

FLORIDA KEYS NATIONAL MARINE SANCTUARY ADVISORY COUNCIL

Islander Resort, Islamorada, FL 33040

Tuesday, December 10, 2013

FINAL MINUTES

The Florida Keys National Marine Sanctuary Advisory Council met on Tuesday, December 10, 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 (absent)
Citizen at Large – Middle Keys: Vacant
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
Research and Monitoring: David Vaughan (absent)
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: Kenneth Reda
Conservation and Environment: Jessica Pulfer
Citizen at Large – Upper Keys: Suzy Roebing
Citizen at Large – Middle: George Garrett
Diving – Lower Keys: Bob Smith
Education and Outreach: Alex Brylske
Fishing – Commercial – Marine/Tropical: Linda Kruszka
Fishing – Recreational: Bruce Frerer
South Florida Ecosystem Restoration: Pete Frezza
Research and Monitoring: Shelly Krueger*
Diving – Upper Keys: Tim Grollimund*

*Alternate position begins on December 11, 2013

Agency Representatives

Florida Department of Environmental Protection: Joanna Walczak
FWC Division of Law Enforcement: Capt. Pat Langley, Captain David Dipre
FWC Fish and Wildlife Research Institute: John Hunt (absent)
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
Dry Tortugas and Everglades National Park: Tracy Ziegler
U.S. Coast Guard: LCDR Michael Capelli
U.S. EPA: Pat Bradley (absent); Alternate: Steve Blackburn
U.S. Fish and Wildlife Service, National Wildlife Refuges Florida Keys: Nancy Finley
U.S Navy: Ed Barham

I. CALL TO ORDER, ROLL CALL, AND MEETING MINUTES APPROVAL OF 8/20/13 DRAFT MEETING NOTES

Chairperson Nedimyer called the meeting to order after the Pledge of Allegiance.

MOTION (Passed)

Motion to approve the minutes from 8/20/13 was made by George Neugent, seconded by Bruce Popham. No objections or changes were made; minutes were approved.

MOTION (Passed)

Motion to approve the meeting agenda was made by George Neugent, seconded by David Makepeace. No objections or changes were made; agenda was approved.

Chairperson's Comments

Chairperson Nedimyer announced that thanks to Clinton Barras and Fla-keys.com, the meeting is being broadcast live on the internet. He also noted that the recruitment for advisory council members had been completed and he announced the new and returning members. Returning members are: Bruce Popham, Boating Industry; Dave Makepeace, Citizen at Large – Upper Keys, Suzy Roebing, Citizen at Large-Upper Keys alternate; Rob Mitchell, Diving – Upper Keys; Steve Leopold, Fishing – Charter Sports; Jack Curlett, Fishing – Recreational; Bruce Frerer, Fishing – Recreational alternate; Dave Vaughn, Research and Monitoring; Joe Weatherby, Tourism –Lower Keys; Clinton Barras, Tourism – Lower Keys alternate. New council members are: Tim Grollimund, Diving –Upper Keys alternate; Rob Harris, Fishing – Charter Sports alternate and Shelly Krueger, Research and Monitoring alternate. He thanked Art Itkin and Dolly Garlo for their service to the advisory council. Dolly's position will be advertised soon.

Chairperson Nedimyer gave a brief overview of the purpose and progress made by the three working groups involved in the sanctuary's marine zoning and regulatory review.

II. MARINE ZONING AND REGULATORY REVIEW: ECOSYSTEM PROTECTION: ECOLOGICAL RESERVES, PRESERVATION AREAS AND WILDLIFE PROTECTION WORKING GROUP

Superintendent Morton, working group co-chair, gave a presentation summarizing the recommendations of the Ecosystem Protection: Ecological Reserves, Preservation Areas and Wildlife

Protection working group. Superintendent Morton explained that he and John Hunt are now serving as non-voting co-chairs of this group. To view this presentation, visit <http://floridakeys.noaa.gov/sac/othermaterials/131210epupdate.pdf>.

At the recommendation of the working group, the council approved holding regional meetings in the Keys to seek site specific input. Four public meetings were held: two in Key West and one each in the Upper and Middle Keys. Superintendent Morton thanked the council and working group members for their leadership and facilitation at the meetings. Comments made at the regional meetings are posted on the working group section of the sanctuary website: <http://floridakeys.noaa.gov/review/reserves.html>

Following the regional public meetings, the working group met on September 30 to review public comments and to consider zone regulation criteria and next steps. At this meeting, the group requested that the sanctuary and other agencies examine and evaluate what has been proposed so far in terms of zone modification and to conduct an administrative screen for all ideas proposed. Ideas that are not feasible from an administrative standpoint would not be considered further, but would remain as part of the public record.

