



Florida Keys National Marine Sanctuary Advisory Council Regulatory and Zoning Alternatives Development Workplan

Draft – December 11, 2012

**Florida Keys National Marine Sanctuary
Marine Zoning and Regulatory Review**

**Florida Keys National Wildlife Refuges
Backcountry Management Plan Update**

Background

In response to requests by members of the public, shifting environmental conditions and threats in the Keys, better scientific information, and legal requirements, Florida Keys National Marine Sanctuary is conducting a review of sanctuary regulations, including the rules and boundaries for marine zones in the sanctuary and surrounding national wildlife refuges. The U.S. Fish and Wildlife Service's Florida Keys National Wildlife Refuges Complex, which co-manages 20 of the sanctuary's 27 Wildlife Management Areas, will also play a key role in the review while simultaneously updating its own Backcountry Management Plan. More information about this process can be found at:

<http://floridakeys.noaa.gov/review/welcome.html>

This draft workplan outlines how the Sanctuary Advisory Council (Council) will be developing recommendations for changes to the FKNMS regulations and marine zoning plan. The Council began work on developing goals and objectives in 2011 and provided NOAA and the State of Florida with support during the initial public comment and scoping period. Based on the direction from the FKNMS management plan (2007), the Council's guidance in adopted goals and objectives, and public comments, certain specific priority issues will be considered and addressed by the Sanctuary Advisory Council as part of this process.

Working Groups and Subcommittees

The Council may form subcommittees or working groups to address specific topics and assist the Council in its deliberations and recommendations. Subcommittees are comprised solely of members of the Council while working groups may be composed of members of the council and persons outside the council. Working groups must also be chaired by a member of the council. Working groups allow the opportunity to gather information from community experts, specific user groups, scientists, etc. in order to address specific issues. Information or advice resulting from discussions is presented to the Council and may be incorporated into the Council recommendations to the sanctuary superintendent.

Decision-making in Working Groups and Advisory Council Recommendations

The Sanctuary Advisory Council’s charter outlines how decisions and recommendations are made by majority vote of those present, provided there is a quorum. In order to facilitate a stronger recommendation and encourage stakeholder engagement, the Council has recommended a consensus process whereby:

- Consensus is achieved if at least 75% of the members give a “3” or above as outlined in the table below.
- On final consensus tallying, numbers will be added up, recorded and documented in proceedings.
- No one person can veto and stop the process.
- Members who register a “1” or “2” are encouraged to provide an alternate proposal that achieves the goals and objectives set out by the SAC. If no alternative is offered, they are encouraged to explain why they voted a one or two, and their reasons and objections will be noted and recorded.

	Level of Consensus
5	I strongly agree with this decision.
4	I agree with this decision.
3	I do not agree or disagree with this decision.
2	I disagree with the decision.
1	I strongly disagree with this decision.

Implementing the Sanctuary Management Plan

NOAA and the State of Florida committed to conducting a review of its regulations and marine zoning in the 2007 Florida Keys National Marine Sanctuary management plan. The plan has separate regulatory and marine zoning action plans that include six strategies related to this review, which will address 36 enumerated actions. Completion of this process will constitute an update to the FKNMS Management Plan. Full text of the Action Plans can be found at <http://floridakeys.noaa.gov/mgmtplans/2007.html>.

Regulatory Review and Development Actions

- Evaluate need for channel and reef marking
- Consider need for fishing gear/methods regulations
- Consider need for spearfishing regulations
- Consider need for fish feeding regulations
- Consider need for bait fishing regulations
- Consider regulations on catch & release trolling in SPAs
- Consider need for dredging regulations
- Consider regulations specific to touching coral
- Evaluate allowable activities in existing zones
- Evaluate boat groundings
- Consider pollution discharge controls
- Reduce impacts of salvaging and towing
- Reduce impacts of PWC and other vessels
- Ensure consistency among fishing regulations
- Consider need for mariculture regulations
- Consider need for artificial reef regulations
- Consider need for exotic species regulations

Sanctuary Preservation Area Actions

- Establish and implement management responsibilities
- Assess existing zone boundaries & adjust if needed
- Evaluate allowable activities & change if needed
- Evaluate existing as well as new zones and manage impacts
- Identify and evaluate areas for additional marine zoning, as well as establish and implement new zones if needed

Ecological Reserve Actions

- Establish and implement management responsibilities
- Assess existing zone boundaries and adjust if needed
- Evaluate allowable activities and change if needed
- Evaluate existing as well as new zones, and manage impacts
- Identify and evaluate areas for additional marine zoning, as well as establish and implement new zones if needed

Special Use Area Actions

- Establish and implement management responsibilities
- Evaluate allowable activities and change if needed
- Assess existing zone boundaries and adjust if needed
- Determine high impact activities or user conflicts
- Determine and establish appropriate zones for high-impact or user-conflict activities

Wildlife Management Areas Actions

- Assess existing zone boundaries and adjust if needed
- Evaluate allowable activities and change if needed
- Evaluate existing as well as new zones and manage impacts
- Identify and evaluate areas for additional marine zoning, as well as establish and implement new zones if needed

Goals and Objectives for Marine Zoning and Regulatory Review

Approved on 12/13/2011 by Florida Keys National Marine Sanctuary Advisory Council.

