

FLORIDA KEYS NATIONAL MARINE SANCTUARY ADVISORY COUNCIL

82100 Overseas Highway, Islamorada, FL 33036

Tuesday, July 9, 2013

FINAL MINUTES

The Florida Keys National Marine Sanctuary Advisory Council met on Tuesday, July 9, 2013, in Islamorada, Florida. Public Categories and government agencies were present as indicated:

Council Members

Conservation and Environment: Ken Nedimyer (Chair)
Conservation and Environment: Chris Bergh (Vice-Chair)
Boating Industry: Bruce Popham
Citizen at Large – Lower Keys: David Hawtof
Citizen at Large – Middle Keys: Dolly Garlo
Citizen at Large – Upper Keys: David Makepeace
Diving – Lower Keys: Don Kincaid
Diving – Upper Keys: Rob Mitchell
Education and Outreach: Martin Moe
Elected County Official: George R. Neugent
Fishing – Charter Fishing Flats Guide: Richard Grathwohl
Fishing – Charter Sports Fishing: Steven Leopold
Fishing – Commercial – Marine/Tropical: Ben Daughtry
Fishing – Commercial – Shell/Scale: Jeff Cramer
Fishing – Recreational: Jack Curlett (absent)
Research and Monitoring: David Vaughan
South Florida Ecosystem Restoration: Jerry Lorenz
Submerged Cultural Resources: Corey Malcom
Tourism – Lower Keys: Clinton Barras
Tourism – Upper Keys: Andy Newman

Council alternates (present)

Boating Industry: Ken Reda
Conservation and Environment: Jessica Pulfer
Citizen at Large – Upper Keys: Suzy Roebling
Diving – Lower Keys: Bob Smith
Fishing – Commercial – Marine/Tropical: Linda Kruszka
Fishing – Commercial – Shell/Scale: Justin Bruland
Fishing – Recreational: Bruce Frerer
Research and Monitoring: Art Itkin
South Florida Ecosystem Restoration: Pete Frezza
Submerged Cultural Resources: Diane Silvia
Tourism – Lower Keys: Joe Weatherby
Tourism – Upper Keys: Eric Handte

Agency Representatives

Florida Department of Environmental Protection: Joanna Walczak
FWC Division of Law Enforcement: Capt. Pat Langley
FWC Fish and Wildlife Research Institute: John Hunt
NOAA National Marine Fisheries Service: Lauren Lugo (absent)
NOAA Office of General Counsel: Karen Raine (absent)
NOAA Office of Law Enforcement: Kenneth Blackburn, John O'Malley (absent)
Dry Tortugas and Everglades National Park: Tracy Ziegler
U.S. Coast Guard: LCDR Michael Capelli (absent), Phil Goodman
U.S. EPA: Pat Bradley (absent), Bill Cox
U.S. Fish and Wildlife Service, National Wildlife Refuges Florida Keys: Nancy Finley (absent)
U.S Navy: Ed Barham (absent)

I. CALL TO ORDER, ROLL CALL, AND MEETING MINUTES APPROVAL OF 4/16/13 DRAFT MEETING NOTES

Vice-Chair Chris Bergh called the meeting to order after the pledge.

MOTION (Passed)

Motion to approve the minutes from 4/16/13 was made by George Neugent, seconded by Dolly Garlo. No objections were made; minutes were approved.

Agenda for the meeting was adopted with no changes.

Chairperson's Comments

Chris Bergh, Council Vice-Chair reviewed the agenda and noted that public comment would be taken during the meeting. Chairperson Nedimyer explained the procedure for making public comment.

Chairperson Nedimyer explained that some SAC member terms will expire this year and it is important to have a full advisory council during the zoning review. In August announcements for vacant positions will be posted on the sanctuary's website. Current members may reapply (term limits are not up) and applications are being accepted for the boating industry member seat and for both the member and alternate seats for the following: Citizen at Large for Upper Keys, Diving for Upper Keys, Charter Sport Fishing, Recreational Fishing, Research and Monitoring and Tourism for Lower Keys.

II. MARINE ZONING AND REGULATORY REVIEW – WORKING GROUP REPORT OUT (DISCUSSION – POTENTIAL ACTION ITEM)

Chairperson Nedimyer explained that the Shallow Water Wildlife and Habitat Protection and Coral Reef Ecosystem Restoration working groups have finished their meetings and will present their recommendations today. No action will be taken on these recommendations at this time. The third working group, Ecosystem Protection: Ecological Reserves, Preservation Areas and Wildlife Protection Working Group, has two more meetings and their recommendations will be presented at the August council meeting.

1. Shallow Water Wildlife and Habitat Protection

Mr. Bruce Popham provided a presentation on the results of the series of shallow water working group meetings. To view Mr. Popham's presentation, visit <http://floridakeys.noaa.gov/sac/othermaterials/130709swwg.pdf>.

To view the group's recommendations visit <http://floridakeys.noaa.gov/review/shallowwater.html>.

