

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

**Ocean Reef Cultural Center, Key Largo  
Tuesday, October 25, 2011**

**MINUTES**

**Members Present**

Chris Bergh	David Makepeace
Jack Curlett	Corey Malcom
Ben Daughtry	Rob Mitchell
Richard Grathwohl	Martin Moe
Debra Illes	Ken Nedimyer
Don Kincaid	Bruce Popham
Steven Leopold	David Vaughan

**Alternates Present**

Clinton Barras	Bruce Frerer
Joe Boyer	Susan Hammaker
Heather Carruthers	Art Itkin
Scott Fowler	Suzy Roebling
Peter Frezza	Leah Wilde-Gould

**Call to Order/Pledge of Allegiance/Roll Call/Approve Minutes from August 16, 2011 Meeting/  
Adopt Agenda for this Meeting/Chairperson's Comments/Introductions**

Chairman Bruce Popham called the meeting to order at 9:01 AM

Dan Basta, Director of the National Oceanic and Atmospheric Administration (NOAA), Office of National Marine Sanctuaries (ONMS), led the Pledge of Allegiance.

Approval of the draft minutes of the August 16 meeting was moved by Ken Nedimyer and seconded by Martin Moe. As there were no objections, Chair Popham deemed the minutes approved.

Approval of the meeting agenda was moved by Mr. Nedimyer and seconded by David Makepeace. Chair Popham said that Anne Morkill was not able to be at the meeting due to jury duty, so there would be no agency report from her and she would not be speaking about the proposed Everglades Headwaters National Wildlife Refuge and Conservation Area, so that item would be moved from the agenda. With those changes, hearing no objection, Chair Popham deemed the agenda approved.

Sean Morton, the Sanctuary Superintendent for the Florida Keys National Marine Sanctuary (FKNMS) announced the appointments for new terms on the Sanctuary Advisory Council (SAC), which began after his announcement: Boating Industry alternate, Bill Gilbert, Jr.; Citizen at Large – Lower Keys member, David Hawtof (reappointed); Citizen at Large – Lower Keys alternate, Kristie Killam; Conservation and Environment [one of two] member, Mr. Nedimyer [in a new seat; formerly the Fishing - Commercial - Marine/Tropical member]; Conservation and Environment [one of two] alternate, Jessica Pulfer (reappointed); Diving – Lower Keys member, Don Kincaid (reappointed); Diving – Lower Keys alternate, Bob Smith (reappointed); Fishing – Charter Fishing Flats Guide member, Richard Grathwohl (reappointed); Fishing – Charter Fishing Flats Guide alternate, Ted Lund; Fishing – Commercial – Marine/Tropical member, Ben Daughtry; Fishing – Commercial – Marine/Tropical alternate, Leah Wilde-

Gould; South Florida Ecosystem Restoration member, Jerry Lorenz (reappointed); South Florida Ecosystem Restoration alternate, Joseph Boyer (reappointed).

Mr. Morton said there were two alternates who just concluded their terms and had gone off the SAC – Walt Drabinski, who served as the Citizen at Large – Lower Keys alternate, and Stephen Friedman, who served as the Fishing - Charter Fishing Flats Guide alternate. He thanked them for their service.

Chair Popham, adapting a quotation of the late Steve Jobs, said people who were crazy enough to think they could change the world usually did. He then asked SAC members to let everyone know how much experience they had with the SAC and sanctuary, which he felt could give insight into the leverage the group could provide. The answers ranged from just appointed to born in the FKNMS region (before sanctuary designation). Some people told anecdotes about being on the SAC from the past. Afterwards, Chair Popham did a rough tally and said there was a total of approximately 125 years of experience in the group.

### **Sanctuary Superintendent's Report – Mr. Morton, FKNMS**

Mr. Morton noted the SAC members at the meeting had hard copies of the long-awaited *Florida Keys National Marine Sanctuary Condition Report 2011*, the culmination of many years of hard work by the staff and scientific community in the Florida Keys, including many on the SAC. He said the peer-reviewed report gave a comprehensive look at what we know about the pressures, state and response of the Florida Keys ecosystem. He especially thanked Scott Donahue, and also Brenda Altmeier and the team who worked on it. The report was posted on the FKNMS web site around 9:00 AM the Friday prior to the SAC meeting, he said. He encouraged SAC members to hold onto their hard copies and to read the report, as it would serve as a foundational document moving forward in looking at all regulations and zones [in FKNMS], and would serve as a scientific basis for future federal actions.

He said that he had been to the Reef Resilience and U.S. Coral Reef Task Force meetings the week before. He noted NOAA Administrator, Jane Lubchenco, had been in town, and that he and Mr. Basta went out and showed her the Research Natural Area, and talked about a number of things, including what the Florida Fish and Wildlife Conservation Commission (FWC) did and about the SAC's plans for the next 2-3 years.

- Chair Popham asked if it was the first *Condition Report*.
- It was the first one for FKNMS, Mr. Morton said, adding that it was not a simple task to boil all of the information down.
- Mr. Basta thought it was the best effort ever using the pressure-state-response framework.
- Chair Popham said in 2005 the SAC decided to focus on three subject areas, water quality, ecological restoration, and education and outreach. He said the SAC did a good job pursuing those objectives, and he mentioned some of the positive changes seen since then, and also acknowledged the challenges.
- Dr. Boyer said the report also pointed out the gaps in science and the need to maintain what is being doing now, to be able to report on it in the future.
- Billy Causey mentioned that everything working up to designation of FKNMS in 1990 began far before then. The report documented more than twenty years of conditions and tipping points. He said if FKNMS had not been here, the spiral would have shown much greater impact.

### **NOAA Office of National Marine Sanctuaries (ONMS) Southeast Region Report – Dr. Causey, ONMS**

Dr. Causey said the strategic plan for Gulf Coast Ecosystem Restoration Task Force was out, and he encouraged people to comment by the day following the SAC meeting. Key points included a

recommendation for network of protected areas, the need for ecosystem management, and the need to continue to support ocean and coastal monitoring systems in the Gulf of Mexico.

In the Southeast Region, he said progress continued to be made. At Gray's Reef National Marine Sanctuary, the advisory council helped set up one-third of the sanctuary as a fully protected research-only area. The staff at the Flower Garden Banks National Marine Sanctuary continued to make progress, and G.P. Schmall and crew went to ONMS to meet with the management plan folks. He said they were starting to work on responses to comments. Some of the comments recommended expansion to other banks in the region to the east, some of which were in the area of the Deepwater Horizon spill. Also, NOAA selected the principal investigators for five years of research on deepwater coral research on Pulley Ridge – University of Miami and Florida International University. He noted that area was important for many reasons, and the area helped [ONMS and others] keep a pulse on the corals in the region.

Later in the meeting, he said when Dr. Lubchenco was on her visit, they went to the Tortugas, the Aquarius land base, the C-111 spreader canal project, and all the improvements along the 18-mile stretch. At Everglades National Park, Dan Kimball gave them a tour of the visitor center and they went to the Anhinga trail. She learned about modified water delivery at Taylor Slough, and Nancy Diersing put together a great package of information about water quality efforts in South Florida. As part of the tour, Dr. Causey also showed Dr. Lubchenco Card and Barnes Sounds and pointed out Ocean Reef.

### **Agency Report Highlights**

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

Mr. Edwards stated the annual report was submitted to the Office of Coastal and Aquatic Managed Areas (CAMA) and the Governor. He said it was hard-hitting and had good, recent information. He was virtually certain there would be no presentation on the report to the Governor and Cabinet this year.

He attended the recent Reef Resilience and U.S. Coral Reef Task Force meetings, and he commented the Reef Resilience conference was very well done. Secretary [Herschel] Vinyard attended the Thursday evening reception, and Mr. Edwards spoke with him, inviting him to come to FKNMS. The Secretary expressed interest and asked some questions about the issues; he also attended the Task Force meetings.

Mr. Edwards said the regional DEP office was doing sovereign and submerged lands enforcement activities which led to movement of some of the commercial operators in Pearl Basin. He noted some of those investigations were ongoing.

He announced a new Acting Director was appointed for CAMA, Carla Gaskin.