The Sanctuary Advisory Council approved the following goals and objectives for the review of FKNMS zones and regulations in December 2011. These goals and objectives were highlighted in the public scoping notice in order to better inform public comments during the initial scoping period. These goals and objectives also provide guidance for the Sanctuary Advisory Council and working groups during development of recommendations for regulations, modifications to the zoning plan and other resource protection strategies.

- A. To improve the diversity of natural biological communities in the Florida Keys to protect, and, where appropriate restore and enhance natural habitats, populations and ecological processes overall and in each of these sub regions Tortugas, Marquesas, Lower, Middle, and Upper Keys.
 - 1. Reduce stresses from human activities by establishing areas that restrict access to sensitive wildlife populations and habitats.
 - 2. Protect large, contiguous, diverse and interconnected habitats that provide natural spawning, nursery, and permanent residence areas for the replenishment and genetic protection of marine life and protect and preserve all habitats and species.
 - 3. Improve/maintain the condition of the biologically structured habitats including
 - a) Coral Reef
 - i. Inshore Patch Reef
 - ii. Mid-Channel Patch Reef
 - iii. Offshore Patch Reef
 - iv. Reef Margin/Fore Reef
 - v. Deep Reef
 - b) Seagrass Bed
 - c) Hardbottom
 - d) Coastal Mangrove
 - 4. Increase abundance and condition of selected key species including corals, queen conch, long spined sea urchin, apex predatory fish, birds and sea turtles.

- B. To facilitate to the extent compatible with the primary objective of resource protection, all public and private uses of the resources of these marine areas not prohibited pursuant to other authorities.
 - 1. Minimize conflicts among uses compatible with the National Marine Sanctuary.
 - 2. Prevent heavy concentrations of uses that degrade Sanctuary resources.
 - 3. Provide undisturbed monitoring sites for research and control sites to help determine the effects of human activities.
 - 4. Achieve a vibrant ecologically sustainable ecosystem and economy.
 - a) Apply the best available science and balanced, conservation based management.

Principles for Marine Zoning and Regulatory Review

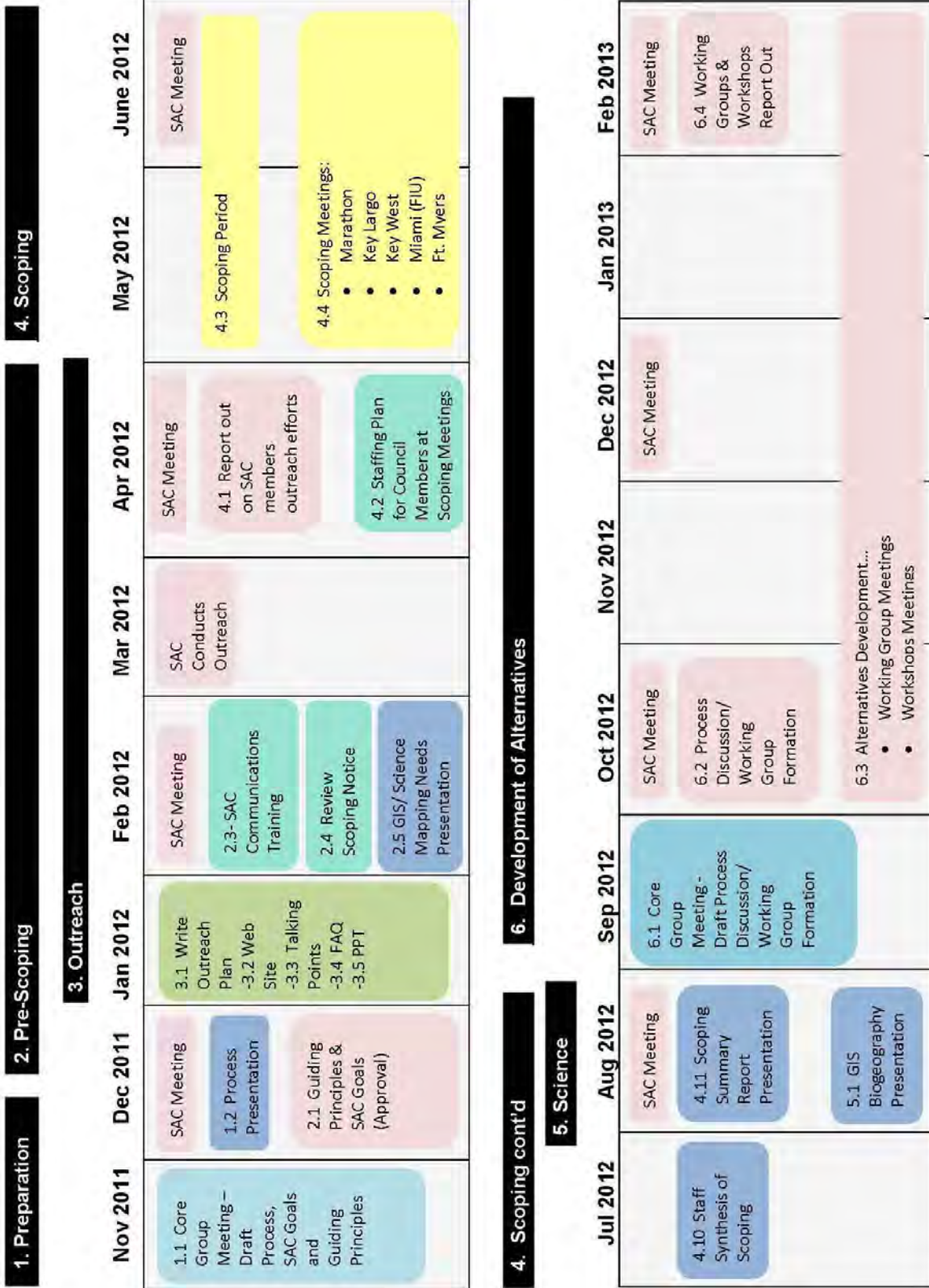
Approved on 12/13/2011 by Florida Keys National Marine Sanctuary Advisory Council.