The working group plans to reconvene in 2014 to continue its work; a meeting date has not been scheduled. Council members are welcome to attend these meetings; all meetings are open to the public.

The working group also recommended addressing water quality, education and enforcement and classifying all areas of the sanctuary as a specific zone type.

Discussion (council members)

Chris Bergh asked if Steve Leopold (council member for Fishing – Charter Sports Fishing) could serve on the working group to provide additional recreational fishing input... Ken pointed out the need for a Lower Keys charter fishing representative to fill this position on the working group. It was noted that Rob Harris, new council alternate for Fishing – Charter Sports Fishing, could serve in this capacity for the lower keys. Membership of the working group can be reviewed and additional members added as needed to ensure adequate representation of various interests.

III. MARINE ZONING AND REGULATORY REVIEW: PROCESS FOR SANCTUARY ADVISORY COUNCIL REVIEW AND DECISION

Ms. Dieveney, FKNMS Deputy Superintendent for Science & Policy, provided a presentation on the marine zoning and regulatory review process and time-line. To view this presentation, visit <http://floridakeys.noaa.gov/sac/othermaterials/131210sacnextsteps.pdf>.

The presentation addressed these four questions:

1. Where are we in the process and what is the decision before the advisory council in 2014?
2. What will the advisory council receive to review and inform discussion and decision to make recommendations to the Sanctuary Superintendent?
3. What is the role and expectation of the advisory council member and alternate?
4. What are the opportunities for the public to learn more, stay engaged, and provide comment?

A full time-line of the process and next steps can be found in the presentation. The advisory council is expected to have all information needed to provide recommendations to the Sanctuary Superintendent by late summer early fall of 2014. A Draft Environmental Impact Statement (DEIS) will then be developed

and will be released for public review and comment in 2015. A final EIS is expected to be complete by late 2015.

The Ecosystem Protection: Ecological Reserves, Preservation Areas and Wildlife Protection working group is still active. The working group requested agency staff conduct a review of existing zone modification ideas and remove those ideas that are not administratively feasible. The working group will reconvene in early 2014 to make recommendations to the sanctuary advisory council regarding potential modifications to existing and potential new marine zones.

Decision before the advisory council: request that a similar review and analysis be conducted for the other two working groups that have developed recommendations for council review.

Superintendent Morton introduced Andy Cline, the new consultant who will be facilitating this process. Mr. Cline explained that he has worked with many groups, including other sanctuaries.

Discussion (council members)

The study area for the marine zoning and regulatory review was identified early in the process and included areas outside the existing sanctuary boundary. With this study area in place, working groups could consider certain areas outside of the sanctuary in their evaluations, including Pulley Ridge. Study area pieces, including Pulley Ridge, could be brought back to the council as part of the formal recommendation process. However, any potential boundary modifications will be fully analyzed for socioeconomic and environmental impact as part of the EIS.

Enforcement has been noted as a priority issue to address through this process. To fully address this issue, the February 2014 council meeting will focus on enforcement. At this meeting, all relevant marine enforcement partners will present to the council. This would be an opportunity to make recommendations about enforcement, including the need for additional resources.

Support was expressed for the idea of having the staff review and screen the Coral Reef Ecosystem Restoration and Shallow Water Wildlife and Habitat Protection working groups' recommendations and to evaluate them to see how they mesh with those being developed by the Ecosystem Protection: Ecological Reserves, Preservation Areas and Wildlife Protection working group. The zoning and rezoning ideas proposed to date by members of this group are posted on the sanctuary's website for consideration.

Superintendent Morton explained that if something is screened out of the recommendations in the staff evaluation, the reasons why it was removed will be given. Staff can provide prioritization and consider the regulatory framework as to how things will be managed and include the "why" in their recommendations. All proposed ideas will be part of the record. This kind of analysis could be very helpful to the council because it will save time and confusion and identify what is feasible in the regulatory environment; all recommendations will come before the public again at meetings held in the summer of 2014.

MOTION

David Makepeace made a motion to have staff review/screen the recommendations of the two groups and in that review to evaluate how these proposals work with those of the Ecosystem Protection working group. The motion was seconded by Bruce Popham.

Discussion (on the motion)

Staff and council will bring the recommendations of all three groups together in the development of the EIS. The public will have the opportunity to comment on the entire package of recommendations (draft EIS).