Finally, he said Chantal Collier of the Southeast Florida Coral Reef Initiative had her last day the day before the SAC meeting, he reported and he did not know when a replacement would be hired.

#### **FWC Report – Capt. Pat Langley, FWC, Division of Law Enforcement**

Major Alfredo Escanio deferred to Capt. Langley to give the report. Capt. Langley reviewed last month there were ten federal citations, eight for fishing in Sanctuary Preservation Areas (SPAs). There were eight groundings with two federal citations written, and cases of commercial fishermen and trap robbing. He said they had been doing details at night and in the early morning, concentrating on trap robbing, and they made one felony trap robbing case. He then provided some statistics on the big cases and the number of wrung tails, undersized lobsters, stone crab, etc.

A new canine position would be coming to the Keys, he mentioned, which would be trained to sniff out resources.

Major Escanio added, on the Sunday before the SAC meeting, there was another case in Card Sound involving 77 wrung tails.

He also mentioned a consolidation task force, which had met on October 11, which their colonel attended. The task force voted to approve the recommendation to integrate the DEP Division of Law Enforcement in its entirety into FWC and to integrate fifteen positions from the Department of Agriculture and Consumer Services. The proposal now had to go through the legislative process and be approved by the Governor, he said.

The crew of the *Peter Gladding* caught two people with twelve crawfish the Western Sambo [Ecological Reserve, Capt. Langley said. He reported the two stated they had been looking for lobsters south of Key West in the same depth of water and bottom type but could not find any. There were very surprised that this location had plenty of lobster, and even a large black grouper, but wondered why there were no other boats around.

In addition, there were 153 or so stone crab traps in the Western Sambo, Captain Langley said.

- Mr. Morton said those traps were laid by a man new to stone crab fishing this season. The man did not know what he was doing, but laid his trap right through the Western Sambo. The law enforcement officers gave him a ticket for the violations.

- Capt. Langley added that person also had tag problems.

- Mr. Grathwohl said he wanted to congratulate new officer Josh Greenier, and said from the article in *The Keynoter*, it sounded like people who were caught in the stone crab bust at the boat ramp at Shark Key were going to sell the stone crabs to a fish house or restaurant.

- Susan Hammaker mentioned she had been asked by several members of the press to forward the FWC law enforcement reports that the SAC received. She asked if the mailing list went to the press including the *Citizen*, as there seemed to be some interest in these cases.

- Major Escanio said the weekly reports were posted on the FWC website. Capt. Langley added most of the ones mentioned were in the *Keynoter*, and their Public Information Officer also sends them to the press.

- A member of the press in the audience said they run a lot of the information on the biggest cases in the paper.

- Chair Popham explained to Ms. Hammaker that the press chose what to print.

- Mr. Basta said the paragraph about why the people fished in the protected area would be useful for various purposes, and asked if it could be emailed to him. ***ACTION ITEM***: Someone to obtain the paragraph that mentioned the reasons the men were fishing in the Ecological Reserve and provide it to Mr. Basta.

### **NOAA Office of Law Enforcement (OLE) Report – John O’Malley, OLE**

Special Agent John O’Malley mentioned that Kenny Blackburn was out of town, and said they were both working Turtle Excluder Device (TED) details; there had been a lot of dead sea turtles in the Gulf. They checked shrimp boats and found a lot of violations and made a lot of cases. He said Louisiana prohibited local fish and wildlife officers to enforce TED requirements, so it was NOAA or nobody.

The Florida southern district made its first BP case, regarding a boat based at Stock Island, he said. It involved a false \$110,000 BP claim and fake trip tickets. The person committed mail fraud and pled

guilty, but had not been sentenced yet. Special Agent O'Malley said there would be more of this type of case.

Special Agent O'Malley said there were three indictments going back to the lobster case in started 2008. One pled guilty and two were scheduled to go to trial in January.

He said another subject in the Rusty Anchor case pled guilty, and the person received two years federal probation and 100 hours community service.

There was an article in October in the *Citizen* that showed NOAA and FWC had done good work; he said he wanted to give credit especially in Holiday Seafood case. Former officer Brian Christy was instrumental in that case, he said. Special Agent O'Malley provided some statistics on lobsters landed, which showed nearly a doubling since 2008-2009. He said there were also unreported pounds, per OLE investigations.

- Part of that may be there are more lobsters, and part may be more accurate reporting of numbers, Chair Popham said, and Special Agent O'Malley agreed.

#### **United States Coast Guard (USCG) Report – Phil Goodman**

Mr. Goodman reported that the USCG responded to a number of oil spill reports but found nothing significant.

The Coast Guard Auxiliary was working well with DEP on the Clean Marina program, and had also taken on the clean boater program, he observed. He asked anyone who had contacts at marinas to let him know.

#### **FWC Report, cont. - John Hunt, FWC, Fish and Wildlife Research Institute**

Mr. Hunt report that there would a meeting of the Commission November 16-17 in Key Largo, with the marine day being on the 16<sup>th</sup>. He said there would be multiple final public hearings on a range of topics.

He said FWC would begin a multi-year process for spiny lobster and he would report on the research at the Commissioners' request, and then the managers would begin discussing the findings.

On December 8, there would be a workshop on Krome Avenue with scientists who had been doing work on and providing input to the Research Natural Area report, he announced. They were working on a five year report which would be reported to the NPS, FKNMS, the Commission, and the Governor and Cabinet.

At the U.S. Coral Reef Task Force meeting, Mr. Hunt was on a panel on coral reef restoration and mitigation. The panel made the point that restoration activities at the reef were cross cutting and should be a part of every activity done in the name of coral reefs, whether for threat abatement or whatever.

- Mr. Moe asked if he mentioned that funding was important.
- That could always be mentioned, but sometimes people have to get concept first, Mr. Hunt replied. He noted the Task Force members asked several questions, and he hoped some folks got that message.
- Mr. Morton mentioned being on the FWC Commission agenda for November 16. Also, he noted there was a public comment period for the Biscayne National Park [Draft General] Management Plan [and Environmental Impact Statement], with a marine reserve [proposed] in it. He asked Lilli Ferguson when the public comment period closed and she replied she thought it was October 31. Mr. Morton encouraged people who were interested to comment.

- Dr. Boyer said DEP released proposed rules and regulations for numerical nutrient criteria for water quality, and said they used data generated from FKNMS. It went out for public comment, so people should be hearing back from DEP. The state waters only go out three miles, he said. He suggested that when or if the regulations were put in place, FKNMS might want to look at putting similar regulations in place for the federal waters of FKNMS. Also, NOAA released an economic analysis for Hawaii. He thought there was a figure of \$35 billion for that area, and he said for the Southeast Florida Coral Reef Initiative region it was \$6 billion. Hawaii looked at both use and non-use, which he said was interesting. He then mentioned [Marine and Estuarine Goal Setting for South Florida] (MARES), funded by NOAA, and said they were trying to look at some of those numbers as well.
- Mr. Grathwohl asked if the FWC Commissioners would be getting the *Condition Report*.
- Chair Popham said Mr. Morton would be speaking to them.
- Mr. Morton said it was a great idea.

After conclusion of the agency reports, several SAC members made a few remarks.

Chris Bergh talked about the Reef Resilience and U.S. Coral Reef Task Force conference, and said quite a few people at the SAC meeting had attended. There was a focus on reef resilience, the ability of coral reefs to bounce back from hurricanes and other stresses. There was the latest science on the subject, different management approaches, input from partners in Australia, and a media panel. He added a bunch of SAC members were also on a media panel the day before the SAC meeting, at the Eco-Discovery Center. One important topic was how to bring reef resilience into coastal and marine spatial planning, which he noted was a relatively new term being promoted by the administration and others on a large scale. The group came up with some ideas about gaps and what approaches the Task Force might take. He mentioned some of the other topics covered and said there were also field trips in the Keys and south Florida. The information would be up on the coral reef resilience web site in a month or so, he said, and he stated he would get an announcement out to people about it. *ACTION ITEM*: Mr. Bergh to let people know when the information from the conference is on the coral reef resilience web site.

