

**FLORIDA KEYS NATIONAL MARINE SANCTUARY ADVISORY COUNCIL**

**Marathon Garden Club, Marathon  
Tuesday, August 16, 2011**

**MINUTES**

**Members Present**

Chris Bergh	David Makepeace
Jack Curlett	Corey Malcom
Dolly Garlo	Rob Mitchell
Richard Grathwohl	Martin Moe
David Hawtof	Ken Nedimyer
Don Kincaid	George Neugent
Steven Leopold	Bruce Popham
Jerry Lorenz	David Vaughan

**Alternates Present**

Clinton Barras	Bruce Frerer
Joe Boyer	Art Itkin
Alex Brylske	Jessica Pulfer
Bill Chalfant	Suzy Roebling
Ben Daughtry	Bob Smith
Peter Frezza	

**Call to Order/Pledge of Allegiance/Roll Call/Approve Minutes from June 21, 2011 Meeting/ Adopt Agenda for this Meeting/Chairperson's Comments/Introductions**

- Chairman Bruce Popham called the meeting to order at 9:03 A.M. He welcomed the group to the meeting and thanked the Sanctuary Friends Foundation of the Florida Keys (SFFFK) for the refreshments. He also thanked the staff for the work they did to prepare for the meeting.
- Commissioner George Neugent then led the group in the Pledge of Allegiance.
- The Sanctuary Advisory Council (SAC) for the Florida Keys National Marine Sanctuary (FKNMS) reviewed the draft minutes of the June 21, 2011 meeting. Dolly Garlo moved that the minutes be approved, seconded by Dr. Jerry Lorenz. Chair Popham noted there was a suggested change – Susan Hammaker would like to be referred to as Dr. rather than Ms. As there was no objection, Chair Popham deemed the minutes approved with that change. ACTION ITEM: SAC coordinator, Lilli Ferguson, to make the approved change to the minutes and disseminate the final version.
- Approval of the agenda for the meeting was moved by Chris Bergh and seconded by Ken Nedimyer. As there was no objection, Chair Popham deemed the agenda approved. He noted it was a full agenda, and hoped everyone read the report mailed to the SAC in advance. He said the SAC would try to stay on task, and that this was the kickoff for the zoning/regulatory process.
- Chair Popham said the new FKNMS website was up and encouraged people to look at it. Everyone applauded. The SAC photos are on random rotation, with quotes from the statements SAC members submitted, he said.
- Chair Popham noted the SAC seat applications would be reviewed on the Friday following the meeting. He said a lot of applications had been received for this round of recruitment.
- He mentioned there was a socioeconomic fact sheet that came out; he did not know if everyone saw it. Also, he said he saw in the *Marine Trade Journal* that the State of Rhode Island approved an ocean management plan.

## **Sanctuary Superintendent's Report – Sean Morton, Florida Keys National Marine Sanctuary [FKNMS]**

Mr. Morton mentioned the newly revised and redesigned FKNMS website, and thanked Clinton Barras and his team for the framework to get FKNMS started. He complimented the great work done, especially by Mary Tagliareni and Karrie Carnes and Office of National Marine Sanctuaries (ONMS) staff members. On the SAC page, the photos and quotes will rotate, and folks who had not submitted yet could do that, he said, and mentioned he was interested in input on additional information the SAC wants on the site. He said to let him or Ms. Carnes know. He cautioned that FKNMS does not have a webmaster, and that efforts were taking place to try to retool some existing staff members and work with other parts of the National Oceanic and Atmospheric Administration (NOAA) to keep the information coming.

He passed out a few copies of some socioeconomic statements; he said FKNMS's idea was well-received at ONMS, and they made all sites do it. He noted Rob Mitchell was the winner in this case [in that he was featured in the handout], and he said lots of work was being done by Dr. Bob Leeworthy and other socioeconomic folks.

Mr. Morton introduced Ed Lindelof, with the ONMS policy team. He was at the meeting because regulatory things, which could affect national policy, were starting to be discussed. He also introduced LCDR Mike Capelli, the U.S. Coast Guard (USCG) Chief of Prevention and the USCG representative to the SAC.

He concluded by announcing there would be a lionfish derby on the Saturday following the SAC meeting, in Key Largo at Coconuts. He referred people to the FKNMS or Reef Environmental Education Foundation (REEF) websites for information, and said good scientific information would be collected from the lionfish caught. He also said lionfish had now reached Flower Garden Banks National Marine Sanctuary.

## **Agency Report Highlights**

### **U.S. Navy (USN) Report -- Edward Barham, USN**

Mr. Barham said they were getting ready to start a project to remove invasive exotic vegetation, funded with State and USN money. The USN will be starting a mangrove restoration project on Geiger Key as well.

He also mentioned that the Governor of Florida visited recently.

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

In conjunction with the Governor's visit, Mr. Edwards said FKNMS had the Secretary of DEP visit; it was his first trip south of Key Largo. They were able to discuss a number of things including economics data and research. Dr. Billy Causey mentioned to him he was one of the co-chairs for the Water Quality Protection program, so maybe he will come down for some of those meetings. The Acting Director of the Office of Coastal and Aquatic Managed Areas is Larry Nall, and Mr. Edwards hoped to be able to get him to some SAC meetings.

Mr. Edwards said DEP was going through an evaluation of all programs and positions, and would prioritize those. They were being looked at by the Secretary. All the rules within DEP were also being looked at, he said. A long list of old, duplicative or outdated rules had been put together and Mr. Edwards believed those would be gotten rid of in the next legislative session.

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

Ms. Morkill said the USCG, the Fish and Wildlife Research Institute (FWRI), NOAA, the USFWS and the National Park Service (NPS) met to update the geographic response maps with the environmental sensitivity and protective maps and strategies, for use by responders. NOAA presented some modeling of spill trajectories from Cuba at the meeting. She recommended those be featured at a SAC meeting.

- Mr. Morton said that was on the agenda for October.

Ms. Morkill said the Miami Blue Butterfly was considered endangered and there was a now a public process to make that a permanent designation. She said the butterfly was now just found in a few places, including the Key West National Wildlife Refuge.

### **Florida Fish and Wildlife Conservation Commission (FWC) Report – Major Alfredo Escanio, FWC**

Major Escanio said July was one of the busier months, with the [spiny lobster] mini season. They made a number of cases; weather may have played a role with the boating activity. He said there were two diving-related fatalities, though one may have been related to an interaction with illegal drugs.

FWC was also part of the recent Governor's visit. Their Executive Director, Regional Director and Commission Chair were there at Stock Island, he noted.

In July there were 35 groundings, 24 federal citations and 32 warnings, he reported.

One of the Lieutenant Colonels, Bruce Buckson, retired at the end of July and accepted a job as the director of NOAA OLE, which will be a good thing for the FWC-NOAA partnerships.

### **USCG – LCDR Capelli, USCG**

LCDR Capelli said there were approximately 30 National Response Center (NRC) reports over the last two months including sewage overboard, sheens, and drums. They were all recovered, not recoverable, or mitigated. Some USCG cutters had a problem with valves and created some of the NRC reports with sewage, which were cleaned up properly. His office does marine inspections, investigations, and marine environmental protection. They respond to all NRC reports or, if they can't, they have DEP respond, he said.

### **FWC Report Cont.– John Hunt, FWC, FWRI**

Mr. Hunt said due to the summer field season they had been out on the water, and responding to federal issues coming along. He said they were in between division directors and the interview process had been postponed due to an issue regarding a candidate.

The Florida Wildlife Legacy Initiative was doing planning for the 2012-2017 cycle; climate change will be an increasing focus, and coral reefs will likely come out as an even higher priority area for activities and actions.

Mr. Hunt said he and Ms. Ziegler were working on 5-year report of the Tortugas Research Natural Area (RNA). They have contacted the authors, who have until November 15 to turn a first draft in. There will be a workshop December 1 at the Krome Center, at which the authors will present their work, and he invited SAC members to attend. He expected the final product would be done on April 1, as it is required by the Memoranda of Understanding between the NPS and FWC. He said there was a clause related to the Governor and Cabinet on the sovereign submerged land issue, and that there was a tacit agreement to agree to disagree. The report for the Governor and Cabinet may end up being the 5-year report, he said.

