

FLORIDA KEYS NATIONAL MARINE SANCTUARY ADVISORY COUNCIL

**Islander Resort & Conference Center
Islamorada, FL 33036**

April 15, 2014

FINAL MINUTES

The Florida Keys National Marine Sanctuary Advisory Council met on Tuesday, April 15, 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 (absent)
Education and Outreach: Martin Moe
Elected County Official: George R. Neugent (absent)
Fishing – Charter Fishing Flats Guide: Richard Grathwohl (absent)
Fishing – Charter Sports Fishing: Steven Leopold (absent)
Fishing – Commercial – Marine/Tropical: Ben Daughtry
Fishing – Commercial – Shell/Scale: Jeff Cramer
Fishing – Recreational: Jack Curlett
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 (absent)

Council alternates (present)

Boating Industry: Kenneth Reda
Conservation and Environment: Jessica Pulfer
Citizen at Large – Upper Keys: Suzy Roebeling
Diving – Lower Keys: Bob Smith
Research and Monitoring: Shelly Krueger
South Florida Ecosystem Restoration: Pete Frezza
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, Captain David McDaniel
FWC Fish and Wildlife Research Institute: John Hunt (absent)
NOAA National Marine Fisheries Service: Heather Blough

NOAA Office of General Counsel: Karen Raine (absent)
NOAA Office of Law Enforcement: Kenneth Blackburn
Dry Tortugas and Everglades National Park: Tracy Ziegler
U.S. Coast Guard: Phil Goodman (Auxiliary)
U.S. EPA: Pat Bradley (absent)
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 2/18/14 DRAFT MEETING NOTES

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

MOTION (Passed)

Motion to approve the minutes from February 18, 2014 was made by Clinton Barras, seconded by David Makepeace. No objections or changes were made; minutes were approved.

MOTION (Passed)

Motion to approve the meeting agenda was made by Ben Daughtry, seconded by Bruce Popham. No objections or changes were made; agenda was approved.

Chairperson's Comments

Chairperson Nedimyer noted that there is a great deal of information showing that marine reserves work. He feels that the SAC's Ecosystem Protection working group is on the right track, but it has been tough and he is somewhat disappointed that more progress has not been made to consider new marine reserves. This regulatory review process provides the opportunity for the council to make a difference and improve the quality of the resources and one way in which to do this is through marine zones. He noted that if no action is taken, the resources and everything else, including user experiences in the sanctuary, will continue to degrade. It is important that the working groups and the council do the right thing for the resources at this critical time.

II. MARINE ZONING AND REGULATORY REVIEW: UPDATE ON PROGRESS

Ms. Dieveney reviewed the timeline (revised) for the marine zone and regulatory review. To view this presentation, visit <http://floridakeys.noaa.gov/sac/othermaterials/140415sacprocessnextsteps.pdf>. Two of the working groups have finished making their recommendations. The Ecosystem Protection working group is still holding meetings to complete their work. When they are done, all recommendations from all three working groups will come before the advisory council. The council will then develop a set of recommendations for the superintendent. Then, a Draft Environmental Impact Statement (DEIS) containing all of this information will be written and will be available for public comment. The final step is producing a final EIS.

The Ecosystem Protection working group met in the Upper Keys recently to discuss this region specifically. Marathon or Middle Keys areas will be discussed on April 17 and 18 in Marathon. The Lower Keys region will be discussed on May 13 and 14 and the Marquesas and Tortugas will be discussed on June 10 and 11. Both of these latter meetings will be held at the Eco-Discovery Center in Key West. The Ecosystem Protection working group will then meet in Marathon on July 8 and 9 to

review all preliminary recommendations for all regions and discuss and develop a final suite of recommendations for the council to consider. All information for the Ecosystem Protection working group schedule and progress is available on the sanctuary's website (<http://floridakeys.noaa.gov/review/reserves.html>).

Comments/Discussion

Vice-Chair Chris Bergh, a member of the Ecosystem Protection working group, noted that he is disappointed that more council members are not attending the working group meetings. These are important meetings for council members to attend both due to their role in the overall process and as an opportunity for them to see and understand what the working group is considering. He provided an update on progress of the working group from their Upper Keys Regional meeting. He noted that the Upper Keys region is more pinned in with other existing protected areas such as state parks and national parks (and a lot of existing Sanctuary Preservation Areas (SPAs)). Creating a large ecological reserve similar to the ones that exist in the Tortugas and Lower Keys regions proved difficult for the working group to consider in the Upper Keys region. Larger reserves were considered at first, but after looking at the scientific and other information, the group realized that the Upper Keys is a difficult place to put a large, shore to deep reef, ecological reserve. The updated format of the Ecosystem Protection working group meetings have offered the opportunity for looking at regions and scientific and human use information in more depth, which has been very helpful.

III. INTRODUCTION: SCIENCE TO INFORM THE MARINE ZONING AND REGULATORY REVIEW

Superintendent Morton stated that the recent work done by the Ecosystem Protection working group has used integrated natural resource and human use data and information. The impetus for this review process was the FKNMS Condition Report, which summarized and rated the condition of sanctuary resources. The Condition Report noted declining trends in habitats and impacts were noted from human activities. Information on the status of the resource from this report was used to develop the goals of the regulatory review and marine zoning process. The presentations today will provide background on the data and information that the Ecosystem Protection working group is using for their process and that the council has to use as well.

IV. DATA INTEGRATION AND ANALYSIS FOR THE MARINE ZONING AND REGULATORY REVIEW

Ms. Shay Viehman, NOAA National Center for Coastal and Ocean Science, is an ecologist with NOAA who is part of a larger team working on compiling data for consideration by the Ecosystem Protection working group and the advisory council during the marine zone and regulatory review. Ms. Viehman's presentation may be viewed by visiting <http://floridakeys.noaa.gov/sac/othermaterials/140415fknmsbiogeographic.pdf>.

Ms. Viehman explained that data integration involves identifying places in the sanctuary that could be considered for special attention. Using the many datasets that exist on marine life and habitats for FKNMS, a set of GIS maps with data layers was developed for consideration by the Ecosystem Protection working group and council. The maps shown in the presentation included locations of marine zones, benthic habitats, high relief and resilient reefs, threatened corals, coral cover and richness, fish abundance and richness, and areas of known or reported fish spawning aggregations.