Mr. Moe said he ran across something recently about a different type of pollution; he said many industries were replacing organic thickeners with microplastics, which did not break down in the environment and got into the water and affect planktonic organisms. He felt it might be an important component of water quality analysis in the future.

Mr. Nedimeyer said a handbook Mr. Bergh forgot to mention was put out, on *Acropora* restoration in the Caribbean, and Mr. Bergh said he thought there were a lot of hard copies available.

Ms. Hammaker mentioned Mr. Moe's work with *Diadema*. Mr. Moe said he worked with the larval stage, and had a hypothesis about the endocrine disrupters in Florida Bay. He said a publication would be coming out soon on this. Some substances at parts per million and billion can affect the way hormones work in microscopic animals, and may be important in disrupting populations of planktonic organisms, he said.

Corey Malcom reported on the Florida Keys maritime heritage symposium. He said it came about from these meetings and from concern about communicating with the public about cultural resources. He reported he, Ms. Altmeier, and Bill Chalfant presented on five topics in the FKNMS, at public sessions in Key Largo and Key West, which were both well attended. He said they would do it again. He mentioned a couple of new shipwreck projects in FKNMS and the shipwreck trail.

Bruce Frerer said the Bone and Tarpon Trust would be holding an annual meeting in Dania Beach.

## **Public Comment**

Mrs. Diersing mentioned the posters around the room, which were from the science conference in 2010. She explained the topics, and encouraged people to view them and learn from them.

## **Monroe County's Participation in the FWC Pilot Program for Anchoring and Mooring – Rich Jones, Monroe County**

Chair Popham said Mr. Jones worked for the Monroe County marine resource department, and that Mr. Jones worked with George Garrett when he was there. He mentioned Monroe County was asked by FWC to partner in a pilot program along with an area on the west coast and another one on the east coast on anchoring and mooring. Chair Popham said he asked Mr. Jones to present on this topic.

Mr. Jones asked how many people were aware of the program, and more than half the people in the room raised their hands. He said in 2009, the Florida legislature created a pilot program for anchoring and mooring, to address anchoring issues throughout the state, and for non-liveaboard vessels outside of mooring fields. He said regulation of liveaboards could already be done everywhere, and non-liveaboards could be regulated inside mooring fields. Goals included determining strategies to protect the environment, avoiding impacts from irregular anchoring, and trying to reduce or eliminate derelict vessels.

In September 2009, FWC solicited Monroe County to submit a letter of interest to participate in the program, which the County did. He then went over the steps required. Surveys needed to be done, and stakeholder meetings held, which Monroe County did. Once an ordinance is developed by Monroe County, it would need to be approved by the Board of County Commissioners (BOCC), then transmitted to FWC for approval by the appropriate state and federal agencies, then sent back to the BOCC for adoption. Then, it would be implemented and enforced, he said. He also briefly mentioned the other local governments participating in the program.

Mr. Jones said the County arranged for monthly surveys inside two existing mooring fields, to one mile outside them. Quarterly surveys were done in Boca Chica basin. Boot Key Harbor was one of the most utilized mooring fields, with 226 moorings, he said, and about eight months of the year it had the capacity to handle all boats in the field and those within one mile of it. The City of Marathon also had somewhat of a managed area, and the rest of the area around there was unregulated for mooring.

About half the boats outside the mooring field were local liveaboards, and half were transient. Inside the mooring field, transient cruisers were the highest use. He noted there were a lot of stored/unattended vessels outside the mooring field, and those could become derelict or drag anchor during storms, creating problems.

In Key West, the mooring field was not hugely popular, and most of the year could handle all the needs within and outside the mooring field. In Key West harbor, outside the mooring field, the vessels were 43% liveaboards and 23% transients, mostly on lee side of Fleming Key. To determine a liveaboard, the surveyor made a best guess, using visual clues, he reported.

At Boca Chica basin, there were about 80 boats. About half were liveaboards and about half were "stored." Only one percent were transient cruisers; seven percent were derelict. He felt the area was crowded. In the past year, 103 derelict vessels were removed, at a cost of \$273,570. Seventeen were removed from Boca Chica basin. He said if not used for this purpose, the money could be used for boat ramps, channel markers, or other marine infrastructure or facilities.

Mr. Jones observed there were a lot of unpermitted moorings out there. The March 2010 survey showed 90% of the boats were using some kind of unpermitted mooring device or marine debris (typically concrete and engine blocks). This was illegal by state statute and was an environmental problem as well as a hazard to navigation.

The northern part of the anchorage area at Boca Chica is shallow, and not a great place to anchor in Mr. Jones' opinion. He thought anchorages would provide a better environment for transient boaters. Some boaters have made an effort with sewage [and keeping it out of the marine environment], by taking it off their boats, then putting it in buckets or other containers by trash cans on land. There are pumpouts, Mr. Jones noted.

While the County did not do surveys in the upper Keys, he said there were areas there as well. The Jewfish Creek anchorage was the fastest growing anchorage in the Keys, and there were no services there, and no pumpout at Gilbert's. There were a lot of stored vessels [on the water], which could be a problem if people did not pay attention to them. He said there were several dozen boats at the Sunset Cove anchorage, which could create problems for homeowners. For example, many people landed their dinghies at the end of Bayview Drive.

Floating structures are not illegal but also are not vessels, so FWC cannot deal with them as derelict vessels, Mr. Jones said. These have no identifiers and pay no registration fee, so when they sink, it is not possible to know who the owners are. When they sink, the Marine Resources Department pulls them out.

The ordinance [the County is considering] might entail regulating Sunset Cove, Boca Chica basin, and Key West harbor as managed anchoring zones. The regulations were being developed by the staff, with the County Marine and Port Advisory Committee (MPAC) and the BOCC. [If approved and implemented], these areas would include the following regulations: prohibit floating structures, require a USCG Auxiliary Vessel Safety Check decal, prohibit "at risk" vessels (tagged as such by FWC), and require proof of pumpout. The second and third items came out of public comment, Mr. Jones said, and he noted Mr. Goodman of the USCG Auxiliary supported the part that involved the Auxiliary. They could inspect all of the boats within a month or so, Mr. Jones relayed. He described the relatively new FWC at risk program. FWC tags a boat before it becomes derelict, to reach out to the boat owner to educate the person about state of the boat. Mr. Jones said Monroe County was looking at expanding the Key Largo pumpout to the entire Keys, at a nominal cost of \$5-10. People could prepay, get tags indicating that for their boats, and FWC could see the safety decal and pumpout sticker on the boat, and so not have to stop. The MPAC met on October 5 and would like to revisit the floating structure issue, per a couple of the members, and would like to not make the floating structure issue a regulation. He said the staff would take additional input from the MPAC on November 30, and that he would be explaining what floating structures are. In January, the BOCC will discuss the draft recommendations. Once approved by the BOCC, he reviewed again that the draft ordinance would go to FWC for evaluation and approval or denial. The final adoption by the BOCC would include a public hearing.

People then asked some questions about the proposed pilot program.

- Chair Popham asked if a floating structure anchored over state bay bottom without a lease was illegal.
- No, per Mr. Jones. It could be anchored there, but not permanently. He said the state was looking into this as part of the pilot program to see how long was too long to anchor, and that anchoring time limits would be developed. He said unless a boat had an unpermitted mooring, it was not illegal.
- Chair Popham asked about a sinking in Newfound Harbor.
- Capt. Langley said the person did get fined.