### **NPS Report – Dr. Tracy Ziegler, NPS**

Dr. Ziegler mentioned the Dry Tortugas RNA mooring balls had not been properly installed, but in the past two months, contactors repaired all of them, and they will be open again in the near future.

For Everglades, the General Management Plan (GMP) was delayed over DC concerns about the costs of facilities in the plan. Recently, the park received clear guidance from DC about how to modify the plan and they will let the public know soon about the next steps and when it will be out for public review.

Dr. Ziegler passed along a message from Mark Lewis, the Superintendent of Biscayne National Park (BNP). The official announcement of the BNP GMP would be coming out later in August, and some meetings would be held on it in September. The draft plan includes some minor changes like a boardwalk on the mainland, a canoe dock on one of the keys, historic resource management options. More significant proposals include a proposed no-take marine reserve of about 10,000 acres (5% of park waters; she mentioned where it was proposed to be) and a proposed visitor center in the Miami area.

- Jack Curlett said six years ago next month, four people in this room spent a year on a Fishery Management Plan [FMP] for BNP, in a working group. He asked what happened to it, and said it was supposed to be released before the GMP.
- Dr. Ziegler said she was unable to reach Mr. Lewis. When she has more information, she will forward it to Ms. Ferguson [for providing to the SAC]. ACTION ITEM: Dr. Ziegler to forward BNP FMP information for the SAC to Ms. Ferguson
- It was interesting that the no-take area was proposed for the north, as he thought it would be in the south, Mr. Curlett commented, and that there was a proposal for opening part of the Legare Anchorage.
- The possibility of a Sanctuary Preservation Area (SPA) in FKNMS adjacent to BNP was mentioned by Mr. Curlett and Mr. Nedimyer.
- Mr. Morton said there was a finger of FKNMS that covers the reef tract adjacent to BNP. Without being pre-decisional, it would be logical to have a SPA in that part of FKNMS.
- Chair Popham encouraged Ms. Ziegler to let the SAC know what happened with the timing of the plans; he recalled the SAC had been requested to participate in the BNP process to put the FMP together, via a facilitated process.

### **FKNMS Marine Zoning and Lobster FMP Update – Chair Popham, SAC**

Chair Popham moved this item to an earlier time than had been on the agenda. He said that a group got together on July 12 and 13 with Andy Herndon to discuss areas and maps [the National Marine Fisheries Service (NMFS)] proposed to be closed areas [as part of the spiny lobster FMP]. Mr. Nedimyer, James Byrne, and Chair Popham were there. Unfortunately, the commercial fishing representative and alternate, Bill Kelly and Jeff Cramer, were not at the SAC meeting, he commented. The agency [the National Marine Fisheries Service (NMFS)] came back with more current maps and they looked at the maps, heard feedback from the fishing industry, and Mr. Herndon was going to go back and redo the maps prior to this meeting, he reported.

Mr. Morton said timeframe was adjusted because most of the lobster amendment went through, and the coral protection areas were removed from it. The NMFS staff members have to get back to their Fishery Management Councils (FMCs) by October, and need to reintroduce whatever action this will be; it must be in place by March or April. NMFS needs to get the maps out to the public. Mr. Herndon got called away to work on a biological opinion on a Caribbean reef fish issue, and when he gets back he will get updated information to the FMCs and the SAC, Mr. Morton said.

Chair Popham reviewed some key points of the issue and previous discussions, and noted these areas were just to protect coral, which was just one piece of the puzzle. He said he had asked Mr. Kelly to draft a resolution, which Chair Popham did not feel quite reflected the intent [of what had been discussed]. He asked Mr. Bergh if he had a copy of what Mr. Kelly suggested.

- Mr. Bergh clarified that the coral was specifically two threatened species of *Acropora* coral. He explained what Mr. Kelly drafted was what the commercial fishermen, specifically the Florida Keys Commercial Fishermen's Association (FKCFA) wanted, which was that those areas be closed to all extractive uses and types of fishing, not just spiny lobster.
- The FMCs were only looking at lobsters, Chair Popham said. He felt the SAC could recommend the FMCs close those areas to all lobster fishing, not just trap fishing. Then, FKNMS and the SAC could move forward with the [overall FKNMS] zoning process. He did not want to see any toes stepped on. He said he would like to see a resolution drafted to support the FMCs' alternative four.
- Mr. Bergh said in his letter to Chair Popham, Mr. Kelly said he had a motion he wanted put forward. He asked if it could be put forward for discussion, for modification.

The motion on the protecting *Acropora* corals via restriction of consumptive activities was moved by Mr. Bergh and seconded by Mr. Curlett. The text of the motion follows.

The newly defined closed areas to protect *Acropora* corals should restrict consumptive activities of all types including the commercial and recreational harvest by any means of any living organisms including spiny lobster, stone crab or finfish. The only authorized exception would be the removal of farmed corals in certain areas by properly licensed individuals for purposes of propagation within the Florida Keys National Marine Sanctuary or for scientific study. Furthermore, all of these areas are to be designated as "no anchor zones".

Discussion ensued.

- Mr. Bergh proposed dialing back this motion to reflect old alternative four to protect *Acropora* areas from all types of spiny lobster fishing.
- Bruce Frerer asked about the no anchoring portion of it.
- Mr. Morton explained it would only address anchoring by lobster fishermen, under the FMP. If all lobster fishing were eliminated in the areas, their anchoring would be eliminated.
- There was some back and forth among SAC members on what type of new language might be in the motion, with Mr. Bergh suggesting holding broader issues for the larger discussion on marine zoning to come. He also said other previously proposed alternatives were linked to maps that were now off the table.
- Some people proposed closing FKNMS areas to all forms of lobster fishing, and others mentioned marking of any new areas.
- It was also discussed that fishermen like to fish in the sandy areas adjacent to the coral [not on the coral].

Mr. Bergh withdrew his original motion, seconded by Mr. Curlett. He said he wanted to make a new motion.

The motion on a spiny lobster amendment to the FMP was moved by Mr. Bergh and seconded by Mr. Nedimyer. After he read it, there was further SAC discussion.

- Ms. Roebing wondered if a recommendation could be made about the spatial areas, though she knew no maps were out yet.

- People who had been at the meeting and had seen the maps and read the option described what had been proposed before, and Mr. Bergh commented he preferred a larger number of smaller areas over a smaller number of larger areas.
- Mr. Nedimyer said the SAC could work on redrawing boxes in the years to come. He felt ideally, the areas should have a buffer zone on the windward side.
- Mr. Morton said they came up with 50-55 little boxes with the mapped *Acropora* areas with 500-yard buffers around them. The alternatives included medium- and large-sized boxes. He said the FMCs went for the large boxes and the fishermen preferred the small boxes. Then they tried to adjust them, making squares into rectangles, and these maps have not been released yet.
- Mr. Moe asked if references should be made to the document alternative four was mentioned in, and who produced the document.
- They know what it is, Chair Popham said.
- Ms. Garlo mentioned stone crab trapping would still be permitted under the lobster trap amendment.
- We can address other issues as part of the FKNMS zoning process, Chair Popham said.
- The South Atlantic FMC does not manage stone crab, somebody noted.
- Commission Neugent thought the SAC's role was to protect the resource, and if that was done, he felt the fishermen would always have jobs.

The motion passed unanimously upon roll call vote. Below is the final text approved by the motion.

That the Sanctuary Superintendent convey to the National Marine Fisheries Service and the two relevant councils the preference of the Sanctuary Advisory Council for old alternative four, which is to expand existing and/or create new closed areas to prohibit all spiny lobster fishing in the EEZ off Florida.

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The Council is an advisory body to the sanctuary superintendent. The opinions and findings of this publication do not necessarily reflect the position of the Florida Keys National Marine Sanctuary, the National Oceanic and Atmospheric Administration, the Florida Department of Environmental Protection, or the Florida Fish and Wildlife Conservation Commission.

**ACTION ITEM:** Mr. Morton to consider/follow up on the recommendation of the SAC regarding the alternative for the proposed spiny lobster FMP amendment.