Mr. Popham explained the process the working group used to arrive at their recommendations. They considered resource protection, effects on existing users and had the goal of applying zones and access restrictions consistently and fairly. The group reviewed the 27 Existing Wildlife Management Areas for modifications to access and reviewed 27 new proposed zones that were suggested by the working group and through public comment. They recommended establishing a towing and salvage permit program based on the one used by Biscayne National Park and recommended forming a shallow water habitat working group to continue addressing shallow water issues.

2. Coral Reef Ecosystem Restoration Working Group

Ken Nedimyer, working group chair, SAC Chair and Conservation and Environment Representative, provided a presentation describing the process and draft recommendations made by the working group. To view Chairperson Nedimyer's presentation visit <http://floridakeys.noaa.gov/sac/othermaterials/130709crwgupdate.pdf>.

To view the maps showing the group's recommendations visit <http://floridakeys.noaa.gov/review/coralrestoration.html>.

Chairperson Nedimyer reviewed the criteria used in selecting zones for active coral restoration and described the group's recommendations. Using input from working group members, the group selected 103 areas for restoration and further prioritized those sites for a total of 37 Tier 1 or top priority sites. The sites identified are general areas. Specific sites will be selected when restoration takes place. The site size and type will be determined by restoration goals and funding availability. The group also recommended that the entire sanctuary be eligible for restoration activities. Recommendations included small areas that may be closed to entry for research purposes, but are not likely to be placed at popular dive sites. Developing incentives (sponsored) sites was proposed to promote a sense of stewardship and provide a source of funding. The working group also suggested that the restoration permit process be streamlined and adaptive management criteria be considered. The use of markers that can be moved around as needed to designate restoration sites was suggested.

David Vaughan, Advisory Council Research and Monitoring Representative and working group Co-lead, explained how restoration differs from preservation and noted that the largest coral restoration project in the world has been taking place in the Florida Keys using America Reinvestment & Recovery Act funds. Additional species such as boulder coral can now be cultivated and restoration technologies are expected to continue to improve and monitoring of the sites will provide needed feedback.

Discussion/Comments (from council members)

- Concerns were expressed about restricting access to a sponsored reef to everyone except the sponsor.

- In order to restore coral reefs, it was noted that other invertebrates are also needed and that Martin Moe and David Vaughan have made great strides in culturing *Diadema*, long-spined urchins. In the future juvenile urchins may be released at the reef in order to help restore the important ecological function of herbivory. Mote Marine Lab is taking the lead in growing boulder corals and other species that could be used in restoration projects.
- An inquiry was made regarding the criteria applied to those persons who will be conducting restoration work in the sanctuary. It was explained that a permit issued by the sanctuary is required to conduct restoration activities and related research.
- The restoration of seagrass beds, not just corals, should be addressed. Chairperson Nedimyer acknowledged that seagrass restoration is important and needed, but was not dealt with by the Coral Reef Ecosystem Restoration Working Group. David Makepeace suggested that a small working group be formed to address seagrass restoration issues and volunteered to be part of that group. This topic will be taken up at the August SAC Meeting.
- The tremendous potential for restoration activities using new technologies and the fact that the technologies are continually improving are important messages that need to be kept out in front of the public first as the zoning process unfolds.

Break

III. Public Comment

Pablo Aguilera, Blue Planet Odyssey

- Mr. Aguilera explained that Blue Planet Odyssey is a round-the-world sailing rally that seeks to raise awareness about climate change. Blue Odyssey participants will be sailing to islands in the Pacific and Indian Ocean where they will conduct community and scientific projects, including reef assessments. Mr. Aguilera is at the meeting to gather information on setting up a reef assessment program that will continue after Blue Odyssey sailors leave the community and travel on to another one. If anyone is here from CREMP or AGRRA, two reef monitoring programs, please contact him.

Van Cadenhead, SCUBA Instructor, Islamorada

- Mr. Cadenhead explained that he has lived here in the Keys his entire life. He thanked the people who gave the first two presentations for stating what has happened to the reefs and for making a good beginning at restoring the reef. He does have some fears about drilling underwater to install sewer pipes. Any problem with those lines will affect the national marine sanctuary and during a first hurricane the system could be damaged. He hopes that this situation will be monitored very carefully and would like to see the project halted. He recommends have a sewage treatment plant on every island and each should be self-contained to keep from pumping sewage between islands. Since it is a sanctuary is belongs to the people of the United States, they should have to carry the financial burden, not just the few people who live in Islamorada. The state of Florida should also honor their commitment to provide more funds as they promised to carry 50%. He also discussed the removal of the Area of Critical Concern designation that appears in the updated version of Chapter 380 in the Florida Statutes. This designation should remain forever because much of the area is government owned.

Peggy Matthews, American Watercraft Association

- Ms. Matthews thinks it would be helpful to develop a definition of a party zone. People might better understand what the working group is trying to accomplish. She was involved in

developing the sanctuary's first management plan in the early 1990s and it was a hard sell to zone even less than 5% of the sanctuary. It would be helpful to have a large map to see the exact location and size of the proposed zones. It is difficult to tell very much with the small squares that show the zones. Using information learned from zones that are already in place, she would like to see an explanation of the benefits that are expected to be derived from the different management regimes proposed.

