

FLORIDA KEYS NATIONAL MARINE SANCTUARY ADVISORY COUNCIL

**Marathon Garden Club, Marathon
Tuesday, April 21, 2009**

MINUTES

Members Present

Chris Bergh	Don Kincaid
Jeff Cramer	Jerry Lorenz
Jack Curlett	Rob Mitchell
Jon Fajans	Martin Moe
Dolly Garlo	Ken Nedimyer
Richard Grathwohl	Bruce Popham
Susan Hammaker	Gary Randolph
David Hawtof	Brad Simonds
Bob Holston	Jim Trice

Alternates Present

Clinton Barras	David Makepeace
Jason Bennis	Corey Malcom
Heather Carruthers	Krueger Nicholson
Jana Fly	Bob Smith
Bruce Frerer	David Vaughan
Peter Frezza	Scott Zimmerman

**Call to Order/Pledge of Allegiance/Roll Call/ Approve Minutes from February 17, 2009 Meeting/
Adopt Agenda for this Meeting/Chairperson's Comments/Introductions**

Chairman Bruce Popham called the meeting to order at 9:01 A.M. Jack Curlett then led the group in the Pledge of Allegiance.

The draft minutes from the February 17 meeting were reviewed. Chair Popham mentioned that Karen Raine was not able to be at this meeting, but that she asked that the draft minutes reflect that she reported the summary settlement amounts had been increased, not that they were working on it. Dolly Garlo moved that the minutes of the February 17, 2009 meeting be approved with this change, and Ken Nedimyer seconded it; Chair Popham then deemed the minutes approved. ***ACTION ITEM:*** Sanctuary Advisory Council (SAC) Coordinator, Lilli Ferguson, to change the final February 2009 SAC meeting minutes to reflect that Karen Raine of the National Oceanic and Atmospheric Administration's (NOAA's) Office of General Counsel reported that summary settlement amounts had been increased.

Chair Popham asked if there were any additions or changes to the agenda and, as there were none, deemed the agenda for the meeting approved.

Chair Popham announced five people recently appointed to serve on the SAC: Marvin Schindler, alternate for the Citizen at Large - Middle Keys seat (who was not able to be present at this meeting), Rob Mitchell, member for the Diving – Upper Keys seat; Commissioner Heather Carruthers, alternate for the Elected County Official seat; Bruce Frerer, alternate for the Fishing – Recreational seat; and Krueger Nicholson, alternate for the Tourism – Upper Keys seat; Mr. Nicholson has been on the SAC in the past, Chair Popham noted. Chair Popham welcomed the new participants and stated that he liked have

alternates at SAC meetings so they may be up to speed on SAC discussions. He reviewed that alternates would not vote if the primary member was present, but welcomed them to be involved and participate in the discussions. Chair Popham also announced Tracy Ziegler was joining the SAC as a [nonvoting] agency representative for the National Park Service [representing Everglades National Park (ENP)], and he welcomed her to the group.

Chair Popham then brought up the “Our Challenge” document, by Dan Basta, provided by Ms. Ferguson to the SAC. Chair Popham said he met Mr. Basta 5-6 years ago, and that he is a brilliant man and has a great perspective on things; he is truly a leader with the National Marine Sanctuary System. Chair Popham noted sanctuaries are truly special places, and in the Keys we are surrounded by a National Marine Sanctuary. Also, to the north, we have ENP, and to the East, Biscayne National Park. Richard Grathwohl added that the National Wildlife Refuges should be included as well. Chair Popham noted that he felt that this is an even more special place because of the various protected areas here. Chair Popham briefly reviewed some of the highlights of the document, noting that Mr. Basta touched on topics such as climate change and how to effectively reach people who visit sanctuaries. Mr. Basta also referred to an attitude of confidence, which Chair Popham said was exemplified by this group. He asked if there were any comments, and recognized Bob Holston, who sits on the National [Marine Sanctuary] Foundation. Mr. Holston said there is a great opportunity this coming summer to highlight this sanctuary and Monterey; approximately 30 kids from the Middle East are being brought to the United States to interact [with Americans] on marine science, and they will visit the Florida Keys National Marine Sanctuary (FKNMS) and the Monterey Bay National Marine Sanctuary. The trip is sponsored by the Department of Defense, NOAA, National Geographic and others. Mr. Holston said it is an example of using sanctuaries for engagement. Chair Popham urged everyone to read the document, and commented that it was important to understand where Mr. Basta was coming from.

Superintendent's Report – Sean Morton, Acting Superintendent (Florida Keys National Marine Sanctuary [FKNMS])

- Sean Morton apologized for Dr. Billy Causey not being able to be present at the meeting as he was in Savannah doing some work. Mr. Morton also said that Dave Score was also not able to be present as he was in Mexico, and that CDR Score said “vaya con Dios.”

- Mr. Morton noted that, on March 24, the Department of Commerce got a new Commerce Secretary, Secretary Gary Locke, who is a former governor from Washington; Mr. Locke is familiar with a lot of the climate change issues, he noted, and worked with the west coast governors on climate change. A new NOAA Administrator, Dr. Jane Lubchenco, also began in March. She went to Maui to open the Hawaiian Islands Humpback Whale National Marine Sanctuary visitor center there, and Mr. Morton said he hoped to get her here soon.

- In local news, he said the Key Largo office is still out of commission; it flooded and the staff is still working out of other offices and homes. The staff is working to get up and running in that office again.

- Regarding the budget, he said it was passed, but was still slowly trickling down through NOAA, and FKNMS did not have a clear budget picture yet.

- He mentioned that April 22 was Earth day, and that FKNMS was working on a partnership with Keys Energy to possibly get a solar roof installed by a company on the roof of the Eco-Discovery Center.