- Chair Popham thanked Mr. Bergh and the group.

### **Public Comment**

- Charles Causey, from Islamorada, said he knew a lot of the people at the meeting. In thirty years in Islamorada and going out on the water he had seen a lot of changes. He talked about the importance of the water to the county's economy, including water activities like fishing, snorkeling and diving. In these hard economic times, everyone needed to concentrate on the resource and protect it, he felt, or the tourists would not come to the area. He said there were over one million registered boats in the state of Florida, which he said was up 750% since the 1960s, so there was a lot more pressure on the resources, including damage from propeller scarring. He felt efforts would be made to protect those resources, and referred to the National Parks Conservation Association's (NPCA's) boater education program and work with Everglades National Park, and Rob Clift's presentation to the SAC. He suggested the SAC adopt a boater's education course, which he felt should be mandatory and sanctuary-driven.

- Pete Frezza supported the concept Mr. Causey brought up and thought FKNMS or the SAC should explore it in more detail, saying much of the framework for such a course had been laid out by NPCA.
- Dr. Lorenz asked if a mandatory boater education course was possible.
- Mr. Morton said as far as mandatory, it would need to go to Monroe County first, then the state, and having it come from the federal side would be a heavy lift. Working with the county or state would determine how it would be implemented and enforced; there are multiple entry points into the Keys. On the national and state levels, he pointed out the resistance to any kind of licensing for boating has been very strong and a license was not needed to drive a boat around.
- Major Escanio said the state had mandatory boating education, since 1980, and people under 21 were required to have the course, statewide. The state every year brings up mandatory education to the state legislature, he said. Mandatory education was always on the FWC agenda, but it was difficult to get it across the board.
- Don Kincaid said licensing for all boat operators and elimination of monofilament fishing line had been brought up before but was shot down, by recreational boating lobbies or the National Marine Manufacturers Association [NMMA]. He provided some rough estimates on access in the county by nonresidents and use by jetski operators, and remarked the trick was to get to people before they get here.
- Mr. Causey did not think NPCA would have a problem sharing its boater education program with FKNMS.
- Commissioner Neugent said it should start here or with the county, and he mentioned some of the past history around this issue, who has supported it, and working with the state legislature. He agreed details would need to be worked out with law enforcement agencies, but he thought the time had come.
- Chair Popham agreed NMMA was a powerful lobby and had always worked against having mandatory boater licensing. He mentioned the other organizations that also fight this and said he would be happy to reach out to them.
- Mr. Goodman said the Coast Guard Auxiliary and Power Squadron had forces up and down the Keys all year, and education people with courses, which have been modified over time to include local knowledge. The challenge was to provide all this information in a week (let alone an hour).
- There was further discussion about the broader education and licensing issue, including licensing of captains, online courses, involving the insurance industry, regulations covering FKNMS, the length of the mandatory state course (8 hours), and the fact that the NPCA course was designed for Florida Bay.
- Chair Popham acknowledged the good points made, and thanked Mr. Causey.

### **Implementing the Florida Keys National Marine Sanctuary's Regulatory and Marine Zoning Action Plans – Mr. Morton and Dr. Steve Thur, FKNMS**

Chair Popham thanked Dr. Thur for all of the information in the report provided to the SAC; Dr. Thur was on a detail at FKNMS for a couple of months.

Mr. Morton said Dr. Thur was here to kick-start the discussion. He referred to recent SAC meetings where socioeconomics and enforcement were discussed, and how there would be ongoing discussions. He talked about the [*FKNMS Revised*] *Management Plan*'s adoption in 2007 and said a lot of work went into it before that. He said some things may need to be addressed through sanctuary-wide regulations or through zoning. There is a lot of stuff in the *Management Plan*, and a lot of input has been received from stakeholders on a multitude of issues; the report tries to capture that in a digestible way. He said he hoped people would refer back to the report as deliberations take place and that FKNMS would be getting it posted on line.

Dr. Thur acknowledged he was not from here, but it gave him a leg up on the project as he did not have a history with the sanctuary regulations or “a dog in any fight,” and he did not know any of the personalities or have any agenda. He hoped the report and his presentation were objective. He said there were two objectives for this meeting. One was to provide the SAC with information. In the *Management*

*Plan*, there are separate Action Plans for regulations and marine zones. The second was for FKNMS to get advice from the SAC on moving forward with the action plans and what should be in a regulatory process.

Why have regulations? The purposes for which the sanctuary was designated cannot be achieved without them, he stated: comprehensively conserve and manage marine areas and activities; maintain biological communities and protect habitats; enhance public awareness, appreciation, and sustainable use; support scientific research; and facilitate uses of resources to the extent they are compatible with resource protection. Dr. Thur noted these apply to the sanctuary system as a whole but also apply to the specific statute under which FKNMS was created.

Why do we need to review the regulations? Public input and interest is probably the most important reason, he said. For adaptive management purposes, it is good practice to adapt to what is going on. Also, the resources and patterns of human use have changed, new issues have emerged, and more scientific knowledge has been gained. There is also a legal mandate to review sanctuary management plans every five years, and the Governor and Cabinet require a review of the plan every 5 years as well. In the 2007 *Management Plan*, there was a long list of issues and actions, with over 30 actions having to do with marine zones.

The review could entail partner participation from DEP and FWC, Fishery Management Councils, USFWS, NPS, the U.S. Environmental Protection Agency, Monroe County, towns, public participation and scoping meetings, the Sanctuary Advisory Council process, solicitation of comments on potential alternatives, and meetings with stakeholder constituencies. Just about everything in the sanctuary is done with partner participation, and also FKNMS does not want a stakeholder group, months in the future to say they did not know what was on the table, he explained. Potentially as part of an assessment of FKNMS regulations, there could be a review of all aspects of the FKNMS marine zones (location, size, shape, number, etc.) and the FKNMS boundaries.

Dr. Thur noted it was not a foregone conclusion that the sanctuary would launch into a full-blown comprehensive regulatory review. It was for Mr. Morton, Dr. Causey, and Dan Basta to discuss, given the resources and constraints, including on the ONMS headquarters staff. It is unlikely significant additional resources will be allocated to this effort in the Florida Keys, so it would be up to FKNMS management to determine if there would be an allocation of resources to this effort, he commented.

He then reviewed the sanctuary-wide regulations, which he noted were probably mostly familiar to the SAC. [Each SAC member also received a copy of the summary of the regulations and information about them is on the FKNMS web site.] In addition, he reviewed that there are a series of marine zones within the sanctuary: Ecological Reserves (ERs), Sanctuary Preservation Areas (SPAs), Special-Use Areas, Wildlife Management Areas (WMAs), and Existing Management Areas. There is also the Area to Be Avoided and the FKNMS boundary (itself a spatial area).

He then reviewed key points of the zone-specific aspects of the different areas, remarking it took him a while to figure out the difference between a no-access area (which a person cannot access by boat, but can walk into or swim into) and a closed area (people cannot go there). He felt this nomenclature could perhaps be fixed.

[Prohibitions in] SPAs, ERs, and Research-only area [a type of Special-Use Area]: discharge any material other than cooling water and engine exhaust; harvest or damage coral, invertebrates, fish, bottom formation, algae, seagrass, or other organism; fishing, except catch and release at four SPAs; touching living or dead coral; anchoring on living or dead coral; anchoring when a mooring is available. There are



also entrance and mooring regulations specific to the Tortugas ER. In Research-only areas, it is illegal to enter or conduct any activity without a permit, except passage through without interruption is allowed. WMAs [may contain] idle speed only/no-wake areas, no-motor areas, no-access buffer areas and closed areas. [Prohibitions in] Key Largo and Looe Key Existing Management Areas: removing or damaging any coral, invertebrate, plant, soil, rock, or other material, except lobster and stone crab; taking any tropical fish; fishing with wire fish traps, bottom trawls, or other similar towed or anchored bottom gear; and spearfishing. In the Great White Heron and Key West National Wildlife Refuges/Existing Management Areas there is no personal watercraft and airboat operation in most areas.

