

FLORIDA KEYS NATIONAL MARINE SANCTUARY ADVISORY COUNCIL

**October 17th, 2006
Marathon Garden Club**

FINAL MINUTES

Members Present:

Chris Bergh	Martin Moe
Jeff Cramer	Ken Nedimyer
Jack Curlett	Krueger Nicholson
Todd Firm	George Neugent
Richard Grathwohl	Kathleen Patton
Debra Harrison	Bruce Popham
David Hawtof	Deborah Shaw
Don Kincaid	Brad Simonds
Jerry Lorenz	

Alternates Present:

Tony Iarocci	Jack Elon Hildreth
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Call to Order/Roll Call/Approval of Minutes from August 15th, 2006

Meeting/Adoption of Agenda for this Meeting/Introductions

Chairman Bruce Popham called the meeting to order at 9:12 a.m. The minutes were approved as presented. It was decided to defer a discussion of VMS to Public Comment and to a future agenda. The agenda was therefore adopted as presented. Todd Firm was recognized as the new Chairman of the Monroe County Tourist Development Council. Scott Zimmerman was recognized as the new Executive Director of the Florida Keys Commercial Fishermen's Association.

Sanctuary Superintendent's Report – CDR David A. Score (FKNMS, NOAA Corps)

Cdr. Score reported on the Leadership Team meeting at Olympic Coast National Marine Sanctuary. He said that Regional Director Billy Causey is actively rolling out the new manager's guide to coral bleaching. Captain Jayson Horadam is the Acting Major for FWC. Nancy Diersing reported on the Eco-Discovery Center, outreach efforts and the unveiling of the canon at the Key Largo Chamber of Commerce in deceased council member Denis Trelewicz's name.

Florida Department of Environmental Protection – Kent Edwards (FDEP)

Mr. Edwards gave advance notice on the Total Maximum Daily Load (TMDL) program in the state which will be holding a stakeholder meeting on October 24th. The Research Natural Area in Dry Tortugas National Park will come before the Governor and Cabinet on November 14th, pending some information from the federal side.

Public Comment

Lee Starling characterized VMS as an electronic house arrest bracelet that's bigger and on a boat. He indicated other potential user groups than small fishermen.

Greg Coldiron of Knight's Cay described proposed development there by the Earthmark company. He indicated that it would be inadvisable to allow a concession for personal watercraft (PWC), and requested the council's support to that end before the Marathon City Council. The council expressed general support for minimizing PWC impacts in the proposed area around Ohio Key.

Peter Cone, commercial lobster diver since 1973, M.Sc. Zoology (USF), has observed behavioral changes in lobster since the 1980s, coincidental with the in-filling of solution holes and the placement of habitat in the back country. He discussed some of the conflict between the trap fishery and the dive fishery, and the division within the dive fishery. He noted that eighteen months of the lobster ad hoc advisory board has not brought consensus within the lobster industry, and that there is a staggering amount of artificial, unregulated habitat already in place on the bay bottom. Discussion concerned the appropriate body to address these concerns. Ken Nedimyer observed that the loss of solution holes as habitat for lobster and grouper has affected fishing in general.

David White of The Ocean Conservancy read the attached comments concerning Biscayne National Park Fishery Management Plan and General Management Plan into the record. Due to time constraints, he reserved his recommendations for the afternoon session of Public Comment.

Manny observed that well-placed artificial habitat doesn't move in hurricanes and offers habitat for a number of organisms, including hogfish and larger lobsters.

Ron Gage from Key West argued the case that habitat diving has historic precedents.

Rush Mattz has been a Keys fisherman all his life and commented that using 1977 as a baseline while so much else has changed is not realistic, and that now casitas are the best sanctuary within the sanctuary. He noted that corals grow on concrete casitas as well as on seawalls.

Tony Iarocci on the South Atlantic Fisheries Management Council (SAFMC) noted that although the Gulf of Mexico Fisheries Management Council and the National Marine Fisheries Service approved VMS in federal waters, as of December 8th, it has not been supported by SAFMC in the snapper-grouper plan. He mentioned a forthcoming study to be conducted by FWRI in conjunction with Martin Moe on den traps and casitas.

