

FLORIDA KEYS NATIONAL MARINE SANCTUARY ADVISORY COUNCIL

**Marathon Government Center, Marathon, FL
Tuesday, June 19, 2012**

MINUTES

Members Present

Clinton Barras	Don Kincaid
Chris Bergh	Steven Leopold
Jeff Cramer	Jerry Lorenz
Jack Curlett	Corey Malcom
Ben Daughtry	Martin Moe
Dolly Garlo	Ken Nedimyer
Richard Grathwohl	Bruce Popham
David Hawtof	David Vaughan
Debra Illes	

Alternates Present

Bill Chalfant	Suzy Roebling
Scott Fowler	Bob Smith
Bruce Frerer	Joe Weatherby
Pete Frezza	Leah Wilde-Gould
George Garrett	

Agency Representatives Present

Ed Barham	Lauren Lugo
Kenny Blackburn	Anne Morkill
Pat Bradley	Joanna Walczak
John Hunt	

Agency Alternates Present

Phil Goodman	John O'Malley
Capt. Pat Langlely	Capt. Christian Rodriguez

Call to Order/Pledge of Allegiance/Roll Call/Approve Minutes from April 17, 2012 Meeting/Adopt Agenda for this Meeting/Chairperson's Comments

Chair Ken Nedimyer called the meeting to order at 10:31 AM.

Chris Bergh led the Pledge of Allegiance.

Sanctuary Advisory Council coordinator, Lilli Ferguson, called the roll.

Approval of the draft minutes of the April 17 Sanctuary Advisory Council (SAC) meeting was moved by Corey Malcom, and seconded by Jack Curlett. Hearing no objections, Chair Nedimyer deemed the minutes approved.

Regarding adoption of the agenda, Chair Nedimyer noted there were some changes. Instead of what was noted in the draft agenda for the speaker and topic for the 10:45 item, John Hunt would talk about the Dry Tortugas National Park Research Natural Area[: The 5 Year Report]. Approval of the draft agenda with

these changes was moved by Mr. Bergh and seconded by Bruce Popham. Hearing no objections, Chair Nedimyer deemed the agenda approved.

Chair Nedimyer said there would be an opportunity for members of the public to comment later on the agenda and encouraged anyone who wanted to speak to fill out a public comment form and provide it to Ms. Ferguson. He made some remarks about his role as Chair, saying he liked to keep to the agenda; any guest speakers should start and end their topics on time. He also planned to let everyone on the SAC speak, asking people to be respectful and raise their hands. He said he would get to people. He then mentioned the public comment period was the time to listen and take in comments from the public, but not to go off on tangents based on those comments. He said he liked that the SAC was nonpolitical, and was focused on what was best for the sanctuary. He asked SAC members to not be partisan in the discussions, making comments against various people in office, etc.

Dry Tortugas National Park Research Natural Area: The 5-Year Report – Mr. Hunt, Florida Fish and Wildlife Conservation Commission (FWC)

Mr. Hunt said he was using a draft of the presentation he planned to give to the FWC Commissioners the week following the SAC meeting, and some of the bullets at the end of the talk might change in the final presentation. Each person on the SAC should have received a hard copy of the report in the mail, he said.

With the RNA, FWC was trying to find out what is right for the system, not for the various jurisdictions. Locations of high quality coral reefs, fish spawning aggregation sites, and popular fishing areas were considered throughout the process. Tortugas 2000 was implemented first, but the RNA was held up to due to an issue raised by the state about the sovereign and submerged lands within Dry Tortugas National Park. In August 2005, the Governor and Cabinet signed a submerged land management agreement in which they agreed to disagree about who owned it and to move forward on the concept, and for FWC to have its say on any regulations within its jurisdiction. In 2006, the FWC Commission concurred with the special regulations: there would be no fishing and no anchoring in the RNA, the same as for the Tortugas North and South Ecological Reserves; there had to be a memorandum of understanding (MOU - included in the RNA science plan); and it pushed, in a formal way, the need for research to evaluate the efficacy of the plan and to have three and five-year reports of the results of the science plan. The RNA was implemented in Jan 2007.

Mr. Hunt then showed a graphic of the management zones of the Dry Tortugas area and explained what the different zones were. The MOU identified six specific areas of RNA performance to be evaluated: 1) to quantify changes in abundance and size-structure of exploited finfish species within the RNA relative to adjacent areas; 2) to monitor the immigration and emigration of targeted finfish species in the RNA; 3) to monitor changes in species composition and catch rates of exploited fish species throughout the surrounding region; 4) to evaluate the effects of the RNA on the bottom habitat; 5) to assess the reproductive potential of exploited fish species; and 6) to incorporate social sciences into the research and monitoring program.

He said this report and the science plan were developed through open, facilitated processes. A large number of folks worked together to develop an initial plan. He and Dave Hallac created a draft and got comments at a public workshop. These were then incorporated or it was explained why comments were not utilized. This built consensus for the science plan and the reserves and accommodated the needs of many of the commercial fishermen working in that area.

He talked about the priority projects and the efforts to acquire funds for them. They were quantifying changes in abundance and size-structure of exploited fish species, monitoring the immigration and emigration of targeted fish species, and assessing the reproductive potential of exploited species.

He talked about the number of things done to address the first topic, then noted a reef fish visual survey was started in 1999-2000. They were able to keep it going throughout this process through various funding sources. Fishery-independent assessments of the coral reef fish community in the Tortugas region were done by collaborative team of researchers from the University of Miami, the National Oceanic and Atmospheric Administration (NOAA), the National Park Service (NPS), and the FWC. Region-wide dive surveys were conducted in 1999, 2000, 2004, 2006, 2008, and 2010, and surveys specific to the park were conducted in 2002, 2009, and 2011. The basic story was since the RNA implementation, the abundance and size structure of legal-sized red grouper, mutton snapper, yellowtail snapper, and hogfish increased inside the Tortugas North Ecological Reserve and throughout Dry Tortugas National Park, relative to nearby areas open to fishing.