Billy Causey emphasized how important it is to seek input from people who work on the water. In the case of the Tortugas Ecological Reserve, they found that small adjustments (such as making a slight change in boundaries) facilitated the process greatly toward a successful and acceptable outcome.

Break

IV. PUBLIC COMMENT

Jim Teague, Key Colony Beach Fishing and Boating Club

- Mr. Teague thinks and hopes that his comments will reflect those of many recreational fishermen—those who fish, but don't make any money from it and live here because of the fishing. Since no decisions have been made at this time, he will be skipping some of the comments he had prepared. People in business know that perception becomes reality and that there are unintended consequences at times. He was glad to see number 3 outcome (working group recommendation to focus on education, enforcement, and water quality as noted in presentation by Sean Morton) and hopes the council takes fishermen's concerns into account when making decisions. The perception right now is that recreational fishermen are at the bottom of the pecking order. In the middle Keys the recommended zones that would be closed to fishing from Sombrero to Long Key comprise about 40 square miles. Yet, diving is allowed in these areas. He doesn't think anyone tried to turn divers against fishermen, but the proposed zones do that. He asked about the science and was told that nobody knows. Some of the justifications say "none" and others say "separate fishing and diving user group" from one another. Basically, every major reef is closed to fishing (Sombrero, Molasses, Tennessee, etc.). He examined the justifications for the proposed zones and some say "none" in that category. He wants to see the science and now understands that the socioeconomics will be evaluated. He thinks that the property in the middle Keys won't be worth a nickel all those areas area closed off. It's scary because the proposed areas are called recommendations, but it is not known whether or not they will be acted on. He urges that user groups, including recreational fishermen, be consulted because they really want to be heard and be involved. Chairperson Nedimyer suggested that Mr. Teague sign up for the sanctuary's marine zoning email list.

Phil Shropshir, Key Colony Beach Fishing and Boating Club

- Mr. Shropshir has fished for 60 some years, most of it in North Carolina. He hopes that this committee (advisory council) will consider what they are doing because after the meeting in Key Colony Beach, the perception is that the council is losing credibility and the reason is that they are heavily biased toward environmentalists and people who want to shut down fishing.

Peter Hines, Key Colony Beach Fishing and Boating Club

- Mr. Hines stated that he echoes the sentiment of people who preceded him. He has one question regarding the Shallow Water working group and wants to know what the limit is from shore, if there is one. Is it considered shallow water out to 150 feet? He doesn't think shallow water has been defined adequately and seeks clarification.

Vicki Gale, Florida Keys Commercial Fishermen's Association

- Ms. Gale is here today to speak on behalf of commercial fishermen who are out today trying to

make a living. This group is trying to take this ability to make a living away by closing more and more areas to fishing. When it affects one user group, it should affect all user groups. Commercial fishermen would like to have the science used when and if an area is closed and fishing is not as bad as it is made out to be.

Ernie Piton, Florida Keys Commercial Fisherman's Association President

- Mr. Piton sits on the Ecosystem Protection: Ecological Reserves, Preservation Areas and Wildlife Protection working group. He wants to know if anyone from the Sanctuary Advisory Council is going to the Biscayne National Park public meetings being held this week in Key Largo and Homestead. What is happening in Biscayne National Park will affect things down here and this information needs to come before this council. The Upper Keys already has a lot of closed areas and he is concerned about what will happen when all people who are fishing are pushed together on top of each other. He wonders how it will be because people are being pushed out of some areas. He really wants to see someone at these meetings to inform the council. He sat on the original fisheries group for Biscayne National Park about 10 years ago and now they are just now reconvening.

Gary Sands, Florida Keys Commercial Fisherman's Association

- Mr. Sands has been here fishing for many years, even before John Pennekamp Park was in existence. There has been a lot of talk about closures and he is not thrilled with that. There are 62 closures where he fishes in upper Keys and now there will be more closures in Biscayne NP. Biscayne is closing a huge area and people have to go somewhere. The fishermen up there will come down here. It doesn't work to pile people on top of each other. He is in favor of protecting what is closed now and not in favor of new closures.