- Dr. Causey said most people did not realize most individuals on floating structures pay no taxes and children living on the structures go to school. He felt taking out the floating structures was contrary to where [the effort to regulate] should be going.
- Mr. Grathwohl said it should be adopted FKNMS-wide. He also thought the floating structures were an advancement of what had been chased off of the land and water at Card Sound.
- Chair Popham said Monroe County was looking at these areas as a pilot program, and if it worked, it could be expanded to more areas.
- Rob Mitchell asked why Gilbert's was not included.
- Mr. Jones said FWC indicated it needed to start with focus areas, then come back and take a look at other areas later. The areas selected were based on biting off what [the County] thought it could chew, and he added there was only a one-person department [working on this]. He said in 2014, it may be possible to make some or all of the regulations Keys-wide, or have different regulations.
- Mr. Curlett said he had been a single parent moored in a marina, paid no taxes, and put his son in high school. He mentioned the decrease in affordable housing. He did not think there should be illegal waste disposal, but said mooring fields were needed to support businesses.
- Dr. Causey clarified he was expressing the facts, not giving an opinion about if people should or should not be living there.
- Mr. Makepeace brought up several points, including that there was an area in between, that the state was not enforcing a federal regulation, and making a modest contribution for recovery if something happened to a vessel. He said there was a responsible way to live aboard vessels. He commented he did not think the at risk sticker should be dropped.
- Chair Popham said the dock fees helped contribute to his property taxes. He and others agreed the stickers could be helpful for FWC, to see what was going on with the boats.
- Chair Popham asked for an opinion by FWC on how enforcing the regulations would work with competing priorities.
- Capt. Langley said he could not address that without seeing the regulations. He said it could potentially be a \$50 civil fine for not having a sticker.
- Major Escanio said he presumed enforcement would be a joint effort with the county.
- Mr. Jones said he did not think all this information had trickled down to the local FWC law enforcement offices. He said he had been dealing with an FWC guy in Tallahassee, and he understood there would be shared enforcement. Whatever regulations they would require would not be heavy handed, and would fit well with existing regulations.
- Clinton Barras felt if this was not done Keys-wide, the boaters would move outside the area and put marine debris in other [new] areas.
- Mr. Jones replied he was aware of that argument, and some would move out, but he said they had seen in the Marathon area there would be a net improvement.
- Chair Popham asked about the Water Quality Protection Program and the mandate by Congress to protect water quality in FKNMS. He asked where those regulations fit in.
- Mr. Morton replied FKNMS, the Water Quality Protection Program and the SAC had put a lot of effort into eliminating human waste discharges; ten years ago this was in place for state waters [in FKNMS, per Environmental Protection Agency (EPA) regulations on Marine Sanitation Devices (MSDs)] and last year was in place for federal waters [all FKNMS waters, per NOAA regulations on MSDs]. So this is a main concern; hundreds of millions of dollars have been put into wastewater treatment, and vessels are still doing raw discharges into FKNMS. Enforcement of the sewage issue was very difficult, and FKNMS was extremely supportive of anything that moved toward compliance, including enhancing pumpouts. Mr. Morton then pointed out the \$273,000 figure may be correct for Monroe County, but he would like to see it adjusted since FKNMS and FWC both spent hundreds of thousands on derelict vessels, which could easily double the figure. That money could be used for resource protection, and officers' time could be spent out on the water. He added vessels were not allowed dump, hit the bottom, or discharge [MSDs] per FKNMS regulations.

- Ms. Hammaker said there was interest among their federal lobbyists, and they had been getting questions about pumpouts, other programs in other areas, cruise ships, etc. She thought the Florida Keys Water Quality Improvement Program could help address some of these issues.
- Mr. Bergh said it was not practical to have managed mooring fields everywhere in the Keys, but it was also not practical to have a wild west approach, so this seemed like a good middle ground.
- Chair Popham asked where the money came from that Monroe County was spending.
- Vessel registration funds, Mr. Jones replied.

Mr. Curlett moved passage of a resolution on this issue, which was seconded by Mr. Makepeace. Mr. Curlett asked that the resolution be accepted as written in the draft, with an addition in the fourth “Whereas”, after “;and”: “NOAA regulations promulgated in November 2010, which made discharge of sewage from marine sanitation devices throughout the entire Florida Keys National Marine Sanctuary, both state and federal waters, a prohibited activity, with certain limitations. The NOAA regulation became effective December 27, 2010, as published in the *Federal Register* at 75 FR 72655 on November 26, 2010.” He then read the recommendation in the last paragraph, and added “in excess of” before \$273,000.

Discussion ensued.

- County Mayor Carruthers suggested adding “Monroe County” before “boater improvement” and “alone” after “funds” in the last paragraph. This friendly amendment was accepted.
- Dr. Boyer asked about including a mention of floating structures, which were not mentioned in the draft resolution.
- Chair Popham referred the handout and said that was also included in the program the SAC wanted to support.
- Mr. Makepeace suggested adding [in the last paragraph], after “impact of derelict vessels”, “and other on-water structures”. This friendly amendment was accepted.
- Don Kincaid mentioned other floating structures, including those with a rock climbing wall, etc., and asked where those fit in with structures.
- Chair Popham and Mr. Edwards said state actions had been taken against those sorts of floating structures [that had been impacting the environment], and Mr. Edwards mentioned again the details about those in Pearl Basin. Mr. Edwards talked about the fact that there was a separate set of rules for sovereign and submerged lands for commercial operations, including requirements for a lease. He also said there were anchoring regulations to cover illegal moorings like concrete blocks.

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

**FLORIDA KEYS NATIONAL MARINE SANCTUARY ADVISORY COUNCIL**

**RESOLUTION**

**A RESOLUTION OF THE FLORIDA KEYS NATIONAL MARINE SANCTUARY ADVISORY COUNCIL ACKNOWLEDGING THE ENVIRONMENTAL IMPACTS OF BOTH LIVE ABOARD AND TRANSIENT CRUISING VESSELS WHO IMPROPERLY AND ILLEGALLY ANCHOR AND PROLIFERATION OF DERELICT VESSELS WHICH ARE HAVING TO BE REMOVED AT GREAT EXPENSE AND ARE HAVING NEGATIVE IMPACTS ON RESOURCES AND NAVIGATION DO OFFER STRONG SUPPORT FOR FS 327.4105 WHICH ESTABLISHES THE STATE PILOT PROGRAM FOR THE REGULATION OF MOORING VESSELS OUTSIDE OF PUBLIC MOORING FIELDS AND THE ESTABLISHMENT OF ADDITIONAL MANAGED MOORING FIELDS WITHIN THE FLORIDA KEYS NATIONAL MARINE SANCTUARY.**

October 25, 2011

**WHEREAS**, Monroe County is home to North America's only coral barrier reef, among the most endangered coral reefs in the world due to multiple stressors including pollution from sewage that has caused a decline in water quality; and

**WHEREAS**, the reduction of water quality in Monroe County is caused in part by the discharge of untreated or poorly treated sewage from vessels within Monroe County; and

**WHEREAS**, these waters are of such value that the State of Florida has designated them as Outstanding Florida Waters and Congress has designated them as part of the Florida Keys National Marine Sanctuary; and

**WHEREAS**, through the efforts of the Governor and the U.S. Environmental Protection Agency, state waters within the boundaries of the Florida Keys National Marine Sanctuary were established as a No Discharge Zone for boater sewage effective June 19, 2002, as published in the *Federal Register* at 67 FR 35735 on May 21, 2002; and NOAA regulations promulgated in November 2010, which made discharge of sewage from marine sanitation devices throughout the entire Florida Keys National Marine Sanctuary, both state and federal waters, a prohibited activity, with certain limitations. The NOAA regulation became effective December 27, 2010, as published in the *Federal Register* at 75 FR 72655 on November 26, 2010.