- Mr. Bergh mentioned commercial fishing had been closed for some time inside Dry Tortugas National Park.

Mr. Hunt agreed, saying it had been closed for 50 years or so, and all lobster fishing had been closed inside the park since the early 1980s. He noted recreational fishing was permitted in the park. He went on to talk about things like the locations where mutton snapper had increased and where their densities were higher. The conclusion to draw from that, he said, was the protected areas, and the lower fishing pressure out there, contributed fish to the open use area in the form of spillover.

- Mr. Bergh asked about displacement of the fishing area after the closures.

- Mr. Hunt replied they did not have any data on that; they were difficult to get for the region due to several factors, including the remoteness of the region, the various home ports of the fishermen, and available funding.

- Ben Daughtry asked when fish trapping stopped out there.

- Special Agent Kenny Blackburn said it was about six years ago on the Gulf side.

- Mr. Hunt commented that could have contributed to the situation.

- Ms. Morkill asked if he planned to address changes in size structure.

- He replied he would not address it much, and would need to go back to Jerry Ault's chapter about this for the details.

Mr. Hunt said one of the more interesting projects was on the nursery functions of seagrass within Dry Tortugas National Park. Large numbers of juveniles and subadult red and black grouper were collected more frequently in the shallow seagrass beds of the RNA [than outside it]. The shallow water seagrasses were likely serving as nursery areas for the fish and fisheries in the area.

Another study evaluated the connectivity of fisheries with the Tortugas region, using underwater "listening posts" and acoustic tags. When tagged fish swam by the posts, data were recorded. The study he reviewed focused on the movement of mutton snapper between the RNA and Riley's Hump in the Tortugas South Ecological Reserve. The researchers identified a migratory corridor for adult mutton snapper between the RNA, through areas open to fishing, and into Riley's Hump within the Tortugas South Ecological Reserve. Of the 51 mutton snapper tracked, 15 made movements to Riley's Hump during their spawning season, and took typically two days to do so. Twelve of these fish were either resident within the RNA or migrated through the RNA. They also looked at observations through 2007, which suggested the mutton snapper spawning aggregation began to increase after the establishment of the Tortugas Ecological Reserves in 2001. In 2009, a large aggregation of mutton snapper estimated to include approximately 4,000 mutton snapper and repeated spawning events were documented. The data showed spawning was observed at the full moon, and that the numbers increased after the RNA was implemented. Other potential ecologically and economically important species, such as black grouper, also use Riley's Hump as a spawning aggregation site.

- Ben Daughtry asked a number of questions about the study and data.
- Mr. Hunt explained, using the graphics in his presentation, and he said no matter how it was cut, mutton snappers increased, and the protection afforded by the zones during spawning aggregation times were an important part of the story. He also explained some limitations of the study.
- Regarding the spawning aggregation data, Mr. Daughtry wondered about the data points five days after the full moon. He asked if the researchers were out there any other years other than those depicted.
- Mr. Hunt said the counts were done by Mike Burton of NOAA. He didn't put the earlier years in the table—Dr. Burton was trying to figure out when to do the counts.

He went on to say the frequency of detections of mutton snapper started at the full moon and lasted for about a week. The final part of the story, which made the spawning aggregations so important, was the results benefitted all the stakeholders. At the aggregation sites, models were run for the lifespan of larvae, with particles mimicking larvae. In winter, they went all up and down with the currents and settled on the east and west coasts of Florida, coming into the Florida Keys on some of the eddies. He said that was the black grouper spawning time period. So the conclusions on the RNA performance were the RNA was providing more recruits to the region than before, fish abundance and size increased, seagrass served as nursery areas, the RNA complemented the existing reserves in rebuilding mutton spawning aggregations, and fish larvae from these spawning aggregations settled throughout Florida.

Regarding the remaining topics, Mr. Hunt said a creel survey to collect information from Dry Tortugas National Parks was designed but not implemented. A vessel permit system for the park was implemented. The FWC, the NPS, and the U.S. Geological Survey were continuing collaborative studies. Finally, he said the NPS contracted with Dave Lewis of East Carolina University to do a visitor survey in the summer of 2012.

Jessica McCawley, their Director of Marine Fisheries Management, would do the staff recommendations at the FWC Commission meeting; these had been vetted with various FWC folks but could change slightly, Mr. Hunt said. The MOU expired in February 2012, but multiagency research and monitoring efforts continued in Dry Tortugas National Park, and they could renew it if they had to, Mr. Hunt said. The staff had not heard any controversial issues, and did not feel renewal was necessary at this time. During the fall, the NPS will go back to the Governor and Cabinet to discuss the status of the management agreement and next steps, he said. The NPS would like FWC to continue to support the RNA special regulations.

Chair Nedimyer asked if there were questions.

- Dave Vaughan congratulated Mr. Hunt, and said the report was the kind of thing needed for processes such as the scoping meetings. Now was the time where management could modify those [zones] a little bit. He thought they should try to protect the fish while in the “gauntlet” where they passed between protected areas, and he felt there were important repercussions for the larvae. He did not think fishing during the spawning seas should be allowed, in the Ecological Reserve, the FKNMS, and the state. However, he thought FKNMS could not make fishing regulations, it just protected the areas with fish in them.
- Mr. Morton shook his head, and said FKNMS could do fishing regulations; that was what the Tortugas South and North Ecological Reserves and the Sanctuary Preservation Areas (SPAs) were; they were fishing regulations. He said they could be done geographically or temporally.
- FKNMS did not do it unilaterally, Mr. Bergh added, it did it in consultation with the fishing regulators.
- Sure, Mr. Morton agreed, and he said FKNMS would work in coordination with the Fishery Management Councils (FMCs). It was a very long process. If in state waters, it had to go to FWC and the Governor for approval. In federal waters, the FMCs had a choice to let it go forward either sanctuary regulations, they could come up with regulations, or they it could be both fisheries and sanctuary regulations.