Russell Moore, a commercial fisherman from Big Pine Key, discussed the use of casitas in other parts of the Caribbean, and commented that there are no studies to show that careful placement of casitas affects lobster migration patterns, and that such placement provides a way to harvest lobsters in an ecologically friendly manner. He recommended that Monroe County and the sanctuary pay spongers to stay out of the system.

H.T. Pontin said that in his estimation the sanctuary advisory council is trying to get more control and more power and still doesn't have jurisdiction over waters beyond Duck Key. He requested proof of that authority.

Discussion concerned the cause of the in-filling of solution holes, considered not to be casitas, and general over-fishing of the lobster population throughout the Caribbean.

Sanctuary Law Enforcement Report – LT Mitts Mravic (FWC)

Lt. Mravic reported that he will be on detail from Naples to the sanctuary for 90 days. He introduced two new officers for the P/V Peter Gladding, Officer Brian Christy and Officer Raul Pena-Lopez. Officer Charlie Mallow is moving to the Panhandle. Lt. Scarpa and the Peter Gladding participated in an event in St. Petersburg involving all five of the big law enforcement boats operating in the state. He produced case statistics for the sanctuary, including a number of spearfishing violations and indicated that a lack of education is not the cause of these violations, many of which are repeat offenses.

U.S. Fish and Wildlife Service Report – Anne Morkill (FWS)

Ms. Morkill reported that a new officer has been appointed to the refuges and that \$50,000 has been made available for cleaning up marine debris. She said that FAVOR (Friends and Volunteers of the Refuges) has submitted a grant proposal to NOAA for education and outreach. She acknowledged Robert Keeley as the new volunteer coordinator.

Florida Fish and Wildlife Conservation Commission – John Hunt (FWRI)

Mr. Hunt reported on a fish kill at MM99.5, and a plankton bloom of unknown cause that is being sampled in Buttonwood Sound and Blackwater Sound. He said that a series of workshops are being held around the state with the ad hoc lobster advisory board, with three scheduled for early November in the Keys, and commission meetings in Key Largo December 6th and 7th.

Discussion concerned the statistics presented by law enforcement.

Snapper Spawning Aggregations in the Florida Keys – Dr. Luiz Barbieri (FWRI, St. Petersburg)

Dr. Barbieri gave a PowerPoint presentation in which he defined spawning aggregations, reported on mutton snapper data from SE Florida and noted that there are neither state nor federal stock assessments which are current for mutton snapper stock, although it appears to be heavily fished. There is evidence that spawn is coming from the Keys through the current to the rest of southeast Florida. Turning to gray snapper, he indicated that the stock is in better shape than mutton snapper. He described the process by which an annual workplan is developed for FWC commissioners, and that a stock assessment for mutton snapper is being proposed under the South East Data Assessment and Review (SEDAR) process, with a meeting in the Virgin Islands in Spring 2007.

Discussion concerned connectivity between spawning aggregation sites (SPAGS), retention and sources of fish at SPAGS. Further discussion concerned the status of

goliath grouper, which is currently a closed fishery. A report on the status of goliath grouper was requested for the December meeting.

Captain Brad Simonds, representing the charter boat industry, said that charter boat operators no longer target mutton snappers, since there aren't enough around. He proposed that the advisory council craft a motion that the assessment go forward. Discussion concerned the SEDAR process.

Moved by Brad Simonds, seconded by Ken Nedimyer, passed unanimously upon roll call vote:

That the Florida Keys National Marine Sanctuary Advisory Council (council) requests that sanctuary managers communicate to the Florida Fish and Wildlife Conservation Commission (FWC) and the National Marine Fisheries Service (NMFS) their concern that two particularly valuable recreational, charter and commercial fish species, mutton snapper (*Lutjanus analis*) and gray snapper (*Lutjanus griseus*) are possibly being over-fished during spawning aggregations in the Florida Keys National Marine Sanctuary (FKNMS). The council is further concerned that the current stock assessment is out of date and that circumstantial evidence indicates a possible decline in mutton snapper and gray snapper stocks in FKNMS and therefore requests that FWC and NMFS and other relevant entities conduct updated mutton snapper and gray snapper stock assessments through the SouthEast Data Assessment and Review (SEDAR) process, holding at least one data workshop in the Florida Keys.