**WHEREAS**, the Monroe County 2010 Comprehensive Plan requires the County to develop provisions to reduce pollutant discharges from anchored liveaboard vessels, including the establishment of mooring areas; and

**WHEREAS**, surveys conducted for *Boat Live-Aboards in The Florida Keys: A New Factor in Waterfront Development* prepared by Gus Antonini in 1990 concluded that anchor-outs are one of the most serious concerns in regard to live-aboard issues in the keys; and

**WHEREAS**, *The Boating Impacts Management Plan* prepared by the Monroe County Department of Marine Resources in 1992 recognized that liveaboard vessels require specialized infrastructural services including sewage disposal and shore-side facilities; and

**WHEREAS**, *The Channel Marking Master Plan for the Florida Keys* prepared by the Monroe County Department of Marine Resources in 1998 identified mooring fields as a key management tool in addressing the variety of impacts generated by the proliferation of liveaboard boaters anchored throughout the keys; and

**WHEREAS**, in 2001 the Monroe County Board of County Commissioners gave approval for the Department of Marine Resources to apply for grants to fund the implementation of mooring fields and pumpout facilities; and

**WHEREAS**, in 2001 the Monroe County Department of Marine Resources prepared a *Project Proposal for a Keys-Wide Mooring Field System* for the Florida Department of Community Affairs which recognized a variety of impacts associated with live-aboard anchorages in the keys; and

**WHEREAS**, in 2002 the Monroe County Department of Marine Resources prepared a *Keys-Wide Mooring Field System Preliminary Planning Document* which included an evaluation of numerous anchorages throughout the keys including Boca Chica harbor and recognized the need to address numerous boating impacts associated with the crowded anchorage; and

**WHEREAS**, the anchorage at Boca Chica Harbor would benefit from implementation of infrastructural services for the disposal of vessel sewage waste, provision of vessel mooring systems and designated access to the shoreline; and

**WHEREAS**, the Florida Department of Environmental Protection has recognized the need for establishing mooring fields designed to accommodate the management goals of local government programs;

**NOW THEREFORE, BE IT RESOLVED**, I move that the Florida Keys National Marine Sanctuary Advisory Council request that the Superintendent of the Florida Keys National Marine Sanctuary, Sean Morton, construct a letter of strong support of the Monroe County Resolutions of 08 09 and FS 327.4105 Pilot Program, which gives the County authority to write ordinances which expound on further protection from the negative and costly impact(s) of derelict vessels and other on-water structures (which cost in excess of \$273,000 of Monroe County Boater Improvement Funds alone in 2011), illegal dumping, inappropriate and improper anchoring within the Florida Keys National Marine Sanctuary.

---

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

- Chair Popham asked if Mr. Morton could get the letter mentioned in the resolution processed, and he said he would, and said he would be happy to come speak to the BOCC and to make the SAC aware if there were any public opportunities to speak, and County Mayor Carruthers said OK. ***ACTION ITEM:*** Mr. Morton to follow up on the requested action in the resolution regarding the state pilot program for anchoring and mooring in Monroe County, and to follow up on any county opportunities to speak publicly on the issue.

- Chair Popham followed up on remarks Dr. Causey had made earlier, saying it was necessary to ensure these types of regulations were put in place by the County, and that the money used for these problems could be better spent on mooring fields or other marine infrastructure.
- Dr. Causey saluted the SAC for passing this, and said the next one on the horizon also dealt with boating, the partying and sandbar activities, which he knew were statewide activities, and there would be a need to work with the state, federal and local partners on it. He said he knew there was a huge amount of environmental impact that occurred, but there was also a huge amount of recreation that occurred, so the line got blurred.
- Mr. Basta suggested including those other indirect costs related to the impacts in the letter, and Mr. Morton replied, absolutely.

### **SAC Ballyhoo Working Group Report – Mr. Nedimyer, SAC**

Mr. Nedimyer reviewed the history of the SAC Ballyhoo Working Group for the SAC. In the beginning of the development of the SPAs, which were created to eliminate user conflict, some special uses were developed. Cast netting with a permit for ballyhoo was allowed in four SPAs, and commercial ballyhoo fishermen could set their nets, when fishing for ballyhoo, and could drift into SPAs. He said SPAs were mostly no take areas. Ballyhoo like shallow areas, he explained. The Islamorada Charter Boat Association asked in the early 2000s if they could hair-hook for ballyhoo inside SPAs, and a SAC Ballyhoo Working Group formed. Its recommendations were presented to the full SAC in 2003/2004, by Steve Leopold. FKNMS allowed permits to be issued for a one year trial, permitting ballyhoo fishing in certain SPAs in federal waters, with a special flag to be flown during hair-hooking, which must be completed by 10 AM; an annual report was also required of permit holders.

[The FKNMS ballyhoo permits continued to be issued after the first year] for three SPAs in federal waters the number of permits issued dropped over the years, from 96 in 2004-5 to 19 in 2010-11. He mentioned a few reasons for this drop.

- Mr. Leopold said the numbers of people with permits changed mostly because of business slowing, and less pressure from commercial fishermen. The amount of baitfish caught in SPAs went down, and they could fish outside SPAs without the heavy pressure from commercial fishermen. He said in the last few years, there were massive amounts of ballyhoo both in and outside those SPAs.

Mr. Nedimyer said it was good that FKNMS was able to accommodate the request. The current status was to have Joanne Delaney put together a report, and the SAC Working Group did not meet if there are no issues; people networked among themselves. The SAC asked the SAC Ballyhoo Working Group to provide a report every year.

- Mr. Leopold added when this was approved, concessions were made, to eliminate catch and release fishing at Alligator and Conch Reefs.
- Trolling only is allowed, Dr. Causey said.
- Mr. Leopold would like no fishing, no catch and release or trolling in the SPAs, except for baitfishing, and he said it wanted it put in writing.
- Chair Popham said this could be discussed during the regulatory review.
- Mr. Nedimyer agreed, and said he thought the charter boat association had held up its part.
- Dr. Causey thought this could be dealt with now up and down the Keys.

Prior to breaking for lunch, Chair Popham thanked Mr. Curlett for his hospitality. Mr. Curlett introduced David Ritz, the President of the Ocean Reef Community Association and on the Florida Keys Aqueduct Authority, who joined the SAC for lunch.

## **State of the National Marine Sanctuaries – Mr. Basta, ONMS**

Chair Popham introduced Mr. Basta and noted he was honored to have him at the meeting.

Mr. Morton reviewed that the SAC had been talking over last few meetings about a FKNMS comprehensive regulatory review, and he had mentioned the need to get the *Condition Report* out. People expressed to him, Dr. Causey, and Mr. Basta they wanted to get started on the review. He said people also asked to talk to Mr. Basta, who agreed and thus came to this meeting.

Mr. Basta said he was happy to be here and to spend time with the SAC. He said he would talk about the state of the sanctuaries, context about the SAC, and have questions and answer time. He hoped people would get what they needed from him in terms of answers.

He covered a number of points:

- this [SAC] is a community of the committed
- the Great Barrier Reef aside, successful completion of a Florida Keys management plan was one of the great successes for the marine environment, and was the most comprehensive plan for the marine environment anywhere
- a second big success was designation by President George Bush of Papahānaumokuākea as a National Marine Monument, the largest area set aside at that time for marine protection, which helped drive marine conservation in the world
- the trend is community place-based action, with people concerned and confused about change and wanting to do something about it; Riverkeepers are community-based organizations which give citizens ownership over their local places
- saving the Florida Keys is different than saving the ocean; people can see other people who have a desire to work on a place
- the National Marine Sanctuary Program has been place-based since the beginning
- this council created the advisory council system; the experience here spurred Mr. Basta when he became head of the program to require every sanctuary to have a SAC
- the program has 750 SAC members overall, and so has participatory management
- George Barley and the original SAC came onboard as a FACA committee about a year after the Sanctuary Program was already at work. When Mr. Barley was in charge, he thought the program would be advising that committee, which he thought was in charge. Then, they sat down and figured out they were one team.
- that council met often during that time because they helped create the Management Plan, going through it word by word and line by line
- we have walked the talk, and the *Condition Report* spoke to that, though everything could not be done immediately
- the Florida Keys has a special role to play because it is special; 4 million people come here every year from all over the country and the world
- the Keys are a marvelous place to project what you do, the urgency and commitment, and to show the way.

He said the next phase, which the SAC voted on in August, was about taking zoning to the next level – SAC members, their constituents and their neighbors. This would ensure economic viability, adaptability of this place to change, etc. It would demonstrate how communities adapt to a changing world. He said healthy ecosystems were the most resilient. He felt all the data needed, we already had, in datasets, maps and people's knowledge.

He talked about when the original zoning was done in FKNMS. He said ideas were suggested by the SAC for the upper, middle and lower Keys, but things were not doing so well by the time they got to Key

West. One of the SAC members got mad and said, “Why don’t you let us just do it?”, and ONMS said “yes” and that was the turning point. Everything he asked for, ONMS said, “You got it,” Mr. Basta recounted. The council split into three groups by Keys regions, and ONMS provided maps and data, and helped facilitate meetings. Council members went out on the water with their constituents and set the boundaries for the SPAs themselves, using GPS, then those boundaries were put on maps. That was the same kind of thing the SAC needed to do in this new process, Mr. Basta felt. He said he would bring program resources to bear from wherever they were in the system. He noted many communities wanted a national marine sanctuary, and he urged not losing that momentum. He said the 750 SAC members were a powerful force, and he urged people to talk to members of Congress, key figures in marine conservation, etc. He also mentioned the visits of the Governor, Dr. Lubchenco, and the Assistant Secretary of the Interior to the area and their importance.