- Mr. Hunt said he did not think the sanctuary could change mutton snapper bag limits.
- Right, Mr. Morton said. In an action like that, he would go to the FMC and say what the goal and recommendations of the SAC would be, for the FMC to decide.
- Mr. Bergh said thinking needed to be done about changing the boundaries in the Tortugas region [regarding promoting connectivity].
- Don Kincaid said in 1998 and 1999 he was on a dive team out there and was on the SAC Working Group. The SAC recommended setting areas aside, without regard to jurisdictions, and the SAC could recommend changes to them to Mr. Morton in the future.
- Chair Nedimyer agreed the SAC just provided advice, noting the advice could cross boundaries.
- Richard Grathwohl commented when time came to it for the permit, he and other guides stood up to the Commissioners and said they had a problem at ground zero, and they were heard.
- Mr. Popham suggested when the SAC was looking at making recommendations, it look at expanding the boundaries of the areas and talking about the resource in its entirety, not just about mutton snapper or grouper.
- Martin Moe asked if there were plans to look at whether or not species were present or how populations had increased in areas that were expected because of larval distribution.
- Mr. Hunt responded there were not. Normal monitoring was done via the reef fish visual survey which focused almost exclusively out of Hawk channel. In terms of nearshore shallow waters, he thought surveys of fish and benthic communities would be appropriate, and he suggested folks contact NMFS in St. Petersburg regarding funding for that. FWC would try to do it on a small scale due to a marine life issue, the harvest of the pink tip anemone.
- Mr. Kincaid said Riley's Hump was not in the sanctuary at all, but it was set aside and protected. He reiterated the importance of the Gulf Stream in the area to distribution of eggs, larvae and juveniles, about SAC representation of its constituencies, and making fair recommendations.
- Bruce Frerer asked if the Reef Environmental Education Foundation surveys could answer Mr. Moe's questions.
- They did a lot of surveys, Chair Nedimyer said, and their surveys were available.
- Clinton Barras asked about the unprotected corridor, and about the pressure of fishing during those spawning times.
- Mr. Hunt said there were one or two days, each way, when the fish were "at risk."
- Suzy Roebing asked if the SAC could consider recommending temporal or other zoning for that area, and when the SAC would do that.
- Mr. Morton replied the scoping period was going on, and it would close June 29. He encouraged everyone to get their comments in through Regulations.gov. Staff members would try to "bin" them, and then they would come to the SAC. FKNMS would work with SAC on which issues were priorities and which the SAC wanted to take up. He observed it would not be able to tackle all the issues that would come up. The SAC might form a Working Group with SAC members and other experts to tackle a given issue, or hold 1-2 workshops, then bring those back to the [full] SAC for a recommendation. On some issues the SAC might ask the agencies to bring back some alternatives to the SAC to chew on. All of those ways could be used, and other ideas were possible, including utilizing the entire SAC. It would be determined in the fall.
- Chair Nedimyer hoped there would be some new zones as tools for the toolbox. Seasonal closures could be one of those tools.
- Mr. Morton said those tools were available now, provided for in the authorization for FKNMS. He said they were in use now in a limited way for nesting season and access closures. He agreed it was something to be looked at.
- Mr. Curlett asked about something comparable to a NPS Superintendent's compendium, where Mr. Morton could do just that, close an area, if an emergency came forward.
- At this time, he replied it was not in the regulations, but it was within the authority to amend the regulations. The regulations would have to be written strictly, since people would likely be nervous about giving the Sanctuary Superintendent authority to do come up with closures on his own. There could be a

definition for specific purposes at specific time of year in the regulations, such as a temporal version of something like the Riley's Hump closure, but it would be important to get the times of closure right, due to the length of the process and the length to undo a regulation. Also, the FMCs, the state and FWC would need to be involved.

Public Comment

There was none.

Report from SAC on Community Outreach Efforts on FKNMS Marine Zoning/USFWS Backcountry Management Plan/Regulations Review – Mr. Morton, FKNMS and SAC

Mr. Morton said this was a similar report to the one at the last meeting, and he knew a lot of good efforts had been made by SAC members on speaking to groups, doing radio shows, and reaching their constituencies.

Chair Nedimyer said he was happy to see the SAC members stepping up at other meetings, and people were doing a great job. He called on members and alternates to report their recent outreach efforts to the constituencies. He started with himself.

Conservation and Environment [1 of 2]: Chair Nedimyer. He went to the Key Largo Rotary meeting, and did four or five radio shows, one with Debra Illes. He also did the Reef Environmental Education Foundation Fish and Friends meetings, every second Tuesday of every month. He was still amazed at how many people had not heard the message yet though. He said his alternate, Jessica Pulfer, had been on at least one radio show.

Conservation and Environment [2 of 2]: Mr. Bergh. He announced that he put on, along with other conservation groups, three meetings to get people interested in participating in scoping, one with Friends and Volunteers of Refuges, one with Save-A-Turtle, and one with Reef Relief. He reviewed the approximate numbers of attendee at each, and the types of interests represented.

Pete Frezza, his alternate, attended a meeting with Steve Leopold, the Florida Keys Guides Association, in Islamorada. He tried to make the point that zoning, in terms of Wildlife Management Areas, was what could affect shallow water anglers. His impression was they were not thinking about how rezoning could benefit that fishery. He thought maybe Mr. Grathwohl or Mr. Curlett could maybe address it with those guys again.

- Mr. Leopold said it was the board meeting of the Florida Keys Guides Association (he was invited), and they made a long list of recommendations.