Using the GIS tools, maps could be scaled to show different geographic areas and different datasets as needed. One dataset provided information on the only known area in the sanctuary where both male and female pillar corals exist in close proximity and therefore can sexually reproduce. This is an important piece of information for the working group to consider as pillar coral has a threatened status in the State of Florida and is a candidate for listing under the Endangered Species Act as endangered. Ms. Viehman explained that there are a lot more datasets than have been shown here today and she is willing to discuss those or take suggestions regarding other analyses that could be conducted.

Discussion (council members)

Each study has its own limitations and different purpose, which needs to be considered when using the information. In general, though, the marine ecology of the Keys has been studied extensively when compared with most places.

The no trapping zones created through the Spiny Lobster Fishery Management Plan (FMP) were placed where known elkhorn and staghorn corals existed and these zones may or may not protect other corals (e.g., pillar corals) that happen to be growing in the same favorable locations. Those fisheries zones are closed to traps, but not to anchoring or other uses and potential impacts. Of the 52 areas in the Upper Keys that protect coral (Pennekamp zones, FMP zones, SPAs) only the SPAs have special anchoring restrictions (must use a mooring ball when available). Since the purpose of the no trap zones is to protect coral, it would seem logical to restrict anchoring in those areas as well.

A suggestion was made to completely close the location in the Upper Keys where both male and female pillar corals exist in close proximity to one another and may be important for reproduction. This area is a very special place and should not have any activities going on in it. These pillar corals fall within a no trap fisheries zone. The adjacent seagrass and hardbottom areas should also be considered for inclusion.

A question was asked whether or not the conclusions from the aerial survey on the mutton snapper spawning study could be integrated into the marine zoning process. Shay explained that they have some basic information, but the data have not been fully worked up yet because the study is still taking place.

Martin Moe expressed that these data are critical for creating the kind of protection needed for the reefs at this time, but it is also important to remember the role of a keystone herbivore *Diadema* or long-spined urchins. The reefs were heavily impacted by human activities in the 1970s and 1980s, but were still vibrant. It wasn't until shortly after the wide-spread die-off of *Diadema* took place in 1983 that the basic ecology of the reefs changed significantly. Without the grazing activity of urchins, the ecological balance tipped toward algae dominance at the expense of corals and the result was a loss in live coral cover. Until the loss of the keystone herbivore is addressed, it will still be difficult to fully restore the coral reefs. One of the main charges in the zoning process involves coral restoration. When zones are created, coral restoration should be included within the establishment of marine protected areas. Martin feels that if the factor of herbivory is not repaired, it is unlikely that improvements in the ecosystem as a whole will be seen. Progress is being made on culturing *Diadema* and the methods are improving every year, but a lot more effort, funding and facilities need to be devoted to this effort because of the important role played by these animals.

IV. DATA INTEGRATION AND ANALYSIS FOR THE MARINE ZONING AND REGULATORY REVIEW (*continued*)

Ms. Angela Orthmeyer is a social scientist who works at NOAA's National Center for Coastal and Ocean Science. Her presentation summarized the human use information important for consideration in the marine zone review. To view Ms. Orthmeyer's presentation, visit <http://floridakeys.noaa.gov/sac/othermaterials/140415fknmsbiogeographic.pdf>. (The human use section is toward the end of the slide presentation.)

Ms. Orthmeyer presented maps showing human use data for commercial fishing, recreational fishing and diving. Maps also provided information on marine debris and vessel groundings. Ms. Orthmeyer explained briefly how each dataset was collected and applied in the analyses provided in the presentation. Data were collected in different ways, but in some cases involved aerial surveys, questionnaire surveys of fishing location, activity, and landings, and questionnaire surveys of fore-hire diving locations and activity.

Break

IV. DATA INTEGRATION AND ANALYSIS FOR THE MARINE ZONING AND REGULATORY REVIEW (*continued*)

Chairperson Nedimyer commented that the working group has a challenging job and may be feeling pressure when trying to accomplish something significant for ecosystem protection. Data exist to show that zones are needed. This is the chance to decide the future of the Keys to preserve the ecosystem and our fishing and diving industries and whatever tools are necessary should be used. He requested that each Council member present provide their perspective.

Dave Vaughn represents science and monitoring. He hears and reads in the paper that the council needs to wait for the science. As can be seen here, science involves several factors. It involves collecting data, analyses of these data and then the implementing procedures. This last step can be the tough part. The Keys are very lucky to have so much data available and to have it available in a way that so many people can see (tools on the website). It is time to act to make management changes. If nothing is done, things will continue to decline. The Condition Report shows the condition of the sanctuary from a few years ago and indicates that something needs to be done. He encourages the public to give their opinions on how to make it better.

Jeff Cramer stated that sometimes he gets the impression that people think commercial fishermen just want to take all the time and don't care about protecting the environment. He noted that this is not true. Fishermen need a healthy reef to support the fishery and they have been addressing these issues for years. They have cut their trap numbers in half and helped extensively with some of the research that has taken place. As the commercial fishermen representative, he gets calls from many fishermen who feel that they have given up the most over the years. It is painful when fishermen see people standing on the corals and some boats (not professional dive operators) anchoring on the rocks. It is hard to watch people harm what needs protection. The commercial fishermen have taken reductions and everyone else should be doing something, too. In terms of where fishermen fish, there are many closed areas and boat restrictions in the Upper Keys, so it means that fishermen from Miami and Key Largo can only fish in certain areas and that is why the concentration might be high

in some areas.

David Makepeace noted that it would be very helpful as part of the zone process to have readily accessible information on anchoring areas, anchor damage and diver impacts, so that informed decisions can be made in the future. This brings to mind the one significant area of pillar coral that was already protected from trap damage might benefit from having anchoring restrictions in that area. David Makepeace added that anchors drag and it sometimes might be a tough choice between which does more damage an anchor or a trap. To not drop both is the best choice.