Mr. Basta said Hawaii was another iconic place, which had a single species humpback whale sanctuary. It is a disconnected ecosystem and does not have outside influences like Florida Bay. He said it made sense to have a full operating sanctuary, and they were about to embark on a process to make a single species sanctuary a full sanctuary like this one. Hawaii had many visitors, just like the Florida Keys. He felt the SAC and staff there would follow in the footsteps of the Florida Keys.

He then discussed the Fagatele Bay National Marine Sanctuary, and said a network of places would be created in American Samoa. He mentioned their SAC was different from the one here because there was an intact Polynesian culture there, and ONMS worked with the villages one at a time to solve their individual problems. He said ONMS had been very successful in spite of a lot of opposition from outside American Samoa.

Mr. Basta then described a couple of new directions. Regarding recreational fishing, in Washington [DC], lobbyists, the American Sportfishing Association for example, created misdirects and misinformation because it was about membership for them. He said there was a need to go to the fishermen at the docks to those who recreate to support what ONMS wanted to do. He said ONMS had been working with the American Sportfishing Conservancy, and had a proposal in to have a fishing tournament in four National Marine Sanctuaries, to run simultaneously for 12 weeks, here and in Monterey Bay, Channel Islands and Gray’s Reef, with a prize each week for the winner. It would be all catch and release, and about the sensible practice of fishing. Catches would be photographed and uploaded to a website. He said ONMS was waiting to hear if there would be funding from several funding sources and if BassPro would provide prizes. He said if it looked like it would go forward, they would bring it to the SACs to get their agreement before implementing it at the sites.

Maritime landscapes were also a new direction. He said the ONMS maritime program was the largest maritime history program in the U.S., and that ONMS had been building it for a decade. When ONMS found the *Portland* in New England, which had been lost in a gale, eight news stations and 22 news media made it the number one news story that day. This got more attention on Stellwagen Bank National Marine Sanctuary than it had ever gotten before. He said there was a need to be relevant, and bring people to the marine environment for whatever reason interested them, and that understanding the past gave us lessons about navigating the future. He also mentioned how FKNMS had been working with Spain, which had early ecological records of this area in its archives. He felt the SAC needed to look backwards when thinking about space and zoning, to learn those lessons, and to look forward, further, beyond what needed to be done today, to how to make the future a better place.

SAC members had comments and asked a number of questions of Mr. Basta.

- Mr. Grathwohl noted fishermen need to be involved; he said it before and it still held true.

- What happens when the state or another body overrides what the local community wants to do? Art Itkin wondered.
- Take the longer view, Mr. Basta replied, adding no politician could withstand what the community wanted and that there were cycles of things. He said people needed to have resolve, and almost faith, that they could prevail.
- Mr. Leopold asked Mr. Basta's thoughts on localized fisheries management.
- Mr. Basta thought that was where it should be. He said Nantucket wanted protection, and no longer wanted to compete in a world fishery economy. They want to protect local fish for their local market and sustain their community and way of life. He said he was not opposed to aquaculture, but not for building aquaculture engines to feed world economies; that had a different set of objectives than local ones.
- Mr. Leopold said he was thinking of individual species, which were different in the Keys than the whole East coast.
- Mr. Basta said he did not create Magnuson-Stevens, and said Mr. Leopold had a lot of company. He said [fishermen] should not just speak to themselves. They go to the Fishery Management Councils, but those have become institutions. He said [the fishermen] had to find a way to get their attention.
- Ms. Hammaker asked if lowest level problem solving and management by walking around was what he wanted the SAC to do.
- Yes, Mr. Basta said. He also mentioned Caesar had his own requirements.
- Mr. Grahwohl asked how many times a person should beat his head against the wall.
- As many times as it took, Mr. Basta replied. He advised not to keep asking the same question, and mentioned innovation and need for an action.
- Mr. Basta talked about a coral reef evaluation study and the dollar amount the study said was needed to sustain the Hawaiian coral reef ecosystem. He mentioned use values and non-use values, saying non-use values were needed to compete in the world of use values. He suggested SAC members read it, and use it, as well as consider what was important to them in the upcoming process.
- Mr. Bergh asked if ONMS was open to the possibility changing some of the zones on the books.
- Yes, Mr. Basta affirmed. He said there was a need to look at if they were relevant now, and if they needed to change, to be adaptive. He recounted that in 2002, he and Dr. Causey went to speak to the Governor about the Dry Tortugas Ecological Reserve, and after they were introduced, they were asked to sit down and they did not speak; the local community and other groups and agencies did. The State voted unanimously to do it.

### **Public Comment**

Tim Grollimund said he went to the August SAC meeting, then talked to Mr. Morton afterwards about Snapper Ledge. He remembered reading something by Dr. Ogden about removing a top level predator and the regular level of growth for lower level species begins. He asked the Reef Environmental Education Foundation for data about that. They provided 160 surveys from 1999-2011 to him, on the abundance levels and frequency of sightings for angelfish, groupers, etc. and the data showed they were not going up. He said he would be happy to make the data available to anyone who wanted it, and said he knew Mr. Morton would look at it. He then asked for an update on the Snapper Ledge issue.

- Chair Popham said it would be looked at as part of zoning and asked him to give the data he mentioned to Ms. Ferguson to send to the SAC. ***ACTION ITEM:*** Mr. Grollimund to send frequency and abundance data to Ms. Ferguson to forward onto the SAC.

### **FKNMS Comprehensive Regulatory Review - Process and Planning – Steven Thur, FKNMS [on a leadership detail]**

Chair Popham thanked Dr. Thur and said his coming here in the summer to work on the regulatory report was a good example of commitment to resources.



Mr. Morton said lack of commitment to agencies happened from time to time in a process; people asked what if the state did not support – that happened to federal agencies, too. He said he and Dr. Thur had been working to tell people about the process, to try to make sure the community knew of the discussions going on, and he urged people to work with their constituents to ensure they were heard. He also mentioned the importance of media reporting. He noted Dr. Thur was currently the acting Deputy Director of Sustainable Fisheries.

Dr. Thur said he was on his last assignment of the program that brought him here, and that this [presentation] was the last formal component of his work with FKNMS. He planned to discuss what happened since the SAC meeting in August and what came next, and he wanted the SAC to discuss the next steps and provide input to implement the Regulatory and Marine Zoning Action plans. He added his permanent home was in Silver Spring, with the NOAA Coral Reef Conservation Program.

He provided a brief recap of the discussions from the August SAC meeting, and then talked about what the review likely would entail. He thought Mr. Morton had moved past [considering it] and the process would occur, to evaluate the FKNMS boundaries, assess current sanctuary-wide regulations, review zones, and assess current zone-specific regulations. He said it would be a public and open process.

He and Mr. Morton did a “no surprises tour” in September, in St. Petersburg, Tallahassee and Silver Spring, to tell people about the process and to ask them how they wanted to participate, so there could be an ongoing relationship with them or a member of their team or staff. He listed all those they met. He said FKNMS would be leaning on the Fish and Wildlife Research Institute for information support, including maps. Roy Crabtree came out very much in support after they met with him, Dr. Thur said, saying he wanted to send a member of his staff to attend SAC meetings and participate at a pretty high leadership level in the region. He also provided advice on some things, including Snapper Ledge, and how the two councils should be interacting. Dr. Thur and Mr. Morton spent a few hours with the then acting Director of CAMA on state perspectives and how the Governor and Cabinet might react to some things. They were not able to meet with FWC Lt. Col. Calvin Adams, who was called out of town unexpectedly. They also were unable to meet with Bob Ballard, then Deputy Secretary of DEP, who resigned the day they were to meet with him, but they had a good chat with Larry Nall. In Silver Spring, they met with Holly Bamford, who was supportive of them touching base with everyone, She supported the process and provided some advice. They met with Pat Montanio, who had an interest in aligning coral programs. Mr. Morton met with Jennifer Lukens. Dr. Thur met with John Christensen and Emily Menashes; any new fishing regulations would come up to that position. Dr. Thur said they touched based with everyone they felt needed to be informed and brought into the process at this time, and it was all very positive.