Boating Industry: Mr. Popham. He mentioned being on a radio show. He said he was in Washington, DC and set up time with Representative David Rivera's office and Senator Bill Nelson's office to talk about zoning and regulation. The first aide they met had a boss who supported drilling. They offered to engage him and bring him to the community, but the offer not taken. The second aide was up on the issues and asked how could get involved, and wanted to bring her boss to the Keys.

- Chair Nedimyer commented on the need to engage on the Congressional side.

Mr. Popham also was at Capitol Hill Ocean Week talking about engaging communities. There was someone on the panel for the New York Port Authority, who said the city had 522 miles of seashore. There was someone from Hawaii, someone from the U.S. Environmental Protection Agency (USEPA), and someone from the oil industry. He thanked Mr. Kincaid, Karrie Carnes and Stephen Frink for

providing excellent photos. He also noted Billy Causey and Joe Weatherby were there, and that Mr. Weatherby showed an interesting photography exhibit about the Vandenberg.

- Bob Smith announced Mr. Weatherby sent his regrets; he was involved in sinking the Mohawk but would be at the Fort Myers public scoping meeting.

Citizen at Large - Lower Keys – David Hawtof. One group he contacted was not meeting until the fall, he reported, and another one declined, but gave him names of fishermen in the group, and he talked to most of those. He also had informal conversations with a number of commercial fishermen. He thought they would show up at the scoping sessions.

Citizen at Large - Middle Keys: Dolly Garlo primarily spoke to individuals. Last week, from Marathon to Key Largo, she distributed the notices of the scoping meetings, to dive shops and anyone she encountered. The uniform response was FKNMS was doing a good job, and people were in favor of what the sanctuary stood for and protection of resources. She told them FKNMS needed to hear that too, and to come to the scoping meetings. She also encouraged them to think what they might want more or less of, and she said FKNMS needed to hear that too, so to come to the scoping meeting, but also to think what they might want more of or less of. People especially liked the mooring buoys.

The alternate for this seat, George Garrett, said he had been working through the Marathon community as his time allowed, talking to the Chamber and the business community. He thought they were becoming aware and were supportive.

Citizen at Large – Upper Keys: Suzy Roebing. She said she had been out of the country in New Zealand for a course, and the governor there was dealing with dolphins entangled in nets and whale permits. She explained a bit how the sanctuary worked here. On way home, she was in Fiji, and she wanted to talk about the reef; she saw some disease on the coral and a lot of diversity, but no larger fish. In that area, everyone could take all, and there was not much enforcement or any no take zones. She talked to the people about the differences between there and here. Now that she was back, she would do a radio show the Friday following the SAC meeting.

Diving – Lower Keys: Mr. Kincaid. He recapped that the diving population for the Keys came from someplace else. He figured the best people to talk to were at the dive shops, but he had not scheduled any slide shows with any shops. The ones he talked to all said people on the boats were unaware, but they do try to talk to their customers. They all want clear water, more fish, better mooring fields and more Sanctuary Preservation Areas, Mr. Kincaid said.

Mr. Smith, his alternate, said a meeting was scheduled with the Florida Keys Community College SCUBA Club that had to be cancelled at the last minute. He said Alex Brylske told him he would make sure it happened. Mr. Smith talked to the Propeller Club. They received some literature and were very knowledgeable. They said they felt had [previously] expressed an interest in water quality, regarding regulations, and had not seen anything yet to address that issue. He assured them it would be one of the concerns. He also met with Arcturus, a lunch group comprised of former or existing CEOs, former military commanders, etc. who were not aware of the process. He was asked if there were any studies done on the value of zoning and the regulatory process, and he affirmed there were. He said they needed to know what has been done, and that it did make a difference.

- Mr. Morton said to refer people to floridakeys.noaa.gov. For questions about sanctuary science, there was button to click, that lead to summaries or full documents.

- Bruce Frerer asked if it just included U.S. stuff.

- Mainly it was related to the science done in relation to the management of FKNMS, Mr. Morton answered.

- Mr. Kincaid talked about the maximum allowable [Number of Transfer Units] NTUs for dredge and fill last time he talked to the Propeller Club or their representatives a few years ago, regarding the average put out by a cruise ship when it docked and by the dredging of the main ship channel. It was roughly 100 times more than what was considered allowable, he said. They were not happy with that.

Diving – Upper Keys: Scott Fowler. He apologized for missing three straight meetings. He said he saw the public out on the water every day, and encountered indifference. He felt it might be a hidden fear that they might “lose”, or they might be happy [with the way things are]. He said he and Rob Mitchell, the primary member, needed to be “cheerleaders” and get them excited about the process.

Education and Outreach: Martin Moe. Mr. Moe was on two radio shows, one with Mary Tagliareni. He stressed those with an economic and recreational interest in the preservation of our national resources should share their information and knowledge through their use of these resources to the sanctuary, so their understanding of the exploitation of the resources could be known, understood and used by FKNMS. He also wrote a letter to the editor to Keys newspapers to try to make people aware of the scoping meetings and giving input.

Fishing – Charter Fishing Flats Guide: Mr. Grathwohl had contact with Duane Baker, the new commodore of the Florida Keys Guides Association, who took over Tad Burke’s place, and he wanted to comment to the sanctuary. Mr. Grathwohl told him how to do it, and not to send an email. He then helped Mr. Baker do it through regulations.gov, and also sent him the presentation he gave to the Lower Keys Guides Association. A few Marathon guides he talked to said “Don’t they have enough area now?” He encouraged them to make their comments.

Fishing – Charter Sports Fishing: Mr. Leopold. He had a meeting at the Islamorada Fishing Club with Mrs. Tagliareni, who did much of the work, along with Mr. Popham. It was lightly attended, but a good meeting, and he felt there was a lot of support in that area for the sanctuary and the SPAs. He thought some comment would come from that. He also had a meeting with the Florida Keys Guides Association and his take were there were a lot of people who did not understand the FKNMS at all. He thought people would attend the Key West scoping meeting.