Mike McLoad

- He thanked the advisory committee for their service to the community. He is a board member of the Port Antigua property owner's association. As a collective group (Lower Matecumbe Key Association, Port Antigua Property Owner's Association, White Marlin Beach Park Association and Sandy Point Condo Association) we have submitted a letter to the advisory council through Mr. Martin Moe requesting emergency regulations to address the party zone that has developed in the bay just off of these residential areas. The concentration of boaters and people are causing a great deal of damage to seagrass from repeated anchoring and boats (outlined in letter). This area is located near a residential neighborhood and because of the seagrass, it requires a high priority. The Village can play a role in this, too, and install a no anchor zone the half mile that gets more than a 100 boats every weekend. He invited the committee to view this area during Labor Day weekend and he will arrange transportation to see the situation.

Justin Hopper, Key Largo Charter boat Captain

- Mr. Hopper fishes out of the Holiday Inn in Key Largo. He went to school here and has been here over 35 years. During that time, he has watched the charter and dive operations grow. Today, everyone has a boat and there is a huge recreational impact in the Keys. Impacts are so much greater than twenty years ago. It is great what the sanctuary is doing to create closure and buffer zones. He supports fisheries measures, too. Mr. Hopper and other fishermen he knows want to see the charter boat industry stay alive and that is a challenge with the impacts to the resources. Everyone wants to use and enjoy the environment, but he doesn't want to see it taken away. He appreciates what is being done and looks forward to working together to keep things moving in the right direction.

Jeff Napp, Captain, Beckoning Fish

- Captain Napp is a tarpon flats fisherman who has resided in the Keys since 1990 and fishes in the 7 mile area. He respects the passion of people who are making the recommendations and knows that they believe that they are doing the right thing, but he can't believe that a no wake zone is being proposed from Vaca Cut to Boot Key. He doesn't think there is enough damage out there to justify that change. He hears a lot about regulations, closures, fees and other things that seem to be over the top. He thanked everyone and does appreciate the successes that have happened.

Bill Kelly, Executive Director Florida Keys Commercial Fishermen's Association

- Captain Kelly applauded the sanctuary advisory council on the work they have done mitigating the effects on our coral populations; they are miracle workers. He would like to see a broader discussion on prevention. There are some very serious issues that need to be addressed with global warming, ocean acidification. One of the biggest issues is water quality/pollution and we have recently seen 5 year extensions for Miami-Dade and Broward to clean up messes and discharge raw sewage and we see big sugar receive an extension to discharge phosphorus into the Everglades. This is disheartening because water quality is causing these problems. He hates to think about people eating fish from a sewer hole. There are all kinds of issues such as red tides affecting stone crabs. He sees that there is

representation here from all levels of government here, including fisheries managers. While everyone is doing a great job, he and other fishermen would welcome a discussion on prevention and would like to see that message carried all the way to DC.

Henry Feddern, Marine Biologist, PhD. and Marine Life fishermen, Letter

- Mr. Feddern's letter was read by Suzy Roebling and provided comments on the shallow water working group recommendations regarding Dove-Rodriguez Key Creek area. He agrees with recommendations 1 and 2 and agrees that all current restrictions and anchoring restrictions remain in place in the buoyed areas where the shallow seagrass areas are located around these Keys. Beyond the buoys and between the two keys, however, there is a sand and hard-bottom area that is used by residents for transit to the ocean, marine life fishing and hook and line fishing. He does not believe that connecting the two areas between keys (recommendation 3) will have any positive effects on birds and on decreasing fish disturbance in this area. When compared with other areas in the keys, fish disturbance in this area is very small and this argument is very poor. While diving under Tavernier Bridge, he has not seen boats passing affect fish behavior as propellers go by. He also rejects recommendation 3 and strongly rejects recommendation 4 as it would prevent flats fishing in the area. He strongly recommends that the council supports recommendations 1 and 2.

Davis Poole, Eternal Seas

- Mr. Poole and his wife would like to propose to build an undersea memorial park in the sanctuary. This would allow people to create a blue legacy and would provide some funding for environmental projects. For each memorial, he proposes to bury a canister with the remains under the limestone seafloor, then cap it off (similar to mooring balls) and put a marker on top. His company would then work with local partners (TNC, Mote, etc.) to place a cultured fragment of coral on top. He proposes giving back 20% of the gross proceeds to the environmental community in the Florida Keys to be used for coral restoration and other environmental projects.

3. Ecosystem Protection: Ecological Reserves, Preservation Areas and Wildlife Protection Working Group (Ecosystem Protection working group)

Mr. Chris Bergh, working group chair, SAC Vice-Chair and Conservation and Environment Representative, provided a presentation on the objectives and progress made by the Ecosystem Protection working group. To view this presentation, visit:

<http://floridakeys.noaa.gov/sac/othermaterials/130709epwg.pdf>.