- Mr. Morton concluded by announcing that he nominated Ms. Garlo as the FKNMS candidate for the National Marine Sanctuary Foundation’s Volunteer of the Year Award [2008]. He said she would join him during Capitol Hill Ocean Week the first week of June, going around Capitol Hill to talk about our accomplishments and challenges; and to attend events, including a leadership dinner and a dinner at Mr. Basta’s house.

Agency Report Highlights:

Florida Department of Environmental Protection (FDEP) Report -- Kent Edwards, DEP

- Kent Edwards provided an update about the issue of mooring balls at Mule Key. FKNMS staff members have worked with snorkel boat operators and dive operators on mooring balls, and the snorkel operators said they wanted a mooring ball at Mule Key. FKNMS staff members went there and confirmed there were resources at that location and that a mooring ball was needed. They have installed two anchors and after the cement cures within a month, will install two mooring balls. This is a good example of working with the private sector, Mr. Edwards noted.
- On the *Vandenberg* project, FKNMS staff members have worked with Bob Smith and the City on it, including working on a design for mooring balls for the ship. The balls would take pressure off the natural reef system, Mr. Edwards hoped. FKNMS was working with its partners, including the U.S. Environmental Protection Agency (USEPA) to make sure the ship would be cleaned up prior to its sinking as an artificial reef, and that there would be access for the public after it has been sunk around May 20; the project needs an FKNMS permit. Chris Bergh inquired about monitoring of invasive species introductions after the ship is sunk, and expressed concern over the growth of marine organisms on the hull while the ship was in dry dock in Virginia. Mr. Edwards said he believed 2-3 weeks earlier, the hull had been brushed down with a machine to remove materials (mostly soft algae), and that almost everything was removed. Only a few hard organisms remained, and he said that FKNMS, in consultation with other agencies, did not determine they were a concern. He said he would like to engage divers to look at the ship with FKNMS staff members once it is sunk. Mr. Bergh encouraged that an assessment be done within the first month, to look for and monitor anything that might be potentially invasive, and offered to help find local experts to do identification, if needed. Mr. Edwards mentioned there was one particular organism that could be of concern if found, and any assessment would include that organism.
- Mr. Edwards also reviewed that the state legislature was in session, in its last two weeks. He mentioned that the DEP side of FKNMS has not [traditionally] gotten much money from state government. He said there was work to change that, as it should not be that way. He added that there were a lot of other agencies in the Keys doing a great job, such as State Parks.

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

- Anne Morkill thanked Mr. Grathwohl for bringing up the Refuges during the Chair's remarks.
- She complimented the Sanctuary Friends Foundation of the Florida Keys (SFFFK) for the recent event held by its staff at the Eco-Discovery Center. She added Bahia Honda also had a great event the weekend past, with good attendance from members of the public.
- She noted the Crocodile Lake Refuge Manager just received an honorary award; he is currently on detail in Guam. He has been the Refuge's only employee for a number of years, and has done much good work.
- Ms. Morkill said the *Barometer* had an article recently on a recent land exchange with the USFWS; the Refuge gave up some scarified property and received a high value property on which a visitor center will be built in future.

Florida Fish and Wildlife Conservation Commission (FWC) Report – John Hunt, FWC

John Hunt passed around a press release from the last Commission meeting, and provided a copy to Ms. Ferguson. He said he knew the Commission talked about grouper in the Gulf of Mexico and permit, but there was not a huge marine focus on the Florida Keys at that meeting.

USEPA Report -- Patricia Bradley, USEPA

- Patricia Bradley reported that the NOAA Coral Reef Conservation Program published some goals in the *Federal Register*, and was looking for public comment.
- She also said the USEPA published a notice of data availability in the *Federal Register* on marine-based water quality and was also seeking public comment.

- She stated the Administrator recently announced six greenhouse of the gases relevant to human health and the ecosystem and things to manage them under the Clean Air Act.
- Finally, Ms. Bradley circulated a copy of a document summarizing USEPA programs that implement the Recovery Act, including grants with different deadlines.

FWC Report cont.—Lt. Liz Riesz, FWC

- Lt. Liz Riesz reported that she was standing in for Major Edwards and Capt. Langley at this meeting.
- She said there were two new officers in the upper Keys, and two new officers in the lower Keys. One in the lower Keys was assigned to the *Gladding*, under Lt. Scarpa, and that they were getting trained. She reviewed that Lt. Bill Burns was recently voluntarily demoted, and would be posted as an officer crew to the Seahawk long range vessel on upper, lower and other missions around the state, as directed by FWC. Another veteran officer would be on that vessel, and Lt. Ed Maldonado put in a request for a lateral move to be on that vessel. This would stabilize the crew for FWC missions.
- Major Edwards asked her to mention a large case, not yet charged, on illegal gillnetting in the Gulf, she said. She reviewed that FKNMS personnel and the County removed 1000 yards of gillnetting with 19,000 lbs of Spanish mackerel east of Cape Sable, south of Naples, after five boats were found illegally gillnetting, two and a half miles off the coast and ditched the nets. She thanked all those who assisted.
- Finally, she mentioned a recent incident of not-so-good news in which the Federal Bureau of Investigation arrested an FWC officer engaged in armed trafficking, and possessing a firearm in the commission of a felony. That officer, formerly out of Big Pine Key, was no longer with FWC, she said.