Don DeMaria

- Mr. DeMaria is representing himself today. He is a past member of the Sanctuary Advisory Council and is currently on the Ecosystem Protection: Ecological Reserves, Preservation Areas and Wildlife Protection working group and the South Atlantic Fisheries Management Council working group on reserves. He thinks that the Tortugas Ecological Reserve (TER) was very well done and should be a model as to how to create zones. If the TER is extended, then take off some of the bottom part so as not add to total area closed. It is very deep water, about 1200 feet. The reasons the bottom part was closed (snowy grouper, red shrimp, sword fish, etc.) are history, so there is nothing to gain by keeping it closed. People are not fishing for shrimp, sword fish, etc. here anymore. The boundary could be moved over to the west by about a mile and the impact would not be great, although it would affect some long line fishermen. Some area would be taken, but some would be given back, too.
- In the remainder of the Keys, the job done with zones was not so good. He would suggest calculating the total number of square miles. Sanctuary staff has been very helpful providing information. He recommends proposing three decent-sized ecological reserves—one in lower, middle and upper Keys. Dry Rocks could be the one in the lower Keys as it is multi-species area. In the middle Keys, it could be Sambo. He is not so sure about the upper Keys. The rules should be consistent for all of the reserves. In regards to the talk of extending the reserves to the mangrove shoreline, he doesn't see the need. Juvenile fish that live there and the mangroves themselves are already protected anyway so there is no justification for making it a no fishing area. He keeps hearing about the science. When Riley's Hump was included inside the Tortugas Ecological Reserve, they didn't know everything about the fish. No one really recorded

fisheries information in the past. They don't really have data on what was actually there. He has trouble adding more square miles of closed areas, but thinks it would be a good idea to move forward with moving zones around to get them in the right place where they should have been to begin with.

Walter Rentz

- Mr. Rentz is a commercial fisherman from the Upper Keys. He was born on Biscayne Bay, but was kicked out of there and relocated to the Key Largo to live. The only thing he sees going wrong in the Keys is the water quality. It is something else. People have said that the fishermen are hiding behind water quality, but this past November people could have literally hidden behind it—it was so green. If something is not done about this, it will suffocate everything and that may already be happening to the corals. There are enough closures already. Something should be done about the water quality; he doesn't know exactly what. Poor water quality is affecting the coral. He sees green and white water all the time. It is sad, but money should be devoted to it. He doesn't support any more closures as tons of them already exist. He is speaking for his son, too.

Charles Causey, Sanctuary Advisory Council Shallow Water Wildlife and Habitat Protection Working Group

- Mr. Causey thinks the last speaker may have nailed a lot more on the head than we realize. He has lived here 33 years and seen declines in fisheries, habitat, coral reefs and seagrasses. Closures are good and are needed, but he is not so sure that Tortugas type closures are needed as opposed to partial closures. He is not a scientist and doesn't want to comment on that. He does feel that user groups have to give up something because science from the Tortugas tells us that closures do work. How much they have to give up is another question. It is not acceptable for Monroe County not to have a fishery, reef or tourism in 20 years, and this is our last chance to address this issue for a while. He hears and understands the voices of those who are affected economically. He encourages the council to continue on their way. Martin Moe had a good idea when he encouraged the working groups to be independent as possible toward the final result. The second point he wanted to make concerns enforcement. He is disappointed that it won't be discussed until April 2014. The topic hasn't been covered adequately in the past three years and is a huge part of what the sanctuary is doing. For the zones to be effective enforcement is necessary and he would like to see this topic addressed before then.

Ernie Piton, Florida Keys Commercial Fisherman's Association

- Mr. Piton added that it is important to fill the recreational (charter fishing) seat filled on the Ecosystem Protection: Ecological Reserves, Preservation Areas and Wildlife Protection working group so that the group can continue its work. He would like the council to make sure the seat is filled.

Henry Feddern, PhD Marine Biologist

- Dr. Feddern cautions everyone to proceed carefully because what is done needs to have a positive influence. The problem with water quality is a subtle one. Lots of chemicals are getting into the ocean from the Mississippi River and elsewhere and many are affecting reproduction and growth in animals. It is important to not compound the problem by creating regulations that don't solve the problem. Water quality is the real problem, not user groups. EPA should be doing more to control what goes into the water.

MOTION (Passed)

Discussion (on motion continued)

Members expressed support for having sanctuary staff review and evaluate the recommendations from the first two working groups. Some people stated that working group members may have been inclined to put big boxes on the map because it seems as if something is being done for the future. Instead, it might really be better to be more adaptive and have the option of moving closed areas around if needed. Other thoughts expressed were to open up areas when new ones are set aside, use criteria to determine zones, and to avoid using zones as a means to manage single species.

Prior to council decision on the motion to have the staff review and evaluate the feasibility of the recommendations from the Coral Reef Ecosystem Restoration and Shallow Water Wildlife and Habitat Protection working groups, Chairperson Nedimyer called for comment from the public.