Mr. Bergh described the main topics addressed at each of the five meetings held during the past few months. Topics included existing zones and regulations, condition of the resources, reef ecosystem resilience, habitats and data layers and geographic regions. Specific science presentations included an assessment of zone performance for the two existing Ecological Reserves (Tortugas Ecological Reserve and Western Sambo Ecological Reserve), spawning aggregations, benthic habitats, and fish assemblages. The next two meetings are July 11 and 29. At these meetings the working group will discuss and make final recommendations specific to zoning for ecosystem protection. Each meeting has public comment opportunities and people are encouraged to attend and participate.

Comments

A comment was made that a deep sea charter boat representative is missing from this group and that the meetings are being held a charter boat captain's busiest times of the year and the proposed

closures affect the charter boat captains the most. There is a lot of concern about the seaward expansion of the boundaries of the SPAs. All were reminded that this is still early in the process and there is opportunity for the public to comment. It is not too late for more charter fishermen to get involved and express their opinions.

IV. MARINE ZONING AND REGULATORY REVIEW – WEBSITE, MAPPING & SCHEDULE

Sean Morton, FKNMS Superintendent

Superintendent Morton reviewed where the information from the working groups could be found on the sanctuary's website (<http://floridakeys.noaa.gov/review/workgroups.html>) and outlined the process and next steps for the working groups and council. The entire package of recommendations will come back to the advisory council for a thorough review and decision. Superintendent Morton proposed that the council meet three days in November to address the recommendations (and not meet in October or December.) The council would also hear public comments on this matter. The dates proposed are November 12, 13, and 15 in Marathon at Hawk's Cay. He envisions that the first day would be an open house for the public and would include a public comment period followed by two days of council deliberation and decision.

Comments/Discussion

Comments were made about the commitment of three days in one week possibly causing a reduction in participation. Another possibility proposed is to structure the meetings by working group so that people could know which day their topic of interest would be addressed. This approach could be a challenge because the council is charged with bringing all of the information together in a cohesive package for sanctuary management. Since these decisions are so important, a suggestion was made to have the meeting streamed live so that people can see and what the meeting while it happens. Another option is to hold the public session at the government center and broadcast it on live Monroe County TV. A suggestion was made to break the three meetings up in some way. For example, have the informational meetings (posters and comments) and then the "deliberations" meeting a week later. This option will give time to consider the information and for others who are viewing it to give comments. Two council members stated that they would not be able to make all three meetings at that time of year. If a council member can't be there on the final day, he/she should send their alternate. No decision was made at this time regarding the next council meeting date. Superintendent Morton will get back to the council on the meeting schedule at the August SAC meeting.

V. SUPERINTENDENT'S REPORT, REGIONAL DIRECTOR'S REPORT, & AGENCY REPORT HIGHLIGHTS: DEP, FWC, NOAA NMFS Southeast Region, NOAA OGCES, NOAA OLE, NPS, USCG, USEPA, USFWS, and U.S. Navy

NOAA/Sanctuary Report, FKNMS Superintendent Morton

- The sanctuary program noticed in the federal register the establishment of a new nomination process for nominating sanctuaries around the country. This means that new nominations can now be made by communities.
- George Sedberry was introduced as the new sanctuary Southeast region Science Coordinator. Dr. Sedberry was the superintendent at Gray's Reef National Marine Sanctuary and recently accepted the position, which involves working closely with SE Regional Director, Dr. Billy Causey.

National Park Service (NPS) Report, Tracy Ziegler, NPS

- A sea level/water quality monitoring station is being installed in Dry Tortugas National Park.
- The park is working with USCG Sector Key West ATON about changing the types of park boundary buoys to achieve cost savings and improve maintainability. The park is still conducting joint buoy maintenance about the M/V *Fort Jefferson* with FDEP for the sanctuary reserves and the park.
- The Draft General Management Plan (GMP) for Everglades National Park review and comment period took place from February 27 to May 12, 2013. Nine public meetings (with over 1000 attendees) were held and more than 20 additional stakeholder meetings have taken place in the past few months. To date, they have received comments from over 15,000 people.
- At this time, the park's planning team analyzes is analyzing comments and developing the General Management Plan and Environmental Impact Statement (EIS) and expect to release the final GMP/EIS and to have the signed record of decision during spring 2014.
- The idle-speed extension area of Jimmy's Lake will be open through October 31, 2013. This is proving an additional means of access during high water times. A press release will be sent out in the near future.

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

- Several actions were taken by FWC law enforcement during the past two months. FWC responded to a sailing vessel that grounded three times in one hour in the Carysfort area. A FWC patrol vessel based out of Naples has been patrolling the Tortugas area at times and made a case recently. The *Peter Gladding* made several cases during this time involving 16 bags of mutton snapper fillets and black grouper; illegal conch, and out of season crab claws and over-the-limit yellowtail snapper.

Florida Department of Environmental Protection (FDEP) Report, Joanna Walczak

- Three new programs will be merging into the Coastal and Aquatic Managed Areas program (CAMA). They are: Florida Coastal Management Program, Outer Continental Shelf Program and Deepwater Horizon restoration activities. Deepwater Horizon activities include the Natural Resource Damage Assessment and RESTORE Act efforts as well as coordinating with the Florida Fish and Wildlife Conservation Commission on the Gulf Environmental Benefit Fund.
- John Pennekamp Coral Reef State Park and Dagny Johnson Key Largo Botanical State Park are undergoing a review of their management plans. FDEP welcomes comments, which may be sent to Park Manager Pat Wells at John Pennekamp Coral Reef State Park.