South Florida Water Management District (SFWMD) Report -- Thomas Genovese, SFWMD

- Tom Genovese noted he was asked at the last SAC Ecosystem Restoration Working Group meeting to provide an update on the C-111 spreader canal project. He said he has always stated that \$70 million was in the bank, actually committed to the project; \$40 million was from the Everglades Trust Fund. He noted some concern had been expressed that if construction did not begin by the end of September, the end of the fiscal year, that the state might ask for that money back. SFWMD construction plans were moving forward to drive down that possibility, with no indications the money would be taken away, he affirmed. He said the SFWMD received word March 31 that the Army Corps of Engineers (ACOE) would do a concurrent internal and public PIR review, which would save time and money. The USEPA Clearinghouse received it April 10, he said, and on April 24, it would be on the Everglades.org web site, receiving public comment. The ACOE hopes to have all comments and a draft PIR by the end of June. Pending District governing board approval, the ACOE would public the final regulator impact statement by the end of July, then by mid September, to have the 404 permit issued (it is hoped before the September 9 governing board meeting). Stakeholders were asked to send in public comments in support of the project, as those were equally, if not more important, than negative ones. Mr. Genovese also asked stakeholders to encourage the ACOE to keep to, or accelerate, its schedule. Jerry Lorenz asked how long the comment period would be open, and Mr. Genovese said he would check and let the group know, stating that the completion of comments was expected by the end of June. *ACTION ITEM:* Mr. Genovese to let the SAC know how long the comment period for the public comment period for the draft PIR would be open. This might be an item for the June SAC meeting, and Chair Popham asked Mr. Genovese to let Ms. Ferguson know the timing so it could be considered as an agenda item for that meeting. Dr. Lorenz added that there was a question of impacts from this project to Biscayne Bay and how those might be circumvented.

NOAA Fisheries Office of Law Enforcement (OLE) -- Kenny Blackburn, NOAA Fisheries OLE

- Kenny Blackburn said that he and his partner, John O'Malley, had been in and out of court recently. They have full case loads, he said. In a recent case, five of six defendants pleaded guilty. All except the drivers were charged under the Lacey Act to conspire to illegally harvest lobster from sanctuary. One person had been found guilty of harvesting lobster out of season for more than one season, but had not yet been sentenced. Another person was found guilty, but got probation for a federal felony. A major player

in the case had been investigated for a year on illegal fish sales from Dry Tortugas National Park and FKNMS, at the same time the lobster case took place, and he pled guilty to lobster sales; he planned also plead guilty to illegal fish sales in a week. This person had been doing this primary operating out of Key West for the last six years with no federal permits, and could outrun all law enforcement vessels with his vessel; the product was taken to Miami. Special agent Blackburn said the cases against three wholesalers were still under investigation. One person in the case received a civil sentence, mandating that he and his wife sell two houses in the Keys and not be on FKNMS waters for five years; criminal sentencing for had not yet taken place. The lobsters were harvested illegally with casitas, staked down by rebar. He also showed a map of the sites from which the lobsters had been harvested.

- On another matter, Special agent Blackburn said a civil case about anchoring provided by the *Gladding* crew had recently been submitted to General Counsel.

- Discussion ensued. Chair Popham asked if the civil award money would be coming to FKNMS, and Mr. Morton replied that some of it would. Mr. Morton also mentioned that, in the gillnetting case, it was the Marine Debris program that picked up the cost. Martin Moe asked Mr. Hunt how much illegal activity was counted (in the ratio of lobster collected) and how much fell through the fishery statistics cracks. Mr. Hunt said he did not know, and did not know how to get at the answer, and felt it was more of a legal issue. Lt. Riesz said she believed the divers permitted to harvest lobster in commercial quantities by diving had a 250 lbs/ bag limit, and that was factored into the haul for the state, if sold legally. But if it were illegally sold, there would be no way to grasp that number. Mr. Moe said the management of the lobster fishery was based upon a false yield; Lt. Riesz said that would potentially be found in any resource management. Mr. Hunt added that trip tickets in general reflected where a person fished. The proportion of harvest of area 1, relative to all the other areas has stayed the same, but a shift has taken place with more lobster gathered by divers than by traps. He summarized that there was no estimate of harvested amounts that were not reported. Mr. Moe said he thought that since less lobster were caught this year, it meant more were flowing into illegal catch. Mr. Hunt replied that it could have to do with the lobster migration patterns, and was probably related to a change in the lobsters themselves, not to say that illegal catch was not an issue. David Hawtof mentioned he had been told by some lower Keys lobster fisherman that they could bring in 250 lbs but could also put extra poundage in traps; Special agent Blackburn replied that would be illegal, and also noted there were trap tags out there with no traps being put out. There was a bit more discussion amongst the group on lobster reproduction and studies. Lt. Riesz added a comment that commercial trappers did get a commercial dive permit too. Jeff Cramer voiced some concerns about catch shares, illegal sales, and legal landings.

Public Comment

Chair Popham recognized Tony Iarocci, a former SAC member, who currently is on the South Atlantic Fishery Management Council (SAFMC). Mr. Iarocci thanked Mr. Nedimyer for coming to the last meeting of the SAFMC, and said the SAFMC was working on trap issues, and would like this SAC to designate areas within FKNMS where the corals are, between now and the next meeting, so things could be prioritized under the Endangered Species Act. He mentioned the Council was working on some other things as well. Chair Popham commented that Roy [Crabtree] had said he wanted to work together.

Chair Popham said he would get together with Mr. Morton about it. *ACTION ITEM:* Chair Popham and Mr. Morton to meet to discuss the issue of corals and traps and working with the South Atlantic Fishery Management Council.