*Superintendent Morton clarified that anchoring in coral is restricted throughout the sanctuary. Additional legislation by the state of Florida also makes it illegal in state waters. Ken Nedimyer pointed out that it is a difficult regulation to enforce for a variety of reasons.

Ben Daughtry added that the idea of restricting anchoring in SPAs has been discussed by the Ecosystem Protection working group. This approach creates a maximum use of the area if people can only use mooring balls, but it also creates other issues. Dive vessels might all need to use the same mooring balls due to weather or dive conditions. The group has also discussed the need to strategically place mooring balls. Ben emphasized the importance of not singling one group out over the other, but to apply rules evenly and fairly.

Martin Moe brought the discussion back to the fundamental aspects of the goals of marine zoning. Two avenues need to be considered. One is protecting the exceptional areas, which can be done through designating SPAs; the other is to protect the ecology of the ecosystem. This later goal can only be accomplished with marine protected areas and marine reserves.

Bruce Popham called attention to the zone analysis presented today. About 97% of the sanctuary in the Upper Keys is in general use and not in a specific zone category (including Pennekamp lobster zones and NOAA Fisheries no trap zones). This same analysis is being done for the other regions in the Keys and the percentage is less than five percent for the entire sanctuary. That is an extremely small amount. Realistically, this is not enough protected area to prevent further decline. Decisions have to be made through an ecosystem approach and be based on facts, not opinions. If this is accomplished, the resources will be enhanced for both diving and fishing, including commercial fishing. He read a quote from the newspaper by Captain Skip Bradeen, who has fished in the Islamorada area for 50 years and has seen many changes in fishing over the years. On average, everything caught is smaller today than it used to be in the past for fish such as dolphin, mutton snapper and others. In a separate letter, Captain Bradeen expressed his support for the annual shallow water grouper closure in the South Atlantic and supports closures during spawning. Bruce expressed that these observations are pretty strong anecdotal evidence about the decline in the resources. He understands that the job that the working groups have been doing has been a very difficult one, but it is critically important that the working group provide some recommendations to the advisory council as this process is a user-based one. He suggests keeping the facts in mind and the goals of going beyond 3% of Sanctuary area protected through marine zones.

Joe Weatherby serves on the Ecosystem Protection working group. The anchor issue is a tough one that might be constrained by budget, weather and safety issues. It would be desirable to have mooring balls available for everyone during all different weather conditions, but it isn't reasonable. He thinks the working group will get somewhere in a discussion about limiting anchoring. He noted

that the commercial charter fishing people aren't the people who are anchoring on coral but rather it is the person who doesn't know anything about the subject and that is why education plays an important role. The Ecosystem Protection working group would like to give the council a set of recommendations based on consensus, but he doesn't know if that is realistic and a clean set of recommendations might not be forthcoming.

Joe added that from the tourism perspective, he wants to make sure there are coral, fish and seafood for people now and ten years from now. He would like to see the Keys become more desirable for everyone in the United States. In the next 10 to 15 years, more tourists will be coming down here and the council should prepare for larger numbers of people using the resource. Another tool for consideration (although it may not be part of the zoning process) could be professional use areas or a limited entry concept. That has been a guiding premise in commercial fishing worldwide for a while. Maybe it is time to consider limiting the amount of activity in preparation for more users. Everyone who is working now in diving, fishing, bird-watching, could be grandfathered in and then anyone wishing to enter that business would then be required to purchase an existing one. This approach would reward people who are here and contributing to the community as they build their business and provide for better outreach opportunities and law enforcement.

Ben Daughtry agrees with a lot of what Joe said and much of this has been discussed in the working group. He would like to refer to the information that Bruce referred to earlier. He believes that the sanctuary's statistics show that non-extractive use zoning is low, about 5.79%. The entire FKNMS qualifies as a marine protected area, but not all of it is non-extractive. He noted that when considering the Upper Keys and fairness, that much of the area is closed to marine life collecting, including Biscayne National Park and Everglades National Park (Florida Bay). Things are changing in the National Park waters to the north of the sanctuary and it is uncertain what that will mean for users in the Sanctuary. Other things that should be considered when creating zones are the displacement of users.

Martin Moe, a fisheries biologist, reminded everyone that a fish is not just a fish. It is an egg, a juvenile, an adult and the ecosystem that produced and supports all stages of that fish needs to be protected. It takes a vital mix of many factors to produce a fish and the only way to protect the ecosystem is through a marine protected area.

Bob Smith represents diving interests and thinks it would be helpful to know in the zoning process -- the percentage of divers under control of operators versus those who are on their own, the percentage of snorkelers and the percentage of divers who spearfish.

Jeff Cramer stated that there are areas closed to lobster fishing, but not to diving. Everglades National Park and the Biscayne Bay/Card Sound Lobster Sanctuary are two such areas. In the Lobster Sanctuary, commercial shrimpers can drag nets on the bottom to supply bait shrimp for the recreational fishing industry. To him, that doesn't make any sense because that is probably impacting lobster. Only a small area is available for fishing and only a small percentage is being fished on the map. He doesn't want to see more sand and seagrass taken away and that is an important trap fishing area. He and the other fishermen are for protecting the corals, but they are confined already to grass and sand in relatively shallow areas.

Chris Bergh added that once the Ecosystem Protection working group is done with their

recommendations, things will not be perfectly clear and the council will have to evaluate the information from all three groups (Shallow Water Wildlife and Habitat and Coral Reef Ecosystem Restoration) and find the middle ground. He noted that much of the 5% of protected areas in the sanctuary are accounted for by the two ecological reserves. Everything needs to be considered and the group needs to consider the threats to the ecosystem and species that are not doing well while balancing sustainable uses.

David Makepeace noted that the usage of areas needs to be examined and balanced with using the ecosystem approach and keeping in mind the livelihoods of people. In the Shallow Water working group, he learned about how important the sand and beach areas are in addition to the ecological value of seagrass habitat. Somehow these habitats need to be considered while also considering fishing use in those areas.