1. The Florida Keys National Marine Sanctuary regulation/zoning review should be conducted with the recognition that there are bordering and overlapping marine management regimes in place, and that these regimes must be considered when contemplating changes to the Florida Keys National Marine Sanctuary regulation/marine zoning structure.
2. All areas of the Florida Keys National Marine Sanctuary should be classified as part of a specific zone, therefore the current “unzoned” area should be classified as a recognized zone type such as “general use area” or “multiple use area”.
3. Each habitat type should be represented in a non-extractive marine zone in each of the biogeographically distinct sub regions of the Florida Keys National Marine Sanctuary to achieve replication. The subregions identified were the Tortugas, Marquesas, and Lower, Middle, and Upper Keys.
4. Information on resilient reef areas that can serve as refugia should be taken into account in zoning changes.
5. Temporal zoning should be considered as a tool for protecting spawning aggregations and nesting seasons.
6. The size of individual non-extractive zoned areas, the cumulative total area included in non-extractive zones, and their spatial relationship with one another matter greatly in achieving the resource protection purposes of the Florida Keys National Marine Sanctuary.

Process Timeline

Approved on 12/13/2011 by Florida Keys National Marine Sanctuary Advisory Council.

Florida Keys NMS Marine Zoning and Regulatory Review / Refuge Backcountry Mgmt Plan Sanctuary Advisory Council Process and Timeline



Timeline (continued)

6. Development of Alternatives cont'd					
Mar 2013	Apr 2013	May 2013	Jun 2013	Jul 2013	Aug 2013
	SAC Meeting 6.4 Working Groups & Workshops Report Out		SAC Meeting 6.5 Working Groups & Workshops Report Out and Present Draft SAC Recommended Alternatives	6.6 Core Group Meeting – Draft SAC Recommended Alternatives	SAC Meeting 6.7 Discussion of Draft SAC Recommended Alternatives
6.3 Alternatives Development cont'd					
					SAC Meeting 6.8 Finalize SAC Recommended / Preferred Alternatives

7. Future Steps					
Nov 2013	Spring 2014	Summer 2014	Fall 2014	Spring 2015	Summer 2015
7.1 NOAA / USFWS Prepare Draft Environmental Impact Statement (EIS) with Preferred Alternative	7.2 Draft Environmental Impact Statement (EIS) with Preferred Alternative Published 7.3 Public Comment		7.4 Fishery Management Council and FWC Review 7.5 State of Florida Review 7.6 Public Comment	7.7 Final Rule/ Environmental Impact Statement (EIS)/ Record of Decision (ROD)	7.8 Implementation

Advisory Council Meeting Topics

December 11, 2012

- Adoption of Alternatives Development Workplan
- Personal Watercraft and Lower Keys Flats Guide Association Discussions and Agreements (Presentation / Discussion)
- Boundary Issues – SAC Discussion and Recommendation on Alternatives to be considered for “Study Area”.