State of Florida Submerged Sovereign Lands Regulations -- Kent Edwards, DEP

- Mr. Edwards recognized Gus Rios and Bruce Franck of DEP, who were in the audience. Mr. Edwards reviewed that FKNMS is managed with a state-federal partnership; his intention in this presentation was to provide an introduction about state sovereignty submerged lands. He also acknowledged the work of Bud Vielhauer (who was not present), who contributed a lot of the information in the presentation. Mr. Edwards mentioned that before he came to work at the sanctuary, he worked several years on permitting and state lands. He provided an overview of the terms and legal basis for state sovereignty (oversight or

ownership, lands in trust for the benefit of all the people) of submerged (under water) lands. The legal roots go back to Roman and English law. Now, state sovereignty issues largely involve building of docks and other structures, moorings, dredging, filling, etc., he said. When Florida became a state in 1845, the federal government gave the state title to the submerged lands, under the Equal Footing doctrine. The lands are managed in the public interest, or, not contrary to the public interest. He reviewed that the Board of Trustees of the Internal Improvements Trust Fund were charged with managing the state owned lands. It receives tens of thousands of applications for uses on submerged lands. The DEP office Mr. Rios and Mr. Franck work for was delegated the authority to take care of the lands, and Mr. Edwards noted there were other agencies that also made decisions related to sovereign submerged lands, but, at any time, an issue may be elevated to the Governor and Cabinet to decide. The majority of sovereign submerged lands authorizations are handled through the environmental resources program, and permits are consolidated. Mr. Edwards also reviewed relevant portions of the Florida Administrative Code (18-21). A key principle is that the state manages, protects and enhances sovereignty lands so the public may continue to enjoy traditional uses, and for the benefit of the state; special attention is given to several issues, including threatened and endangered species, public access, etc. He also reviewed the types of authorizations, including a letter of consent, and easement or a lease, and the normal base fee. For more information, Mr. Edwards referred people to: <http://www.dep.state.fl.us/legal/Rules/rulelistnum.htm> .

- Several questions and comments followed. Mr. Moe said he understood some deeds included submerged bay bottom next to upland property, and wondered what the advantages of that were, if any. Mr. Edwards noted owning the bottom in the permitting realm meant an applicant would not need an authorization from the board or its delegated agency, but would still need a wetlands regulatory permit. The person would need to have an actual deed from the Board of Trustees. Lt. Riesz added some families own the bay bottom (the dirt), but they do not own the water over it nor the creatures sitting on it. A visitor to that area would not be able to anchor on the bottom (as it would be a trespass issue), but would be able to swim or harvest a lobster there, as it was not attached to the dirt. She added people claiming ownership must produce the deed and show the taxes were paid for that year.
- Ms. Morkill asked where the county's jurisdiction started and ended, as opposed to the state. Mr. Edwards explained the county had jurisdiction that may overlap that of the state, but the county was not the sovereign.
- Mr. Bergh asked about projected sea level rise, and if the state would own property that would be underwater in 100 years. Mr. Edwards thought it was tied back to 1845, and that there was consideration of erosion and accretion, but did not believe that it would not have an effect on ownership. Mr. Rios added that they were looking at the issue; oftentimes the mean high water survey, done years ago, would be consulted if there were a dispute. It is not a simple issue, and may become a legal issue in the future, he said. Mr. Bergh commented he would be interested in giving a sea level rise assessment presentation to the SAC at some point in the future.
- Chair Popham asked about vessels such as the *Legacy*, and the associated structures moored to it, and that there may be some commercial activities there. Mr. Edwards said there was not a sanctuary regulation about this, but that the state was there, and that he had reached out to the regulatory office about some of these activities. He said he was trying to get the City of Key West and the state working on it. He felt there could be benefits to considering how to deal with things in the backcountry and in areas closer to the city, and that there may be a way to have some activities continue.
- Commissioner Carruthers inquired if lobsters did not belong to landowner, did that mean that people who complained about people harvesting lobster in front of their seawalls, and asking the county to pass regulations, had no basis. Mr. Edwards said that he could not comment on the county's authority. It was discussed that, the general viewpoint is that the lobster was just passing through. Mr. Nedimyer observed that the issue was related to an extension on restricting snorkeling and diving, and others added that the issue was about user conflicts. Local jurisdictions were handling this in different ways, it was noted, and there are good partnership examples from the past where a transfer of ownership or a management agreement have worked well.

Code of Ethics for Living and Working in the Florida Keys – Martin Moe, SAC

- Mr. Moe said this effort began at Dec SAC meeting, when the SAC discussed abuses occurring at Snapper ledge, and the problem was the wanton destruction of marine life at that time. He said that it came out that if that area were closed, the behavior might shuttle somewhere else, and the root of problem would not have been addressed. He said lack of respect and understanding was the root of the problem and was due to ignorance. He thought a code of ethics could be distributed without any authorship or strings, to the community for people to do on their own, developing a personal commitment to the natural resources that they have. He presented the code of ethics to SFFFK, and that organization was interested in it, and in also in distributing it. He thought it would be helpful if the SAC endorsed it, to help give it credibility and raise the consciousness of the SAC. He moved, seconded by Jon Fajans, that the SAC endorse the “My Code of Ethics for visiting and living in the Florida Keys”, which had been provided to the SAC for review. The proposed motion was as follows:

Public compliance and support for environmental rules and regulations is dependent on a basic understanding of the state of the ecosystem and the reasons underlying management of our public resources. Of overarching importance is the commitment of every individual to behave in ways that protect and conserve our resources for our future and the future of our children. This code of ethics for visiting and living in the Florida Keys asks a user of our public resources to consider the effects of their behavior on the environment, and to make a personal commitment to themselves to protect and preserve this unique and wonderful ecosystem.

Therefore, in the spirit of Education and Outreach, I am asking the SAC to vote to endorse this Code with this statement of the bottom of the document.

Endorsed by the Florida Keys National Marine Sanctuary Advisory Council (SAC).

Thus, though general distribution by Sanctuary Friends Foundation of the Florida Keys in paper and electronic form, this document will enhance understanding and compliance with the rules and regulations that protect our environment and promote the function and activities of the SAC.