- Chair Nedimyer stressed that everyone should get their comments in, as special interests would be coming out in force, and constituents needed to provide input so it could be considered.

Fishing – Commercial – Marine/Tropical: Mr. Daughtry. On June 7, they had another Florida Marine Life meeting. He encouraged everyone again to attend scoping meetings and have their voices heard. He was surprised to hear how many people in Marathon he knew who were not aware of the scoping meetings and the timing. He took flyers to that meeting asked people to post it. He personally went to a lot of businesses and asked them to post it, including West Marine, Poncho’s fuel dock, bait shops, etc. He asked people at the places he visited to attend.

Leah Wilde-Gould, his alternate, attended a Surfrider Club meeting in Miami with a staff member from The Nature Conservancy. She said a number of people indicated they would try to go to the Miami meeting, but they did not seem to have a lot of idea of what going on in the Keys. In the Keys, she spoke to a lot of dive, snorkel and bait shops. Many were unaware. The people she talked to seemed most concerned about water quality, asking, Why close more areas if water quality was not good?

Fishing – Commercial – Shell/Scale: Jeff Cramer said most of his outreach was with commercial fishermen. It was a hard time of year to get them together as many were vacationing, but a lot were still

not really aware this was coming up. He encouraged them to be there, to be involved, to get their input in, and to be ready for what gets proposed. On July 2, the Florida Keys Commercial Fishermen's Association Directors would meet, and he was sure Bill Kelly would talk to them and get them to spread the word.

Fishing – Recreational: Mr. Curlett. He talked to the Key Largo Rotary in early June. He complimented Mrs. Tagliareni on the PowerPoint presentation. Everyone there asked questions, and he felt they were relatively happy and content. He also went to DC a couple of months ago regarding the RNA. He said there were a lot of forces and political agendas at work, which he felt would also manifest themselves in this process.

- Chair Nedimyer observed he had already seen misinformation and distortion.

Mr. Frerer, the alternate for this seat, met with Mr. Bergh to talk about the recreational fishing industry, and also met with a couple of guides in his area. The guides' concern was not to do anything to impact their livelihoods. He encouraged people to come to the meetings. A person in Marathon also told him he felt the size and bag limits were more important than research areas.

Research and Monitoring: Dr. Vaughan. He said he was on two radio shows, and backed up Corey Malcom at the Maritime Historical Society meeting in Key West. He said he was also on the NOAA coral list. About 6000 people read it, and they had been commenting on the possible listing of corals. Some people were slamming the FKNMS. He took the opportunity to say what the scoping meetings were for and encouraged people to comment instead of just complaining. He added Dr. Causey jumped in about a week later with good comments.

- Chair Nedimyer commented he mentioned it to the Coral Advisory Panel in April, and it was important to let that circle of people understand FKNMS was going through this process.

- Mr. Morton said FKNMS also posted all the information with the coral list, and did not get any comments.

South Florida Ecosystem Restoration: Jerry Lorenz. He reported he did one radio show and had another one scheduled.

Submerged Cultural Resources: Mr. Malcom. As previously reported, he gave a presentation to the Key West Maritime Historical Society. In general, he said he had a lot of constituents out of town, and so he posted information to the marine archaeology bulletin board and the private salvage bulletin boards, but did not get a lot of feedback. Someone made him a member of an anti-sanctuary group on Facebook. He looked at those postings, which were saying this was nothing more of a land grab by NOAA, and the Obama Administration was trying to get this done by November. Mr. Malcom posted what really was happening, providing all the information, which quickly led to [further negative postings].

Tourism – Lower Keys: Mr. Barras. He reported most of his outreach was in the initial phase, when Mr. Morton and Anne Morkill spoke to the Monroe County Tourist Development Council, the noon Key West Rotary, and the Key West Chamber of Commerce economic development committee. He attended Mr. Bergh's presentation in Key West at the Eco-Discovery Center and was surprised at how angry some attendees were; many in the crowd were water sports enthusiasts and company employees. He said he took Scott Saunders, the owner of Fury, to lunch later to find out his concerns. Mr. Saunders was talking to the personal watercraft companies to form their own association to try to have them regulate themselves, so things would not be forced on them. Mr. Saunders was also upset over a ticket and they got shut down. Mr. Barras spoke to some recreational fishermen, who were very informed about the process and had done research about how things worked out in other sanctuaries. He also met with Karrie

Carnes to craft language about groundings for the various websites FloridaKeys.com maintains, so people have what they need to know before they get here.

Tourism – Upper Keys: Ms. Illes. She reported she did three radio shows. She also did a presentation to the Upper Keys Rotary and the Islamorada Chamber of Commerce. David Makepeace helped her with the PowerPoint, so they tag teamed it. Most of the questions were about the status and impacts of current management, and she referred people to the website and the Condition Report. She did some posting on social media and would do more. She heard from some people they felt a lot of these decisions were predetermined no matter what they said.

- Chair Nedimyer said he heard that too, and if anything was predetermined, it was that we need to do more. The SAC has bullet points on where it wants to go, but did not know exactly what that would be yet.

Mr. Morton said everyone did a great job, and it was a big push to get the word out. He noted he and Ms. Morkill met with everyone they could. A main message now was there were ten days left to comment online, and that people may go to scoping meetings but do not have to. He said as of the night before the SAC meeting, there were no comments online from any SAC members. He encouraged people to comment individually. He also said anyone who contacted him by email or phone, he encouraged them to submit their comments formally. Mr. Morton also reported he and Ms. Morkill met every editorial board in the Keys and also with the Miami Herald, who encouraged them to write op-ed pieces. He provided them with media packets that included SAC contact information, and encouraged reaching out to SAC members. The op-ed pieces came out the weekend before the SAC meeting.