FWC Fish and Wildlife Research Institute (FWRI) Report, John Hunt

- No report.

NOAA Office of General Council Report, Karen Raine

- Superintendent Morton reported for Ms. Raine. Administrative penalties were collected for a speargun case at Alligator SPA and for an Area To Be Avoided violation. Several groundings were settled out of court (seagrass and coral). Civil penalties collected from grounding cases go for resource protection, including the lobster regulation brochure.

NOAA National Marine Fisheries Report, Lauren Lugo

- No report.

National Marine Sanctuaries/Southeast Region Report, Billy Causey

- No report.

NOAA OLE Report, Kenny Blackburn and John O'Malley

- No report.

USFWS Report, Nancy Finley

- No report.

US EPA Report, Bill Cox, EPA Region IV Atlanta

- Mr. Bill Cox reported for Pat Bradley. Mr. Cox is one of the co-chairs of the sanctuary's Water Quality Protection Program steering committee, which is scheduled to meet on July 10 in Marathon. This meeting has opportunities for public comment.
- The FY 2014 funding for the monitoring water quality, coral reefs and seagrass meadows in the sanctuary will be level compared to last year and therefore EPA could offer level funding for these programs for FY 2014.
- EPA still needs to obligate 300k for canal restoration in the Keys.
- EPA is repeating a study (R-EMAP) done first in 2005. The study will test samples of water, soils and sediments in the Everglades for contamination (mercury, etc.).
- The management committee of the Water Quality Protection Program is compiling a document that addresses public comments made about water quality issues during the sanctuary's scoping process. This document will be reviewed by the steering committee and then provided to the advisory council.
- EPA's biennial report to Congress on the actions of the WQPP is still being reviewed by EPA's legal counsel and should be done soon. A draft appears on the EPA website.

United States Coast Guard (USCG) Report, Phil Goodman

- The Coast Guard received 47 calls for pollution since the last advisory council meeting. Five of these cases were federalized and 14 involved law enforcement. Some cases resulted in fines. They spent \$6500 to recover fuel and oil from nearshore waters. Since June 2012, they have trained over 500 local residents in HAZWOPER.

US Navy (USN) Report, Ed Barham, USN

- No report.

VI. MARINE ZONING AND REGULATORY REVIEW – USER FEES (DISCUSSION AND POTENTIAL ACTION) Beth Dieveney, FKNMS Deputy Superintendent for Science & Policy
Ms. Dieveney provided a presentation on ideas associated with user fees.

To view this presentation, visit <http://floridakeys.noaa.gov/sac/othermaterials/130709userfees.pdf>.

Ms. Dieveney reviewed the kinds of user fees charged to visitors. Included were highlights from the 1997 sanctuary management plan review and how this topic was addressed through that process. Current discussion from the working groups includes suggestions for funding mechanisms such as

donations, user fees, in-kind support for restoration and mooring ball sponsorship programs made by the Coral Reef Ecosystem Restoration Working Group. The shallow water working group did not make formal recommendations but recognized the value of finding funds for restoration of shallow water habitats. She also reviewed the challenges to the administration and enforcement of collecting fees.

Superintendent Morton added that user fees were a primary issue that the council wanted to address. The sanctuary is looking for input and guidance from the council; it can be a formal recommendation as to what to analyze as part of the EIS. The council can provide input prior to the next council meeting. Some analysis can be done on what mechanisms are available and the results of this analysis can be presented back to the council in the fall.

Discussion/Comments

- It is important to determine how much can be generated by user fees and how the money will be spent. Be specific as to what activities the fees will go to support including research, restoration, sanctuary management, buoy maintenance, enforcement, etc. A business plan is needed.
- Concern noted that the idea of user fees is not going to be met very favorably by some people. However, the alternative to collecting fees is to continue to watch the reef decline. If people know that this money is being used for these purposes locally then that might help people accept and buy into this plan.
- One success story shared: The Upper Keys Artificial Keys Reef Foundation is managed by the Key Largo Chamber of Commerce and this non-profit has already paid off the debt on the USS *Spiegel Grove* wreck by selling medallions and that same mechanism could be used to fund mooring balls and reef restoration. The chamber is willing to continue this effort and put the funds toward restoration.
- Blue Star might consider user fees. Mark one mooring ball at a restoration site and that ball would be open to Blue Star operators. This allows people to see restoration in action and encourages people to become Blue Star.
- User fees should not be tied to one group, but should be applied to everyone using the resource. Some critics say that user fees will destroy the dive industry, but if not proactive now, then the reef will be gone and so will the resource dependent industries. It is not realistic or fair to rely on a few donors to provide this restoration for the good of everyone, nor can this money come from tight state and federal budgets. Charging a user fee is the fair thing to do.
- Charging user fees to only a few people is unfair; if a fee is put in effect, it should be charged to all, including NGOs (non-government organizations), not just charter fishermen and dive operators.
- No user fees should leave this area; so many issues need to be dealt with here. Funds need to stay here and be completely accounted for.
- Consider existing mechanism for collecting fees; maybe attach to a fishing license or boater registration. This is done all the time with infrastructure sales tax and boater registration fees and should be done fairly across the board, including the visitors.
- Suggest having people buy ticket that has to be presented when going on a fishing or diving trip, launching a boat or asked by law enforcement. That money could go back to the sanctuary and contribute to sanctuary operation.
- No other sanctuaries collect user fees, but the idea has come up before.