- Chair Popham asked if there was any discussion. Mr. Bergh commented that, from his perspective, it could benefit from some wordsmithing, as there were some over-general statements, and he provided some examples. Don Kincaid said he liked the idea but had trouble with “ethics” as it reminded him of the loyalty oath of World War II. In the past, in an outreach effort to educate people not to touch coral, “etiquette” was used. Mr. Moe said he understood, and that was why it would be a personal commitment for the individual to modify his behavior. Mr. Curlett wondered how it would increase compliance; he was not sure that it would change anything. Commissioner Carruthers asked how it would be used and enforced, if people would keep a copy, and if they would sign it. Mr. Moe said that there would be no enforcement; one idea was to put it in hotel rooms. Chair Popham asked if Mr. Morton had clarified with NOAA about putting “endorsed by the SAC.” Mr. replied that he had, and strictly on a procedural basis, if passed this would be a recommendation to him, and he could do whatever he wanted with it, such as provide it to SFFFK or put a logo on it. He would still need to have internal discussions on it, but procedurally, it is possible. Jim Trice agreed that it was an opportunity to make a difference, but felt that the wording could be changed, and write the same thing in half the words, getting it down to a card size. Dr. Hawtof suggested that the matter be referred to the SAC Education and Outreach Working Group, and Chair Popham asked if Mr. Moe had any objection. He also said that SFFFK would want to put it on its web site, and concurred that he thought a card size would be a good idea. *ACTION ITEM* : Mr. Moe to bring the idea of a Code of Ethics to the next SAC Education and Outreach Working Group; SAC members to provide any specific suggestions to Mr. Moe; and Mr. Moe to report back to the SAC on the status. There were further comments from other SAC members about the idea, with some stating that it was generally a good idea, but a different approach might be taken or audience chosen to advance the

idea, such providing a list of specific actions to take, or targeting young people as the audience. Others expressed that they did not feel the proposed idea would help anyone or mentioned related efforts to raise awareness or funds.

World Wildlife Fund (WWF) Climate Change LEADS: Linking Environmental Analysis to Decision Support – Alex Score, WWF, and Eric Mielbrecht, Emerald Coast Environmental Consulting

- Alex Score introduced herself and Eric Mielbrecht, and their roles and the roles of several others with this project. She also announced there would be an evening reception after the SAC meeting, 6-8 PM at the Eco-Discovery Center and invited all present to attend.

- She passed around a handout regarding a coral reef management mapping tool which will soon be available on the WWF web site, and noted they planned to take feedback and use it, and put it up on the public web site in mid May.

- Mrs. Score reviewed that efforts started with the SAC and community in 2006 and continued in 2007-8 with “Climate Change 101”. They then started thinking about adaptation, to deal with climate change, thinking differently from traditional resource management. Climate Change LEADS is a decision support tool to look at data and patterns, for looking strategies on a broader scale. She described the goals of the project, including that the intention was to have anyone be able to use it.

- Mr. Mielbrecht presented the methodologies and some of the key findings to the group, and explained which existing water quality and coral data were used, and mentioned a few relationships shown by the data related to coral bleaching. He also mentioned some limitations. Looking ahead, in order to be able to deal with climate change adaptation locally, this tool would need to be integrated into other decision making processing, with further support needed for ongoing and future efforts, including monitoring and research. The bottom up approaches would also need to meet the top down approaches. Mrs. Score added that the tool was currently in prototype mode, running through an ArcGIS server, and once available, would always contain updated maps. She provided a brief overview of how the tool will appear on the web site, and how to use it. She expressed hope that everyone would look at it, and send questions and comments to WWF.

- Mr. Fajans asked if the 24-hour SEAKEYS data were not used because the stations were too far apart, and Mr. Mielbrecht replied that they did look at those data sets. In future, they would like to analyze them as they did with the 12-year data sets used in the current tool, but currently, funding was not available to permit that.

- Mr. Morton encouraged everyone to take a look at the prototype and to use the tool in their future work, and mentioned Ms. Bradley would be talking about another tool later on the agenda. He also concurred with the speakers’ comments that there was real need to work on adapting to changing climate conditions, and that this theme was coming up in a variety of places.

Everglades National Park General Management Plan Update – Dan Kimball and Fred Herling, National Park Service (NPS)

- Dan Kimball started the presentation by mentioning that the Park had held seven public meetings over the last three weeks on the topic of the revised marine alternatives for the General Management Plan (GMP) for Everglades National Park. He noted Fred Herling and Dave Hallac were also present. He said they planned to go to the Water Resources Advisory Committee in early May and to have other meetings, including with the Alternative E team.

- He reviewed that, two years ago, the park came out with some alternatives, then the staff did a lot of listening, spending time out on water, and meeting with focus groups. He said this presentation would focus on how the science framed their proposed revised preliminary alternatives; the park staff wanted it to be much more of a science-driven plan. One element contained in the alternatives was channels, and he mentioned that those identified were a starting point, for which the park already received a number of comments and local knowledge. He noted the staff appreciated maps, and encouraged people to submit them with comments on the proposed alternatives. Goals included protecting the resources, providing

reasonable access, and having things that are enforceable. He also mentioned that the proposed alternatives were focused on boating management in Florida Bay, but that the park was fully focused and engaged in ecosystem restoration.