Suzy Roebing, also a member of the Ecosystem Protection working group, acknowledges that this is a tough issue. She grew up here with the fishermen, and now in school studying science. She notes that it is important to look at the big picture and to choose wisely based on the science. There are “no-brainer” areas that are important for spawning and the trade-off might include not using that area because of its ecological value. Adjacent areas that are important to juveniles, including sand and grass areas, should also be included in the zone to create a fully functioning ecosystem. In the Ecosystem Protection working group, they had discussed Snapper Ledge. While they may not have reached complete consensus, they did agree that it was an important area. Some of the fishermen stated that it needed to be a closed reserve to all activities, not just fishing. It is important to agree on the most productive hot spots and quit pointing fingers at divers and fishermen. If the wise choice is made, then people can live with it. Education is so important. For example, in the Upper Keys people can bring their boats down from the mainland and may not even know they are in the sanctuary and/or in a SPA. There are heavy impacts from people just to the north. They need to be reached when they are launching their boats and at the bait stores. These kinds of things can make a difference.

Jerry Lorenz is trying to understand all sides and use the best information available. His opinion is that there is no choice except to have additional protected areas, but he is not certain that an ecological reserve is the answer everywhere. There are data to show that areas that are adjacent to closed areas greatly benefit from the closed area. About a decade ago, he conducted a study in Everglades National Park (ENP) comparing the size structure of mangrove snappers in the crocodile sanctuary within ENP, which is closed to fishing, and with mangrove snappers in the fished areas of Biscayne Bay and Florida Bay. The mean size of fish in Biscayne Bay where the pressure was greatest was below the legal catch limit and was at the legal size limit in Florida Bay. The mean size was greatest in the fully protected area inside ENP. These protected areas allow the organism to be left alone during its complete life cycle.

Don Kincaid has experience in the Tortugas. He has conducted many dives to count keynote fish species in the area. Before the closure, they found only a few mutton snapper in the area. After a few years of closure, there were many more and then they multiplied greatly at each of the closed stations. Clearly, prior to the closure, the commercial fishers were bringing in less and less mutton snapper catch over time. Since the closure, this trend has reversed and their catches are up because they can fish just outside of the reserve. He also asks how far “outside of the box” does the group want to think. What is being done now will affect those who are here now and in the future.

Florida's population is increasing and electronic devices that help people find fish and fishermen are on the rise, too. In many rivers, they restock fish. This might be needed in saltwater, too, even though it is not commonly done. In a reserve in California, the amount of fish came back dramatically. Setting areas aside works, but fish stocks will need to be augmented because large reserves may not be practical everywhere and there are many people fishing.

Corey Malcom noted that the GIS information has been very helpful, but that the group should use guiding principles in the zoning process. With any regulation or protected area change, the problem and objective of the action needs to be clearly outlined. Proposed goals and solutions are needed. Once these areas are created, their progress needs to be measured to see if the goals are being met and what actions will be taken, if any. A framework is needed for these changes if such changes are made. This will reduce some of the fear for the public.

Jack Curlett reminded everyone about the process of developing the fishery management plan for Biscayne National Park. People came together for this process about 10 years ago and everyone at the table recognized that the resource was in trouble based on their own stakeholder experience. The real challenge is deciding on a solution, not agreeing on the problem. Maybe even though only 3% of the Upper Keys are in SPAs, this represents 10% of the reef. Maybe we should look at the mangroves, too, since it might be that the small fish may not be making it to the reef. Caryfort SPA has been protected for years and yet it doesn't have the fish population seen at the more nearshore area of Turtle Rocks. In the zoning process, maybe more science money and protection should be afforded for these other habitats from the reef-line in to the shore instead of concentrating on protecting the remainder of the reef.

David Vaughn noted that the scientific data show where the corals and fish are and that is exactly where the people are and want to be and that is the crux of the issue. This might be the best area to preserve from the biologists standpoint, but it is where the people want to fish and dive. The hardest part is to be fair to all of the users. The Ecosystem Protection working group has a hard job, but it can provide its recommendations (even if they are controversial) to the council and the council can evaluate what is most fair to the user groups.

Ben Daughtry echoed Chris's call earlier to have advisory council representatives participate in the upcoming working group meetings. It is a tremendous amount of effort and time on behalf of the participants, including the user groups and individuals from the public that participate. He wants to see other council members involved, too. One thing that Ecosystem Protection working group is considering is "hot spots" to get the most from the protected area while considering people, too. It is a difficult thing to balance everything for the resource and for the people.

Martin Moe thinks that the exceptional areas should be examined in terms of what kinds of protections are needed and then consider whether people can enjoy these areas, depending on the structure of that area. Many areas that are not hotspots are also extremely valuable from an ecological standpoint. A marine protected area doesn't have to be an area that is economically important; it has to be important ecologically. One approach might be to protect the ecologically valuable areas that are not so economically important.

Jeff Cramer stated that the fishermen are here to do the right thing, including closing areas, as long as it makes sense. Any areas that are set aside should provide the most benefits and should be what

needs the most protecting. Areas that aren't impacted to a large degree might not be so important for protection. He does agree that smaller fish are being caught, but that is a fisheries management issue. A heavy spawn area might need to be closed down during the spawn, but not while spawning is not taking place. Most fishermen don't think it's right to fish a spawning aggregation.

V. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

Bill Kelly, Florida Keys Commercial Fishermen's Association

- Mr. Kelly stated that he has a few issues to bring up this morning. He knows that the council is considering a resolution about beefing up law enforcement. It should be of concern to all of us that NOAA's Office of Law Enforcement is planning to eliminate two special agent positions in Monroe County. He suggests that people send letters to Representative Joe Garcia and Eileen Sobeck (Assistant Administrator for the National Marine Fisheries Service).
- Mr. Kelly is also concerned about some of the slants that are being levied toward the commercial fishing industry. For example, a report released by the Florida Keys National Marine Sanctuary a couple of weeks ago about the accumulation of trap debris was based on data collected in 2007, which is 21 months after three of the biggest hurricanes in history worked their way through the Florida Keys. One of these storms had the biggest storm surge seen in 45 years. That was a biased presentation. He referred to an article in The Reporter that features a picture of a trap on corals with the implication that the trap was storm driven. Because a part of the trap is placed inside of it, he thinks the trap was either staged for the photo or was dropped down after someone cut the buoy off. If it came across the seafloor, damage to nearby benthic sea life would also be evident and it is not.
- Mr. Kelly noted that nothing about diver impacts has been discussed here today. He sent a report to the council from 2010 that shows 18 to 20 impacts per diver per dive and the greatest damage is being done inside the Sanctuary Preservation Areas (SPAs). Nothing is being done about this, but the fishermen, commercial, recreation and charter, are being affected. No one has ever done a study on the carrying capacity of all the Sanctuary Preservation Areas. He asks why not determine how many divers the SPAs can handle without irreversible damage and why aren't dive operators required to keep electronic log books of where they go and how many divers use the SPAs. This information could provide data on diver use. He appreciates the time of the council and the opportunity to address the council. Thank you very much.