February 19, 2013

- Working Group Report Out
 - Coral Reef Ecosystem Restoration
 - Shallow Water and Seagrass Protection
- Education, Outreach, and Media Activities and Products (Staff Presentation / Discussion): Objectives include a better public understanding of FKNMS education and outreach efforts and priorities.
- Boater Education Programs (i.e., EcoMariner) (Presentation / Discussion)
- Adaptive Management and Permit Procedures (Discussion)
- Marine Enforcement Needs and Capacities (Presentation by FWCC Division of Law Enforcement, NOAA Office of Law Enforcement, Fish and Wildlife Service, US Coast Guard)
- Water Quality Protection Program Steering Committee Co-Chairs (Presentation / Discussion)

April 16, 2013

- Working Group Report Out
 - Coral Reef Ecosystem Restoration
 - SPAs, Ecological Reserves, and Wildlife Protection
 - Shallow Water and Seagrass Protection
- User Fees and Alternative Funding Sources Discussion
- Fishery and Fishery Management Coordination (Discussion)
- Boater Education Programs (i.e., EcoMariner) (Recommendation)

June 18, 2013

- Working Group Report Out
 - Coral Reef Ecosystem Restoration
 - SPAs, Ecological Reserves and Wildlife Protection
 - Shallow Water and Seagrass Protection
- Adaptive Management and Permit Procedures (Presentation / Recommendation)

August 20, 2013

- Summary Presentation of Discussions and Potential Alternatives

October 15, 2013

- Advisory Council Final Decision Making on Recommendations and Management Alternatives

Priority Issues for Advisory Council Alternatives

Coral Reef Ecosystem Restoration

Existing management activities, including restoration initiatives, have highlighted the need to designate areas for coral reef restoration beyond areas that have been acutely damaged by vessel groundings. Some restoration efforts have occurred inside and outside protected areas of the FKNMS; however, no areas have been designated for intensive manipulative restoration. FKNMS's original management plan considered this management activity with the Special Use Area zoning designation, but no comprehensive effort was undertaken to designate specific areas be set aside from other uses for the primary objective of coral reef ecosystem restoration.

Objectives:

- Identify specific areas and zones for active restoration of coral reef ecosystem.
- Identify regulatory impediments and appropriate permitting conditions for active restoration of coral reef ecosystem species.
- Identify adaptive management measures and criteria for opening area closed for restoration purposes (i.e. performance standards for sunset).

Process: Advisory Council Working Group

Timeline:

January 2013 – April 2013 Working Group Development of Alternatives
June 2013 Working Group Presentation to Advisory Council
August 2013 Sanctuary Advisory Council Discussion / Decision

Advisory Council Lead: **Ken Nedimyer**, sealife1@bellsouth.net

FKNMS Point of Contact: Bill Goodwin, bill.goodwin@noaa.gov

Sanctuary Advisory Council Suggested Participants (SAC Members in Bold):

1. **Clinton Barras**
2. **Chris Bergh**
3. **Alex Brylske**
4. **Jeff Cramer / Justin Bruland** or another commercial fishing representative
5. **Ben Daughtry**
6. **Don Kincaid**
7. **Dave Vaughan**
8. **Bob Smith**

9. Andy Newman

10. Martin Moe

11. David Makepeace

12. Charter Boat Association Representatives

13. Andrew Balthazor, Last Stand

14. Elected government representative

15. High School and/ or College Student

16. High School teacher, Biology / Environmental Sciences

17. Brett Howell, Georgia Aquarium

18. Law Enforcement Representative

19. Diego Lirman

20. Caitlin Lusic, The Nature Conservancy

21. Upper Keys Diving Business (Amy Slate?)

22. Middle Keys Diving Business

23. Mimi Stafford, Reef Relief

24. Patrick Rice

25. Recreational Fisher / Diver

26. REEF representative

27. Scott Saunders, Fury Watersports

Shallow Water Wildlife and Habitat Protection

The 2011 Condition Report and a variety of scoping comments identified ongoing degradation of seagrass habitat as a resource protection issue to be addressed. Because seagrass beds are found predominantly in shallow water, they are susceptible to a variety of direct impacts from smaller commercial and recreational vessels that may not result in actual groundings. These impacts include damage from the propeller, hull, engine, and keel of these types of vessels. Physical impacts can also result from anchors, anchor chains and cables, unmanned barges, dredge lines, dredge cutter heads, and cables used to tow barges and dredges. Anchor damage, propeller scarring, and other vessel impacts occur frequently and may cause enough damage that impacted reefs and seagrass beds cannot recover. Vessel "strikes" also impact motile fauna such as sea turtles and marine mammals

Current zoning of Wildlife Management Areas seeks to minimize disturbance to especially sensitive or endangered wildlife and their habitats. These zones typically include bird nesting, resting, or feeding areas, turtle-nesting beaches, and other sensitive habitats. Regulations protect these species or the habitat while providing for public use through access restrictions including no-access buffers, no-motor zones, idle-speed only/no-wake zones, and closed zones. Some restrictions may apply to certain times of the year, while others apply year-round.