- Mr. Herling noted that he knew a number of people at the SAC meeting had been at the recent public meetings. He distributed a newsletter on the Revised Preliminary Alternatives for Marine Waters, a fact sheet on Aerial Survey of Boater Use in Everglades National Park and a fact sheet on Propeller Scarring of Seagrass in Florida Bay. Mr. Herling then described that the General Management Plan would replace the 1979 Master Plan, and would potentially be a 20 to 30 year blueprint, creating a clear park vision and serving as a guide for future actions, planning and decisions. In approximately a year, a park-wide guidance document will be produced, and in the spring of 2011, the Park staff plan to prepare and publish the final plan. He described the public process that would take place throughout this period. He then mentioned that the NPS Organic Act of 1916 is the guiding foundation for all units of the NPS, and that the 1934 enabling legislation for ENP recognized its biological uniqueness, and that it should be permanently reserved as a wilderness area. He described some of the requirements of a GMP and what a federally designated wilderness was. He then reviewed the four alternatives, which were listed in the newsletter, and added that the National Environmental Policy Act required having a full range of alternatives. He also encouraged people to submit comments on the prepaid comment card in the newsletter or online. Comments received by May 15, 2009 would be the most helpful, though the park staff would accept comments after that. The first alternative was no action (continue current management), while alternatives 2,3, and 4 contained different options regarding developing a mandatory education program/permit system to operate vessels in the park, managing boat transit within Florida Bay, enhancing backcountry wilderness opportunities, developing a new alternative wilderness waterway, working cooperatively with other agencies and partners to improve boating access, establishing new launch sites, improving canoe trail accessibility, increasing law enforcement presence, enhancing educational and recreational opportunities in Florida Bay, building a visitor center in Everglades City, providing additional multi-agency visitor services, developing and implementing a formal adaptive management process, and establishing a park advisory committee. Much of the focus of the presentation was on management zones and boating routes, propeller scarring, channels, and signage. He also mentioned scientists have said that the Crocodile Sanctuary could be reopened to some use and still preserve the crocodiles.

- Pete Frezza commented that he wanted to reemphasize the significance of the GMP for resource protection within Florida Bay, and that it could be very important for resource protection within Florida Bay and ecosystem restoration. The park staff agreed this was a good comment.

- Mr. Bergh mentioned the SAC Ecosystem Working Group and SAC members had been working on comments that could gain SAC consensus, and would like to forward such comments through the sanctuary Superintendent to the park, perhaps by the middle of June, when the SAC meets again. Mr. Herling said he understood the SAC met every other month, and it would be appropriate for the SAC to do it right, as it felt appropriate. He said analysis of comments had already begun, but that the analysis would continue in June. He added that the online system to receive comments would shut down after the May 15 deadline. Chair Popham affirmed that was what the SAC hoped to do, and remarked that did not preclude anyone from submitting individual comments online, and he suggested people take the time to do their individual comments. Mr. Morton encouraged the SAC to look at this, and to come to consensus; forming an opinion among different stakeholder groups can be a powerful tool. He thanked the park staff for coming and for allowing getting the comments in on time. Mr. Kimball said the park staff was also looking for comments on what worked and did not work in terms of advisory committees.

- Mr. Bergh asked about the latest on channel marking, and Mr. Herling replied that they had to be in compliance with U.S. Coast Guard requirements, but that there was flexibility in that. Park staff had been looking at markers at other places; some are less obtrusive than others. Mr. Trice said he thought they would be private aids to navigation, and something could be worked out. There are cases where not all markers are shown on charts. He would like some assurance that U.S. Coast Guard markers they would

not be shown on the charts. Mr. Morton said he would check on this issue with the NOAA charting folks about this. *ACTION ITEM:* Mr. Morton to ask the folks in NOAA, in the office in charge of charting, regarding depiction of markers on NOAA nautical charts. Chair Popham noted that consistency of signage in the region for mariners was an important issue.

- Mr. Frezza asked about installation of markers in bay bottoms in designated wilderness, and Mr. Kimball confirmed it could be done, with pilings going into the bay bottom, and that the wilderness designation did not have to be removed to do so. Mr. Herling added that the park staff would do a minimum requirement. Mr. Frezza inquired if this would go through a National Environmental Protection Act process, and Mr. Kimball said it would, for marine markers as a whole across the park.

- Chair Popham commented that, in looking at the different management zones and charts under the different alternatives, it looked like what Australia did, where all of the waters [in the Great Barrier Reef Marine Park Authority] are zoned in some fashion. Mr. Kimball replied that he supposed it could be, and referred back to the zones proposed in the different alternatives; there is a myriad of zoning plans when looking at the whole bay. Chair Popham observed that this had not been done for FKNMS, and Mr. Herling noted that NPS policy required zoning in all land and waters of the park, and said some were in traditional uses, and others were zoned for different management activities. Mr. Morton reviewed for the group that FKNMS as a whole may be looked at as a zone, and that there are other zones within the sanctuary boundaries.

- Mr. Kimball said he would be pleased if a consensus could be forged on a recommendation for the Crocodile Sanctuary.

- Mr. Trice said the group has a great deal of experience with zones and compliance, and Chair Popham commented that it is an educational process.

- Mr. Grathwohl stated that in FKNMS, if the Superintendent saw a need for an emergency closure in the sanctuary, [an area] could be closed, and Mr. Kimball said the Park could and has done that as well, and that there was also a history of seasonal closures and reopenings.

- Mr. Bennis thanked the park for coming to the meeting, and said it was important for the SAC to hear from the agencies, who have the best interests of the resources we all love at heart, and to ask questions. He hoped they would return again to SAC meetings in the future. Chair Popham made a reference to Ms. Ziegler now attending the SAC meetings on behalf of the park. He also thanked the park staff, and suggested they stick around to listen to further discussions about this at the meeting, and said the SAC hoped come to consensus on some recommendations at the June SAC meeting.

SAC Ecosystem Restoration Working Group Report – Jon Fajans, SAC

Mr. Fajans reviewed the main topics of discussion at the last meeting of the SAC Ecosystem Restoration Working Group at the end of March, and noted that the group is now meeting on Tuesday three weeks ahead of SAC meetings, in the afternoon, from 1-3:30. He said the next meeting would be out of the regular schedule May 5, in the upper Keys (place to be determined), and that the group would be meeting with some Biscayne National Park staff members on possible concerns about the Phase One portion of the Modified Waters delivery project and Florida Bay. He said he would get information out to the entire group about this meeting as information became available. *ACTION ITEM:* Mr. Fajans to provide details to the SAC about the May 5 Ecosystem Restoration Working Group meeting.