Dr. Thur felt there were three types of potential regulatory changes: technical or administrative (such as amending the definition of exotic species to include reptiles), exceptions to rules (such as to enable law enforcement to enter closed areas by adding an exception), and sanctuary-wide regulatory and zoning changes (such as to create a new zone to separate different uses in a portion of the sanctuary).

He reviewed that there was a 2008 SAC Marine Zoning Workshop, attended by over 40 people, including 11 SAC members and 6 alternates. Five questions were posed and groups broke out to provide input, and notes were captured about this input. At the June 2008 SAC meeting following, a presentation was made about it, but there was little discussion. He said 2008 could be used as a reference point, but he recognized many things had changed, including the composition of the SAC. From reading the notes and the draft recommendations that came out of the workshop, he felt there were some principles that could be drawn out, which he drafted: recognize bordering and overlapping marine management regimes; create a “general use” or “multiple use” zone; each of nine habitat types should be represented in a non-extractive zone in each of four subregions; take into account resilient reef areas; consider temporal zoning; and individual size, total area, and spatial relationship of zones matter greatly for resource protection. Also, he said there were some more specific determinations or findings from the workshop that were reported to the SAC: current cumulative size of non-extractive zones is insufficient for resource protection; new large SPAs/ERs and expansion of existing SPAs are warranted; Special Use Area Designation not being fully utilized (Restoration & Recovery); temporal zoning is absent; Gulf/Bay habitats unrepresented in zones; connectivity inshore to offshore not realized in Marquesas, Middle, and Upper; connectivity from Gulf/Bay to Atlantic not realized anywhere in FKNMS; and research and monitoring results not getting to public. Regarding the research results, some have been included in the upcoming *Condition Report* and a new website.

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

- Mr. Morton said it would be useful to have some sort of statement from the SAC.
- Chair Popham indicated early he wanted to keep it at the higher level; Mr. Morton noted Dr. Thur did a lot of work on the report and the presentation, and in the afternoon Chair Popham would lead a discussion and get the SAC’s thoughts.
- Chair Popham asked him to mention his conversation with Mr. Basta.
- Mr. Morton said he kept his leadership informed about the SAC and where FKNMS was going in terms of some of the implementation. He commented one thing that got national or international attention was regulations in general, and in particular, some of the zoning stuff and fishing regulations. He and Mr. Basta went through the document recently, and Mr. Basta was interested to hear what the SAC thought and wanted to go forward with. He was also cautious about the resources and what could be staffed out in terms of moving forward. There are other initiatives, including Flower Gardens, Grays Reef, Hawaii and American Samoa, so there was some caution there. Towards the end of the discussion, because of the leadership FKNMS and the SAC have shown over the years Mr. Basta thought some of the

more innovative work in this area could possibly be a national example, possibly on boundary changes, temporal zoning, new issues not on the radar in the 1990s, success in protecting spawning aggregations, coral bleaching, and reef resiliency. Mr. Morton said he had to come and explain that to the council, so Mr. Basta will be at the October SAC meeting. He and Dr. Thur will also be talking to other agencies, and are going to St. Petersburg and Tallahassee.

- Dr. Joe Boyer talked about getting information on the special use types out to the public thought the Technical Advisory Committee could be charged with some of that.

- Mr. Bergh said the sanctuary has been fairly responsive [in getting information out]. He said he wanted to put some of the 2008 stuff in context – the SAC Ecosystem Restoration Working Group did the workshop because the FKNMS staff said they were getting reading to bring the zoning stuff to the public, and the workshop was to get out in front. He brought the notes and recommendations to the SAC in a meeting after the workshop and talked about them, but there was little discussion. He did not think the SAC passed a motion. His recollection was Dave Score said the recommendations were to him and the staff and he that he got them and accepted them.

- Chair Popham also felt they were going to continue to move ahead with that process.

- Mr. Frezza thanked the staff and Dr. Thur for the presentation, and for getting to this point. He asked about a timeframe.

- Mr. Morton said FKNMS still had the challenges same as a year ago, and mentioned losing positions and internal “sausage making” on the regulatory side, and staff required for running public meetings and digesting public comments, etc. He took advantage of Dr. Thur’s detail to get the ball down the field a little bit, but mentioned Dr. Thur was leaving. He mentioned the need to keep working at dedicated portions of SAC meetings, on principals and scoping out the goals. He said he knew some people already had conclusions they wanted to get to and said FKNMS gets them all the time, like Snapper Ledge, another WMA, mandatory boater education, etc. but that there needed to be a larger goal setting, a prioritization, which needed to be done with the SAC in the existing SAC meetings which were already set. He said this would be done with current staff members, including Ms. Ferguson, who was also working on some of the regulatory things, like the Environmental Assessment for Mr. Nedimyer’s permit, which was a priority. He did not think it would be possible to get into big public meetings until possibly FY12.

- Mr. Lindelof, from the audience, emphasized the importance of the meeting with Mr. Basta in October, and said the [ONMS] wanted to get the most bang for the buck out of wherever the money was put. He said Mr. Basta was more likely to put money where he was convinced there was a strong need and SAC and staff support, because there will be more success. He noted this was a high priority project for this site, and that it was one of the more important sites in the country.

- Dr. Thur said, regardless of the type or the extent, there were fixed time requirements for the National Environmental Policy Act (NEPA) process, whether doing one technical change or the whole zoning process, and he felt it would be more effective to do it in a board brush approach to get everything done more or less at once, instead of continuing rulemaking year after year.

- Mr. Frerer said it should be fact-driven, and asked if there would be the staff to support the SAC in getting the data.

- Mr. Morton said ahead on the agenda for this meeting was a science presentation from Dr. Ben Ruttenberg and a session to find out what kinds of science presentations the SAC wanted to see. He said it depended on what the SAC wanted to address, to then get the experts from FKNMS or elsewhere to get the right information to the SAC.

- Chair Popham talked about the over twenty years of water quality data. He also mentioned the need for institutional knowledge over the next three years. He noted he heard Mr. Lindelof and said there was a need to sell to Mr. Basta why this was important and what he will get if he [funds] it. At Australia’s Great Barrier Reef, he said every inch was zoned. This is big picture but it has not been done in this country, he said.

- Mr. Grathwohl noted he has said “implement a WMA” but he did not realize it was this complicated. He said the Marathon Guides Association talked it over eight or more years ago, it was brought to the Marathon City Council and the Monroe County Commissioners, transects were run, and meetings with fishing groups were held, but nothing happened. He said fishermen were wondering why it could not happen and it was hard for him to tell them why.
- Ms. Morkill mentioned being in the process of revising and updating their management plan with the state, and thought it would be great to leverage the opportunity to partner with FKNMS in this effort. She had hoped to propose a three-way seamless agreement when it comes up for renewal, and she also hoped to commit some resources or to hire some planners. She stated none of us could do it alone.
- Mr. Morton said the short answer to Mr. Frerer’s question was yes and that he had been working on other things to address resource issue. For example, FWC’s FWRI has a GIS laboratory, and that staff really wanted to be a part of this and provide the mapping services.
- Art Itkin said the information in the document was all brand new to him. He asked if the five categories were really unique or if there were some that belonged in more than one category. He said two areas were both SPAs and parts of them were Special Use areas, but he was not sure how important that was. Also, he wanted to know if zoning really worked/if it was effective. He did not see effectiveness defined. He appreciated Dr. Thur mentioning a need for defining exotic species and he felt effectiveness needed to be defined.
- Excellent point, Chair Popham acknowledged.
- Dave Vaughan suggested hearing the science part before hearing SAC input.
- Chair Popham changed the agenda to have Dr. Ruttenberg’s presentation come next.

**Science Presentation: “30 Years of Change in the Florida Keys” – Dr. Ruttenberg, NOAA’s Southeast Fisheries Science Center (SFSC)**

Mr. Morton introduced Dr. Ruttenberg, from the Southeast Fisheries Science Center in Miami. He said his presentation related very much to the discussion about regulations and zoning, and also what science information the SAC wants to hear.