Objectives:

- Evaluate existing Wildlife Management Areas for effectiveness in protecting wildlife and their habitats under current as well as emerging public uses and environmental conditions; recommend status quo, modification, and/or new areas.
- Develop recommendations considering existing regulations and zoning – mainly use of vessel restrictions on access, anchoring, speed, and channel marking – to further protect seagrass and critical shallow water habitats in FKNMS.
- Address concentrated uses that diminish and destroy seagrass and shallow water habitats.
- Identify where high impact activities known to occur should be allowed and encouraged for public and private uses.
- Identify seagrass and shallow water habitat areas for exclusion to allow for research control areas.
- Evaluate mangrove habitat protection for bird nesting.
- Reduce damage to natural resources from improper vessel salvage methods.

Process: Advisory Council Working Group

Timeline:

January 2013 – April 2013	Working Group Development of Alternatives
June 2013	Working Group Presentation to Advisory Council
August 2013	Sanctuary Advisory Council Discussion / Decision

Advisory Council Lead: **Jack Curlett (Recreational Fishing), jackcurlett@bellsouth.net**

FKNMS Point of Contact: Alicia Farrer, alicia.farrer@noaa.gov

Sanctuary Advisory Council Suggested Participants:

1. **Jeff Cramer (Commercial Fishing)**
2. **Justin Bruland (Commercial Fishing)**
3. **Bruce Frerer (Recreational Fishing)**
4. **Pete Frezza (South Florida Ecosystem Restoration)**
5. **Richard Grathwohl (Charter Fishing Flats Guide)**
6. **Ted Lund (Charter Fishing Flats Guide)**
7. **David Makepeace (Citizen at Large – Upper Keys)**
8. **Bruce Popham (Boating Industry)**
9. **Jessica Pulfer (Conservation and Environment)**
10. **Suzy Roebing (Citizen at Large – Upper Keys)**
11. **Ben Daughtry (Fishing – Commercial Marine Tropical)**
12. Leah Wilde Gould (Fishing – Commercial Marine Tropical)
13. Jeff Turner , Florida Marine Life Association
14. Henry Feddern, Florida Marine Life Association
15. Aaron Adams, Bonefish Tarpon Trust
16. Joe Boyer, Plymouth State University
17. Mark Butler, Old Dominion University
18. Charter Boat Association representatives
19. Elected government representative
20. Florida Keys Fishing Guides Association representatives
21. James Forqurean, Florida International University
22. Phil Frank, environmental consultant
23. Bryan Goss, recreational fishing
24. George Halloran, Last Stand
25. High School and/or College Student
26. High School teacher, Biology / Environmental Sciences
27. Meaghan Johnson, The Nature Conservancy
28. Kayak Tour Operator (Bill Keogh or Frank Woll)
29. Key Largo Guides Association Representative
30. Law Enforcement Representative
31. Lobster or Crab Trapper (or Bill Kelly, FKCFCA)
32. Lower Keys Guides Association (Will Benson, Ralph Delph, or Bill O’Hearn)
33. Marathon Guides Association
34. Jeff Niedlinger, A Deep Blue Dive Center (or other lower Keys dive operator in bay)
35. Albert Ponzoa

36. Sea Turtle Specialist (InWater Research, Save A Turtle – Richie Moretti)
37. Seagrass Restoration Specialist
38. Upper Keys Flats Guides representatives
39. Vessel Towing / Salvage representative

Ecosystem Protection: Ecological Reserves / Preservation Areas and Wildlife Protection

Existing zones such as Sanctuary Preservation Areas protect shallow, heavily used areas where conflicts occur among user groups and where concentrated visitor activity has led to resource degradation. These zones encompass discrete, biologically important areas and are designed to reduce user conflicts and sustain critical marine species and habitats. Ecological Reserves protect biodiversity by setting aside larger areas with minimal human disturbance. These encompass large, contiguous, and diverse habitats in order to protect and enhance natural spawning, nursery, and permanent-residence areas for the replenishment and genetic protection of fish and other marine life.

The Condition Report and scoping comments identified significant need to review current reserve zoning and review of these protections must be undertaken to meet the goals and objectives identified by the Advisory Council. The purpose of the existing zoning scheme with respect to the reserves is to protect and preserve sensitive components of the ecosystem by regulating activities within the zoned areas, while facilitating activities compatible with resource protection. While certain zoning ensures that areas of high ecological importance will evolve in a natural state, with minimal human influence, additional areas may need to be considered to ensure long term protection of the natural resources, promote sustainable use of the sanctuary resources, and protects areas that represent diverse habitats as well as areas important for maintaining natural resources (i.e., fish, invertebrates) and ecosystem functions.