Mr. Hines (audience member) added that the public wants to know why an area is being closed. He has wondered why the information from the other zoning groups didn't get to the Ecosystem Protection: Ecological Reserves, Preservation Areas and Wildlife Protection working group. It might have been easier to understand that some areas are being closed because of coral restoration.

Beth Dieveney called the question with a roll call vote on the issue regarding whether sanctuary staff will conduct a screening and review of recommendations from the first two working groups. Twenty council members voted and all were in favor of the motion; no one was opposed. Motion passed unanimously.

Chairperson's Comments—2014 Agenda

Chairperson Nedimyer addressed the agenda for next year. He would like to see alternative funding added to the agenda for 2014. The working group on this topic hasn't met yet, but, as enforcement will likely be a topic of discussion, Rob Mitchell, chair of that group suggested that a law enforcement officer be a member of the alternative funding group. This group will convene after the holidays so that they have something to present when law enforcement is addressed by the council at its February meeting. Rob welcomes suggestions or volunteers from law enforcement.

Bruce Frerer was a member of the Shallow Water Wildlife and Habitat Protection working group and wants it to be known that the group did not deal with individual species issues. Instead, the group concentrated on damage to the seafloor and seagrass from boating impacts. The sanctuary has a lot of good information on where this damage has occurred and the group's recommendations were geared toward protecting the shallow water habitat.

MOTION

Discussion (on motion)

Dave Makepeace moved to accept the 2014 council schedule as proposed by Beth Dieveney in her presentation with the caveat to include the alternative funding group somewhere on the meeting agenda for 2014 meetings (although a specific place is not necessary). George Garrett seconded the motion. To view the proposed 2014 council schedule and tasks from Ms. Dieveney's presentation, visit <http://floridakeys.noaa.gov/sac/othermaterials/131210sacnextsteps.pdf>.

Chairperson Nedimyer thinks the alternative funding group should start meeting as soon as possible to make progress.

Co-chair Chris Bergh believes that funding is important. He is concerned about time since there is so

much on the list to accomplish already. It will be difficult to get actionable recommendations because the amount of funding needed and how much is needed to achieve the goals of the sanctuary is not fully known yet. It is important to know what is proposed before deciding what resources are needed.

It was noted that enforcement and education are brought up every meeting and more funding is needed. Zoning should be done in such a way as to be enforceable. Funds should be made available from the national level/NOAA to increase enforcement. If zoning is going to move forward, then enforcement is a key issue that needs to be addressed. It doesn't do any good to have regulations if they are not being enforced. Funding should go toward education and enforcement and people should be tried in court for their violations. There would be a lot of support from the commercial fishing industry for better enforcement.

Funding is also needed for markers and many other things. The funding group could start with costs and then determine how to raise the needed revenue. This topic and the group's recommendations will be brought back before the council for consideration. It was also mentioned that to raise funds in certain ways, the legislature and Congress would have to be involved and the process involves a lot of hard work.

Superintendent Morton suggests that at the February meeting, the topic of budget can be discussed. He has covered some of the challenges previously regarding funding through alternative mechanisms. The alternative funding group can possibly have something in front of the council at the April meeting. Enforcement is one of the top priorities.

It was pointed out that education is not specified as a topic in the timeline proposed for 2014 and it should be given formal attention and possibly to devote an entire meeting to it. Education programs have been covered in previous meetings, specifically April 2013 council meeting. Not much discussion took place at that time. It is unlikely that additional information could be gained from another presentation in 2014. To see the presentation provided at the April 2013 council meeting visit: <http://floridakeys.noaa.gov/sac/othermaterials/130416fknmseducation.pdf>

Education is a critical link between managing resources and enforcement and can be discussed as needed. If each recommendation had an education plan, the public would see how serious the council is about resource protection and the new zones.

The role of the council in terms of education has been to assist sanctuary staff with education and work with other groups to facilitate education and outreach. Having the council conducting education programs is really not that feasible since the council is an advisory body with no funding, which makes it difficult to develop an independent educational structure. The sanctuary is really conducting outreach, not education, to the community. Educational programs have an evaluation component. If education programs are developed, they should have a strong evaluation component to make sure that the messages are being communicated effectively. Prior to the initiation of the marine zone and regulatory review, the council had a standing education/outreach working group chaired by Martin Moe. It was disbanded, along with the ecosystem restoration working group, because the focus shifted to marine zoning. It is possible to consider bringing this group back into existence, but this option may not be the best use of staff time and resources at this time. Martin Moe pointed out that everyone on the council should be involved in education and outreach efforts.