Law Enforcement Perspective on Illegal Lobster Habitat – Lt. Joe Scarpa (FWC)

Lt. Scarpa gave a PowerPoint presentation on why placing illegal artificial lobster habitat (casitas) is against the law, what efforts law enforcement is making to deal with the situation, and how proposed rule and law changes will improve enforcement efforts. He emphasized that he was not entering the debate over whether or not habitat should be made legal. A clip was shown made with Officer Mallow of a case made off the P/V Peter Gladding. It was clarified in discussion that the appropriate venues for discussing the legality of casitas are the commission and the fisheries management councils meetings.

Derelict Vessels – George Garrett (Monroe County Marine Resources Department)

Mr. Garrett gave a PowerPoint presentation on the effects of Hurricane Wilma and the efforts made, principally by Officer David Dipre, to undertake vessel, trap and other debris removal in coordination with FEMA. Commissioner George Neugent proposed that the council craft a motion in support of the agencies involved.

Moved by George Neugent, seconded by Richard Grathwohl, passed unanimously upon roll call vote:

That the Florida Keys National Marine Sanctuary Advisory Council (council) supports the following resolution acknowledging in appreciation the work done by the different agencies involved in post-Hurricane Wilma, near-shore water clean-up of derelict vessels and marine debris and support for the continued clean-up of the Monroe County coastline.

WHEREAS, Monroe County has consistently had one of the highest occurrences of derelict/abandoned vessels in the State of Florida; and

WHEREAS, Monroe County removes approximately 100 derelict/abandoned vessels annually from the waters and shorelines of the Florida Keys; and

WHEREAS, the 2005 storm season, particularly the impacts of Hurricanes Katrina, Rita and Wilma left over 400 vessels sunken in surrounding waters or dashed on the shores of the Florida Keys; and

WHEREAS, following the 2005 storm season and through a partnership of FEMA, the State of Florida and Monroe County with its municipalities, storm damaged vessels and other existing derelict/abandoned vessels have virtually been removed from the waters surrounding the Florida Keys; and

WHEREAS, the appearance, beauty and aesthetic value of the Florida Keys has been enhanced substantially through this effort; and

WHEREAS, boating safety for citizens and visitors to the Florida Keys and protection to shoreline properties has been tremendously increased by this effort; and

WHEREAS, an aggressive, continuous, and day to day effort to identify and remove derelict and abandoned vessels would minimize the creation of new derelict/abandoned vessels and future potential storm impacts; and

WHEREAS, an aggressive derelict/abandoned vessel program would also remove life-safety threats to the human population, improve environmental health, minimize impacts to the environment, and improve the aesthetic character of the Florida Keys; now, therefore,

BE IT RESOLVED BY THE FLORIDA KEYS NATIONAL MARINE SANCTUARY ADVISORY COUNCIL THAT:

1. thanks is given to all involved with the effort to remove vessels impacted during the 2005 storm season and all other derelict/abandoned vessels removed during the project effort; and
2. particular commendation is made for the efforts of the Fish and Wildlife Conservation Commission (FWC) and the Monroe County Sheriff's Office (MCSO) in its aggressive effort to identify and complete "due diligence" requirements for all vessels removed; and
3. these agencies are asked to continue aggressive actions which would maintain the level of effort required to eliminate derelict/abandoned vessels from the waters of the Florida Keys, including
 - a. heightened day-to-day focus on the derelict/abandoned vessel issue, and
 - b. training of all waters officers in the requirements for identifying and authorizing the removal of derelict/abandoned vessels; and

- c. direction to water officers that writing derelict/abandoned vessel reports and citations is an essential part of their duties.
4. this Resolution is provided to all agencies and entities involved in the effort to remove vessels after the 2005 storm season, particularly the FWC and MCSO.

PASSED AND ADOPTED UNANIMOUSLY by the Florida Keys National Marine Sanctuary Advisory Council at their scheduled and publicly noticed meeting on the 17th day of October, 2006 at the Marathon Garden Club, Monroe County, Florida.

Discussion concerned the need for vessel insurance in the state of Florida.

