

**FLORIDA KEYS NATIONAL MARINE SANCTUARY ADVISORY COUNCIL**

**Hyatt Place  
1996 Overseas Highway  
Marathon, FL 33050  
Tuesday, February 20, 2018**

**FINAL MINUTES**

**SANCTUARY ADVISORY COUNCIL MISSION STATEMENT  
(adopted unanimously, December 6, 2005)**

**Council Members**

Boating Industry: Bruce Popham (Chair)  
Tourism – Lower Keys: Clint Barras (Co-Chair)  
Citizen at Large – Lower Keys: Mimi Stafford  
Citizen at Large – Middle Keys: George Garrett  
Citizen at Large – Upper Keys: David Makepeace  
Conservation and Environment: Ken Nedimyer  
Conservation and Environment: Chris Bergh  
Diving – Lower Keys: Don Kincaid  
Diving – Upper Keys: Elena Rodriguez  
Education and Outreach: vacant  
Elected County Official: George R. Neugent  
Fishing – Charter Fishing Flats Guide: Tad Burke (absent)  
Fishing – Charter Sports Fishing: Steven Leopold  
Fishing – Commercial – Marine/Tropical: Ben Daughtry  
Fishing – Commercial – Shell/Scale: Justin Bruland (absent)  
Fishing – Recreational: Ken Reda  
Research and Monitoring: David Vaughan  
South Florida Ecosystem Restoration: Pete Frezza  
Submerged Cultural Resources: Corey Malcom (absent)  
Tourism – Upper Keys: Andy Newman

**Council alternates (present)**

Boating Industry: Karen Thurman  
Citizen at Large – Upper Keys: Suzy Roebling  
Conservation and Environment: Caroline McLaughlin  
Diving – Lower Keys: Bob Smith  
Fishing – Charter Fishing Flats Guide: Will Benson  
Fishing – Charter Sports Fishing: Richard Gomez  
Fishing – Commercial – Shell/Scale: Jeff Cramer  
Fishing – Recreational: Bruce Frerer  
Research and Monitoring: Shelly Krueger  
Tourism – Upper Keys: Lisa Mongelia

**Agency Representatives** (present)

Florida Department of Environmental Protection: Karen Bohnsack  
FWC Division of Law Enforcement: Capt. Dave Dipre  
FWC Fish and Wildlife Research Institute: John Hunt  
National Park Service, Everglades and Dry Tortugas National Park: Chris Kavanagh  
Dry Tortugas National Park: Meaghan Johnson  
U.S. Coast Guard (USCG): LT. Quentin Long  
U.S. Navy Naval Air Station Key West: Edward Barham  
NOAA National Marine Fisheries Service: Heather Blough  
NOAA Office of Law Enforcement: Kenny Blackburn

**I. CALL TO ORDER, ROLL CALL, AND MEETING MINUTES APPROVAL OF DECEMBER DRAFT MEETING NOTES**

**Pledge of Allegiance**  
**Roll Call**

**MOTION (passed)**

A motion to approve the December 2017 minutes was made by George Neugent and seconded by Chris Bergh. The minutes were approved. A motion to adopt the agenda was made by George Neugent and seconded by Ben Daughtry. The agenda was adopted without change.

**II. OFFICE OF NATIONAL MARINE SANCTUARIES LEADERSHIP REMARKS**

ONMS Director John Armor introduced Matt Brookhart, who will be filling the role of ONMS Eastern Regional Director, a new combination of the Southeast and Northeast regions after Reed Bohne's retirement. Mr. Brookhart described his excitement to fill the position, and to oversee the sanctuary designations in Wisconsin and Maryland.

Director Armor provided an update of the ONMS Strategic Plan, which provides guidance for the next five years of National Marine Sanctuaries until 2022, when the system celebrates 50 years.

Director Armor also discussed the Presidential budget proposal, where ONMS is level funded. He reiterated that this budget is a proposal, and Congress will decide the actual budget for the fiscal year. Furthermore, following the recent continuing resolution, there was a supplemental funding package for hurricane relief submitted and approved through Congress. That funding package will likely go towards reimbursement of completed projects and new projects within the affected regions.

NOAA leadership is taking shape in Washington DC. Secretary Of Commerce Ross has been appointed, however there is currently not a NOAA administrator. Berry Meyers has been nominated but not appointed. The acting administrator is RDML Tim Gallaudet, who is very enthusiastic about the sanctuary system. ONMS fits in well with the concept of the "blue economy" because the oceans provide 374 billion from recreation tourism and industry, which is 2% of the national GDP, and clearly a valuable asset to the Commerce Department.

**III. ADVISORY COUNCIL CHAIR & MPA FEDERAL ADVISORY COUNCIL SUMMIT**

Chairperson Popham shared his experience attending the national SAC summit, which was held

in concurrence with the federal advisory committee (FAC). Discussion centered on resource management of marine protected areas. FKNMS' Blue Star program was shared with the group, and interest was expressed throughout other sanctuary sites. This is one example of how FKNMS has long been a model of marine protected areas management, including initiating the first SAC. Another main topic was tourism, which some sanctuaries are trying to increase. Mr. Popham provided the perspective of sustainable tourism, that educating users will be paramount to protect these resources.