- Mr. Frezza asked there would be more weight on comments made at scoping meetings vs. online.

- No, Mr. Morton said. The only difference was at the scoping meetings, the staff would not write everyone's name next to comment. All the feedback from each meeting would be compiled afterwards and posted on regulations.gov.

- Chair Nedimyer said people had asked if they could submit anonymous comments.

- Mr. Morton said they could at the meetings in the groups or by dropping an anonymous comment in the comment box at the meetings. He was not sure if regulations.gov required people to put their names.

- Mr. Barras said he had read all the comments posted so far, and felt the majority were for closing more areas, so fish were safe to spawn, etc.

- Mr. Bergh said he had held off on putting in The Nature Conservancy's comments as he wanted to hear what came out of the meetings. He might post draft comments, then final comments later. He provided draft comments to some folks and could share them with anyone else who wanted them.

Mr. Morton reminded the group again that the comment period closed on June 29, then staff would lump/split the comments and put together a report. His goal was to get this to the SAC a couple of weeks ahead of the August meeting and then discuss it at the meeting. There would also be two presentations, on what was going on with biogeography/GIS analysis, and what would happen next after there was a sense of the issues. He said FKNMS would be bringing in Anne Walton, of the Office of National Marine Sanctuaries. Mr. Morton previously worked with her.

Agency Report Highlights

Florida Department of Environmental Protection (DEP) Report – Joanna Walczak, DEP

As of June 25, Ms. Walczak said Kevin Claridge would be the Director of the Office of Coastal and Aquatic Managed Areas; she said the DEP seat belonged to him, so it was to be determined if he would become the primary representative to the SAC or if she would continue to represent DEP on the SAC. She noted he was an avid diver a coral lover. In August, she said she would represent the state at a U.S. Coral

Reef Task Force meeting, and so would miss the August SAC meeting. She said she would bring an update on this process to the Task Force and the U.S. Alliance Coral Reef Committee. She listed the main topics of that meeting. She hoped Mr. Claridge or another DEP staff person would attend and make a DEP report.

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

Capt. Langley provided a series of short reports. He said the Gladding was still down, and he did not know when it would be back. He said in April and May there were 49 groundings. In reference to research, one of Mr. Hunt's people at Eastern Dry Rocks/Boca Grande Bar, a diver, was diving with a flag next to a fisherman. The fisherman pulled her up by the flag from 50 feet of water. He will be picked up for battery, Capt. Langley said.

- Mr. Hunt said the important thing was to encourage cooperation with people doing research, even when doing it on controversial topics, because what is learned will benefit everyone in the future.

Capt. Langley said FWC made a case about a seine net. Inside state waters, 500 sq. ft. are allowed; the fishermen were using 1400 sq. ft. A star snail marine life collector was stopped at the dock with 13 gallons over the limit, he said.

- Ms. Wilde Gould and Mr. Daughtry thanked him for FWC's efforts on that.

Last month, Capt. Langley said Joe Scarpa was named law enforcement officer of the year by the Florida Wildlife Federation for his dedication and passion for protecting our fish and marine resources and his exemplary work as an FWC officer. Finally, he reported that FWC assisted Governor Rick Scott in releasing a turtle last month.

U.S. Navy (USN) Report – Edward Barham, USN

In about six weeks, the USN would issue a draft Environmental Impact Statement on their airfield operations, Mr. Barham said, and there would be public meetings then. On July 18, another public meeting would be held in Key West, with the restoration advisory board giving a summary of the status of sites.

- Mr. Bergh said someone had sent him a document about offshore operations, sonar, practice bombs, etc. which he thought was relevant to our area.

- Yes, it was, Mr. Barham confirmed. It was being done by another part of the USN on offshore operational areas, and there would probably be public comment meetings for that also.

USEPA -- Pat Bradley, USEPA

Ms. Bradley apologized for not having been to a SAC meeting in a while due to traveling a lot. She reported the agency was losing its only vessel, the Bold, from which they do all their major field research operations. It was a great loss to USEPA and the regions. She said a field team would be in the Keys late July-August, collecting optical data for an independent evaluation of a remotely sensed water quality data product, a project developed with NASA and DEP. It worked well in other parts of Florida and they were looking to see if it would work in the Florida Keys.

- Mr. Bergh said he had been looking at the Florida Keys National Marine Sanctuary Protection Act; it said the USEPA shall have someone for the Water Quality Protection Program based in Florida. It was his understanding that as the people who had been involved retired, those positions would not be filled in Florida. He said it had been an ongoing debate among Water Quality Protection Program Steering Committee members about what happened when those positions went away. He said they should be based in Florida.

- While Ms. Bradley did not work for the region so it was not in her control (she said that position was a regional position, and she worked for the Office of Research and Development), she thought the SAC could elevate the matter. The regional administrator could be asked if she was interested in continuing that position here.

- Ms. Walczak agreed, and noted it could also be elevated in the Coral Reef Task Force, as it was a main reason for the group to have state and local jurisdictions provide a request and have it discussed with a federal member. It has already been raised and would continue to be, she said.