Objectives:

- Review and evaluate existing reserves designated for protection of coral reef ecosystems.
- Review current exceptions to regulations in Sanctuary Preservation Areas and Ecological Reserves.
- Review and evaluate Sanctuary Preservation Areas reduction of conflicting uses.
- Recommend new or modified ecological reserves to ensure protection of a diversity of resources:
 - Spawning aggregations
 - Full suite of marine flora and fauna (i.e., seabird, marine mammal, turtles, seagrass, soft corals, hard corals)
- Consider temporal zoning to address seasonal impacts associated with intense uses or seasonal ecological activities (i.e., nesting, breeding, spawning).
- Ensure the FKNMS zoning scheme promotes sustainable use of the sanctuary resources and protects areas that represent diverse habitats as well as areas important for maintaining natural resources and ecosystem functions.

Process: Advisory Council Working Group

Timeline:

March 2013 – August 2013	Working Group Development of Alternatives
August 2013	Working Group Presentation to Advisory Council
October 2013	Sanctuary Advisory Council Discussion / Decision

Advisory Council Lead:: **Chris Bergh**, cbergh@tnc.org

FKNMS Point of Contact: Scott Donahue, scott.donahue@noaa.gov

Sanctuary Advisory Council Suggested Representatives:

1. **Rob Mitchell (Diving – Upper Keys)**
2. **Bruce Popham (Marine Industry)**
3. **Ken Nedimyer (Conservation and Environment)**
4. **Jessica Pulfer (Conservation and Environment)**
5. **Jack Curlett (Recreational Fishing)**
6. **Ben Daughtry (Commercial Fishing – Marine/Tropical)**
7. **Clinton Barras (Tourism – Lower Keys)**
8. **Chris Bergh (Conservation and Environment)**
9. **Jeff Cramer (Commercial Fishing – Shell / Scale)**
10. **Justin Bruland (Commercial Fishing – Shell / Scale)**
11. **Ted Lund (Charter Fishing Flats Guide)**
12. **Richard Grathwohl (Charter Fishing Flats Guide)**
13. **David Hawtof (Citizen at Large – Lower Keys)**
14. **Steve Leopold (Charter Fishing – Sports)**
15. **Jerry Lorenz (South Florida Ecosystem Restoration)**
16. **Dave Vaughan (Research and Monitoring)**
17. **Suzy Roebing (Citizen at Large – Upper Keys)**
18. Aaron Adams, Bonefish Tarpon Trust
19. Audubon (Florida Keys or National to represent birds and wildlife management areas)
20. Brice Barr, Charter Boat Captain
21. Jerry Ault or another fish specialist
22. Deb Curlee, Last Stand
23. Ralph Delph, Fishing
24. Simon Becker, Fishing
25. Don DeMaria, Fishing
26. Marius Venter, Fury Watersports
27. Brooke Denkert, Bonefish Tarpon Turst
28. Leda Dunmire, Pew Environmental Group
29. Elected government representative
30. Florida Keys Fishing Guides Association
31. Bryan Goss, recreational fishng
32. High School and/or College Student
33. High School teacher, Biology / Environmental Sciences
34. Bob Holston, Dive Key West

35. Scott Saunders, Fury Watersports
36. Amy Slate, Amoray Diving
37. Key Largo Guides Association
38. Chris Koenig, Retired FSU Fisheries professor
39. Law Enforcement representative
40. Lobster or Crab Trapper, or Bill Kelly, Florida Keys Commercial Fishing Association
41. Jason Long, charter boat representative
42. Lower Keys Guides Association (Will Benson, Ralph Delph, or Bill O'Hearn)
43. Marathon Guides Association
44. Steven Miller (benthic species specialist)
45. Mark Chiappone (benthic species specialist)
46. Rich Welter (or other PWC operator)
47. Recreational fisher / diver
48. Sea Turtle Specialist (InWater Research, Save A Turtle – Richie Moretti)
49. Tim Taylor
50. Upper Keys Diving Business

Adaptive Management and Permit Procedures

Certain resource management issues including climate change, resilience, weather, disease, invasive species, or human activity may require rapid management responses from Florida Keys National Marine Sanctuary in coordination with appropriate state and federal resource managers. The existing tools include specific permits, emergency regulations, and the standard rulemaking process. While education, outreach, scientific investigation, and agency coordination may occur, specific and immediate regulatory action may need to take place. In certain cases, resource impacts may occur due to the timing of these responses.

Objectives:

- Identify potential resource threats needing rapid management responses not available in the existing regulatory framework.
- Develop, modify, or insert regulatory language to better respond to management challenges or resource protection issues.
- Develop research and monitoring component to feed adaptive management measures
- Allow greater flexibility in modifying zones to address changing resource management needs.
- Analyze incorporating existing management areas identified in the FKNMS Management Plan into FKNMS zoning plan.

Process:

- Sanctuary Advisory Council discussion of issues to be addressed based on scoping comments and Condition Report.
- Staff develops potential alternatives and presents potential regulatory changes to Advisory Council for review prior to analysis in Draft Environmental Impact Statement.