Peggy Matthews, American Watercraft Association

- Ms. Matthews would like to thank the council for doing the live video feed on the internet for people who try to monitor this remotely.
- Ms. Matthews is concerned about displacement. Whether you are boating or fishing recreational or commercial, when an area is closed or restricted, those folks who are displaced are going to go somewhere. They will not disappear or eliminate their activity. One thing that needs to be considered right away when discussing closed areas is the consequence of the decision including how many people use the area and where they are going to go when the area is closed. That pressure will be distributed to another location.
- When looking at regulations, certain impacts affect certain users and these impacts need to be equitable. People are willing to do their share as long as they don't feel like they are being singled out. She thinks that population and boater registration data should be considered. The population of Florida has been going down with the real estate bust and was in a negative growth spurt in 2008. She knows that registration for boats drastically decreased because of the

down turn in the economy. Some of that information needs to be presented about use in this area and across the state. She wants it noted that no action is still *an action*. In some areas where no action is being taken, that is a decision and is still action.

Mellie Lewis

- Ms. Lewis passed out a flyer on Ocean Sampling Day and wanted to take a few minutes to tell everyone about this global event taking place on June 21, 2014, which is the longest day of the year. The program will take a two pronged approach. Scientists will be collecting water samples and testing the DNA of marine microbes in the water to determine microbe diversity. Marine microbes are very important because they are at the base of the ocean food chain and so they affect all of us—fishermen and divers alike. Websites on the flyer provide background and science based information and how people can participate as citizen scientists and take their own boats out to collect data that can be uploaded as part of the project. She also provided a NOAA website explaining NOAA’s participation in the project. In 2013, NOAA sampled a site near Long Key and will be participating again this year. Ms. Lewis provided her contact information on the flyer and will be happy to send electronic versions to anyone who wants to share this information with others.

Discussion (council members)

Jack Curlett posed a question for Superintendent Morton about the data collected for the marine debris study mentioned by Bill Kelly. Superintendent Morton explained that the study mentioned that collected the trap debris information was funded by the NOAA marine debris program and conducted by FWC scientist Tom Matthews. Marine debris data have also been collected for several years (2009, 2010, 2011) by scientists who are surveying the coral reefs (SCREAM team). This is a different study and focuses on debris found on coral reefs. Chris Bergh pointed out that it is easy to get stuck in a single point of time and one study, but it is important to look at the big picture. No study is perfect and it is easy to criticize a study. The FWC marine debris study did note that there was an effect from the storms and that was stated in the paper. Again, it is important to consider all the information.

Jeff Cramer agrees with what Chris Bergh said. Some of these studies are good studies and some are the best science because they are the only studies we have. He feels that the trap study is inaccurate, especially how they estimated the ghost traps. If he lost that many traps, he would not have many left. Clinton Barras asked why it wasn’t possible to take the traps out of the water before a hurricane and Jeff explained that some people have 3,000 traps. They can only move about 300 to 400 traps per day and usually have only a 2-3 day window before the storm. It is also not feasible to spend a lot of time moving traps and losing 20% of your income when there is a chance that the storm won’t come. Lobstermen have to make their money in only a few months and spending too much time moving traps is not feasible. In this situation, they concentrate on moving traps that are near the reef to the bayside, behind the reef line or near the shore where they are better protected from the storm surge. They do the best they can to manage their traps in response to the different storms.

Lunch

VI. SAC CHAIR AND VICE-CHAIR ELECTION

Chairperson Nedimyer explained that at the last council meeting, Martin Moe nominated him and

Chris Bergh to continue in their present positions. Chairperson Nedimyer expressed concerns with re-electing both he and Chris because at the end of their terms they would be ineligible to serve in those positions again. Chris has indicated that he will not be able to assume the chairmanship position at the end of this next term, which will result in a brand new chair and vice chair being elected in two years. Chair Nedimyer expressed concern with this lack of leadership continuity. David Makepeace was also nominated as Vice-Chair in response to an email request from Chairperson Nedimyer. A discussion took place about the need for continuity in the zoning process and in the future when both the Vice-Chair and Chair have to step down from the council. David Makepeace expressed that he is willing to serve as Vice-Chair as he could offer institutional knowledge in the future. However, David noted that it is very important to have continuity in the marine zoning process and as Vice-Chair Chris can continue to bring his leadership to this process. Jack Curlett expressed that the plan to have both the Chair and Vice-Chair positions vacated at the same time in two years is a terrible business plan because in the future the council will be left without an experienced leader. Instead, the council should plan now to have someone begin learning to take over the chair position. He expressed his support for David Makepeace as Vice-Chair.

Ken asked for any additional nominations or comments and there were none. Ballots were distributed with three nominations. Ken Nedimyer for chair and David Makepeace and Chris Bergh for Vice-Chair. Andy Newman and Steve Leopold have sent their ballots in. All members of the council, except for the sanctuary superintendent, can vote.

A vote took place using written ballots. Ken Nedimyer and Chris Bergh were reelected and will serve their final term through April 2016.

Discussion on Zoning (continued)

Clinton Barras is the representative for tourism for the Lower Keys. He read a few sentences from a letter written by Tim Grollimund. In this letter, Mr. Grollimund described how much can be gained in terms of improved resources as a result of marine reserves. People often fear the short-term economic losses from a reserve, but those losses are offset in as little as five years when fishing adjacent to the reserve improves. Everyone agrees that the resources are in decline and something should be done. Tourism is the main industry and if the resources aren't protected people won't want to come here. More of the sanctuary needs to receive additional protections. At the public scoping, there was a lot of input from people who also want to see more protections and they need to be listened to as well. Some of the decisions that will be made may not be popular and that was the case when the sanctuary first came into existence. The long-term results should be considered.