#### **IV. FISHERY MANAGEMENT IN SOUTH FLORIDA AND THE FLORIDA KEYS**

##### **NOAA National Marine Fisheries Service** (presentation)

NOAA NMFS Southeast Regional Administrator Dr. Roy Crabtree gave a presentation, *Federal Fishery Management in South Florida and the Keys*. To view this presentation, visit <https://floridakeys.noaa.gov/sac/meetings.html?s=sac>.

Dr. Crabtree explained that NOAA Fisheries is a line office within NOAA and supported by multiple regional offices and science centers. The Southeast Regional Office is located in St. Petersburg, FL and the Southeast Fisheries Science Center is based in Miami. NOAA Fisheries is authorized to carry out the Magnuson-Stevens Act, which outlines the public process for fisheries management decisions, provided national standards for fishery management and created eight regional fisheries councils. Citizens participate in the councils and provide a high level of public input.

Federal waters in the Florida Keys start 3 miles from land on the ocean side and 9 miles on the Gulf of Mexico side of the island chain. The Keys island chain sits at the boundary between the Gulf of Mexico and South Atlantic Fishery Management Councils with the highway generally being considered the boundary between the two. As the NOAA Fisheries Southeast Region Administrator, Dr. Crabtree is a representative on the Gulf and Atlantic Fishery Management Councils along with Jessica McCawley, FWC, who serves as the state marine resource management representative on the both the South Atlantic Council. Martha Guyas is Ms. McCawley's designee on the Gulf Council. Other council members are nominated by the state governors and appointed by Secretary of Commerce to represent the commercial, recreational and other interests.

The Councils draft fisheries management plans, which NOAA Fisheries review and implement in accordance with the federal fishery rulemaking process if consistent with the Magnuson-Stevens Act and other applicable law. Stock assessments are conducted through the fully transparent. Southeast Data Assessment and Review Process (SEDAR). SEDAR generally involves three types of workshops: data, assessment, and review. Assessments are reviewed by the Councils' Scientific and Statistical Committees. The Magnuson-Stevens Act specifies 10 national standards that the councils have to adhere to, including using the best available science and preventing overfishing.

NOAA Fisheries also implements the Endangered Species and Marine Mammal Protection Acts. It has jurisdiction over protected coral species and attends to (or coordinates the response to) mass strandings of marine mammals such as pilot whales.

If a marine sanctuary is interested in a potential change to fisheries regulations, the councils are given the option of providing input and/or writing the regulation. Protocols are in place for working with

the State of Florida and the marine sanctuary. One of the challenges in the Florida Keys is the differing authorities and mandates. More consistency in fisheries management is desired, but the nature of the differences in the management programs (Gulf and Atlantic) makes it difficult to achieve this. Some progress has been made with certain species, such as the yellowtail snapper.

**Note:** The Gulf of Mexico Fishery Management Council will be meeting in June 2018 in Key West.

### **Florida Fish and Wildlife Conservation Commission**

FWC Division of Marine Fisheries Management Director Jessica McCawley gave a presentation, FWC Overview— Focus on Marine Fisheries Management. To view this presentation, visit <https://floridakeys.noaa.gov/sac/meetings.html?s=sac>.

Ms. McCawley explained that FWC has constitutional authority to regulate and manage fish and wildlife in Florida. FWC exercises responsibilities delegated by statute. If any fees are to be charged, the fee is determined by the State Legislature.

FWC has a commission with 7 commissioners appointed by the Governor to 5-year terms. Over 2,000 FWC employees are based at labs and offices throughout the state. Ms. McCawley is the Director of the Division of Marine Fisheries Management (DMFM), which is involved in analysis and rulemaking, federal fisheries issues and fisheries services such as outreach and education, lionfish education, trap retrieval, etc. She explained that John Hunt works for the Fish and Wildlife Research Institute (FWRI). Captain Dave Dipre works with the Division of Law Enforcement.

As part of the state rulemaking process, FWC identifies issues, collects and reviews scientific data, gathers public input and resolves issues. After an issue has been evaluated, it is given a priority level regarding the work plan for the upcoming year. FWRI collects research and monitoring data to inform the DMFM regarding management recommendations. Public input on issues is collected prior to the final decision being made by the FWC Commissioners. Some issues are resolved using a non-rulemaking path.

FWC plays a role in federal fisheries management and would like to see consistency with federal regulations especially for species that cross to and from federal and state waters. This makes it easier for anglers, for law enforcement officers and helps achieve common management goals for species such as spiny lobster. The multiple management authorities in South Florida present many challenges. The idea of joint South Florida management was pursued from 2011 to 2015 by FWC and the Gulf and South Atlantic Fishery Management Councils. At that time, they considered delegating some federal management of south Florida species to FWC (yellowtail, mutton snapper and black grouper). Ultimately, the Councils decided to continue coordinating management of South Florida species through traditional council processes.