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

Special Agent O’Malley said they were still working on casita cases. Two individuals just finished their casita removal efforts, [Michael] Kimbler and [Michael] Bland, at their own expense as part of their pre-sentencing agreement. Another individual accepted a plea, and started his casita removal operation for 200 sites. About 2,000 casitas, or 48,000 sq. ft. of stuff, had been taken out of FKNMS so far. He said they knew of about 1,000 more sites which were not part of any particular case that would have to be removed in future if there was money for it. They had gotten complaints from a lot of local fishermen and commercial guys, related to a federal-state law, about unlawful sales of local fish. They were working with the state on this, and started a Keys education program in which they planned to talk to people at all the restaurants in the Keys to let them know they could not buy fish off the street -- they had to buy from a wholesaler or be a wholesaler. There were recreational fishermen involved in this. Special Agent O’Malley said complaints had been made by fish houses that not enough restaurants were buying from them that should be, so the restaurants were either buying fish on the black market or were going through Miami. On the South Atlantic Fishery FMC side, the FMC repealed a 240-ft. closure for deepwater grouper. He said they had kind of thought of that as an unenforceable rule. The only difference was now they could only have one snowy group per boat per day. The South Atlantic FMC had been asking OLE questions and was looking at the mutton spawn issue because there had been quite a few complaints from commercial and recreational fishermen about what they were calling the wholesale slaughter of the mutton in the spawning areas off Key West, in the Western Sambo and “eyeglass” areas. The FMC only had authority in the eyeglass area.

- Chair Nedimyer asked who was doing the overfishing in those areas.

- Special Agent O’Malley replied it was not necessarily overfishing, it was that they could get ten per day, and they had a lot of boats making multiple trips, some legal and some not. A lot of those fish ended up in commerce where they should not.

- Special Agent Blackburn added they had heard other issues around the dock, such as the spawning snapper were smaller at Western Dry Rocks and about the number of users.

- Special Agent O’Malley said amberjack roe was one of the best baits, and people were fishing the amberjack during their spawning time.

- They also talked to the South Atlantic FMC about the recent FWC diver incident, and there was a similar incident last year, Special Agent Blackburn said. They were receptive, but Western Dry Rocks was in state waters.

Special Agent O’Malley said the South Atlantic FMC was also moving forward on the difference between recreational and commercial fishing, and as of April 16, recreational charterboats/headboats were not allowed to sell their catches of dolphin. The FMC was moving in the direction that boats could not be both recreational and commercial at the same time.

- Special Agent Blackburn said he did some outreach on Ted Lund’s show, talking about that issue. On a different note, the only recreational sale a person could have was swordfish, if the person had a hand gear permit.

- Special Agent O'Malley put together a list of federal and state laws and the species that could be sold off a recreational boat if the boat was also commercial and had the proper commercial and recreational federal permits.
- Special Agent Blackburn said for mutton snapper and commercial boats going out to Western Dry Rocks, they were allowed ten commercially, but if they went out as a charter boat, they were allowed ten per person and could make multiple trips.
- Mr. Bergh asked if the SAC could get a copy of who was fishing for what when.
- Special Agent O'Malley agreed to send it to Ms. Ferguson so she could send to the SAC. *ACTION ITEM*: Special Agent O'Malley to send Ms. Ferguson the information to send to the SAC about what was allowable for sales off boats that had both commercial and recreational federal permits.

U.S. Coast Guard (USCG) Report – Phil Goodman, U.S. Coast Guard Auxiliary

Mr. Goodman said the USCG responded to 42 calls from the National Response Center since last the SAC meeting. They opened the Oil Spill Liability Trust Fund for \$16,000. Only eight gallons of oil and a few gallons of paint was removed from one sunken vessel. He then mentioned the free HAZWOPER training being sponsored by several parties and thanked those who helped promote it. For the three classes, 200 registered so far. The training was the minimal needed to be a volunteer to respond/help in the case of a major oil spill. They were making it available free of charge and would be glad to sign more people up, Mr. Goodman said.

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

Ms. Morkill had been busy accompanying Mr. Morton and his staff to a number of outreach meetings and on radio shows to get the word out about the joint process. She appreciated FKNMS providing all of the staff and resources; it would benefit the USFWS's backcountry management plan. She said she appreciated the feedback she had been getting about personal watercraft exclusion zones. Regarding other work, she said her staff had been busy doing surveys on sea turtles, great white herons and white crowned pigeons. She said they would put mini fact sheets out on some of the wildlife use areas and issues in the backcountry. They hoped to do it for the public scoping meetings but would do for sure for the SAC, and perhaps in the fall she could do a presentation on that. Ms. Morkill introduced Molly McCarter, a Wilderness Fellow with the USFWS. The USFWS, NPS, Bureau of Land Management and U.S. Forest Service all manage national wilderness areas. There was an effort to create a baseline report and monitoring program for various wilderness characters, which have to do with the degree of being untrammelled, solitude, etc. Ms. McCarter was here for a few months in the summer, which perfect timing for this review, as wilderness was a value they were trying to protect. All the islands in the Key West National Wildlife Refuge are wilderness preservation areas as well as a number of islands on the eastern side of the Great White Heron National Wildlife Refuge.

National Marine Fisheries Service Report – Lauren Lugo, NMFS

Ms. Lugo said there were two listening session for the status review of the 82 corals on June 27-28 at NOVA Southeastern University in Dania Beach, to take public comment on the status review document done by federal scientists to find out if there was additional information that should be considered. On another topic, a public comment period was open until July 3 regarding a finding on a species of seahorse. The agency accepted a petition from the Center for Biological Diversity on this, she said. Regarding the FMCs, the South Atlantic FMC met the week before the SAC meeting and the Gulf of Mexico FMC was meeting in Tampa the week of the SAC meeting. The 240-foot closure was primarily put in place to protect speckled hind and Warsaw grouper. The FMC removed those closed areas and was actively considering what to put in place instead of those, she told the SAC. Also related to FMCs, the Secretary of Commerce would be making decisions on this round of FMC appointments. She then reported Eric Schwaab, the Assistant Administrator for Fisheries, was detailed at NOAA headquarters but was now back in place, and there were a number of cascades that fell behind that, with people doing their normal jobs again. Finally, for the southeast shrimp fisheries, NMFS published a proposed rule removing an

exemption from specified trawls to use Turtle Excluder Devices in the shrimp net fishery, Ms. Lugo said. A segment of this fishery operated in Florida, primarily in state waters. There were questions about if it would affect them since FWC already had exemptions in place that affected these kinds of nets. Some staff would be looking at those boats, primarily around Biscayne Bay, to consider NMFS's course of action.