Dr. Ruttenberg said he would talk about data that NOAA Fisheries had been collecting for about thirty years. Dr. Jim Bohnsack, at the Southeast Center, started a reef fish monitoring program about thirty years ago. The program is called the Reef Visual Census, and the SCUBA-based survey are intended to describe the status and trends of reef fish populations in the Florida Keys, provide some fishery-independent data that can be used for stock assessments, to evaluate management actions in the Keys, and provide a broad scale view of spatial and temporal changes in the Keys. He started counting fish in the Keys in 1979, and the methodology had essentially not changed. He showed an animation of the spatial coverage over time of the data in the Keys. From the 1950s to 1970s (and probably before) there was heavy fishing in the Keys, he reviewed, and in the early 1980s, sea urchins died off throughout the Caribbean and there was rapid coral loss in the Keys and the entire basin. In 1997, the SPAs were implemented in the main part of FKNMS, and in the 2001 and 2007, some reserves were added at the Dry Tortugas Bank and Dry Tortugas National Park.

Photos taken over time of fish caught on recreational trips showed significant changes, with smaller sizes of fish and different species being caught. There have also been increases in coral diseases from the 1960s on, and a loss of corals like staghorn coral. The coral cover, mostly elkhorn coral, in Biscayne National Park over the last 30-50 years went from about 30% to about 5%, he said.

He then said the analysis in the presentation was designed to be quantitative, and was restricted to high-relief spur and groove forereef, and to no-take marine reserves, and the response variables of abundance when present and the frequency of occurrence of fish seen during the surveys.

Abundance of black groupers inside and outside reserves have not increased that much, but the frequency of occurrence has increased dramatically in the reserves and there is a significant change over time in the density. For another species, three spot damselfish, there were declines across the board during the time of the coral dieoff, and reserve implementation had not had much of an effect on that species. A number of factors can affect abundance and frequency of occurrence, and he explained some of them. Black groupers seem to have increased in abundance and frequency of occurrence after the reserve implementation in 1997, with other species following this general pattern, while other species such as bluehead wrasse showed evidence of some decline in the 1980s and 1990s. Some of this may have been driven by the loss of live coral.

He mentioned the analysis he presented was conducted on the top 16 most commonly seen fish, and that it could be done for any fish in their dataset.

In addition, they looked at how the assemblage of how 73 fish species changed over time, analyzing reserves and non-reserves separately, using a principle components analysis. The aggregated community structure in the reserves appeared to show an upward trend over the last 30 years. In the non-reserves, there was little change in the aggregated measure of community change. Inside the reserves, the data showed a positive upward trend. The geographic scope of the data was from Key Largo to Key West, excluding the Tortugas. He said the reserves were something like 3% of the hardbottom in that area. Another finding was that, over time, five out of six of the most important commercially important fish species showed increases over time.

Some conclusions were:

- some places are faring better than others, like the Tortugas. After 1997, black and red grouper got larger in size; black grouper also increased in abundance;
- movement and home range varies a lot by species and a lot of species use multiple habitats; and
- there are different pressures on different species; for example, more hogfish are caught recreationally than commercially.

Regarding some [potential] management options, he said recreational fishing made market-based incentives difficult to implement; recreational fishers fish because they enjoy it, not because of economic gain. Size limits could be increased, to increase spawning potential. The fishing license fee could be increased. There could be seasonal closures, especially in areas used for spawning. There could be additional spatial closures or zoning changes, such as for home ranges and habitats.

In summary, the data could be used to present a broad view of thirty years of trends in the Keys. There has been a consistent change in the reef fish community over thirty years, which he said was driven by the loss of coral and potentially by some small reserve effects. He noted they planned to do additional analyses, and he mentioned the large number of people and agencies who had contributed to the work.

Discussion ensued.

- Mr. Moe said a person might expect to find that marine reserves would improve larger fish and their spawning, and see an increase of juvenile fish both inside and outside reserves. He asked if they found that to be true.
- Dr. Ruttenberg replied they had not seen that, as they mostly were able to detect larger fish that were active during the day, and that their methods were not really designed to answer that question.
- Mr. Grathwohl mentioned the decline in pink shrimp, connected to the decline in the quality of water coming from the Everglades.
- Dr. Ruttenberg admitted there were a lot of other factors beyond those identified in the study.
- Mr. Nedimyer asked about anything in the data regarding fish trapping.

- Dr. Ruttenberg did not think it would be picked up.
- Mr. Moe asked if the size of the reserves could be teased out for the effects.
- Yes, but they had not done that yet, Dr. Ruttenberg said. There is only one large reserve in the study area though, Western Sambo.
- Mr. Frezza asked if all the analysis was done on the ocean side.
- Yes, Dr. Ruttenberg said; that was what the study was designed to do.
- Mr. Grathwohl commented about the season the data were collected, and Dr. Ruttenberg agreed all the data were collected in the same way, during the same season, to be comparable, and they were most interested in relative changes.
- Mr. Daughtry said the reef fish he mentioned were showing declines, possibly due to lost coral, and he wondered if the other marine life species besides the core species showed the same trends.
- It was kind of all over the place, Dr. Ruttenberg said.
- Dr. Boyer mentioned Dr. Ruttenberg could use the “PCA” to come up with categories to associate with the primary species, etc., to see what species fluctuate together over time. Dr. Boyer said they do this with water quality.
- Dr. Ruttenberg indicated interest in talking more with him about that.
- Mr. Itkin said that was a different set of criteria and was not based on a mathematical model.
- Dr. Boyer said it was based on empirical data and would be an objective analysis.
- Dr. Ruttenberg said there were two different things. Dr. Boyer was suggesting if species were varying together. How Dr. Ruttenberg was looking at how things were changing, like putting them in a category of how heavily fished they were.
- Corey Malcom asked if invasive species had been monitored in some of the recent counts and if they would be monitored over time, and Mr. Moe asked about lionfish inside and outside SPAs.
- Dr. Ruttenberg mentioned the progression of the lionfish invasion, and said that NMFS and REEF data from 2008 – 2010 showed they had jumped up dramatically, so they were being monitored. He also mentioned U.S. Geological Survey data. So far there had not been too much difference between SPA and non-SPA areas, he said.
- Chair Popham thanked Dr. Ruttenberg for the presentation and asked Ms. Ferguson to bring up the slide with the two questions from Dr. Thur’s presentation.
- Mr. Morton said he still wanted to get the SAC’s input on future science presentations. There was a lot of good data out there, and data specific to management, much of it presented at the “Linking Science to Management” conference, but not everyone was there, and it just depended on what the SAC wanted to hear.
- Mr. Hunt said virtually every poster and presentations from the “Linking Science to Management” conference were available online. He said he would send the link again to Ms. Ferguson, and encouraged people to visit it. ACTION ITEM: Mr. Hunt to send Ms. Ferguson the website for the “Linking Science to Management” conference for her to provide to the SAC.

**SAC Questions and Answers and Future Science Presentation Needs – Dr. Ruttenberg, NOAA’s SFSC, and Mr. Morton and Scott Donahue, FKNMS**

This topic was not discussed as scheduled.

**SAC Input on Preliminary Planning for Comprehensive Review of FKNMS Regulations and Zones -- SAC**

- Chair Popham said Ms. Morkill had made a good suggestion, to have a letter from USFWS, DEP, the County, FWC, the NPS when the SAC reconvenes in October, that they support the process.
- Mr. Edwards said he would like to hear the discussion during this agenda item and the suggestions and take it from there. He also noted there was a new administration and focus on some other parts of the system right now.