Mr. Fajans said Mr. Moe brought forward an idea at the last working group meeting about public fora. Mr. Moe said he was thinking about how to engage, educate and respond to the broader community at large, and thought perhaps the SAC could hold a series of three public fora or roundtables. People from the community could meet the SAC, and the SAC could ask what the SAC is doing well, and what it is not doing well, and learn from the community. He said there are considerations to what seems like a good idea on the surface, such as would it be a lot of work, and would it produce the desired result. He asked the SAC to discuss if this was a good idea or not. Mr. Bergh commented that it could be a good idea, but he understood the Condition Report would be coming out, and he thought that could be something for presentation and discussion. Chair Popham said he thought that was a good idea, and

reminded everyone that we did need to get back into the Management Plan process and the zones. He and Mr. Morton were thinking about maybe kicking some of that off in June, and that we might be getting into this in 2010. Mr. Morton said FKNMS was still looking at the budget picture, and that it also took time to gear up staff and ONMS policy folks. He said he wanted to be able to have something substantive when going out to the public, to spur the discussion and give the public something to consider and give a thumbs up or down on. Things like the Management Plan, marine zoning and how the zones have been working, and the Condition Report provide something to put on the table, and from his end this is the way to go, he stated. Others concurred. Mr. Moe inquired if the idea he had proposed should be played with or dropped, and Chair Popham replied that the input provided indicated that a trigger was needed, and some triggers would be coming up. He added that reaching out to the public was important for the SAC to do. Mr. Morton encouraged people to incorporate that into their thinking, and that SAC meetings, with their twice a day public comment periods, were the fora for people to participate. Chair Popham also said there were a lot of existing fora out there in the community, and that SAC members did not do as good a job as they should in getting the word out there, especially when there was a trigger.

Dr. Lorenz mentioned he had gotten together with Mr. Genovese during the morning meeting break, and Mr. Genovese confirmed that the C-111 public comment period would be open for 45 days. Dr. Lorenz expressed if it opened on 4/24, it would close before the next SAC meeting, and he wanted to make sure the resolution passed at the previous SAC meeting was sent by the Superintendent to appropriate people accepting comments. Chair Popham inquired of Ms. Ferguson if CDR Score took care of this before he left; she asked Mr. Morton if he was aware of any action CDR Score might have taken. Mr. Morton said he would check into it, acknowledging there was a gap, and apologizing for that. Mr. Genovese added that even if CDR Score sent it on as requested before he left, the official comment period was now opening up, and that the ACOE would not be considering things received before then as part of the comments. If Mr. Morton sent that same resolution, it would be considered as part of the official comments, Mr. Genovese said. *ACTION ITEM:* Mr. Morton to look into the status of the SAC's February 2009 resolution on the C-111 spreader canal and to consider appropriate follow up action to resolve this.

Dr. Lorenz mentioned that another topic at the last working group meeting was the Everglades National Park GMP alternatives. They began discussing this as they were aware of the comment period and that it would be closing, and that there would be a possibility of weighing in on it. That discussion led to the recognition that there were people on SAC outside the working group who had a great deal of knowledge of the alternatives, and a subgroup of the Working Group was formed. Dr. Lorenz said he, Mr. Curlett, Mr. Trice, Mr. Grathwohl, Mr. Frezza, Mr. Bergh and James Byrne began discussing the GMP and agreed to discuss items in the plan the SAC might agree on regarding the alternatives, leaving their personal opinions at the door. He invited anyone who wanted to, to get together to discuss this, with the blessing of the SAC, and then to bring it back to the SAC in June. Mr. Trice thanked Mr. Bergh for his recognition that there were others outside the SAC Ecosystem Restoration Group who were familiar with the alternatives. Mr. Trice had suggested since the working group was a very large group, that a smaller group could get to some points of possible agreement, then send them out to the full group in advance so people may digest the recommendations. Once ready the SAC could discuss them at the June SAC meeting for a half hour. He already started drafting something for discussion, he said. Chair Popham said he had seen the draft thought it was well on the way, and that it would be important to frame it well when brought before the SAC, for an hour or two discussion in June. Chair Popham said he thought the people who had already stepped forward could proceed as a subgroup (the people previously named with Jason Bennis as a possible addition). The meeting would be noticed so that others who wanted to weigh in could. Mr. Fajans concurred with this approach, as did others. *ACTION ITEM:* subgroup of the SAC Ecosystem Restoration Working Group to work on draft recommendations on the Everglades National Park GMP alternatives; once ready, these will be provided to the SAC in advance of the June SAC meeting, for discussion and possible action at that meeting.

Mr. Bergh mentioned the Management Plan process coming up, and commented that it was not too soon to start organizing the SAC, perhaps beginning with the working group, to come back to the SAC with suggestions. Chair Popham said he and Mr. Morton had discussed this, and suggested the SAC defer to Mr. Morton to think about this, perhaps to lay out next steps for the SAC in June. Mr. Morton said he had some research to do on his end in terms of timelines, and did not want to get anyone teed up too early, but there was no reason they could not talk about the process and things like outreach.

Public Comment

Mr. Bennis encouraged people to go to the Eco-Mariner website or to come Islamorada to a 10 AM – 3 PM event on April 22 to become an Eco-Mariner, and that other event activities were planned then as well. He mentioned an invitation sent to the SAC group, and thanked the SAC and sanctuary for helping with Eco-Mariner.

David Makepeace announced that an Island Christian School group would be taking a trip soon to Mr. Nedimyer's coral nursery to work there, and that there were up to four spaces for certified divers to join in. He provided his contact information, and mentioned there would be more trips.