Report on Algae Blooms in Eastern Florida Bay and Southern Biscayne Bay – Cecelia Weaver (South Florida Water Management District)

Ms. Weaver gave a PowerPoint presentation, addressing the content of the fill being used in the 18 Mile Stretch widening project, and assured the council that a monitoring plan is being designed, and that a field trip was conducted before the council meeting. The latest available data will be made public at the November county commission meeting in Key Largo. A request was made for flow data from the C-111 canal for 2005 to the present at the December advisory council meeting, and for the District to have a permanent seat at the agency table.

Discussion, assisted by Dr. Joe Boyer (Florida International University), concerned iron, Total Phosphorus (TP) and nutrient loads. It was clarified using a graph from the District report on C-111 that although there are spikes typically after hurricanes, there are no blooms. Because Florida Bay is a carbonate environment, there are problems comparing the scant data on iron from the Bay with other systems. Dr. Boyer indicated that it would be advisable to test the slag used in the fill for iron content, which is a controlling factor in the persistence of algal blooms. DOT is already undertaking an analysis of the slag and samples of the dry mix material are being sent to Dr. Cindy Heil, state algae expert at FWRI. Audubon has been analyzing samples from the Bay for a number of years.

18 Mile Stretch Widening Project – Alice Bravo, John Palenchar, Barbara Culhane (Florida Department of Transportation) and Michael Derksen (Granite Construction Company)

An overview was given of the site characteristics, selection of construction company, permitting process and project implementation, during which 20 acres of mangroves were removed, mulched and returned to the site as fill.

Discussion concerned the relative contributions of hurricanes and the road widening disturbances to the onset and persistence of the large algal blooms in Florida Bay and Biscayne Bay, and appropriate tests to monitor the situation. Further discussion concerned water chemistry, ecosystem states, eutrophication and the life history of the alga involved. It was agreed to keep the council informed on the status of the blooms.

Public Comment

Scott Zimmerman of the Florida Keys Commercial Fishermen's Association introduced himself as the new executive director. He brings with him a background in sustainable aquaculture.

Mimi Stafford on the ad hoc lobster advisory board has been fishing in the Keys since the seventies. She said that despite having supported the commercial trap reduction scheme with the understanding that the fishery would improve, the catch has not increased. She indicated that in the lower Keys casitas are causing economic damage to the trap fishermen.

Richard Grathwohl of Marathon Guides Association said that while he was participating in a state-sponsored snook workshop in St. Petersburg, he had the opportunity to interact with a number of FWC officers. He reported that they are grossly underpaid and are having to leave in order to make their mortgage payments. He said that we are training people to work for the sheriff.

Tony Iarocci on the South Atlantic Fisheries Management Council commented on the earlier presentation on snappers, and handed out SAFMC material to council members, encouraging them to contact the new chairman, George Geiger. He raised the concerns that south Florida commercial fishermen have with compulsorily installing VMS on their boats. He said that they don't fish out in the Gulf, and would find it a financial burden to install these systems.

David White with The Ocean Conservancy put forward a remedy for Biscayne National Park. He noted that the National Park Service (NPS) is not so much managing the park, as it is presiding over its demise. He read from the current management plan, which is still in effect, and which calls for the restoration of fish populations. He made four recommendations. Mr. White's comments are attached.

Update on Biscayne National Park Fisheries Management Plan – Elsa Alvear (BNP)

Ms. Alvear reported that the management plan is still in internal draft but will be released in 2007 with 60 days public comment period. Dr. Todd Kellison, now with National Marine Fisheries Service, but a Park scientist during the development of the plan, commented that a stakeholder group involving sanctuary advisory council members had been involved in the development of alternatives for the plan. Discussion concerned the 18 months that have elapsed since that group made its recommendations to the Department of the Interior. Ms. Alvear noted the high rate of staff turnover at the Park which contributed to the delay. Further discussion concerned the paucity of information provided to the group prior to formulating alternatives, specifically language in the original management plan. Mr. White observed that Biscayne National Park is on the verge of ecological collapse.