- Whatever mechanism is put in place, residents should not be penalized unfairly. Locals already pay local taxes that are also shared by the tourists.
 - There is a need for mandatory boater education and fee could be tied to that course and this would apply to everyone.
 - A sign to let people know they are in the sanctuary is very much needed to increase awareness.
 - User fees are successfully applied in other places:
 - Noted that and national and state parks charge user fees to access the resources.
 - Dive charters in other countries charge for the park, etc.
 - Fees are charged by the refuge for running charters in the refuge and the money was used for educational signs, etc.
 - Noted that this could likely require a legislative change, dealt with at the federal and/or state level. Today is about discussing the issue and providing ideas.
- Superintendent Morton noted that user fees can be collected by the sanctuary without approval from Congress; it would be an administrative function and there are other options available.

Break

VII. Public Comment

Tom Hill, Key Largo Fisheries, Commercial Fisherman

- Mr. Hill is concerned about Everglades restoration and water quality and the impacts of poor water quality on marine life. He is also concerned about the impacts of lionfish on native fish and the impacts of a predator such as goliath grouper on commercial fishing. The number of goliath grouper on the reefs has become quite huge and the impacts on fish are great. He would like to remind the council to consider the real impacts of the decision on the community—everyone, including restaurants, hotels, etc. Decisions need to be based on science, not opinion and the whole picture should be considered whether it is water quality, economic impact, fishery or coral restoration because everything is interconnected and will affect the entire community.

Spencer Slate, Captain Slate's Atlantis Dive Center, Dive Operator

- Captain Slate explained that the enforcement, equality and fairness are a big concern. In the past, dive operators were told that there would be no user fees because there is no way to enforce a user fee since there is no entry point. If you could ask dive manufacturers and training agencies to add fees to support sanctuaries, that would be fair. He wants to see enforcement and an equitable fair system; doesn't want to see dive operators be the only ones targeted. Many boaters originate elsewhere and they would not be paying fees. No one here is responsible for killing the reef; the dying of the urchins is what killed the reefs. It is going to take time for the reef to regrow and he supports those efforts. Private boaters are running aground every day and they need to be fined for that and fishermen are leaving fishing line behind in no fishing zones. More enforcement is needed and has been needed for a long time. Dive operators are not in favor of user fees.

Michael Belitzky, National Marine Manufacturers Association

- Mr. Belitzky commends the council for the kind of work they are doing and for taking public comment. The NMMA understands that people will be using the sanctuary. If the user fee is the only option, then that is better than no access at all. When making such a recommendation, keep in mind the recreational boating impact. Recreational boating

generates about 125 billion dollars each year for the national economy, 10.35 billion in the state and 525.5 million in Miami-Dade and Monroe County. Think about the impact on those who want to enjoy the waters in a safe manner and how that impacts the local economy.

Justin Minichino, Amoray Dive Resort

- Mr. Minichino has been in touch with several dive operators and they are opposed to user fees or taxes applied to divers in the sanctuary. The following operators oppose user fees: Horizon Divers, Ocean Divers, Florida Keys Dive Center, Sea Dwellers, Silent World, Quiescence, Island Ventures, Amory Divers and Captain Slate's Dive Center. The logistics are not feasible to enforce a user tax on all divers. At the time of its designation, the sanctuary promised there would be no user fees. He supports coral restoration and money can be raised for this type of effort in some other way. If everyone pays, they would be more inclined to accept it.

Rob Mitchell explained that no decisions have been made as to if user fee would be implemented, how the fees would be applied or enforced and that things have changed quite a bit since the time the sanctuary came into existence. So many more users and problems exist today. He invited Mr. Minichino and Captain Slate to be on the committee that examines the issue (should it be created).

Council member Discussion/Comments

User fees could be relatively small, but carried by everyone and that would make the total amount significant. Details should specify how the funds will be collected, implemented and spent. Studies have been done that could be helpful in making these predictions. The amount needed to fund buoys, officers, etc., not just what can be generated, should be considered in the process. Consider the kind of structure needed to dispense funds.

MOTION (Passed)

A motion to form a work group to examine alternate funding sources was proposed by Rob Mitchell and seconded by Bruce Frerer.

A roll call vote was taken. Motion passed unanimously (18 in favor, no opposed). This motion is posted at <http://floridakeys.noaa.gov/sac/othermaterials/130709motionaltfunding.pdf>.

