



Permit Procedures & Adaptive Management

Florida Keys National Marine Sanctuary: Marine Zoning and Regulatory Review

Beth Dieveney
Deputy Superintendent, Science & Policy

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Topics for today

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



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: Updating Definitions & Terms

Update definitions and terms to be consistent with state laws for boating and restricted areas:

- Idle speed no wake
- Idle speed no wake zone
- No entry area
- No vessels zone

Replace *seabed* with *submerged lands* throughout regulations.



Potential Modifications: Coastal Construction

1. Near-shore construction:

- Some activities are already exempt from FKNMS “alteration of the sea floor” regulation
- Update terms used for exemptions for more accuracy
- Update list of types of projects that are exempt



Potential Modifications: Operation of Vessels

1. Vessel operation requirements around divers down flags
 - Update for consistency with state law



Potential Modification: Access Permits

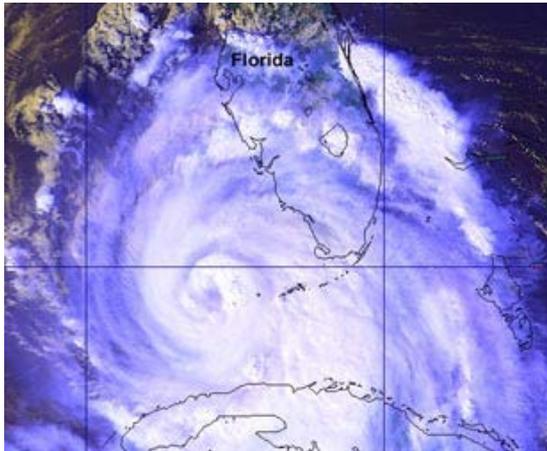
Remove current limitations for requesting access permits to Tortugas North Ecological Reserve

- Not more than 30-days prior to requested access
- Maximum of 2-week permit duration



Potential Modification: Emergency Regulations

Update emergency regulations to allow a temporary regulation to be in effect for up to six months, with one six month extension.



Potential New Regulations: Operation of vessels

1. Prohibit deserting or abandoning vessels.
2. Prohibit leaving harmful matter aboard deserted or abandoned vessel.
 - Not in current regulations
 - Consistent with rules of the state and other sanctuaries



Potential New Regulations: Discharge Exemption

- Allow dispersal of ashes resulting from cremation only
- 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 New Regulation: Fish Feeding

New regulation regarding fish feeding:

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



Potential New Regulation: Fishing Gear

Prohibit abandoning fishing gear in the sanctuary

- Consistent with FKNMS Terms of Designation
- Provide authority to address abandoned fishing gear that may impact resources



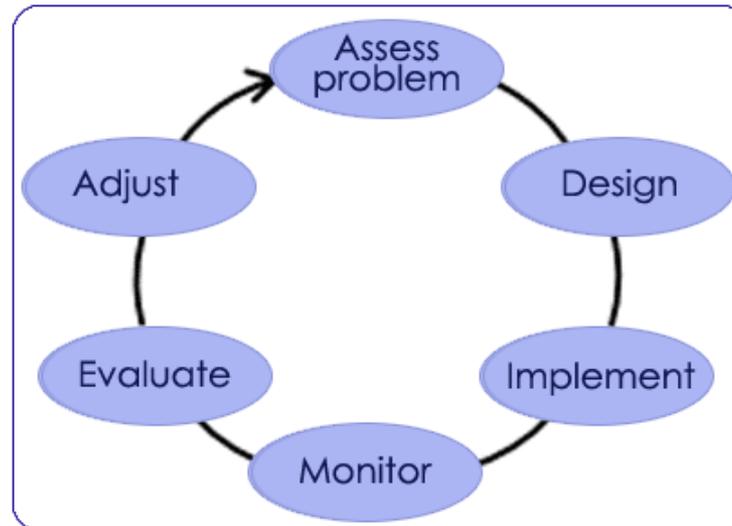
Permit Procedures & Adaptive Management



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.*

Adaptive Management: Issue-based alternatives development



Sanctuary Advisory Council Input: February 19, 2013

- Restoration Zones
- Exotic / invasive species
- Channel Widening
- Allow NGO or other group work under FKNMS Managers
Permit on specific tasks
- Review the Emergency Regulation for flexibility
 - address "species" after an event (i.e.- after Hurricane or cold water event)
- Climate change impacts
 - sea level rise
 - warming water triggering bleaching / disease
- New or intensified marine uses

Adaptive Management

1. What is the Issue/ Impact?

- Invasive or introduced species
- Disease, die-offs or other dramatic environmental event
- Changing landscape and/or wildlife effects
- Human uses – chronic and/or unanticipated



Adaptive Management

2. Identify criteria / level of change accepted
3. Monitor for change
4. Implement management action when accepted level of change is surpassed



Adaptive Management

Criteria / Trigger

Dramatic Event

Monitor/Evaluate

Resource Protection Goal

Are current management responses able to address this issue?

Adaptive Management

NO

YES

Implement emergency rule or other approved management response

No further action needed

One possible tool: Emergency regulations

- FKNMS Emergency Regulations, 922.165
 1. Restricted large ship anchoring on Tortugas Bank
 2. Closed White Banks Dry Rocks during severe disease
- Update emergency regulations to allow a temporary regulation to be in effect for up to six months, with one six month extension.



Adaptive Management Options

- Implement FKNMS Emergency Regulations, 922.165
- Issue temporary permits for specific action (target removal of invasive species)
- Temporary closure of area until immediate stress is reduced (high temperature/coral bleaching)
- Create temporary no motor or no access buffer zone (impact to bird nesting/roosting)





Joanne Delaney
Permit Coordinator
Joanne.Delany@noaa.gov

Beth Dieveney
Deputy Superintendent, Science & Policy
Beth.Dieveney@noaa.gov

Visit our website at floridakeys.noaa.gov
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