

**Florida Keys National Marine Sanctuary  
Marine Zoning & Regulatory Review  
Coral Reef Ecosystem Restoration  
May 22, 2013**

**Working Group Meeting Summary**

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Meeting Agenda

1. Update on progress of Shallow Water Wildlife and Habitat Protection & Ecosystem Protection working groups; Update on Agency meeting related to coral reef ecosystem research zones
2. Presentation & Discussion: Permitting and Regulatory Conditions (Joanne Delaney, FKNMS; Lisa Gregg, FWC; Cecelia Hitchins, FLDEP)
3. Review, evaluate and prioritize recommendations for active coral reef ecosystem restoration zones.

Major Points of Discussion

1. Update on progress of the Coral Reef Ecosystem Restoration and the Ecosystem Protection: Ecological Reserves / Preservation Areas and Wildlife Protection working groups (Beth Dieveney).
  - Coral Reef Ecosystem Restoration Working Group:
    - Discuss options and solutions to restoration permitting challenges.
    - Identify range of potential sites for active coral reef ecosystem restoration.
    - Determine potential management of the restoration sites: allowed activities, incentive engagement and concept of adaptive management.
  - Ecosystem Protection: Ecological Reserves / Preservation Areas and Wildlife Protection Working Group:
    - Discuss working group concept of Ecosystem Protection.
    - Review status and science of Fish Spawning Aggregations.
    - Identify ecosystem protection resources and activities working group will consider when making recommendations.

Update on agency meeting evaluating zones for coral reef ecosystem research.

- Agencies present included: NOAA Florida Keys National Marine Sanctuary and Restoration Center, Florida Fish and Wildlife Conservation Commission and Fish and Wildlife Research Institute, and a Coral Reef Ecosystem Restoration working group member.
- Discussion points included:
  - Evaluated the criteria developed by the Coral Reef Ecosystem Restoration working group and edited to specifically address research needs
  - Research zones intended to advance the science of restoration and provide a feedback to inform:
    - Permitting process
    - Ecosystem restoration
  - Identified specific zones:
    - Zones to include a range of habitat types
    - Promote collaborative scientific research in the zones

2. Presentation and Discussion: Permitting and Regulatory Conditions (Joanne Delaney, Lisa Gregg, Celia Hitchins)
- Celia Hitchins, Environmental Specialist for the Department of Environmental Protection, Submerged Lands and Environmental Resource Coordination Program (SLERC).
- Lisa Gregg, Division of Marine Fisheries, Florida Fish and Wildlife Conservation Commission, Special Activity License.
- Joanne Delaney, Science Permit Coordinator for the FKNMS, FKNMS permitting regulations and process

Working Group Discussion:

- Question regarding who in the agencies can effect permitting processes and decisions:
  - Florida Department of Environmental Protection: Discussed the State’s rule development; Public Rule Adoption, Hearing on Amendment to Chapter 62-330, F.A.C., “Statewide Environmental Resource Permitting”
    - 30 Day period for comments; must be done right away
    - Websites for documents, workshops and hearings  
<http://www.dep.state.fl.us/water/wetlands/swerp/wkshops.htm>
    - Rule development is done very seldom; administration is working to gain consistency among programs.
    - Permitting exemption is not currently covered under new rule development; groups/individuals performing work would need to apply for a permit / letter of consent even if there was an exemption.
  - Florida Fish and Wildlife Conservation Commission: works very closely with partner agencies and can recommend changes as part of their rule making process.
  - Florida Keys National Marine Sanctuary: this marine zoning and regulatory review process is the opportunity to provide recommendations and make potential changes to FKNMS permits and process.
    - As part of this process, for the Environmental Impact Statement, the working group should identify the range of potential activities and species that will be affected; both direct and indirect
  - Recognize that some of the limits related to permitting challenges are due to specific Agency authorities, rules, and laws;
    - Agency permitting staff is bound to evaluate the project based on the rule/law and authority that they are working under. Ultimately the permitting staff is part of the rule making process.
  - Permitting is easier for projects that are already proven.
  - Need to consider that protected species make it more complicated to permit projects.