VIII. MARINE ZONING AND REGULATORY REVIEW – SOUTH FLORIDA FISHERIES MANAGEMENT (DISCUSSION – POTENTIAL ACTION)

Roy Crabtree, Administrator, Southeast Region National Marine Fisheries Service

Jessica McCawley, Director, Florida Fish & Wildlife Conservation Commission Division of Marine Fisheries Management

Dr. Crabtree explained that he was a voting member of three Fishery Management Councils: Gulf of Mexico, South Atlantic and Caribbean. The Keys sits on the boundary between the Gulf and Atlantic fishery management areas and also includes state waters. The federal fishery councils are made up a mixture of constituents and council members are responsible for preparing fisheries management plans; deciding which fish are under management; and proposing amendments to management plans and changes to the regulations. These proposals are reviewed by NOAA's National Marine Fisheries Service and are either approved or not. All fisheries actions/decisions taken by these councils are in accordance with the Magnuson Stevens Fisheries Management Act. One thing that makes it hard to

make the regulations on the Gulf and Atlantic side the same for the people fishing in the Keys is that the two councils take somewhat different approaches. In the Gulf, snapper, grouper and tilefish are managed by individual quota systems and there is no comparable system in the Atlantic. In the area of bag and size limits, progress can be more easily made between the two councils. Dr. Crabtree also addressed the species in the Keys that are being proposed for listing under the Endangered Species Act: acroporid and other corals, sea turtles, marine mammals, etc. A few species are now under status review: dwarf sea horse, queen conch and Nassau grouper. The review will be followed by data analysis and a determination regarding listing or not. Rule-making is needed for proposing a species to be listed. Public workshops have been held regarding these species and a decision will be made toward the end of the year.

Jessica McCawley explained that FWC's mission is managing natural fish and wildlife for their long term well-being and for the benefit of people. The Florida Fish and Wildlife Conservation Commission is comprised of seven commissioners who are appointed by the governor and are authorized to make decisions about resources in state waters. The research arm of FWC is the Fish and Wildlife Research Institute (FWRI), which has its main office in St. Petersburg and has a regional office in Marathon, managed by John Hunt. Ms. McCawley and most of her colleagues in the FWC Division of Fisheries Management are based in Tallahassee. She and her colleagues prepare rule-making items related to marine fisheries that come before the commission for consideration. To determine which items will be addressed and might require rule-making changes, FWC staff undergoes a year-long process that involves gathering information from stakeholders, councils and research institutes. FWC does not have to abide by the Magnuson Stevens Fisheries Management Act and has more flexibility if a species is determined to be overfished and in the timeline for rebuilding that species. The FWC Division of Fisheries Management has a representative on the Gulf and South Atlantic Fishery Management Councils. Ms. McCawley represents FWC on the South Atlantic Fisheries Management Council and her colleague Martha Bademan represents FWC on the Gulf of Mexico Fisheries Management Council. These representatives receive input from the FWC Commission as to how to vote on the different issues addressed by the Atlantic and Gulf councils. A determination is then made as to whether these rules will come before the FWC Commission and possibly become rules in state waters, too. The FWC Commission tries to make rules consistent between state and federal waters, but there may be reasons why this is not done in certain circumstances. The Commission meets five times per year in different areas of the state. Items that come before the commission are usually presented in two steps--the draft rule phase and final public hearing phase

A few years ago the Gulf of Mexico and South Atlantic Fisheries Management Councils formed a joint committee to look at fisheries issues related to south Florida fisheries in both federal and state waters. FWC has taken the lead on this committee and is hosting a series of public workshops at the end of July and early August.

Discussion/Comments

- The perception of fisheries management is that most actions to protect species are taken too late and some species don't really recover. But, it was also noted that most of the managed fisheries stocks in general are much better off than they were 20 years ago.
- The perception might be that the state takes away and never gives back, but recently regulations were relaxed for sea trout and redfish.