FWC Report Cont. – Mr. Hunt, FWC, Fish and Wildlife Research Institute

As the SAC knew, the RNA report was out. If anyone wanted another copy or knew of people they felt should have one, Mr. Hunt said he could provide PDF copies if people sent him their email addresses. It was posted on the South Florida Research Natural Center, NPS site. He did not know that web address, but he would find out and send it to Ms. Ferguson. *ACTION ITEM*: Mr. Hunt to send Ms. Ferguson the South Florida Research Natural Center website address for the RNA report for her to forward to the SAC. This topic would be heard at the Commission meeting on June 27. The meeting would be 27 and June 28 in West Palm Beach. He also mentioned, for *Condylactis*, the pink tipped anemone, the staff would recommend to close it to harvest for three years and then reevaluate.

Sanctuary Superintendent's Report – Mr. Morton, FKNMS

Mr. Morton said the staff had been doing their regulator jobs in addition to all the recent outreach. The buoy and science teams started a heavy summer schedule. He noted all FKNMS staff members except one would be at one or more of the scoping meetings, and he asked SAC members to introduce themselves to staff members.

On other things, the Chair of the Council on Environmental Quality, Nancy Sutley, was in town along with then-Deputy Administrator for NOAA, Mr. Schwaab, to announce the kickoff of the Sanctuary Classic, a fishing tournament/photography contest in all the [national] marine sanctuaries. People could take a photo and post it online at sanctuaryclassic.org for a chance to win prizes; people would be voting on the photos. This was another good opportunity for him and Ms. Morkill to talk to leadership and a White House representative. They took them out on the water.

At the end of the month, FKNMS would be advertising for people to submit applications for the following SAC positions: Citizen at Large - Lower Keys (alternate), Citizen at Large - Middle Keys (member and alternate), Conservation and Environment [2 of 2] (member and alternate), Education and Outreach (member and alternate), Fishing - Commercial - Shell/Scale (member and alternate), South Florida Ecosystem Restoration (alternate), Submerged Cultural Resources (member and alternate), and Tourism - Upper Keys (member and alternate). He said people could reapply, and an email would go around to the SAC about this. The application information would be posted on the FKNMS web site. *ACTION ITEM*: Ms. Ferguson to send an email to the SAC about the current round of SAC applications and ensure the information was posted on the FKNMS web site. The deadline to get applications into the Key West office was July 31, he stated.

- Mr. Grathwohl mentioned someone from the University of Miami would have the fish picture locked up, with the 1000-lb. bull shark picture.
- Mr. Morton explained the photo contest had specific rules. The photo had to have kids in it; it had to be caught in the sanctuary, etc.
- Mr. Leopold asked if an individual comment or a comment from a group provided in the scoping meetings would be given more weight.
- No, Mr. Morton said. If a comment was from a certain group, it would be identified as that, but he did not want people to think there were votes [for the most popular idea] or something that that.
- Mr. Bergh asked if the USEPA regional administrator would send a new person to do what Richard Harvey was doing in the Water Quality Protection Program, and if so, if that person had been down.

- Mr. Morton said the person had been down, and they showed him the Coral Reef Evaluation and Monitoring Project work and work partially funded by the USEPA. They spent two days exploring the importance and role of the USEPA in the Florida Keys National Marine Sanctuary and their responsibilities for the Water Quality Protection Program.
- Mr. Bergh asked if the person would be in Atlanta, and someone affirmed he would.

A motion on the base location of the EPA Water Quality Protection Program staff was moved by Mr. Bergh and seconded by Mr. Nedimyer.

- Ms. Roebing asked who the regional manager was.
- Gwendolyn Keys Fleming, Mr. Bergh said.

As there were no objections, Chair Nedimyer deemed the motion passed unanimously. Below is the final text approved by the motion.

The SAC requests that the Florida Keys National Marine Sanctuary Superintendent remind the EPA Regional Administrator that the Florida Keys National Marine Sanctuary and Protection Act of 1990 requires that EPA staff assigned to the Florida Keys National Marine Sanctuary Water Quality Protection Program be based in Florida and recommends that the position be based in the Florida Keys.

ACTION ITEM: Mr. Morton to consider/follow up on the requested action in the motion regarding the base location of EPA staff assigned to the Water Quality Protection Program.

- Mr. Barras commented he brought his daughters to the fishing event. He felt it was well organized and they had a great time.
 - Chair Nedimyer said he had read something about allowing dispersants to be applied in FKNMS in the event of spill, almost like a blanket permit to do it. He asked for some insight on that.
 - Mr. Morton said the dispersant policy had been worked through the Area Committee. He thought that was a district level policy. He said areas of the ocean were divided up where there was preapproval, conditional approval, and things like that. He said he could not answer that right now, but could get the answer to Chair Nedimyer on what the policy was and about preapproved. Even if it was preapproved, that did not necessarily mean they could just go and do it. There were a bunch of triggers in the Area Contingency Plan for places where it could and could not be used and what approvals were necessary.
- ACTION ITEM:* Mr. Morton to provide Chair Nedimyer with a copy of the information on use of dispersants from the Area Contingency Plan.
- Chair Nedimyer said it sounded to him like it had been preapproved, and two years ago there was a lot of discussion on that.

Upcoming Meeting and Closing Remarks – Chair Nedimyer, SAC

Chair Nedimyer noted the next SAC meeting would be August 21, in Marathon again.

In answer to a question, Mr. Morton affirmed the first marine zoning and regulatory review would begin the same meeting room, at 4:00 PM.

Meeting adjourned, 2:55 PM.