Mr. Bergh mentioned that The Nature Conservancy, Coral Restoration Foundation, Mote and the University of Miami had put in a grant proposal for NOAA stimulus money for restoration of coral reefs in Florida, and that if it were received, it would be a huge shot in the arm for coral restoration in the region.

Blue Star Program – Karrie Carnes, FKNMS

Karrie Carnes thanked Mote, SFFFK, and others for funding and assistance with the Blue Star program, which is a voluntary program. She noted it will not take the place of other, existing efforts. The program is a tool for local resource managers, which has the ability to be replicated in other places, she said, and was similar in concept to programs like Dolphin SMART, green lodging, etc. She summarized that the Blue Star program sought to educate divers and snorkelers about FKNMS and the special resources protected by sanctuary regulations. It is a trainer of trainers program, and will arm dive and snorkel operators' staffs with knowledge. She mentioned planned trainings in Marathon, Key West and Key Largo. She then hit highlights of the program Blue Star businesses would be following, including continuing education for staff members, a standardized briefing for divers and snorkelers, required use of mooring buoys, and other criteria. Another idea she mentioned was to get people to become individual Blue Star divers or snorkelers, after watching a briefing video and signing up. Ms. Carnes said the sanctuary plans to evaluate Blue Star businesses annually, and to adapt the program to feedback. She briefly reviewed how evaluations would work. Evaluators will initially be anonymous at the start of the evaluation, but will identify themselves at the end of the evaluation trip. She noted Blue Star would be promoted through the sanctuary web site and other marketing efforts.

Mr. Frerer commented that he was chairman of the Protect Our Reefs review committee, and complimented the agency and Ms. Carnes, as this has been a difficult project.

USEPA's Research to Sustain Coral Ecosystem Services – Patricia Bradley

Ms. Bradley presented on the USEPA's research to sustain coral ecosystem services, beginning with a brief overview of the agency, its mission, its structure, and the office she works for, the Office of Research and Development. The agency's mission is to protect human health and the environment. Historically, the USEPA's coral reef research and management roles were in Clean Water Act support to jurisdictions, EPA/NOAA disease surveys, and laboratory studies. She noted her partners in the decision science group were in other locations. Ms. Bradley briefly reviewed some in-house laboratory studies dealing with such topics as coral bleaching, light penetration, etc. which support the biocriteria work the

USEPA is doing as well. For any questions about laboratory studies, she encouraged people to ask Bill Kiene.

She mentioned that the EPA did not have a comprehensive program on how decisions impact ecosystems, and that now several groups have come together to work on this, in the Ecosystem Services Research Program.

Ms. Bradley then provided an overview of the diversity of issues affecting coral reefs. She said this research was intended to characterize decisions in a way that that would be understandable and useful to decisionmakers. She described the DPSIR Framework [Driving Forces, Pressure, State, Impact, Response] mentioning there was a focus group providing advice on each area of the framework, and that work was also underway on sub-models. She reviewed the research questions, and also touched upon what makes an ecosystem valuable. She noted non-use aspects, such as aquatic habitat and diversity, are difficult to value. She noted everyone in the room was considered a decisionmaker. She announced that the USEPA planned to hold a series of workshops with decisionmakers, starting with a workshop on June 17-18 hosted by FKNMS. She reviewed the goals of the workshop and how it would benefit attendees, and noted some folks from the SAC would be invited to attend. Other workshops will be held in southeast Florida, Puerto Rico, and the U.S. Virgin Islands. She concluded by thanking all of the USEPA's partners on this work.

Education/Outreach Presentation: History of Diving Museum – Debra Illes, History of Diving Museum

Mr. Moe introduced Debra Illes, Director of the History of Diving Museum, and also Dr. Sally Bauer, who was a founding member. Ms. Illes passed around information on membership and encouraged people to add their email addresses to the museum's email list.

Ms. Illes mentioned the museum covered 4000 years in history, and reviewed its education and outreach programs. The museum's goals were to education people about the history of diving, and how the Keys have influenced exploration and diving. She mentioned some famous names in history, and how some diving equipment had been manufactured in south Florida. She also said a focus of the museum was the underlying scientific principles that guided innovation in diving. The museum offers a self guided tour, and has an exhibit guide printed in eight languages; among the exhibits are a reef aquarium and a nursery aquarium. The staff was currently in the process of developing a research library, she said. For schools and special interest groups, the museum offered customized education programs. Another program was a monthly seminar series, with a "Divers' Antiques Roadshow" following the seminars. In addition, the museum hosts special interest programs with local dive shop partners, has meeting room facilities for rent, and participates in community events. In terms of helping the sanctuary/SAC meet their goals, she said the site could be used for educational seminars related to the sanctuary, including hosting speakers on sanctuary protection. The museum staff is also able to offer technical assistance on a variety of topics. Finally, the museum could be a venue for special events or exhibits, she said.

Mr. Kincaid inquired how many visitors to the museum were divers, and she thought perhaps 50-75%; Dr. Bauer estimated 50%. Bob Smith commented that he had visited the museum early on, and that is was gratifying to see how it had developed; he encouraged people to visit it.

In concluding remarks, Chair Popham reminded everyone that the meeting notice had to go out two weeks ahead of a SAC meeting, and that meant that usually a week ahead of that, he and Sean discuss the topics. It may be a month out from a meeting that the agenda gets set, and sometimes items are suggested well ahead, he noted. The calendar fills up rapidly, and he noted it can be a challenge to put agendas together. He asked people who wanted to suggest a topic send request emails well in advance of a meeting [for consideration by himself and Mr. Morton with Ms. Ferguson to be cc'd to be kept in the

loop]. Chair Popham thanked the FKNMS staff members who were present at the meeting, and noted it takes a lot to put these meetings together.

Adjourned, 4:07 PM.

Submitted by Lilli Ferguson