- In the past few years, a fishery has developed for barracuda and that has wiped out populations in many areas. FWC is currently examining this issue in state waters and if they create state regulations, they could also be applied to federal waters if federal regulations are not planned for that species. If things move forward, FWC could possibly have something in place in mid-2014. A SAC member noted that barracudas are being impacted greatly by spearfishing and spearfishing for them should not be allowed.
- There is an ongoing problem with the mutton snapper spawn that exists only in the Keys. FWC has been dealing with mutton snapper and is expected to release a mutton snapper stock assessment in advance of the public meetings being held at the end of the month to gather input about south Florida related fishing issues.
- FWC was commended for the progress made in terms of bonefish and tarpon regulations in the past few years and the idea of prohibiting removal was mentioned. FWC took a big step making these fish catch and release only and in the most recent rule-making the commission took away the tournament exemption that allowed transportation of bonefish in live wells during tournaments. It may be possible to implement better protections such as no removal, but there is a great interest in getting IGFA (International Game Fish Association) records for these fish. FWC has been working with IGFA on their record process for these two species.
- FWC is commended for the way it listens to suggestions from the marine life industry.
- Goliath grouper issues are being examined by a joint committee formed from the three fishery management councils. Jessica McCawley sits on that committee for FWC. Dr. Crabtree pointed out that it may be that the stock is not fully rebuilt yet and there are concerns that having a bag limit will fish the species down again. A lottery or tag program is one option. Dr. Crabtree noted that the rebuilding of stocks itself can create a new set of complicated problems.
- A question was asked about how the fishery management councils and the sanctuary coordinate on recommendations made by sanctuary working groups in the zone review process that affect fishing. Dr. Crabtree explained that the statutes call for the sanctuary to come to the federal fishery management councils and the council has the option of developing any new fishing related regulations first. If the sanctuary has more coral protection zones in state waters, they will approach FWC, but if zones are in federal waters, the issue will fall to NOAA Fisheries. A biological opinion is required for any changes in the status of federally endangered species and that might entail finding more protective areas for corals. NOAA worked with Bill Kelly and lobster trap fishermen to reduce the no-trap zones while still offering protection for elkhorn and staghorn corals. Ms. McCawley explained that FWC had been working Bill Kelly to look for comparable areas in state waters, but FWC slowed down the process and is waiting to see what might be suggested by the sanctuary process. FWC sees the two processes as dove-tailing to come up with solutions. Superintendent Morton explained that there are statutory requirements to take any proposed changes to the commission and fishery management councils and the sanctuary is working closely with these partners to communicate throughout the process. Additionally, if there is a way to meet requirements of endangered species act and meet sanctuary advisory goals, that is an ideal situation.
- The sanctuary has met with Dr. Crabtree in the past regarding grouper closures and differences between the two fishery management councils. The two councils have taken different approaches to managing groupers. Some new assessments have come out in the past few years. Black grouper appear to be in good shape. Decisions can be revisited if there are reasons for making changes. Some fishermen are philosophically opposed to fishing

spawning fish that aggregate. A gag grouper assessment will become available later this year and the results of that will dictate how gag grouper are managed in the Gulf.

- A question was asked by the former advisory council chair, Bruce Popham, if Dr. Crabtree foresees any obstacles in the marine zoning process as it moves forward. Dr. Crabtree stated that the sanctuary and councils have worked well in the southeast in the past. The response will depend upon the opinions of the council members on what is being proposed. And noted that the sanctuary has made an effort to inform the councils throughout the process.

IX. CORAL REEF RESTORATION AND RESTORE ACT FUNDING (DISCUSSION – POTENTIAL ACTION ITEM) Caitlin Lusic, Coral Recovery Coordinator, The Nature Conservancy

Ms. Lusic provided a presentation on a RESTORE act proposal for threatened corals. To view this presentation, visit <http://floridakeys.noaa.gov/sac/othermaterials/130709restoreact.pdf>.

Ms. Lusic explained that the RESTORE Act provides a vehicle for civil and administrative Clean Water Act penalties to be distributed to states and municipalities impacted by the Deepwater Horizon oil spill. Three categories of funds are available. A coral restoration project has been submitted to FDEP to be included in the projects of Gulf-wide significance comprehensive plan. The proposal includes outplanting 14,000 corals annually to restore reefs (greater than in the past) and the funding request is for 2.5 million for up to six years. They will also maintain nurseries for rescued corals, continue to advance the science of restoration (led by FWC), and work with other species listed under the Endangered Species Act.

MOTION (Passed)

Chris Bergh proposed a motion to support TNC's coral restoration proposal for RESTORE Act funding.

A discussion took place about whether or not the idea of coral nurseries and reefs being considered zoological parks should be added in the proposal for RESTORE funds or considered in a separate action/motion. This suggestion was made by Mayor Neugent and involves recognition of the nursery as zoological parks/restoration sites to open up funding opportunities to include Tourist Development Council (TDC) money and tourism in general. The Florida Attorney General needs to approve this designation in order for coral restoration efforts to be eligible for TDC grants. Mayor Neugent added that recognition of the coral nurseries as zoological parks is on the county commission agenda for next week and the inclusion of this language in the motion will help support that effort. It was decided to include the zoological park language in the final motion. It was clarified that the coral RESTORE proposal does not compete with the canal restoration funding request submitted by the county because the canal money is being requested from a separate pot of money.

The decision was made to amend the motion to include the zoological park language. The motion was seconded by Bruce Frerer. This was an agenda item published for possible action. Public comment was taken before the vote was called.

Public Comment

Peggy Matthews, Monroe County Restore Act representative

- Ms. Matthews explained that growing corals can be viewed as a zoological park that will attract tourists and stimulate dollars for the county and state. The mayor is trying to make

certain that all criteria are touched on in the proposal because economic value is a big part of the criteria for awarding money.

Motion (passed)

A roll call vote was taken. Motion passed (20 in favor, one abstention).

To view this resolution, visit

<http://floridakeys.noaa.gov/sac/othermaterials/130709resolutionrestoreact.pdf>.

X. UPCOMING MEETING AND CLOSING REMARKS

ADJOURN

Chair Ken Nedimyer, SAC Chair

Chairperson Nedimyer announced that the next meeting is August 20. At this meeting, the council will discuss adaptive management, hear water quality updates, select the alternative funding work group and consider forming a seagrass restoration work. The dates for the November meeting will be announced. Guests were thanked for their participation.