPAs
 - Touching living or dead coral
 - Anchoring on living or dead coral
 - Anchoring when a mooring is available
 - Tortugas ER entrance and mooring regulations

Zone Specific Regulations

- **Research-only Areas**
 - It is illegal to enter or conduct any activity without a permit, except passage through without interruption is allowed
- **Wildlife Management Areas**
 - Idle speed only/no wake areas
 - No motor areas
 - No access buffer areas
 - Closed areas

Zone Specific Regulations

- Existing Management Areas (Key Largo and Looe Key NMS)
 - Removing or damaging any coral, invert, plant, soil, rock, or other material, except lobster and stone crab
 - Taking of any tropical fish
 - Fishing with wire fish traps, bottom trawls, or other similar towed or anchored bottom gear
 - Spearfishing
- Existing Management Areas (Great White Heron & Key West NWRs)
 - No personal watercraft and airboat operation in most areas

Potential Types of Regulatory Changes

- Technical/Administrative
- Substantive
 - Sanctuary-Wide
 - Zone Specific



2008 Marine Zoning Workshop

- Attended by 11 SAC members, 6 alternates, numerous gov't staff, public
- Five questions were posed
 1. Do the zone types address the FKNMS purpose?
 2. Are the zones sized appropriately?
 3. Are the zones located & arranged to meet the purposes?
 4. Are there unintended or undesirable consequences?
 5. Does research detect effectiveness of the zones?

Synthesis: Zoning Principles

1. Recognize bordering and overlapping marine management regimes
2. Create a “general use” or “multiple use” zone
3. Each of 9 habitat types should be represented in a non-extractive zone in each of 4 subregions
4. Take into account resilient reef areas
5. Consider temporal zoning
6. Individual size, total area, and spatial relationship of zones matter greatly for resource protection

Workshop Determinations

1. Current cumulative size of non-extractive zones is insufficient for resource protection
2. New large SPAs/ERs and expansion of existing SPAs are warranted
3. Special Use Area Designation not being fully utilized (Restoration & Recovery)
4. Temporal zoning is absent

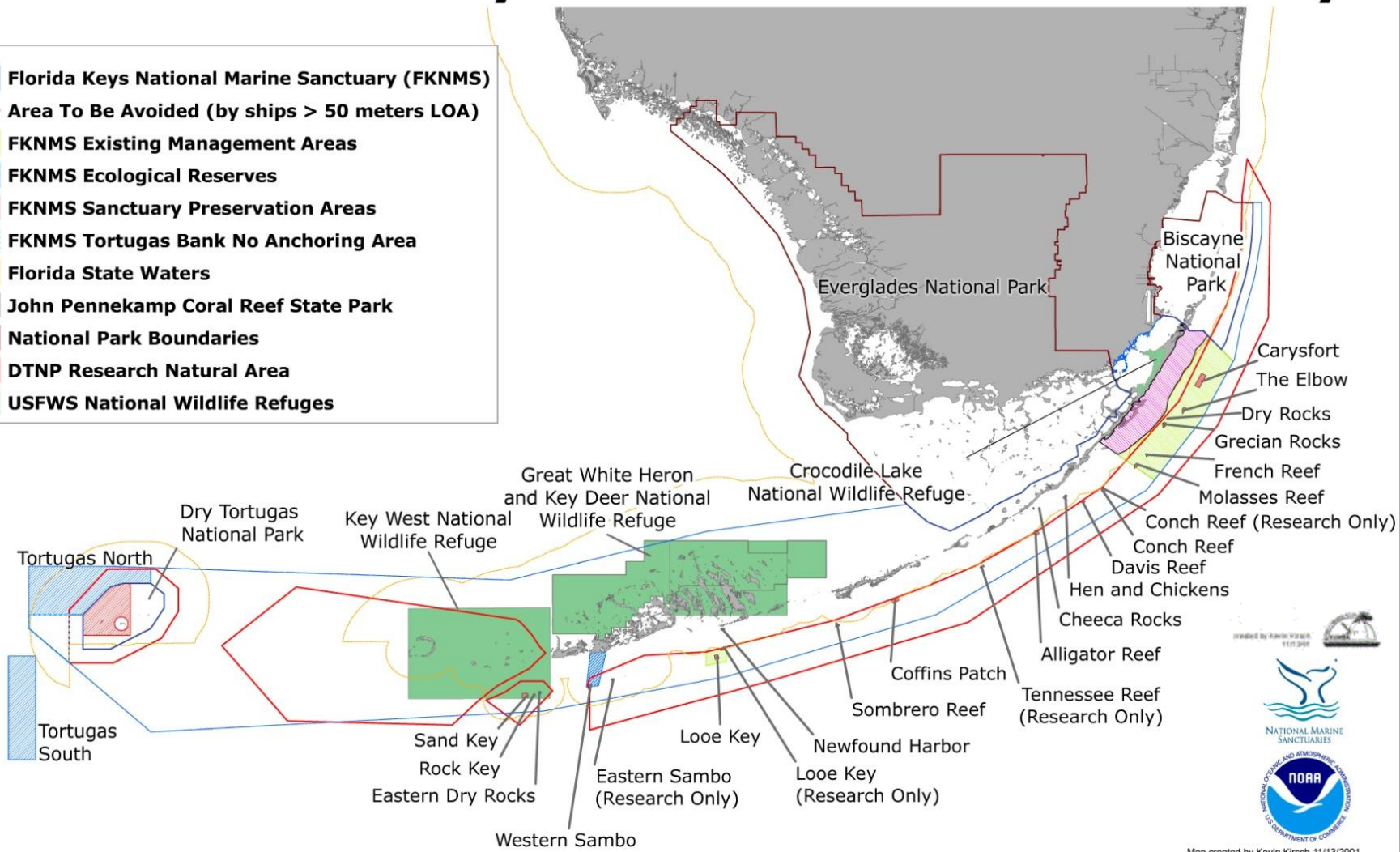
Workshop Determinations

5. Gulf/Bay habitats unrepresented in zones
6. Connectivity inshore to offshore not realized in Marquesas, Middle, and Upper
7. Connectivity from Gulf/Bay to Atlantic not realized anywhere in FKNMS
8. Research & monitoring results not getting to public

Questions for the SAC

1. What do you think of the determinations made at the 2008 Workshop, and do you wish to adopt them as advice to the FKNMS?
2. What big-picture regulatory or marine zoning concepts should be explored through SAC meetings and the public process?

NOAA's Florida Keys National Marine Sanctuary



Map created by Kevin Kirsch 11/13/2001
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