Eric Handte stated that from the tourism standpoint, more needs to be done to protect the resource. He would like to see the discussions wind down and more actions taken.

David Makepeace pointed out the importance of connectivity and thinks that corridors or connections between mangroves, seagrasses and other communities should be considered in the zoning scheme. The data may or may not be there, but he hopes that corridors could be considered in place of a patchwork approach.

Chris Bergh is a proponent of reserves and other zones if they are done in the right place and for the right reasons. Reserves also need to be monitored. Now is the time to look at the reserves in place and consider whether or not they are working or should be eliminated or modified. This will show

people that the process can go the other way and that it can be an adaptive process. Chris also reminded everyone about the Endangered Species Act and noted that if actions aren't taken now to protect corals and new corals are listed under the ESA, then additional actions might be required under the ESA that are mandatory. Managing one species at a time is not really an approach that is desirable; it is much better to do something holistic now.

Chairperson Nedimyer noted that as part of developing recommendations for new marine reserves there may be a way to ease the regulations in by "grandfathering" some existing users or permits, and slowly phasing those uses out through attrition. That might accomplish the goal of reducing the impacts over time. In the long run, the sanctuary has been a good thing for people and in the future people will look back and see this as a good thing too.

VII. ENFORCEMENT NEXT STEPS FROM FEBRUARY 18 MEETING

MOTION (Passed)

A resolution that advocates for continued and strengthened law enforcement within the sanctuary was projected onto the screen and discussed by the council. This resolution was discussed at the last council meeting, but a decision was not reached.

Chairperson Nedimyer made the motion to accept the proposal as it reads. Motion was seconded by Jack Curlett.

The discussion on the motion involved whether or not it is important to mention how many officers were in place in the past and how many are needed for today's needs and the role of the council and of law enforcement in general. Bruce Popham noted that the Office of National Marine Sanctuaries has grown in terms of staff positions and budget, but at the site level, the funds are not growing and yet the use is growing. Chairperson Nedimyer reminded everyone that the motion goes to the Superintendent and then to the Director of the Office of National Marine Sanctuaries. The council itself is not permitted to lobby as a group, but individuals can communicate on these issues to Congressional representatives. During the discussion, changes were made to the wording of the original resolution.

Chairperson Nedimyer made a motion to accept the amended motion. Corey Malcom seconded the motion. Chairperson called for further discussion and public comment, but there were no comments.

A roll call vote was taken and 14 out of 14 council members voted to accept the motion.

To view the motion,

visit <http://floridakeys.noaa.gov/sac/othermaterials/140415motionenforcement.pdf>.

SANCTUARY AWARD TO US COAST GUARD STATION ISLAMORADA

Superintendent Morton presented an award to United States Coast Guard (USCG) Station Islamorada to recognize their leadership, cooperation and support for the resource protection mission of the sanctuary. USCG Station Islamorada personnel have conducted thousands of hours of patrols in accordance with priorities identified in the Joint Enforcement Agreement entered into by the sanctuary and law enforcement agencies. Since October, USCG Station Islamorada personnel have logged over 3,000 of hours patrolling the Sanctuary Preservation Areas (SPA), Wildlife

Management Areas, and Research-only Areas in the Upper Keys. In one year, they typically log more than 6,000 hours patrolling the waters of the sanctuary. USCG Auxiliary pilots have also conducted over 200 hours of aerial patrols of SPAs. Senior Chief Petty Officer Frank Parenti accepted the award on behalf of the USCG and Superintendent Morton recognized him personally for his leadership role in enforcement at USCG Station Islamorada.

VIII. 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 US NAVY.

NOAA Florida Keys National Marine Sanctuary Report, Sean Morton

- Superintendent Morton thanked everyone for their kind words regarding the recent passing of two sanctuary employees.
- The sanctuary's operation team won the Team of the Year Award for the Office of National Marine Sanctuaries program. He recognized Mary Tagliareni for her leadership on this team and Don Mooney, a team member who was present at the meeting. The operations team is responsible for boat and facility maintenance and includes the administration staff. The team does a fantastic job providing support.
- The FKNMS dive team also won the National Ocean Service Safety Pro Team Award. The dive team includes the buoy crew and science divers. They completed more dives than all other sanctuaries combined.
- Ken Nedimyer will be attending the annual advisory council chair's meeting in June. This is an important time for the sanctuary and if there are items that people would like Ken to know about or bring to the attention of the director, then please let him know.
- Billy Causey had to leave early and John Hunt was not able to attend today. Both send their apologies.

National Marine Sanctuaries/Southeast Region Report, Billy Causey

- No report.

NOAA Office of General Council Report, Karen Raine

- No report.

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

- Joanna Walczak represents the entire Florida reef tract from Martin County to the Dry Tortugas and approaches managing the ecosystem holistically. She thanked everyone for their participation in the public process and for continued support for conservation and balancing sustainable uses. The state of Florida wants to make sure that the resources are here for the people of the state and nation.
- Ms. Walczak represents the state of Florida on the US Coral Reef Task Force, which addresses coral reef issues at the national level and involves meeting with colleagues on global issues.
- The Southeast Florida Coral Reef Initiative has just kicked off their public process for managing the northern part of the Florida reef tract. She encourages everyone to continue working and sharing with others in the north. She welcomes any questions.

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

- No report.

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

- Captain Langley explained that the enforcement work of the Gladding vessel team in the Tortugas is being supplemented by support from pilots who are flying in the area. They have not made a lot of cases recently, but did make one misdemeanor case for commercial fishermen and three violations of discharge of raw sewage. There is an issue with sewage disposal in the area.
- The state park service received \$35,000 for restitution for a vessel grounding in Lignum Vitae State Park and paid \$1100 for investigative costs.
- FWC sent people to see if the boat rental companies conducted the required testing before renting the boats or PWCs to customers. In some cases, the company still rented the vessel even when the operator failed the test. FWC wrote citations in these cases.
- An undersized lobster and stone crab claws case from 2011 was settled. The two violators received 90 days in jail and \$10,000 in fines.
- A man was injured by the propeller while trying to get his boat off the flats at Lignum Vitae.
- FWC officers staffed information booths in conjunction with the sanctuary at the Gigantic Nautical Flea Market and Marathon Seafood Festival.
- In February, 22 groundings were reported. One 71 foot vessel ran aground last night and not much is known at this time.