Ecosystem Restoration Working Group Report – Dr. Jerry Lorenz (SAC and Audubon)

Ken Nedimyer and Martin Moe noted that with some financial help from Ocean Reef's Rod and Reel Club, they were able to commit more time and effort to *Diadema*

restoration. Chris Bergh (The Nature Conservancy) gave updates on the human dimension side of the reef resilience project underway in the Keys, collaborative climate change programs in conjunction with the World Wildlife Fund, and an update on the marine protected area white paper being prepared by TNC. Acknowledging the presence of John Adornato, current chair of the Everglades Coalition, he proposed that the council craft a motion concerning that body's meeting venue.

Moved by Chris Bergh, seconded Debra Harrison, passed unanimously upon voice vote:

That the Florida Keys National Marine Sanctuary Advisory Council requests that sanctuary managers convey to the organizing committee of the annual Everglades Coalition conference that the next conference be held, as used to be customary, in the Florida Keys.

Dr. Jerry Lorenz gave a CERP update.

Education and Outreach Working Group Report – Martin Moe (SAC)

The next meeting will be in November, and a full report will be made at the December meeting. George Neugent (Chair, Sanctuary Friends of the Florida Keys) acknowledged fellow board members Judy Halas and Martin Moe. He said that Sanctuary Friends has agreed to fund some of the educational programs in the county that NOAA was unable to fund due to the budget deficit this calendar year. He also said that Sanctuary Friends is hosting a special session of Caribbean Connectivity at the Gulf and Caribbean Fisheries Institute meeting in Belize in November. They will be providing \$30,000 this time, compared to the \$10,000 contributed to the first Connectivity meeting.

Public Comment

Lee Starling, an independent fisherman and supplier to Waterfront Market in Key West, urged that spawning aggregation sites should be closed to all fishing.

Adjourn

The meeting was adjourned at 5:15 p.m.

Respectfully submitted by

Fiona Wilmot

Summary of Comments by David White, SAC Meeting

Richard Curry, Biscayne National Park (BNP) Science Research Coordinator, was quoted in the Washington Post on 10/18/04: Richard Curry remembers when the waters of the 173,000-acre preserve were teeming with fish and vibrant corals. “It was gorgeous. There were fish all over the place, lobster all over the place; there was color in the corals,” said Curry who has worked in the park for 27 years. But on a recent snorkeling trip, Curry pointed out that the ventilina, a fanlike coral that should be a bright purple, is now a dull brown, and just a few fish were visible among the reefs. The average size of a black grouper in the park has shrunk 60% since 1940, and the total population of the threatened reef fish has dropped 95%, mainly because of overfishing. “The whole system is in jeopardy, there’s no question,” he said.

The National Park Service (NPS) is not so much managing the park, as it is presiding over its demise. According to a recent fisheries and habitat analysis commissioned by the NPS:

“The following points summarize our findings:

For all of the harvested species analyzed, the average sized fish within the exploited phase of these populations for the last 25 years has remained relatively constant and is very close to minimum harvest sizes, not natural historical unfished population size. Many species with extremely low average length in the past have had very little change in average length even though new minimum size limits were imposed. The average size of black grouper is now 40% of what it was in 1940 and the spawning stock is now less than 5% of its historical unfished maximum.

Overall, 70% of the 35 individual stocks that could be analyzed are overfished. An analysis of the Spawning Potential Ratios (SPR) of exploited reef fish shows that 13 of 16 grouper species, 11 of 13 snapper species, barracuda and 2 of 5 grunt species for which there are reliable population dynamics data are below the SPR that constitutes overfishing by Federal definitions (Magnuson-Stevens Fishery Management Conservation Act).

Stock biomass is critically low for most key targeted species within the recreational fishery. For example, the current level of fishing mortality for grouper stocks range from 3 to 10 times the exploitation level that would achieve Maximum Sustainable Yields (MSY). Some stocks appear to have been chronically overfished since at least the late 1970’s.

Exceptionally high and sustained exploitation pressures have precipitated “serial overfishing” of key fishery resources. Smaller and less desirable species

have consistently increased in the catch as larger more vulnerable species are eliminated.

The recreational fishing fleet in South Florida has grown at a near exponential rate since 1964 (a 444% increase in recreational boats from 1964 to 1998) with no limits on the number of boats allowed to fish. The relative effective vessel “fishing power” of the recreational fleet has quadrupled due to depth indicators and fish finders, global positioning systems, improved vessel designs, larger motors, and two-way radio communications.