- Dr. Boyer said there was a third party in the Water Quality Protection Program, the EPA. He asked if they considered talking to them.

- Mr. Morton said they were trying to address regulations and zoning, and some of the sensitivities and things that came out that workshop, and would definitely be meeting with more partners. He said they wanted to meet with partners involved in fisheries as a first focus. Partner participation would include NOAA Fisheries, DEP and FWC, and a lot of folks would be involved. Dr. Thur mentioned some other government units as well.

Dr. Thur then presented his own recommendations.

- Dedicate time each SAC meeting to contribute to the comprehensive regulatory review

- Lead the process, representing the SAC constituencies, to adopt a process for the SAC to move the ball forward. (He acknowledged the 2008 workshop was held thinking there would be some momentum coming out of the *Management Plan* update, etc. to move forward and there was not.)

- Establish a comprehensive regulatory review topic-specific schedule, so FKNMS could arrange presentations.
- Limit discussion to the topics on the schedule. He encouraged good discussion, and approving advice each meeting FKNMS could act on. He suggested having a “parking lot” to re-raise other issues that might come up at subsequent meetings when those agenda items were scheduled for discussion.
- Schedule for SAC meetings for the upcoming eight months: December - evaluate the FKNMS boundaries; February - assess current Sanctuary-wide regulations; April and June - review types, locations, size, shape, and number of marine zones; and assess current zone-specific regulations.
- Regardless of the timeline, do the topics in the suggested order.

### **FKNMS Comprehensive Regulatory Review (Cont.) - Process and Next Steps - SAC**

Discussion about the FKNMS comprehensive regulatory review process continued.

- Mr. Bergh said Dr. Thur had talked about a SAC process to generate ideas and get some consensus, then there would be a public process. Dr. Thur said that was a good segue.
- Mr. Curlett asked if Mr. Crabtree said his office would participate and would be nonvoting.
- Yes, Dr. Thur replied.
- Mr. Makepeace said he assumed if the suggested schedule were followed, at one meeting the agenda would be refined for the next meeting, and so on. He assumed the SAC would not deal with the specifics of each topic every time, but would think about what to bring to the next meeting.
- Mr. Morton said they would not knock this whole thing out by June. He said they were talking about getting a sharp and refined scoping notice out to the public. That official start to the public process would let them know what the SAC wanted to address, specifically on the topics Dr. Thur suggested. Snapper Ledge was one example, and work in the backcountry, as suggested by Mr. Grathwohl, was another. This would give the public a better sense of what they would be commenting on as part of the public process.
- Mr. Makepeace asked if it was safe to say in December, FKNMS wanted a cut at what the entire process would look like.
- Yes, Mr. Morton said, to final regulations and adoption. He then mentioned how Dr. Crabtree was supportive, and said in the meeting they had with him that he saw this as taking some of the burden of what the Fishery Management Councils wanted to do off of them, for example, regarding spiny lobster and spawning aggregations. He said he had set up meetings in late November or early December to meet with the staff of the two Fishery Management Council, and he would also work to get before the Councils to let them know about the process and their involvement. His first opportunity to address the South Atlantic Fishery Management Council was March 2012, which he said was a fast track. He said would be on the FWC Commission agenda on November 16, to let them know what FKNMS was doing and about Snapper Ledge.
- In half the meetings, Dr. Thur said people asked why FKNMS was not going to do Snapper Ledge as part of a comprehensive process, and they replied that a large number of members of the public wanted it, and that it was a way to test the process on a smaller, less contentious area.
- Mr. Morton said he would be putting together a package to get to the Fishery Management Council, and that John Halas and other staff members were working on that. He said he would take it to the South Atlantic Fishery Management Council staff in three to four weeks. He hoped they would say it was a “no brainer” and would kick it back to FKNMS.
- Mr. Bergh asked if all went as envisioned, if Snapper Ledge would be part of the overall process or if it would take a separate path of its own.
- Both, Mr. Morton said. It could go ahead, but would also be still deep in the comprehensive regulatory review discussion and part of the existing landscape of the zones.
- Timing wise, it could be a new SPA sooner than everything else, Mr. Bergh wondered.
- Mr. Morton said if it went on that track, yes, because it might get a Fishery Management Council determination in March. But that process could take a year, as he explained at the last meeting. He said

the issues Dr. Thur said needed to be addressed covered a lot, and it would be necessary to parse out what needed to be done for each, which would be complicated, and would entail different discussions with different people. He said he would need help from headquarters to come up with a process, people and technical resources. Other areas' processes, like Biscayne National Park, would also add into the discussion.

- Mr. Basta said there was also a need to be decisive and not to coordinate into oblivion. The hard work of choreography needed to be there.

- Mr. Bergh said the regions of the Keys had distinctive use patterns, needs, etc. He said a special discussion just about lower Keys SPAs could go into years, just for that. He thought there was a balance on zoning types vs. area types. He said there might need to be meetings more than every other month.

- Mr. Basta agreed, but said they did not know until the elements were laid out. He said the schedule would not look like the timeframe Dr. Thur suggested, and that work groups would need to meet.

- David Vaughan said he fully understood why things took so long. It made him frustrated to see where reefs were going in the *Condition Report* and that the process did not keep up with the degradation of the reefs. He wondered if they could try to meet more often and also forecast about changes. Most other places around the Caribbean had 10-20% of areas around their islands as protected, but little to no protection in the rest of the reef tract, he said. He also encouraged people to think what would be needed in five years.

- Dr. Causey said FKNMS was at 6% protection, without the Research Natural Areas, and that it was at 1% when the *Management Plan* was finalized in July 1997. The first process was definitely flawed and they learned some lessons. With the Research Natural Area, politics in the Department of the Interior and a boundary dispute with the state slowed that process down.

- Dr. Vaughan asked if 20%, or up to 40%, should be looked at now. In his opinion, the sanctuary was managed, rather than protected.

- Chair Popham said a percentage could not be decided at this meeting, and it was the cart before the horse.

- Mr. Frerer said the priorities might change if they knew the timelines that different things would take.

- Chair Popham said he thought they should come up with full list, and then go from there. He said the SAC would need to commit time to the full process, while acknowledging SAC members also had real lives. He said what the SAC would look at in December was what they needed to talk about now.

- Mr. Morton said some timelines had been laid out in a generic fashion, and some of that was the legal process. The other dimension was how complex the SAC wanted to get into things. Things could be tackled one by one, or people could break up into groups during a meeting. There was also the official public process, including public scoping.

- Mr. Kincaid commented every scientific thing he read said thirty percent was the minimum protection needed to be effective, and in some other areas, more had been set aside. He said when they did Tortugas 2000, they drew lines without paying attention to jurisdictions, and after that it was up to those organizations with jurisdictions to go along with the recommendations, and he said they did.

- Mr. Bergh said a counterpoint to setting a percent was the principals of marine zoning, including representativeness and connectivity, and it behooved the SAC to follow the guidance it identified for itself before. Between now and December, he heard the staff would come back with a process. He suggested a one-time SAC Working Group meet to participate in that timeline, then disband.

- Chair Popham said he had suggested to Mr. Morton having an executive committee work on that and thought it could happen before December.

- Mr. Grathwohl said, off Marathon, Wildlife Management Areas would move swiftly and quickly since a lot of the groundwork was done and everything was lined up and ready to go.

- Mr. Frezza asked if there would be zoning working groups.

- Chair Popham said he thought all would be working groups, but that the big picture would be discussed in December.

- Dr. Causey said percentages were not what it was all about.