Timeline:

February 2013:	Sanctuary Advisory Council Discussion
February – April 2013:	Staff develops alternatives working with agencies and interested advisory council members
June 2013	Sanctuary Advisory Council Review / Recommendation
FKNMS Point of Contact:	Joanne Delaney, joanne.delaney@noaa.gov

Artificial Habitats

Artificial reefs and artificial habitats were both discussed extensively in the 2011 Condition Report and raised as issues during the scoping process. Many of the management issues related to artificial reefs are discussed in recent publications by the Office of National Marine Sanctuaries and highlight the need for additional science to determine whether there is an ecological benefit to sinking of hard structure for the purposes of ecosystem benefits. Additional analysis to determine these benefits could be conducted with a research “control” site - specifically restricting take on a artificial habitat and engaging in multi-year monitoring for comparison to other artificial habitats and natural reef areas. The report can be viewed here: http://sanctuaries.noaa.gov/science/conservation/artificial_reef12.html

Several issues were also raised during scoping highlighting the need for better understanding of the existing regulations and policies. FKNMS regularly receives proposals for placing structures on the seafloor including reef balls, statues, vessels, construction material, lost or damaged fishing gear, etc. but analyzes each proposal on a case by case basis under the current regulatory and permit structure. FKNMS and FWC staff will be discussing the need for further clarifications and whether changes need to be analyzed.

Objectives:

- Determine need for clarification of artificial habitat / reef policies and procedures
- Determine need for potential “control” site for ecological research on artificial habitats

Process:

- If necessary, potential workshop / working group following inter-agency discussions.

Timeline:

January 2013: Agency discussions
April 2013: Advisory Council update
June 2013: Advisory Council Discussion / Recommendation (if needed)

FKNMS Point of Contact: Joanne Delaney, joanne.delaney@noaa.gov

Study Areas and Boundary Modifications

The FKNMS boundary was designated in 1990 and adjusted to encompass additional areas in the Tortugas region in 2001. Increased knowledge of ecosystem connectivity, management efficiencies and the need to protect critical habitats adjacent to Florida Keys National Marine Sanctuary were discussed in the 2011 Condition Report as well raised by commenters in the scoping meetings. Potential expansion alternatives of the FKNMS boundary must be analyzed thoroughly and carefully considered by the Sanctuary Advisory Council; however, working groups considering resource protection strategies should understand the areas in which they should be focusing their efforts. Areas for consideration could include the Particularly Sensitive Sea Area boundary which includes areas managed by FKNMS outside the current boundary, Pulley Ridge and other areas designated as Habitat Area of Particular Concern, areas north of the current boundary where FKNMS water quality monitoring has been occurring, the portion of the Great White Heron National Wildlife Refuge outside the FKNMS boundary, the R-12 shipwreck, the Tortugas Shrimp Sanctuary, and Portales Shelf area.

Objectives:

- Determine a study areas the area in which zoning discussions should occur.
- Determine potential boundary modification alternatives for the purposes of environmental review.

Process:

- Advisory Council discusses the various boundary options and makes an initial determination as to the “study areas” for working groups, workshops, and environmental review.
- Advisory Council recommends preferred boundary alternatives or modifications after review of economic and environmental analysis.

Timeline:

December 2012:	Advisory Council provides direction for areas to be analyzed in Draft Environmental Impact Statement
January 2013 – June 2013:	Staff analyzes alternatives for environmental and socioeconomic impacts / benefits.
August 2013:	Advisory Council Discussion / Recommendation
FKNMS Point of Contact:	Scott Donahue, scott.donahue@noaa.gov

Personal Watercraft Tours / Fishing Conflicts

Significant public comment was voiced during the public scoping period regarding personal watercraft and the existing FKNMS and NWR zones prohibiting use of personal watercraft in the Great White Heron National Wildlife Refuge, Key West National Wildlife Refuge, and corresponding FKNMS zones. Comments raised included the need for or against additional or existing personal watercraft regulations citing user conflicts with fisherman, kayakers, and boaters, wildlife disturbance, behavior and conduct or lack thereof.

Objectives:

- Review and evaluate agreements addressing user conflicts.
- Identify additional changes to zone boundaries if needed.
- Review and evaluate recommendations in 2007 FKNMS Management Plan.

Process: SAC Discussion and Recommendation

Timeline:

December 2012: PWC tour operators / Flats Guides presentation to Advisory Council

December 2012: Advisory Council Discussion / Recommendation

FKNMS Point of Contact: Sean Morton, sean.morton@noaa.gov

Water Quality

Water quality issues continue to be a critical resource management issue and are addressed extensively in the 2011 Condition Report. Water quality issues were also raised during the scoping period by members of the public and organizations.