David Makepeace suggested that the council has an opportunity through this management process to show that education is a high priority in the success of the next 20 years of the sanctuary. He suggested

that education be considered again once the council has completed the management plan review process and has an updated plan to educate the public about.

Chairperson Nedimyer announced that discussion on the motion will continue after lunch.

LUNCH

Discussion (on motion to accept 2014 proposed schedule continued)

A brief discussion took place regarding the scheduled items in early 2014, but no changes to the proposed schedule were made. In June 2014, the science and biogeographic information that are being used to inform the working groups and review process will be presented. Science summaries, the condition report and other scientific research information have been posted to the sanctuary's website. Any new information will also be posted there for consideration.

The idea of devoting time at a meeting to "why" marine zoning was chosen as a tool in this process was discussed and the suggestion was made to modify the 2014 meeting schedule to include such a presentation. This presentation could include explaining more about marine protected areas and marine zones and might help people understand why new zones are being proposed.

Another suggestion was made to continue to broadcast the meetings live. The footage from this meeting will be archived online.

MOTION (Passed)

David Makepeace revised his motion to accept the 2014 timeline to include a presentation about marine zoning in the council meeting schedule. George Garrett seconded the motion.

Ms. Dieveney called a roll call vote on the motion to accept the proposed 2014 schedule and task lists. Seventeen council members voted and all were in favor of the motion; no one was opposed. Motion passed unanimously.

Former council chairperson Bruce Popham added that this council and sanctuary staff does a phenomenal job. Some people will still be confused no matter how much education and outreach is done. The same is true with enforcement. Enforcement officers do a wonderful job, but it is not possible to put enough officers out there to make everyone obey rules. This is not an issue that will be resolved by the council.

The discussion on the importance of education and outreach continued and the need for effort and resources toward this end in the future was mentioned. There is a need to educate younger students because the Keys will be in their hands in the future.

V. SUPERINTENDENT'S REPORT, REGINAL DIRECTOR'S REPORT & AGENCY REPORT HIGHLIGHTS: DEP, FWC, NOAA NMFS SOUTHEAST REGION, NOAA OGCES, NOAA OLE, NPS, USCG, USEPA, USFWS AND US NAVY.

NOAA Florida Keys National Marine Sanctuary Report, Sean Morton

- Superintendent Morton mentioned the pilot whale stranding that took place in the sanctuary. He recognized the great teamwork between NOAA Fisheries, Coast Guard Auxiliary, FWC and

NGOs to address the situation. Eleven whales were found dead in the sanctuary and it will be about a month before the cause of the stranding is known.

- Fisheries management in South Florida will be a topic at a joint fisheries council committee meeting held on January 7, 8 and 9 in Key Largo to discuss South Florida management issues. An ad hoc goliath grouper meeting will also be held during the fisheries meetings in January. John Hunt is a member of ad hoc group. Superintendent Morton encourages people to attend as the issues with goliath groupers will be addressed and the topic of creating a South Florida fishing region will be discussed. This is a big step; the need for this kind of coordination has been discussed for many years and appears in the sanctuary's first management plan.

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

- Ms. Walczak represented Florida at the most recent meeting of the US Coral Reef Task Force (USCRTF) in Puerto Rico. The focus of this meeting was the listing of corals under the Endangered Species Act, reauthorization of the Coral Reef Conservation Act, watershed restoration in three coral reef watersheds under US jurisdiction and national ocean policy planning updates.
- Florida will be taking the lead seat on the Governor's South Atlantic Alliance in this upcoming year and is the lead on the Gulf of Mexico Alliance.
- The Restoration and Mitigation working group met at this last USCRTF meeting. They are charged with developing specific guidelines regarding how impacts to corals from permitted projects should be addressed at the federal and other levels.
- The Southeast Florida Coral Reef Initiative in the northern part of the reef tract has a similar zone process taking place and will be kicking off the working groups for this process in January. Fundamental baseline information has been compiled on this portion of the reef and will be important in the process.

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

- Captain Langley noted that there were 53 groundings in August, September and October. The largest one was 65 foot Hatteras that ran aground on Pelican Shoal and was cited for creating a 75 foot by 4 foot trench.
- FWC had the usual cases of discharging raw sewage, undersized snapper, queen conch, etc.
- FWC dealt with a large fishing net called in by American Shoal light.
- One lieutenant in the Upper Keys was replaced and some transfers into the Keys. Four new officers just started, but will still have eight vacancies. In the new academy class this January, new officers will be assigned to the Keys.
- A new fisheries patrol boat, funded by federal fisheries, is now operating off of Key West.