- Mr. Hunt said an FWC letter could probably provide their research information and mentioned how FWC might support the process with a letter.
- Chair Popham asked Commissioner Neugent if it would be possible to get a letter from the County to present to Mr. Basta.
- Commissioner Neugent replied Chair Popham and others would have to present [the issue] to the Commissioners.
- Chair Popham asked the SAC about endorsing the document presented by Dr. Thur, or if the SAC wanted to carve out parts of it?
- Mr. Morton said a lot of the document was fact on what was in the *Management Plan*, the regulations and the acts. He mentioned the parts where Dr. Thur did analysis, where there were questions about how to go forward, and asked if the SAC wanted to go through everything, or just focus strictly on zones.
- Mr. Bergh said there was a stepwise opportunity to include everything, but winnow it down. He mentioned having Dr. Thur's two questions. He said the SAC could adopt the guidance from before, or could say this document was the guidance and the sanctuary should go through with it. He also said the SAC could go through big-picture regulatory or marine zoning concepts, or could go through the information in the box on page seven of the document.
- Chair asked Mr. Bergh to prepare a motion accepting the document presented by Dr. Thur as the guidance, which would be inclusive of all of those things. Then from there, the SAC could distill down to the areas on which it wanted to focus. Or, the SAC could pick apart the report, but he thought that could take some time and there was a lot of good, valuable information in it.
- Mr. Morton said there was value in the validation of the 2008 recommendations if the SAC still believed in what was put out after that workshop.
- Ms. Morkill wondered if there could be a caveat that there could be new additional information since that time, and that additional information would be gathered from public meetings, SAC meetings, etc.
- Chair Popham agreed, saying Snapper Ledge had come up since then, and boater education, and Mr. Morton commented there had also been other changes, including a lot of new science.
- Mr. Moe added there had been more since then on the importance of ecological restoration of the reefs, on the results of areas set aside specifically for that sort of thing, and he said the work Mr. Nedimyer had done since then had changed the picture greatly. He thought there should be more emphasis in the document on ecological restoration, to possibly go back to the types of areas present in the 1960s.
- Mr. Nedimyer said he thought what had changed was the recognition that we need to do more, to take a look at what we have left, and how it could be preserved.
- Dr. Vaughan said it was a good first stab, but he appreciated getting Dr. Ruttenberg's presentation. He said not a lot of results were out there on what it meant to protect a special area, but now some positive results were starting to be seen. Dr. Vaughan said more protection or restoration needed to be done, and that protection only had a limited impact. He felt it would be hard to write a rule to protect the sanctuary from carbon dioxide or climate change. He advocated for guidelines on restoration and to speed up restoration. Regarding vessels, he said in Bonaire, they have to pay something like \$30 and there was no reason why that could not be done with every boater, diver and snorkeler who comes to this sanctuary.
- Mr. Grathwohl suggested looking into an adopt- a-flat program. He said if everyone on the Snapper Ledge petition each gave a dollar, it would get \$3,000 to maintain the buoys.
- Dr. Brylske mentioned literature on the percentage of no-take areas in other protected areas, asked if the SAC would like to say they would like to see, say 3%, of FKNMS set aside in no-take areas.
- Mr. Barras asked the harm of expanding it to 80 or 90%?
- Commercial and recreational fishing were factors, Chair Popham explained.
- Mr. Edwards said he had not heard today about jobs, but he said it would be important to lead with the economic data to get support and traction.
- Mr. Daughtry commented not as many people might come here if they had to sit through a four hour [boater education] course, though he thought a course was a fantastic idea. Also, using some Special-use areas for restoration made sense to him, but in some SPAs, he said there was tremendous damage from

inexperienced divers. He felt ERs were an important aspect for restoration, so people did not stand on or rip up corals that were being replaced in the environment.

- Mr. Bergh talked about agreeing to principles first before talking about special places, and he said it would also not be a good idea to discuss percentages [to set aside] first. It would be important to bring the relevant literature to the table and to make sure everyone understood it first.

- Mr. Kincaid felt 30% was the minimum set-aside needed to create habitat for restoration, and he talked about how areas were set aside in other places for aesthetic reasons and for protection of spawning and other things. He pointed out that the fish did not know where the lines were, and so he thought there needed to be a number of habitats and areas set aside to be effective.

- Mr. Curlett said throwing out a percent gives the wrong connotations, and he thought all of the sanctuary should be a classification. Why not manage 100% and classify everything, saying 85%, general usage?

- Chair Popham said that was a good point, and wrapped up the topic.

### **Public Comment**

Mr. Frerer said people had been tossing around a figure of 5% protected, including the Tortugas Ecological Reserve, but he said if a line was drawn from the Tortugas to the northern end of the sanctuary, the amount protected was 5/10 of one percent.

Stephen Frink said he appreciated the opportunity to talk to the SAC. He said he was eager to have Snapper Ledge become a marine protected area. The first time he dove there, there was no mooring ball there and he saw a big school of fish and jumped in. A few others knew about it then. He said John [Halas] knew where it was, and put a mooring buoy there, and it became very popular. Two years ago, he started a petition for protection for the area, and 3,000 people signed it, and tens of thousands of fish died. He said maybe a mooring buoy should not have been put there, or people should not have talked about how nice the area was, or started a petition, but all of that happened. He said the area was geologically unique and it attracted a lot more life than any of the surrounding areas, and Mr. Nedimyer was doing his coral restoration there, so perhaps there could be a critical mass of coral polyps and greater aggregations of corals. He said the area was getting hammered, and that it was not getting any protection. He said Mr. Mitchell took some folks there on a dive trip, and the people made note it was not protected and went back on the weekend and hammered the lobster. He recommended to the SAC it was an urgent matter, and Mr. Morton should move ahead with protecting it now, as he believed it was within Mr. Morton's purview. He felt there should not be another wait of two, five or six years.

- Mr. Morton nodded to acknowledge he heard the recommendation.

- Chair Popham thanked Mr. Frink and asked Mr. Mitchell if he had a petition he wanted to read.

Mr. Mitchell said he felt a lot of this had been covered already, but he wanted to say as of Monday, August 15, there were 3,020 signatures in favor of protecting Snapper Ledge and another 83 signatures on hard copy at his shop alone. He read/paraphrased portions of a statement and provided the full statement in hard copy to FKNMS for the SAC records: I am sure you are aware now how unique the area is as a result of its diverse and dense concentration of marine creatures. Divers regularly report the presence of large schools of grunts, snappers, and parrotfish; rays; lobsters; and nurse sharks. This dense population seems very concentrated around Snapper Ledge. This area is also a home of one of the largest and healthiest Boulder Brain Coral in the Upper Keys. Unfortunately, Snapper Ledge has become a popular destination for spearfishing. Fish carcasses have been reported on that reef as well as drifting right up through Molasses Reef. By no means do we wish to halt such a short but popular sport. However, with less than 7% (of course, now we know that number is dated) of the sanctuary waters being designated as no take zones, we feel there is still plenty of areas left to spearfish. USF biology professor and Director of the Florida Institute of Oceanography, John Ogden, reported in a paper released just yesterday that overfishing by both commercial and recreational anglers has impacted the reefs drastically. Overfishing

has removed many large predatory species, Dr. Ogden said. The effects of this on the food chain are obvious: remove the top-level predators and irregular patterns of growth of lower level species begins. Worldwide, 10% of commercial fishing harvest comes from coral reefs. I think it is very clear we need large areas where fishing is prohibited.

Mr. Mitchell moved passage of a resolution on this, which was seconded by Mr. Kincaid.

Discussion ensued.