Florida Keys National Marine Sanctuary has a significant Water Quality Protection Program in place that has been functioning since the congressional legislation created FKNMS in 1990. The purpose of the Water Quality Protection Program is recommend priority corrective action and compliance schedules addressing point and non-point sources of pollution; to restore and maintain the chemical, physical, and biological integrity of the Sanctuary. This includes restoration and maintenance of a balanced, indigenous population of corals, shellfish, fish, and wildlife, and recreational activities in and on the water. The Water Quality Protection Program is administered by the Environmental Protection Agency and Florida Department of Environmental Protection. Recent actions taken by NOAA include FKNMS regulations prohibit discharge or deposit of sewage from marine sanitation devices (MSD) within the boundaries of the sanctuary and require MSDs be locked to prevent sewage discharge or deposit while inside sanctuary boundaries. Information about the FKNMS Water Quality Protection Program can be found at <http://floridakeys.noaa.gov/wqpp/welcome.html> and http://ocean.floridamarine.org/FKNMS_WQPP/

Objectives:

- Increase public participation and understanding of Water Quality Protection Program.
- Identify any necessary regulatory modifications necessary to enforce prohibited discharges.

Process:

- Advisory Council presentation of issues raised in Condition Report and during scoping.
- Presentation to Advisory Council by Water Quality Protection Program Steering Committee Co-Chairs highlighting accomplishments and future implementation of the water quality improvement plans.
- Review of water quality issues by Sanctuary Advisory Council and transmit to Water Quality Protection Program Steering Committee.

Timeline:

February 2013 WQPP Steering Committee Co-Chairs Presentation to Advisory Council for discussion and further action if needed.

FKNMS Point of Contact: Nancy Diersing, nancy.diersing@noaa.gov

EPA Point of Contact: Steven Blackburn, Blackburn.Steven@epamail.epa.gov

Advisory Council Points of Contact (Members of WQPP Steering Committee:

- Chris Bergh, cbergh@tnc.org,
- George Neugent, neugent-george@monroecounty-fl.gov
- Bruce Popham, bruce@marathonboatyard.com

Fishery Management:

Species Specific Issues: Several species specific issues were identified in the 2011 Condition Report and during public scoping meetings. State and Federal fishery management bodies have species and complex specific management plans for many of the identified fish (i.e., goliath, gag, black, red grouper) which address fishery management issues.

Management and Coordination: On several occasions the Advisory Council has discussed and taken public comment regarding coordination of Florida Keys fisheries as well as development of a fishery management body which would address all fisheries in the Florida Keys and allow for greater local input by fisherman and consistency between the Gulf of Mexico, South Atlantic, and State fishery regulations. A fisheries protocol was developed in 1997 to improve coordination of fishing regulations in the Florida Keys. This agreement recognized fisheries management authorities' continuation of management of fisheries under State law, the Magnuson Act, and other federal law. The protocol allowed for fishing regulations to occur under FKNMS regulations or under their own authority. If there was consensus, the fishery management authorities and NOAA may agree to develop uniform fishing regulations. The protocol sought to address the recognized problem of inconsistent State and Federal regulations making it difficult to coordinate, implement and enforce management measures which may lead to overfishing and was also known to create public confusion while hindering voluntary compliance.

Process:

- Presentation and discussion by fishery managers (FWC / NOAA) regarding species specific issues raised in Condition Report and scoping meetings
- Joint presentation by State and Federal fishery management staff to discuss ongoing efforts to better coordinate Gulf of Mexico, South Atlantic, and State of Florida fishery management activities and regulations.
- In coordination with Florida Fish and Wildlife Conservation Commission, National Marine Fisheries Service, South Atlantic Fishery Management Council, and Gulf of Mexico Fishery Management Council, staff provide recommendations to the fishery management bodies to increase coordination, consistency, and local input regarding fisheries in the Florida Keys.
- Update coordination agreement as needed to implement changes in FKNMS fishing regulations.

Timeline: TBD

Additional Advisory Council Discussions / Actions for 2013

Enforcement:

- Need to present overall enforcement program and coordination
- Staff to work with FWC, NMFS, NPS, FWS, USCG per Schwabb letter in response to FWC scoping comments.

FKNMS Education Activities:

- To better understand FKNMS education and outreach efforts, a summary of the education and outreach program and FKNMS priorities may be presented to the Sanctuary Advisory Council.

Vessel / Boating Licensing and Education

- Seagrass working group may address some issues but overall boating program should be discussed at SAC level.
- Address interest in adopting Eco-Mariner style program for FKNMS.

User Fees:

- User fees to fund restoration projects or as part of boater licensing programs has been discussed by the Advisory Council and raised as programs to be considered. This concept has been explored in the past and was not supported by the majority of commentors during the designation process.
- The Advisory Council may wish to further discuss this concept at an Advisory Council meeting or as part of specific resource / issue discussions.
- Council may consider implementation and administration procedures for assessing user fees in order to fund restoration, boating licensing, or training programs during those topic area discussions.