NOAA Office of Law Enforcement Report, Kenny Blackburn

- Officer Blackburn reported that they have been working with FWS on a multi-phased operation called Rock Bottom during the past few years. The cases involve marine life harvested in the Keys and distributed elsewhere.
- Another case was made against a company that specializes in sharks harvested locally and sold in California in violation of the Lacey Act.
- In the Keys, they monitored local harvesters taking juvenile nurse shark pups that were illegally sold to the Idaho aquarium. A cooperator was used to make a case two years ago. Arrests in that case led to other investigations and arrests on obstruction of justice charges. Sentencing took place for ex members of the board of the Idaho Aquarium convicted on these charges.

- A case was made against an owner of an aquaculture business based in Michigan for harvesting marine life out of the FKNMS and then selling it as an aquaculture product. This practice had been going on for years and a large amount of product was taken. The owner and his partner were convicted and received prison time; the company will be sentenced in March 2014 and is now out of business.
- In many cases, harvesters also have wholesale dealer's licenses and they can sell to other dealers without filling out a trip ticket. The tendency is to report less and have to pay lower taxes and the numbers from the trip tickets are not being reported accurately and these numbers are used in management of the fishery.
- After making cases against lobster in 2008 through 2010, the numbers of harvested lobsters being reported has dramatically increased by about 3 million pounds from 2010 to 2012. They are also seeing mislabeling and fraud and there is not enough manpower to monitor everything, but will continue to make cases.
- NOAA Office Law Enforcement is undergoing a transition and right now the new plan calls for two NOAA officers in the Keys, but not investigators as they are right now. The role of officers is different from that of investigators.
- Fish and Wildlife law enforcement is an important partner with NOAA law enforcement and they have worked closely with them over the years to make cases.

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

- The final General Management Plan for Everglades National Park is still on schedule to be released in the spring of 2014.
- Everglades National Park personnel are working on the Florida Bay Seagrass Restoration Plan and Boater Educator Plan, which have both received a lot of public input.

United States Coast Guard (USCG) Report, LCDR Michael Capelli

- A new ship was delivered and commissioned in November; at least six more vessels will be commissioned with the next ceremony taking place in March 2014.
- Thirty-one reports of oil/hazardous discharge were received and the Coast Guard responded 100% to these calls.
- Two fines were issued for \$500 each and 10 letters of warning, including to a derelict boat in Stock Island.
- LCDR Capelli offered to have an officer from the Coast Guard enforcement side present in front of the advisory council. He noted that the number of hours that the Coast Guard dedicates to enforcement, prevention, etc. is determined in advance by management.

US EPA Report, Steve Blackburn

- The Water Quality Protection Program (WQPP) is working on canal restoration and mediation. A meeting of the canal restoration advisory subcommittee will be held in Key Largo (Murray Nelson Center) on Thursday at 10 a.m. Five to 10 canal sites have been selected as demonstration projects to evaluate different techniques including backfilling, aeration, culverts, etc. Sites will be monitored prior to and after restoration.
- The WQPP steering committee meeting will be held tentatively on February 12. Principle Investigators will give reports on water quality and local municipalities will give updates on wastewater.
- The WQPP Biennial Report to Congress was released and is available online and describes what is being done by the sanctuary and other agencies regarding improving water quality.

USFWS Report, Nancy Finley

- Chris Eggleston will be serving a deputy for the refuges. He has marine experience elsewhere in his capacity with FWS.
- Green sea turtles had a good nesting year in the refuge with 44 nests being identified. This represents a huge increase in nesting. In the decade of the 1990s, they only had 55 nests total.

US Navy (USN) Report, Ed Barham, USN

- Eight loggerhead turtle nests were found this year.
- Approximately \$125,000 was put toward removing exotic vegetation; with Navy and state grant money. More removal will take place this year.
- The Lower Keys marsh rabbit survey shows that the population is stable, if not increasing slightly.
- Coral surveys were conducted to identify where listed species might be located.
- University of Florida is conducting a crocodile survey and has indicated that crocodile nesting may be taking place on Boca Chica Key.
- Encroachment plan is being launched and the Navy may be contacting other government agencies about this topic.

National Marine Sanctuaries/Southeast Region Report, Billy Causey

- No report.

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

- No report.

NOAA National Marine Fisheries Report, Lauren Lugo

- No report.

NOAA Office of General Council Report, Karen Raine

- No report.

VI. PUBLIC COMMENT

Tim Grollimund, Scuba Diving Columnist

- Mr. Grollimund is on the Ecosystem Protection: Ecological Reserves, Preservation Areas and Wildlife Protection working group and wants the council to know that the diving spot on that working group also needs to be filled in addition to filling the fishing seat. He has had discussions with someone who may be interested.