Potential Recommendations related to working group Objective 2: Identify regulatory impediments and appropriate permitting conditions for active restoration of coral reef ecosystem species:

- On-line Permitting System (May be restricted by Office of Management & Budget rule related to collection of Personal Identifiable Information)
  - all agencies that are involved can review
  - Central reporting
  - Information exchange
  - Project status

- Simple process to extend, renew, or adapt permit
- Interdisciplinary Advisory Committee
  - Create a stewardship board to guide the permit process.
  - Create a more collaborative process for developing restoration work and reviewing prior to submitting for permitting
  - Develop restoration criteria that can be used for all groups
  - Develop best management practices
  - identify the range of potential activities and species that will be affected; both direct and indirect
- Consider a blanket permit under FKNMS for others to work under
- Consider extending the length of permit period (state permits are only for one year)
- Consider more rapid ability to permit projects
  - Streamline Permitting to allow User Fees to help fund restoration activities

Additional Item noted:

- Working group member recommended that all sites that have restorative work be required to be analyzed for toxic chemicals; if a restoration effort fails we need to know why.
  - Consider making a recommendation to the Water Quality Protection Program to work together using restoration sites to do water quality analysis.

### **Morning Public Comment**

Two individuals provided public comment:

- Janice Duquesnel, Biologist John Pennekamp Coral Reef State Park. Noted the need for coordination among agencies to streamline the permitting process. The state park permits are issued on a yearly basis that takes 3 – 4 weeks and is easier to get a renewal because previous permits have been reviewed already. FWC has a check box on the application for work inside a state park.
- Chris Bergh, The Nature Conservancy and Sanctuary Advisory Council representative. Noted that the interdisciplinary committee should vet projects before they get to the permitting coordinators. Since the listing of the other species came up, our TNC opinion is that the listing of the species makes it more difficult. Up listing acropora is a wrong move. Listing the other species is unnecessary. This will constrain ecosystem management. Regulators will add rules and it will get a lot harder to adaptively manage the area. TNC believes it will overall be the wrong move.

### 3. Discussion and Exercise: Review, evaluate and prioritize recommendations Identify Specific Areas.

The working group recognizes the need and value in restoring the entire coral reef ecosystem within the Florida Keys National Marine Sanctuary. In an exercise to identify specific sites for targeted and active coral reef ecosystem restoration, the working group identified a total of 104 sites. To prioritize these sites, the working group conducted an exercise to identify three tiers of priority sites within each of the following zones: Upper Keys, Lower Keys, Middle Keys, Marquesas, and the Dry Tortugas (two sites per tier per zone per working group member; total of 6 site per zone; 30 total site per working group member). Working Group members were asked to consider:

- Biodiversity and range of habitats included

- Accessibility of sites for both restoration practitioners and potential for public to visit
- Potential for restoration success
- Existing management zones

Following this exercise, general trends were noted. Final assessment of priority sites will be distributed at a later date due to the need for four additional working group members to provide input and time needed to analyze the input.

The working group reviewed and discussed draft recommendations, including:

1. Types of restoration considered: active restoration, associated restoration (removal of invasive species, algae, etc.)
2. Management options
  - a. Restricting activities that may impact the restoration (anchoring etc.)
  - b. Restricting times during intense restoration
  - c. Potentially closing areas
  - d. Incentive access (user fees)
3. Marking and Mooring; ideas to mark zones
  - a. Whether to mark
  - b. Ways to mark
4. Adaptive / flexible management
  - a. Clear goals
  - b. Incorporate long term monitoring
  - c. Triggers to shift management type, zone type include:
    - i. Vessel grounding
    - ii. Bleaching
    - iii. New Technology

Discussion related to Management Options:

- Proposed access types:
  - Open Demonstration site / Incentive site
  - Managed access (restricted access)
  - Closed for research
- Simplify zone terminology and zone types
- Have fewer access options
- Make it consistent with the other agencies
- Open should be open
- All open except for small areas; have lenses for priorities
  - If an area is closed it needs to be defined who can enter the zone
  - Set a buoy with a restricted access for a distance around the buoy
- Temporal closure while actual restoration activities are underway and while restored ecosystem is “settling”
  - Site visitation during restoration is distracting
  - Restoration sites needs time to heal; closure for a set period of time
  - Take out mooring buoys during the time a site needs to settle
- Consider the value of restoration demonstration area
  - Use SPAs as demo areas; they are already managed

- Consider the use of incentive restoration sites
  - Exclusive access to areas for Blue Star operators only
  - Note that incentive access should be dependent on who is funding the project and requirements of funding entity (for example if funded through government agency or grant, the area should have managed/restricted access if it is a public funded project it can be open demonstration or incentive site)
- Consider use of User Fees (further discussion at June 12 meeting):
  - Propose user fees collected and distributed to restoration organizations
  - Consider everyone who enters Keys needs to pay
  - Provide a stamp showing user fee paid
  - Funds for use of mooring balls; could then be used to install and maintain

### **Afternoon Public Comment**

Public comment was provided by four individuals:

- David Poole, Eternal Seas Memorial. I was here last time regarding a memorial restoration zone, as for access to the a memorial restoration zone, short term would be limited access while the restoration is undergoing in the long term what we see is it is someone's grave and you wouldn't trample on someone's grave so no-take in terms of lobstering and fishing but completely open for diving so people can visit. To tack on to what Marius said as a reminder from a funding perspective for every acre like I mentioned last time I can generate a half million dollars per acre back to a restoration fund or an environmental economy fund however its portrayed. This can work. For long term restoration efforts this can fund all the other areas you want to work in and then some. As far as access goes I just wanted to point that out to you.
- Trudy Ferraro, Biological Scientist II John Pennekamp Coral Reef State Park. My only comment is that throughout all of the working group meeting one of the things that everybody has mentioned is to try to funnel things down to simplify zones; my thought is to even if it is a temporary zone closure, close it to all user groups.
- Chris Bergh, The Nature Conservancy and Sanctuary Advisory Council representative. Two types of zones and one other closed for research. We need to have some sorts of restoration with no people, some incentive sites at SPAs which is a tricky area. Phase them using mooring buoys take out one quarter at a time, restore it and move to other areas. Maybe some of the incentive operators, when you are done with that you have reached your objective whatever that is put the buoys back then work on the next area. Rotate if for whatever reason the areas you have restored become trashed again by people or a hurricane then you do it again. High use area dilemma of how to restore high use area. Then there are all the other areas that need restoration. Whether it is marked or not, it would be helpful to mark. Designated restoration site that can be marked with a buoy that a radius in the area is protected from fishing, traps, anchoring etc. Once you reach your goal take the buoy away. How to restore in non-high use area – designated restoration site might be helpful to restrict activities. Don't keep sites in restoration in perpetuity. Reach objectives and move on. The sites would be much more palatable if they aren't meant to be forever
- Janice Duquesnel, Biologist John Pennekamp Coral Reef State Park. There are a lot of responsible commercial operators but we have a lot of visitors that go out on their own vessels also. There are commercial operators that give education to their customers but I would like you to take into consideration that that can't be applied to all the general public that uses the

National Marine Sanctuary. When we come up with these accessibility designations we also have to consider that there are a lot of people out there on their own boats with no educational program who aren't as savvy as the commercial customers.

**Follow-Up Actions for Working Group Members**

- Review the Draft Recommendations Framework and provide comments May 31.
- Review working group priority sites in advance of the next meeting.

**Decision Items of Note**

- No decision items were before the working group at this meeting.