- It was less than five percent for the Great Barrier Reef for twenty years, per Laurence McCook and Dr. Causey, then later [after additional consideration and input] it went to thirty percent.
- Mr. Makepeace said the only part the SAC had control over was its part. He urged people to come to the December meeting with an open mind. The bureaucratic aspects and public scoping had to happen.
- Mr. Morton said they would come back in December. He thought two to two and a half days were needed for the suggested session before then. He said the process should be as complete and complicated as necessary. He also advised the SAC to remember there was a Presidential election in thirteen months and no matter who was elected, there would be at least a twelve month period in the new administration where no action would take place. He said the Channel Islands process went from 1999 to 2010.
- There were several Presidential elections during that time and the public felt disenfranchised, Mr. Basta said. He said he was willing to come down for a design session.
- Chair Popham said some good advice had been offered, and he thanked Dr. Thur and Mr. Morton.

### **Adaptive Management of the Great Barrier Reef -- Dr. McCook, Great Barrier Reef Marine Park Authority (GBRMPA)**

Dr. McCook said he was excited to be at the meeting and was impressed with the group and discussions. He said he would talk about adaptive, ecosystem-based management of the Great Barrier Reef Marine Reserve network. He said he was at the meeting thanks to a Pew Fellowship program in marine conservation. Much of the work he planned to present was done at an Australian Research Council Center of Excellence and was not his work, he noted. He said many agencies, scientists and funding sources were connected to the work.

A zoning process for the Great Barrier Reef culminated in 2004. Existing data were collected, and seventeen or so bioregions were developed, along with a set of eleven biophysical and seven social and economic principles. A consultation phase took place with 10,000 submissions, and draft information was put into a computer program. In the second phase, there were 21,000 public submissions. The process led to a revised zoning plan, which was adopted by an act of Parliament.

He said the zoning appeared to be making major contributions to the protection of biodiversity, ecological relationships and the social and economic values of GBRMPA. The large scale network of marine reserves was proving to be an excellent investment in social, economic and environmental terms. He mentioned the work of people in similar positions to this group as well as some of the political and committee members who played leadership roles. However, he said he did not plan to cover the effectiveness of the process and governance during his talk.

Dr. McCook said the direct effects were on target fish and sharks, and the indirect effects were on corals and food webs. He said the biodiversity of the 95% of the non-coral areas of the park needed to be protected too.

The Great Barrier Reef Marine Park Act defined and required management on an ecosystem basis, and spatial management was only one element of the management strategies. Many important activities (including defense, shipping, high use tourism areas, research, indigenous use, World Heritage Areas, etc.) were not managed by zone, and were better managed using other processes. He said the zoning in the park was a lot more complex than no-take zones, and there were different objectives for the seven marine zones and a Commonwealth island zone. After 2004, the no-take zones covered more of the park and they were more systematically and comprehensively designed. He said they had 33.3% in no-take zones, but he thought that got too much attention. He said there was a 66% area in the park that was no longer open to trawling, which was a more important achievement because of the destruction; now trawlers were only used in five to ten percent of the marine park. They also had an objective of about twenty percent protection of about seventy bioregions, he said.

Regarding monitoring, he said Gary Russ and Dave Evans got baseline data before the zones were implemented, on number of fish and biomass. The fished area remained about the same, and for the fish in the reserve areas, the numbers increased and they got bigger. For offshore reefs, he said they did not have pre-zoning data. In most places, the difference between fished and unfished reefs was maintained through time, with more and bigger fish in the reserves. After discussing the results some more, he stated there was clear widespread evidence for the benefits of no-take marine zoning. He cautioned people that they might need to think of the shifting baseline concept, and of what the fish should look like in areas if they were not fished.

Unpublished data also appeared to show that larvae from some protected areas were getting to other protected areas, and so the areas were serving as a network. Bigger fish have more larvae, and it was thought the larvae were getting to the fished areas. The adult fish tended to be attached to sites, but the larvae were transported across reefs. Also, the fished areas were getting at least as many larvae as before the zoning, he said.

Dr. McCook reported connectivity scientists urged matching natural distances between reefs to the distances between protected areas. The reefs were mostly within two to four km of each other, and at GBRMPA, they had a good match between distances of natural reefs and distances of no-take marine reserves.

Sharks were also getting benefits from these zones, according to Dr. McCook, with more sharks at the no-entry reefs than the no-take reefs. He said the same was true for fish. The marine park was vast and very remote, different from the Florida Keys, and enforcement was different at the marine park. He said there, no entry zones were easier to enforce because if a boat was seen in such an area, they got in trouble, versus the need to prove they fished in a no-take area.

Another point Dr. McCook made was that crown of thorns starfish caused damage to reefs by eating coral, and sometimes there were massive outbreaks of them. Eighty percent of the fished areas had outbreaks, while only twenty percent of reefs in the non-fished areas had outbreaks, he reported (but the sample size was only five reefs, so they were not sure how that would relate to the whole marine park). For areas that had an outbreak, the percentage of corals was higher on no-take reefs than on fished reefs.

In the central Great Barrier Reef, there were more fish in the fished areas, Dr. McCook stated. The likely explanation was there were more fish in the areas the people said they wanted to fish. No baseline data were taken, however, to compare those no-take and fished areas before the reserves were implemented.

Regarding protection of biodiversity, Dr. McCook reported a thirty percent increase in the types of biodiversity. He pointed out things like sea turtles dugongs (hunted for oil in the early part of the century) had a lesser ability to recover from threats, and that spatial management alone would not be enough to protect dugongs. Dugong protection needed other things, like boating rules.

Dr. McCook then mentioned people had been concerned about economic collapse. However, recreational fishing boats in the region had been steadily increasing and when they brought in the zoning, there was no difference.

He said there were some key beliefs that people held, including that zoning was unnecessary, that it would have negative effects on fishing businesses, that it had not reduced fishing impacts on the Great Barrier Reef, and that fishermen were not consulted in the process. He said the government spent \$211 million to help businesses adjust to the new zoning processes. The fishing industry had estimated the

impact on them would be only \$20 million, so this was a mismatch, he said. Another mismatch in perception was this was the largest public consultation on an environmental issue in Australia. He felt this pointed out a communications challenge. He also discussed some economics facts related to the Great Barrier Reef, including for three years, about \$5.5 billion came into Australia each year, principally from tourism; there were 54,000 jobs; and enforcement was less than three tenths of one percent of the revenue generated by the Great Barrier Reef each year.

Dr. McCook concluded that protecting the Great Barrier Reef was a good investment.

There were a few comments and questions.

- Mr. Daughtry said this was a vastly different place than the Great Barrier Reef, which he said was much larger with less pressure overall, and did not have as much of an issue with water quality as South Florida. As a commercial fishermen, he said he realized where things needed to go. In his opinion, more Ecological Reserves were needed than SPAs, but he said it was super important to get people on board with this thing, and he liked how Mr. Bergh talked about figuring out what needed to be done and then the end result is the end result. Regarding the payout, he read that the number of commercial entities that operated in GBR was 1,600, with sixty percent of those tourist-based, so there would only have been 500-600 commercial fishermen. He said that was significantly different than here.
- Dr. McCook said there were a lot of suggestions about way the compensation package could have been done better and cheaper.
- Mr. Daughtry said originally there was a cap on the payouts, and he talked to some of the fishers, who said they would rather have the area back than the payouts.
- Dr. McCook felt that perception would change when the larval dispersal data came out.
- Mr. Daughtry mentioned he thought the water quality issue needed to be fixed or they would continue to see declines.
- Dr. McCook agreed that both needed to be addressed, and that GBRMPA was also was working to address water quality.
- Mr. Grathwohl asked if people could get copies of the presentation.
- Chair Popham asked Ms. Ferguson to send it to the SAC. **ACTION ITEM:** Ms. Ferguson to send Dr. McCook's presentation to the SAC.

#### **Upcoming Meeting and Closing Remarks - Chair Popham, SAC**

Chair Popham thanked Ms. Ferguson, the staff, Mr. Curlett, and Mr. Basta.

For the December meeting on December 13 at the Eco-Discovery Center in Key West, Chair Popham said he would follow up with Mr. Morton on the suggestions they had before them.

The first meeting in 2012 was scheduled for February 21, Chair Popham said. At the December meeting, he said all the SAC meeting dates for 2012 would be reviewed.

Adjourned, 4:40 P.M.

Submitted by Lilli Ferguson