MOTION (Passed)

Vice Chairperson Chris Bergh made a motion commending the NOAA OLE agents for their outstanding service to natural resources, fisheries and people of the Keys and requesting that NOAA keep two investigative agents in the Keys. To view the motion, visit <http://floridakeys.noaa.gov/sac/othermaterials/131210motionole.pdf> .

The motion was seconded by Bruce Popham.

Chairperson Nedimyer asked if anyone was opposed to this motion and there were none. The motion passed unanimously; a roll call vote was not taken.

VI. EVERGLADES RESTORATION: UPDATE ON PROGRESS AND CURRENT ACTIONS

Shannon Estenoz, Director Office of Everglades Restoration Initiatives United States Department of the Interior

Ms. Shannon Estenoz, Director Office of Everglades Restoration Initiatives U.S. Department of the Interior, provided a presentation on Everglades restoration, which can be viewed at <http://floridakeys.noaa.gov/sac/othermaterials/131210evergladesrestoration.pdf>.

Ms. Estenoz explained that the Kissimmee River was one of the first restoration projects under the Comprehensive Everglades Restoration Plan (CERP). CERP has 68 components and its purpose is to maintain flood protection while restoring the south Florida ecosystem. The hypothesis for restoration is that if the water (flow, timing, quantity, quality) management is done right, then ecological restoration will follow naturally in time. This hypothesis is being tested at the Kissimmee and they are seeing a return of the natural ecology even more quickly than expected. The C-111 spreader canal project (phase 1) is underway and is designed to hold water within eastern Everglades National Park while still offering flood protection in south Miami-Dade. Progress is being made on the C-44 and C-43 projects, two CERP projects that affect estuaries connected to Lake Okeechobee. Modified Waters is a foundation project that preceded CERP. It will come online gradually in the future. In regards to nutrients and water quality, it is highly unlikely that polluted water will reach Florida Bay. As restoration takes place, ecological changes will occur before a new state of ecological stability is reached, but the system will be monitored carefully and adaptively managed. Ms. Estenoz also gave an update on the Tamiami Bridge project and Picayune Strand projects, which are well underway.

The Central Everglades Planning Project (CEPP) is the most recent set of projects under the CERP umbrella and is designed to move water south to restore the central part of the system. A plan has been tentatively selected for CEPP. The South Florida Water Management District Governing Board will vote on the plan in early 2014. The next step will be approval from the US Army Corps of Engineers for approval and then authorization from Congress. The Water Resources Development Act (WRDA) is the bill through which the US Army Corps of Engineers projects become authorized by Congress. The most recent WRDA was passed in 2007 and remains important because all projects have to be authorized in WRDA. The Water Resources Reform and Development Act of 2013 is being considered in Congress at this time and it is not known whether it will pass or not. It includes several projects important for continued restoration. It also includes the Biscayne Bay Coastal Wetlands project, Phase 1, which was designed to rehydrate coastal wetlands adjacent to the southern Biscayne Bay.

In 2009, South Florida Water Management District purchased thousands of acres of land in the Everglades Agricultural Area from US Sugar and until recently had the option of purchasing more land. The idea was to buy land for future water storage and treatment areas. The lands that were purchased were spread out and so some areas are now being traded for other more desirable restoration lands and no new land purchases are planned.

George Garrett announced that he submitted projects described in the Florida Bay Tidal Restoration study for RESTORE act funds.

Dr. Jerry Lorenz commented that he is now analyzing hydrological and ecological data for the C-111 canal project and has seen great improvements since the project became operational over a year ago.

MOTION (Passed)

Dr. Lorenz read a motion supporting Everglades restoration and the inclusion of restoration projects in the Water Resources Reform and Development Act of 2013. To view this motion, visit <http://floridakeys.noaa.gov/sac/othermaterials/131210motioneverglades.pdf>.

Chairperson Nedimyer called for any comments from the public. There were none. A show of hands showed that all council members were in favor of this motion.

VII. UPCOMING MEETING AND CLOSING REMARKS

Chairperson Nedimyer announced that Biscayne National Park is having a public meeting about their management plan in Key Largo on Wednesday, December 11, at the Holiday Inn from 6 p.m. to 9 p.m. The next council meeting will be on February 18, 2014 in Key West.

VIII. ADJOURN

Chairperson Nedimyer made a motion to adjourn. Motion was seconded by Ben Daughtry. Meeting adjourned.