NOAA National Marine Fisheries Report, Heather Blough

- The Gulf Council met last week in Baton Rouge. Their discussion focused mostly on how to respond to a recent adverse court decision regarding the management of the recreational red snapper fishery. In summary, the Court found that it has not done enough to adequately constrain recreational red snapper catches to the quota. In the short-term, the Council requested an emergency rule to reduce the 2014 recreational red snapper fishing season from 40 to 11 days. They also are evaluating long-term measures to improve the accountability of the recreational sector in their red snapper reallocation amendment. Their next meeting will be in Key West the week of June 23 and will focus primarily on those issues.
- The South Atlantic Council is conducting a visioning project to inform the development of long-term management goals for the snapper grouper fishery. They hosted several informal roundtable discussions in the Keys the week before last to get stakeholder input on that issue. Those who want to provide input but were not able to participate in those roundtable discussions can comment through the Council website (under the header "Visioning Project"): <http://www.safmc.net/resource-library/council-visioning-project>.
- The South Atlantic Council is inviting applications for open advisory panel and scientific and statistical committee seats. The application periods close early to mid-May and members will be selected at the next Council meeting the week of June 9 in Ponte Vedra Beach. At the June meeting, the Council will also review a scoping that considers removing several South Florida species (Nassau grouper, dog snapper, schoolmaster, mahogany and black snapper) from its snapper grouper fishery management plan. They are planning to hold a scoping hearing on that issue in Key West in August.
- The next meeting of the Gulf and South Atlantic Councils' Joint South Florida Fisheries Management Committee has been scheduled for July 22-24 (location TBD). At that meeting, the Committee will consider some additional information staff have pulled together on alternative management approaches for jointly managed South Florida species, as well as information on the feasibility of moving forward with a goliath grouper stock assessment. The

two Councils also have formed a joint subcommittee of their scientific and statistical committees to explore assessment issues for jointly managed species; particularly speckled hind and Warsaw grouper.

NOAA OLE (Office of Law Enforcement Report, Kenny Blackburn

- Officer Blackburn reported that they had two offenders sentenced recently. Operation Rock Bottom was being conducted in conjunction with FWS officers and documented three years of illegal export of marine life. Richard Perrin, owner of Tropicorium, an aquarium store in Michigan, pled guilty to illegal trafficking of marine life from the sanctuary. He received fines and probation and has helped bring other people involved in the illegal trade. Marine animals were then sold on the internet and some were advertised as being raised through aquaculture. This appears to have been going on for about 15 years.
- Officer Blackburn shared some photographs showing the large quantities of live rock that were also being taken illegally and sold by Eric Peterson. Franco did not cooperate and received five months of incarceration and two years of supervised release with electronic monitoring.
- The president and vice-president of the Idaho Aquarium took a plea deal in their illegal trade case. Both were sentenced to jail time followed by supervised release and other provisions. The company received a \$10,000 fine and has to develop a compliance plan. They will be audited for many years in the future and had to give \$50,000 to National Fish and Wildlife Foundation for restoration of marine life.
- NOAA OLE management will be the representative on the council in the future.

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

- Dr. Ziegler announced that Elliot Key in Biscayne National is now open to the public after being closed for 18 months due to damage sustained during hurricane Sandy.
- The final modifications for the Everglades National Park General Management Plan will be completed in May. They are moving to seek approval and release the final GMP and expect to print the final GMP in August. The time table below was provided Dr. Ziegler for inclusion in the minutes.

Task	Timeframes (2014)
Conducted multiple stakeholder meetings and outreach efforts for Florida Bay management, including briefings with Congressman Garcia, to gain consensus on Florida Bay vision	January – February
Complete modifications to Final GMP	March – May
NPS approval to publish and release the Final GMP to the public	June – July
Print Final GMP and Publish Federal Register <i>Notice of Availability</i>	August
30-day no action period for Final GMP	September
Record of Decision signed	October
GMP implementation begins	November and beyond

United States Coast Guard (USCG) Report, Phil Goodman, Auxiliary

- Since the last advisory council meeting, the USCG has responded to 31 pollution events. Eight of them involved enforcement, seven had warnings issued, one notice of violation (\$250). The oil spill liability trust fund was opened and money was spent to recover 50 gallons of oil and disposed of it properly. A vessel sank with no pollution incident.
- The third season of HAZWOPER is just beginning with training sessions being offered to the public at the Eco-Discovery Center in Key West on May 15 and at the Marathon Government Center (EOC/BOCC) on June 21.

US EPA Report, Pat Bradley, EPA Office of Research and Development

- No report.

USFWS Report, Nancy Finley

- Refuge Complex Superintendent Nancy Finley informed everyone that the refuges have had several species workshops recently to look at some of the species that might be having some trouble and to make plans on how to address what they need before their status declines. Many of these species are migratory birds, including magnificent frigatebirds, white-crowned pigeons, reddish egrets and great white herons. Some of the FWS migratory bird scientists visited the refuge to discuss the status of these and other migratory birds that are highly dependent on the backcountry areas for habitat and food resources.
- These and other birds in the backcountry of the Lower Keys refuges are being disturbed by people. The protections that will be going into place as part of the joint process in which the refuge's Backcountry Management Plan and the Sanctuary's marine zoning system are revised simultaneously won't be in place for a few years. To provide protections prior to that time, the refuge is working with the sanctuary and the state on an outreach campaign to educate people about reducing bird disturbance while in the backcountry. The impacts of flushing the birds from their nests and from feeding grounds many times a day can affect their survival. The refuge lost a nesting colony of magnificent frigatebirds in the recent past, but would like to keep the important roosting colony they currently have. If anyone has any suggestions on how to get this word out to people, she is open to hearing them.
- According to scientific studies reported in the literature, the recommended buffer distance for a boater is about 300 feet or 100 meters. But, newer activities have not been fully examined and it may be that the paddle from kayakers has a flash to it and there also may be some impacts related to height.
- Many of the kayak operators and others are not aware of the impacts of their actions and could benefit from becoming better informed.