- Commissioner Neugent commented on how slowly things moved. He said 4-5 years ago, then Monroe County employee, George Garrett, drew up a petition and they presented it to the Commissioners, who unanimously supported it and passed it.
- Mr. Bergh said last time this came before the SAC, he recommended not move ahead with a one-off area, and to look at the overall process. He wanted to hear from Mr. Morton and the others about what would be involved in a regulatory review process. If FKNMS went ahead with a one-off, what would it do for the rest of the process?
- Depending on scope of what might happen with a larger regulatory review, if the SAC moved ahead with recommending this area as a SPA, that related to the longer process where he wanted to do goal setting. Looking at criteria and all the work that goes into zoning, he said that would take a while, at least three years overall. If the SAC wanted to call it out separately, and still did the greater goal setting, that could happen, but FKNMS's staffing had not changed over the last two years, so it would mean pulling someone off of something else to fast track that to [potentially] get the regulations through. It would still have to go to the South Atlantic FMC, and they would have to be the first to draft the regulation. If they took no action, then it would come back to FKNMS. He mentioned other NEPA requirements after that, including publicizing the draft and final rule, the public comment period, and timeframe to take effect.
- It [calling out this issue separately] is a year, Mr. Lindelof said from the audience.
- Mr. Morton said he would look to Ms. Ferguson to work on this, and now she was working on the environmental assessment for Mr. Nedimyer's [and Caitlin Lustic's - The Nature Conservancy] permit[s]. He would also need to discuss this with NOAA management, up to the head of NOAA.
- Mr. Smith said in terms of larger goal, it had to be considered what we have to lose in terms of fast tracking Snapper Ledge.
- Suzy Roebing said globally, areas were designated as areas of great diversity, and she felt this was a hot spot within FKNMS.
- Chair Popham also mentioned FKNMS's limited staff resources, and that moving forward with Snapper Ledge would take a year. He noted Mr. Basta may decide to come up with other resources.
- Mr. Grathwohl again mentioned his idea of getting people from the petition to start donating to a fund for buoys and maintenance.
- Others talked about other contributions that could be made to such a fund, or the possibility of hiring a consultant.
- The effort still related to the status of the resource and the manpower to go through the regulatory process, Chair Popham said.
- Mr. Morton referred to the information at the back of the report provided to the SAC about how the process worked, and reviewed it again for the group.
- Mr. Lindelof said the National Marine Sanctuary Act was specific, and ONMS was required to go to the FMC on this, which could take a year and a half depending on how many meetings the FMC wanted to have and how controversial the issue was.
- Mr. Curlett asked why this was being considered; because the habitat was in danger or to protect the interests of a single user group? He said that user group could cause just as much damage in the habitat as fishing with hook, line and sinkers, and he said he had a hard time going along with it.
- Someone said, for some reason, fish congregate there, but the coral was mostly dead.
- If it was dead, why give it special protection? Mr. Curlett asked.



- Several people talked about it being full of fish and a unique place for fish to congregate.
- Commissioner Neugent asked if this came before the SAC before; the answer was yes, and it recommended folding the Snapper Ledge issue into the overall zoning process.
- Commissioner Neugent said he felt that could have been the wrong advice to give. He asked about the fastest track to move the proposal forward.
- Mr. Bergh said if he was not mistaken, it was the same track for overall as just for Snapper Ledge; Mr. Morton agreed.
- Mr. Bergh said, from his perspective, if FKNSM go ahead with it as a one-off, it would detract from the larger process, and he did not want that to happen.
- Commissioner Neugent's opinion was that anything that took three years was too long.
- Mr. Moe asked if it would be included in the larger discussion, and Chair Popham affirmed it would.
- Several people mentioned possible ways to modify the proposal and about processes that occurred in the past.
- Mr. Morton suggested he came back in October with what it would take. He asked who the petition was addressed to (the FKNMS?) and if he could get it. He also said if Monroe County proposed the coordinates five years ago, those would help. He said the petition needed to be transmitted to the National Marine Sanctuaries, NMFS, and the South Atlantic FMC, and he recommended a cover letter and addressing it to him, Dr. Lubchenco as the NOAA Administrator, and Eric Schwaab as head of NMFS, and the Chair (whose name he did not know) of the South Atlantic FMC. Regarding Mr. Curlett's remarks, he said the SAC would need to do more work, and the SAC would have to have affirmative action before FKNMS could move forward.
- Chair Popham asked it was acceptable to the SAC for Mr. Morton to come back in October with more information about the process.
- There was varying opinion; there was a statement that Mr. Morton had already stated he needed to study the answer to the process question, while others advocated getting the process started today to protect the resources.
- Mr. Grathwohl said there was an emergency closure the superintendent could act upon, if an area was deemed in dire straits, and he thought the area deserved that stature.
- That would take a little work too, Mr. Morton explained. He explained there was a notice process, and an emergency regulation would have to be put in place. The first question would be what the emergency was. He also thought Dr. Lubchenco would have to sign off on the suggestions to get other interests involved and work backwards to get the area protected with an emergency closure.
- Mr. Lindelof said he would need to ask the NOAA attorney.
- An emergency closure would get sixty days, Chair Popham pointed out.
- Mr. Malcom said he had been diving there so he knew what it was, but if it would be helpful to have the proponents present at the next SAC meeting as to what it was, why it was important, what the problem was, what the vision was etc. Also, he agreed with Mr. Bergh that maybe this should blended into the big picture and be done the right way.
- Dr. Hawtof asked if a cannon was found [and in danger of damaged or lost], if an emergency closure could be done.
- It was already prohibited, Mr. Morton said.
- Mr. Frink, from the audience said he would be away in October, but would be happy to send links or anything Mr. Basta, Dr. Causey, or Mr. Morton might need.
- Mr. Mitchell said he was willing to amend the motion to make it an emergency, but it was suggested he not do that.
- Chair Popham mentioned the possibility of passing the motion and having Mr. Morton look at the options, and Mr. Mitchell said he would be happy with that.
- Mr. Bergh pointed out the motion did not specify if this would be a one-off process or an overall process.
- Chair Popham reminded people it also would be included in the lobster closure process.

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

***FLORIDA KEYS NATIONAL MARINE SANCTUARY ADVISORY COUNCIL***

**Resolution supporting the designation of the part of the Sanctuary known as Snapper Ledge and the area supporting Ken Nedimyer's Coral Nursery**

August 16, 2011

**WHERE AS** Snapper Ledge is well known as an area supporting large quantities of diverse marine creatures and sea life and

**WHERE AS** we believe that although the spear fishing, lobstering and hook and line fishing may be small, at this point, there is a potential for the taking of sea life in these areas to grow and

**WHERE AS** Ken Nedimyer's coral nursery plays such a vital role in the restoration of our reefs

**NOW THEREFORE** the Florida Keys National Marine Sanctuary Sanctuary Advisory Council resolves to support the below recommendations,

Designate the areas of Snapper Ledge and Ken Nedimyer's Coral Nursery as a Sanctuary Preservation Area.

Passed on this date: August 16, 2011

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The Council is an advisory body to the sanctuary superintendent. The opinions and findings of this publication do not necessarily reflect the position of the Florida Keys National Marine Sanctuary, the National Oceanic and Atmospheric Administration, the Florida Department of Environmental Protection, or the Florida Fish and Wildlife Conservation Commission.

***ACTION ITEM:*** Mr. Morton to consider/follow up on the recommendation of the SAC regarding designating the Snapper Ledge and adjacent coral nursery as a SPA.

- Mr. Bergh commented it was an ambivalent thing the SAC just did and he suggested in October, after further discussion, the SAC move to have it either as a one-off or part of the overall process.
- Mr. Nedimyer said it still made a lot of sense to do it in the overall process, but he thought people were frustrated. He said it was time to look at the zones and tweak them.
- Chair Popham thanked Mr. Frink.

**SAC Input on Preliminary Planning for Comprehensive Review of FKNMS Regulations and Zones Cont. -- SAC**

- Mr. Smith said he did not understand why the SAC would not make a general statement of support first, and then understand fully the details over time.
- Mr. Bergh said he thought it was most important to get hands around general terms and principles that the SAC thought it should enter into discussion about, and get big picture things sorted out, as everything else needed to flow out of those, and it would make a better, smoother process.

- Mr. Smith said the SAC was at a point to say it supported increasing protected areas, as a general concept. He did not want to worry so much about the details now.
- Chair Popham said there was now about thirty minutes to discuss this topic. He asked if the SAC wanted to recommend to the sanctuary staff to use the report discussed in the morning as a guideline.
- A few SAC members said yes.
- Chair Popham asked if the SAC would recommend that along with the things people mentioned earlier in the meeting: ecological restoration, boater education/EcoMariner, targeting a percent of the whole sanctuary for protected areas through the zoning process, climate change/acidification, and dealing with the party zones.
- Mr. Morton said there was another person for public comment [who did not speak] and that a 45-minute discussion and action item had been created out of the Public Comment period. He expressed concern about that, but said they were good to go.
- Mr. Grathwohl wanted WMAs to be set up Keyswide, where needed, which he felt would address the party zones.
- That would be included in zoning, Chair Popham said.
- Some of the things, like EcoMariner, Mr. Bergh said made him think of the prioritization process. He felt if boater education or licensing were added it was a whole can of worms beyond the document and he did not think it should be taken up.
- Mr. Grathwohl said he felt boater education should fall under education and outreach.
- FKNMS had an education action plan, Mr. Bergh said, but that was not what FKNMS had been addressing.
- Mr. Barras asked about Section 4 in the *Condition Report* and asked if Dr. Thur knew of any regulations that might fix the seventeen things listed.
- Dr. Thur said there were a number of habitat and marine resource indicators, so activities taken to address those through regulations could potentially impact those things.
- Chair Popham noted one of the regulatory action items was to evaluate existing activities in the existing zones.

