



Permit Procedures & Adaptive Management

Florida Keys National Marine Sanctuary: Marine Zoning and Regulatory Review

Joanne Delaney
FKNMS Permit Coordinator

February 19, 2013

Topics for today

1. Potential adjustments to FKNMS regulations based on:
 - lessons learned
 - new issues
 - consistency with other sanctuaries
 - response to scoping comments
2. Develop effective, adaptive framework to increase responsiveness to issues
3. Potential changes to be analyzed and brought back to Sanctuary Advisory Council for discussion & recommendations



Potential regulatory changes

Potential changes to be analyzed will:

- Build on *lessons learned* from 15+ years implementing FKNMS regulations
- Address *issues not considered* in original FKNMS EIS
- Improve *consistency* with other sites
- Respond to *community input* during 2012 scoping
- Complement the *overall Marine Zoning and Regulatory Review process*



Potential modifications: Coastal construction

1. Near-shore construction:

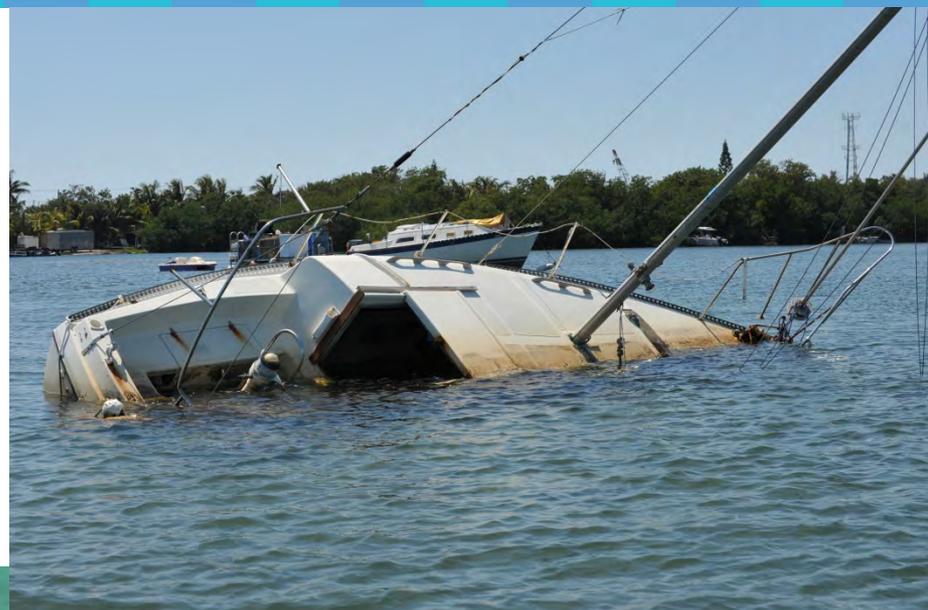
- Some activities already exempt from FKNMS “alteration of the sea floor” regulation
- Update terms used for exemptions for more accuracy
- E.g., “breakwater” vs. “rip rap revetment”
- Add: boat ramps, boat notches, boat lifts, mooring piles, rip rap revetments, bulkheads



Potential modifications: Addressing abandoned vessels

2. Deserting vessels:

- Not in current regulations
- Consistent with rules of other sanctuaries



Potential modifications: Consistency in agency terminology

3. Boating area definitions:

- Consistent with state law
- Easier to understand
- E.g., “No-access buffer zone” → “No vessels zone”



Potential modifications: Spreading ashes

4. Discharge exception for ashes dispersal:

- Currently allowed by Special Use Permit and EPA regulations in non-zoned federal waters
- Will review with state for compatibility
- Reduces admin burden on grieving individuals
- Ashes only, no other burials at sea



Potential modifications: Regulatory clarifications

5. Clarify discharge prohibitions regarding fish feeding:

- Currently prohibited in state waters
- Current regulations not clear, vary by area (higher standard in SPAs)
- Addresses public safety, environmental, and enforcement issues



Potential modifications: Consistency in zoning

6. Eliminate catch & release fishing:

- Currently allowed at Conch, Alligator, Sombrero, & Sand Key Sanctuary Preservation Areas but not other 14
- Discussed since 2001, forwarded by Islamorada captains in 2004
- Ecosystem Protection Working Group also reviewing



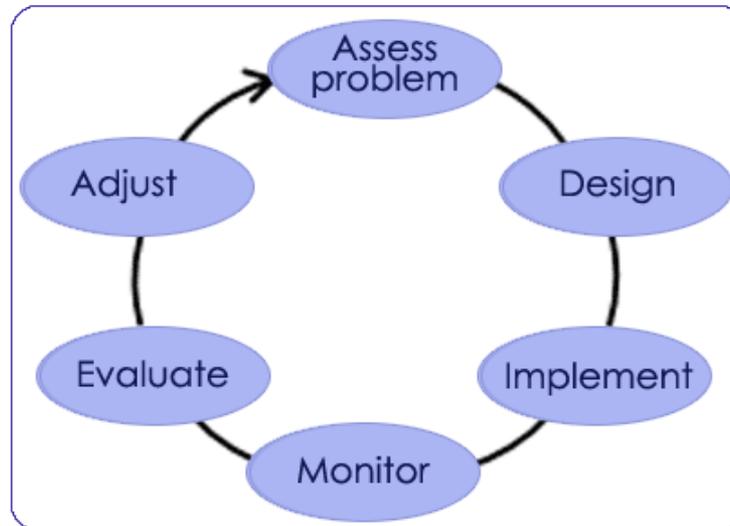
Permit Procedures & Adaptive Management



Questions / discussion on
potential regulatory adjustments

Adaptive Management

- Public comments during 2012 scoping
- SAC input – managers need to respond quickly
- Existing “tools in the toolbox” are not flexible enough



Adaptive management emphasizes the need to *change with the environment and learn from doing.*

Example issue: Lionfish



Example issue: Lionfish

- Management tools not keeping pace with invasion
 - permits
 - education / outreach
 - collaboration with NGOs & agencies
- State Executive Order
- FKNMS regulatory change = years



Example issue: Coral bleaching / disease

- Variables:
 - Time of year
 - Location
 - Extent
 - Duration
- Likely to increase in frequency as ocean temperatures rise
- Trying to hit a moving target



One possible tool: Emergency regulations

- 922.165 FKNMS
Emergency Regulations
- Restricted large ship anchoring on Tortugas Bank
- Closed White Banks Dry Rocks during severe disease
- Difficult to use as written
 - “In effect for up to 60 days, with one 60-day extension.”



Adaptive Management: Issue-based alternatives development



Advisory Council Input Needed:

What range or types of issues does FKNMS need to address rapidly and with flexibility?

- Invasive species?
- Climate change impacts?
 - sea level rise
 - warming water triggering bleaching / disease
- New or intensified marine uses?
- Others?



Joanne Delaney

NOAA Florida Keys National Marine Sanctuary

978-471-9653

joanne.delaney@noaa.gov

floridakeys.noaa.gov