A proportion of the fish in catches observed at the Biscayne NP boat ramps during creel surveys are **smaller** than the minimum size limit for legal harvest. This is as high as 70% for yellowtail and mutton snapper! Inadequate enforcement and knowledge of fishery regulations (reflected in preponderance of undersized “illegal” fish seen in creel catch size frequency distributions) and the extremely poor status of reef fish resources (BNP is the worst situation in the entire Keys) signals eminent resource collapses. Enforcement needs to be stronger to discourage poachers.

In Fact, we also found that 13 of 35 species we analyzed have their minimum size of legal harvest lower than the minimum size of sexual maturity, that is, these fishes are being captured before they have ever had a chance to spawn.”

Site Characterization for Biscayne National Park: Assessment of Fisheries Resources and Habitats

Jerald S. Ault, Steven G. Smith, Geoffrey A Meester, Jiangan Luo, and James A. Bohnsack: Univ. of Miami, *Final Report of Contract No. CA-525000024 for Biscayne National Park*, iii-iv, May 2001

This study documents that Park management has resulted in “impairment” of marine resources in violation of the NPS organic act and the enabling legislation for BNP. The documented decline in fish populations and habitats in BNP has occurred because the NPS made no effort to implement or enforce its existing Management Plan, which was adopted in 1983, and calls for the restoration of fish populations within the Park “**similar to that which existed prior to fishing pressures.**” The current management plan, still in force and effect, states:

“Management of Marine Resources. In accordance with the 1980 park legislation, NPS rangers will continue to enforce Florida state law governing sport and commercial fishing. Collection of tropical fish, coral, or other nongame species will continue to be prohibited. The current program of monitoring fisheries will be expanded to the new park waters. As information needs are identified, the park will monitor specific fishery resources or contract with reputable researchers for the data. **The intent of managing commercial and sport fishing within the park will be to sustain a composition of native marine populations similar to that which existed prior to fishing pressures.** Specific information on marine resources for Biscayne National Park prior to park

establishment is lacking. Therefore, available studies of south Florida fisheries, including baseline fisheries data collected in the park between 1976 and 1980, will guide managers in determining the appropriate levels of marine populations that should be sustained. **If it appears, based on research or regular monitoring, that further restrictions on locations, times or methods of fishing within the park are warranted, the National Park Service will consult with the state for either revising the state fishing regulations or revising (through the secretary of interior) the park regulations, as provided for in the 1980 legislation.**

Biscayne National Park: General Management Plan, Development Concept Plan, Wilderness Study and Environmental Assessment, 38, Jan. 1983.

Remedy: The NPS and FWC need to take a new course in managing the marine resources in the park to cure the impairment of marine resources. The Ocean Conservancy recommends the following four steps:

- 1) The new General Management Plan must be developed and released to the public before or at the same time as the proposed Fishery Management Plan. We agree with the NPS and the FWC that the public will not have a meaningful opportunity to comment on the revisions to the management plans unless all proposed actions that may affect fishing within the Park are on the table at the same time.
- 2) The “no-action” alternatives in the EIS for both the GMP and FMP must be the existing management strategy for managing marine resources in the park, i.e., “The intent of managing commercial and sport fishing within the park will be to sustain a composition of native marine populations similar to that which existed prior to fishing pressures.” This is not only required by law, but is the only way the public will have a meaningful choice between restoring the fish populations in the park to natural levels, or tinkering with fishing restrictions that will not restore the park’s marine resources.
- 3) The NPS must put together a stakeholder group similar to the “Tortugas 2000” working group to help develop alternatives for the new GMP.
- 4) The NPS should work with FKNMS, DEP, FWC, NMFS, and others to put the “science on the table” in terms of the condition of Park resources, alternative management strategies, and the benefits and limitations of marine protected areas as management tools to manage the park into the future, as recommended by the FKNMS SAC, NPS Strategic Advisory Board, the National Academy of Sciences, the Coral Reef Task Force, the Pew Oceans Commission and the US Commission on Ocean Policy.