Mr. Bergh said he drafted a motion at Chair Popham's request, which referred to the document presented to the SAC earlier, the current *Condition Report* and the fact that a number of the resources were declining in spite of successful efforts to regulate, the 2008 SAC recommendations to the staff, and the recent high priority the SAC gave to zoning in the SAC prioritization process a few months ago.

Chair Popham asked Mr. Bergh if another whereas could be added, "Whereas, the Florida Keys National Marine Sanctuary (FKNMS) is supporting more than 33,000 jobs in ocean recreation and tourism, accounting for 58 percent of the local economy and \$2.3 billion in annual sales, and"; Mr. Bergh agreed.

Mr. Bergh moved passage of the resolution, which was seconded by Mr. Makepeace.

There was a little more discussion.

- This kicks us off to where we are going to be going with this, Chair Popham said, and he felt the document was pretty inclusive.
- Mr. Makepeace said it did not necessarily move [the process] along quickly but did get it past the edge of the hill so it started to get momentum.
- Ms. Garlo asked if the items Chair Popham mentioned earlier needed to be included.
- Chair Popham felt most of those were included, and could be looked at during the zoning process. He said they were very specific.
- Ms. Garlo said if they were, that was great. She felt they were important.

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

***FLORIDA KEYS NATIONAL MARINE SANCTUARY ADVISORY COUNCIL***

**Resolution of the Florida Keys National Marine Sanctuary Advisory Council accepting the guidance provided in the document called “Implementing Florida Keys National Marine Sanctuary’s Regulatory and Marine Zoning Action Plans” and requesting that FKNMS initiate a formal regulatory review process followed by public scoping to enable modification of the Sanctuary’s Regulatory Action Plan, Marine Zoning Action Plan and other management plan components to improve the Sanctuary’s ability to achieve its purpose.**  
August 16, 2011

Whereas, the Florida Keys National Marine Sanctuary (FKNMS) is supporting more than 33,000 jobs in ocean recreation and tourism, accounting for 58 percent of the local economy and \$2.3 billion in annual sales, and

Whereas, the Sanctuary was established in 1990, and

Whereas, since that time successful regulations and other resource management strategies have only been able to slow, not stop, the decline of many FKNMS natural resources as evidenced by the Draft Current Conditions Report for the Sanctuary and attested to by SAC members’ individual and collective experience, and

Whereas, regulations in general and marine zoning in particular are among the most powerful tools available to FKNMS for achieving its purpose, and

Whereas, since the last FKNMS Management Plan Revision in December 2007 members of the Advisory Council and other FKNMS constituents have requested specific changes to the Zoning Action Plan as a partial remedy for declining resource condition and minimization of conflicts among resource users, and

Whereas, in March 2008 the Advisory Council hosted a public workshop focused on gathering input from FKNMS constituents about their general preferences and specific recommendations concerning zoning in the Sanctuary and made that input available to staff, and

Whereas, in February 2011 the FKNMS Advisory Council selected the management plan update process, with emphasis on marine zoning, as a top priority for the year to come, now

Therefore, the Advisory Council resolves to accept the guidance provided in the document, “Implementing Florida Keys National Marine Sanctuary’s Regulatory and Marine Zoning Action Plans” and request that FKNMS initiate a formal regulatory review process followed by public scoping to enable modification of the Sanctuary’s Regulatory Action Plan, Marine Zoning Action Plan and other management plan components to improve the Sanctuary’s ability to achieve its purpose.

Among other things, the review should include: an evaluation of the FKNMS boundaries to determine whether they should be modified to include key resources and address connectivity issues outside the Sanctuary, address neighboring threats, or ease enforcement; assessment of the current Sanctuary-wide regulations to determine whether they need to be changed, added to, or reduced; review of the types, locations, individual and cumulative size, shape, and number of marine zones to determine whether

existing zones should be changed or new areas designated; and assessment of the current zone-specific regulations to determine whether they need to be changed, added to, or reduced.

Passed on this date: August 16, 2011

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The Council is an advisory body to the sanctuary superintendent. The opinions and findings of this publication do not necessarily reflect the position of the Florida Keys National Marine Sanctuary, the National Oceanic and Atmospheric Administration, the Florida Department of Environmental Protection, or the Florida Fish and Wildlife Conservation Commission.

*ACTION ITEM:* Mr. Morton to consider/follow up on the recommendation of the SAC regarding accepting the guidance provided in “Implementing Florida Keys National Marine Sanctuary’s Regulatory and Marine Zoning Action Plans” and initiating a formal regulatory review process.

- Mr. Frerer asked about future presentations about the Great Barrier Reef, what they did, what worked and did not, and why.
- Mr. Bergh said that was a subject at the 2008 workshop. He mentioned people could get a taste of it at the upcoming Florida Reef Resilience Conference, the first day of which was the same day as the October SAC meeting.
- Mr. Morton mentioned that there could be a look at other places that have implemented other processes, and that there should probably be more of a focus on the science of marine reserves.
- Mr. Morton said he would handle putting together process options for the October SAC meeting, and would definitely include Snapper Ledge. He also urged people to visit the “Linking Science to Management” web site as a “homework assignment.”
- Mr. Hunt said the Australians’ decisions were made with their local scientists and their local culture. The science we have here is linked to our area and we have our culture, he said. The location of a future zone would be related to our local science and the culture of our local stakeholders.
- Chair Popham said what was needed in terms of science could be put on the next meeting agenda.
- Mr. Bergh asked the SAC to tell Mr. Basta of the need for going through this process. He asked if, after coming up with a process, if we would dive into it.
- Mr. Morton said yes, and talked about starting the conversation, and that it is kind of a step by step approach. He recommended on the science, that it be a regular part of the SAC’s discussion.
- Mr. Bergh said finding out what kind of data the SAC wants was one thing, and how to use it to come to a determination was another thing. He said it might be useful to figure out which of the spatial planning tools available would be best or to come up with a new one to enable the group to visualize the tradeoffs.
- Moe said it might be useful to have those who have done the research, such as Dr. Steven Miller, Dr. Bohnsack, etc. to explain what was or was not important, which could generate more insight than reading what they had written, and others agreed with this suggestion.
- Mr. Nedimyer said on the lines of what does and does not work, he had jumped ship from being a tropical fish collector to being a coral farmer and had gotten good at it. He said they were kicking off a major restoration effort with an event in Key Largo. He said lots of help was needed from the community and he would like the support of SAC members. He said he would have Ms. Ferguson send out information to the SAC about it. He also said he could not move forward until the environmental assessment was done on his [proposed] work and The Nature Conservancy’s, so any thing that pulled Ms. Ferguson off of that delayed the process. He noted Mote and FWRI were also involved. *ACTION ITEM:* Mr. Nedimyer to send Ms. Ferguson information for the SAC on a coral restoration kickoff event.

### **Upcoming Meeting and Closing Remarks**

Chair Popham said the October SAC meeting would be October 18, and that Mr. Curlett was kind enough to offer to host it again [at the Ocean Reef Club in Key Largo]. He said the SAC would go to Key West for the December 13 meeting.

He reviewed that Mr. Morton said he would come forward about the process and what people wanted from science in October, and the USCG wanted to make a presentation on Cuban oil drilling. Mr. Basta will be at the meeting.

- Mr. Hunt asked if the October SAC meeting could be moved to the day before its currently scheduled date.
- Mr. Morton said he had a conflict with that day.
- Mr. Hunt said the meeting could also be the week before or after; there was consensus to have the meeting on October 25, and Chair Popham deemed the date changed to October 25. *ACTION ITEM*: Ms. Ferguson to work on publicizing new October SAC meeting date to the SAC and public.

Adjourned, 4:06 PM.

Submitted by Lilli Ferguson