US Navy (USN) Report, Ed Barham, USN

- The Navy has a training area that is about 23,000 square nautical miles that is outside of the sanctuary. They are required to manage endangered species on their properties and have initiated a coral survey in the training area 18 miles off of Key West. They will also be monitoring their beaches in the upcoming sea turtle nesting season. They have 30 volunteers who walk the beach looking for turtle nests. From the size of the crocodiles they have been seeing, they suspect that some of their crocodiles are of breeding size and may be nesting. They are now conducting surveys to find nesting locations and may begin manatee surveys soon as many have been reported in the area recently.

IX. PUBLIC COMMENT FOR ITEMS NOT ON AGENDA

Dottie Moses, Island of Key Largo Federation of Homeowners

- Ms. Moses stated that she wasn't sure how many people were familiar with Buttonwood Sound, but it is on the bayside and runs from about mile-marker 101 to 98.5, from Grouper's creek to Baker's cut along the Intracoastal Waterway. The shoreline is predominantly a residential one; there are a few businesses, a few restaurants and mom and pop hotels, two campgrounds and an Everglades Research Center. Monroe County recently put out a request for proposal to put a 100 buoy mooring field in the sound. Right now, there are only about 19 boats anchored there. Many of these are moored there by the shoreline owner. It is a little alarming because even though mooring fields serve a good cause, in this case, they are going from a small anchorage to a very large mooring field with the potential for expanding. The bay bottom is primarily seagrass that is thick in some places and patchy in others. She realizes that a lot of permitting will be required and the consultant who gave the presentation before the Board of County Commissioners stated that there would be issues with permitting in seagrass and with the size of the mooring field. The Island of Key Largo Federation of Homeowners Associations had a meeting last week and 60 people showed up; most of them to address this issue. She wants the sanctuary to be aware of this issue. She wasn't sure if the sanctuary advisory council was looking at nearshore anchorage in the marine zoning and regulatory review. This field is in sanctuary waters and it seems to be a bit of overkill in an area where there is so little impact now. It would seem that it would do more harm than good in such an area. She has a copy of a letter that she sent to the sanctuary and can pass it on to be distributed amongst the advisory council. People can read the background information and why they chose this location. She thinks the county is trying to establish more management mooring field in the Keys, but this one seems to be the easiest one as compared to the most problematic one.
- Ms. Moses answered a question about what the shoreline owners who attended the homeowners meeting were concerned about. She stated that they were concerned about turning this very quiet bay into a commercial enterprise and the impacts from having so many boats in the water. Some people have had problems with existing boaters coming onto private property. That issue has been addressed although she is not sure which law enforcement agency stepped in to help. People are concerned that more boats will create more impacts and activities. The county is proposing to set up a private public partnership with the new campground that was recently built there. She is not sure where the county is in this process and not sure if the campground would want to take on the moored boaters. The campground has an agreement in place with the county to replace the campground with an upscale resort in the future and it is uncertain what will happen with the mooring field at that time.

Discussion (council members)

David Makepeace explained that he serves as the council representative on the Monroe County marine and Port Advisory Committee. The committee did weigh in on the issue with the mooring fields. He knows this is still a work in progress. At the next meeting, he will get information on this topic and bring it back to the council. He does know that the other two choices they had for mooring fields were not viable. One had an environmental issue and the other did not have sufficient mooring sites. There are always two sides to issues and mooring fields reduce anchor dragging, which is a big impact to seagrass. He does admit that 100 mooring balls might be an issue, but

mooring fields in general do have a benefit by concentrating people for pumpouts. The target audience for this group is transient cruisers.

IX. PUBLIC COMMENT (continued)

Suzy Roebing, Advisory Council Alternate for Citizen at Large Upper Keys, read a letter into the record as public comment from PADI Dive Instructor Adam Nardelli. Mr. Nardelli, who is a graduate student at NOVA Southeastern University Oceanographic Center and Reef Surveyor, was here earlier today, but had to leave. His letter reads as follows,

“I would like to speak on behalf of the recreational dive community. I have been diving in South Florida for over 14 years. The dive industry is an important driver for both the local economy and teaching conservation for marine resources. Examples of this are PADI’s Project Aware program and charter boat participation of the sanctuary’s Blue Star program. Diving is a huge part of the Upper Keys. And it is no wonder that it retains the nickname as the *Diving Capital of the World*.

The SPAs are an important and valued resource among the dive industry. As a dive professional, I can assure that respect for the environment is among the highest regard for teaching divers within the standards of dive training. The dive industry should be considered as an asset to the planning process. It is unfortunate that they have not been well represented here at these meetings but that should not warrant using them as a scape goal for the degradation of marine ecosystems.

Coral reefs are declining regionally, not just within the Florida Keys and certainly not only within highly frequented areas. There are multiple causations that should be considered as driving factors the decline of coral reefs today.

As a graduate student, the idea of protecting marine resource with the concept of marine zones or MPAs has been taught as the benchmark tool for conservation. There is plenty of data from Jim Bohnsack and Jerald Ault that demonstrates the success story for this management. It is interesting that we question this data now. Perhaps it comes from a lack of understanding rather than documentation. Thank you for your time.”

X. UPCOMING MEETING AND CLOSING REMARKS

Chairperson Nedimyer reminded everyone that comments can still be submitted in written form. He thanked people who submitted comments.

Ecosystem Protection working group meetings will be held in Marathon on Thursday and Friday this week. It is important for council members and their alternates (especially those in the middle Keys and who serve on this working group) to be there because the council will be addressing these issues at a later time.

The next council meeting is June 17 at Hawk’s Cay. Chairperson Nedimyer also announced the two informational meetings on water quality being held at Key Largo Library (April 16) and at the Eco-Discovery Center in Key West (April 22). He recommends trying to attend one of these sessions to become more informed about water quality.

XI. ADJOURN