Jessica summarized recent discussions and management actions taken on mutton snapper, hogfish, permit, and other species.

Goliath grouper have been the subject of public meetings; FWC has received thousands of comments on the species. FWC staff will be bringing discussion of stakeholder input to the April Commission meeting (Ft. Lauderdale).

FWC has also been working trap fisheries economic impacts from Hurricane Irma and on trap recovery efforts due to the hurricane.

### **Discussion and Q&A: Fishery Management in South Florida & the Florida Keys**

- In response to a question as to what was meant by the no discrimination principle listed for federal fisheries management, Dr. Crabtree explained that this prevents them from applying a fishery rule to only one state.
- In response to how federal and state fisheries coordinate to achieve consistency, Ms. McCawley explained the importance of keeping communication open. Ms. McCawley and her designee, Martha Guyas, sit on both councils and have the opportunity to provide input. FWC has a federal consistency policy that allows FWC to adopt (or change) federal regulations in state waters.
- A comment was made on how important consistency is, but in the final analysis, anglers are obligated to follow the most restrictive rule because from the law enforcement perspective, it is difficult to know where the fish was caught. Officer Dipre stated that in some cases, the violations are criminal and require a much higher level of proof on behalf of the officer. It can be an issue when the fishery is open in federal, but not state waters.
- A suggestion was made to have a single website that has both federal and state rules. Ms. McCawley explained that FWC has both state and federal rules for most, but not all, species. FWC and the councils have apps that can help with information.
- It was recommended to look at the blackfin tuna, which seems to have declined in size and numbers over the years. He thinks many people would welcome size and bag limits for this species. Ms. McCawley stated that blackfin tuna is part of FWC's work plan.
- The release of small dolphin (mahi mahi) is causing more fish mortality than needed. When released, small ones spiral to the bottom. Small ones should be counted toward the bag limit for the day. Otherwise, mortality is not accounting for the loss of small fish. Dr. Crabtree stated that the Council could consider reducing the size limit for dolphin if there's sufficient interest.
- A question was asked about fisheries regulations in Biscayne National Park. Ms. McCawley stated that the Fisheries Management Plan was approved a few years ago. FWC will be working with the national park service to see what specific regulations will be forthcoming based on the plan. FWC will be conducting their own workshops. No specifics on the regulations are known at this time. FWC is developing a science plan for the park and will then address the regulations.
- Ms. McCawley explained that FWC has been reviewing the no anchoring and no fishing regulations in the Dry Tortugas, which are outlined in an MOA between FWC, National Park Service and State Board of Trustees. The FWC Commission endorsed the no fishing, no anchoring regulations. The matter will go before the Board of Trustees. FWC recommended a 20-year, not 5-year time frame. The presentation given about the Tortugas is online.
- In response to explaining the rationale behind the changes in Gulf/Atlantic boundaries for hogfish and permit, Ms. McCawley stated that for hogfish the East Florida/Keys stock boundary was not easily defined. The best boundary based on the genetic information was Cape Sable, which is also a boundary for pompano. These lines are placed on a species by species basis.
- It was pointed out that for shallow water grouper species, waters in the Gulf west of Key

West are open when Atlantic waters are closed. This must be difficult from an enforcement standpoint. In response to moving toward consolidating these fisheries, Ms. McCawley stated that they had not discussed a line per say, but were looking at spawning months and other possibilities. Dr. Crabtree added that there has been much discussion on the spawning season closure in the South Atlantic, but no finality has been reached. Black grouper is assessed as one south Florida stock; but red grouper and gag are assessed separately. In the South Atlantic, red grouper is overfished. It is not likely the Councils will reach consistency on the grouper regulations, in part, because the commercial Gulf grouper fishery is managed with an individual fishing quota program for commercial fishermen. The councils reflect regional differences in fishery goals and objectives, and the Keys are right on the boundary.

- The idea of placing fisheries information on the FDOT electronic signs was suggested. It was pointed out that FDOT will not use the signs in that way.
- In response to a suggestion that FWC seems reluctant to get involved in zones or marine protected areas as a means of fishery management, Ms. McCawley agreed that in the past the commission has not embraced the concept, but the Commission has five new members. It's too soon to say how this will affect actions regarding marine zoning.
- In terms of rebuilding fish stocks within 10 years, how is the baseline for that stock determined? In other words, is the baseline of the 1970s used or some other time frame? Dr. Crabtree explained that if the stock has relatively low productivity and is badly overfished, ten years would not be enough time. A series of formulas are used to generate time frames for recovery. If the stock can't be rebuilt in 10 years, they will generate a range of times and the council will choose one of those plans. They don't try to rebuild to a particular time frame; they want to achieve maximum sustainable yield. It is difficult to know what that yield actually is on certain species.
- The suggestion was made to revisit the no lobster trap zones for *Acropora*. These zones are basically ignored and not enforced. Even though there are zones covering the underwater coral nursery, traps are regularly found inside the zones and nothing can be done to remove them. Some places that have coral now are not covered and trap zones don't cover all the live coral they should include. These zones need to be reexamined. Dr. Crabtree stated that the zones could be moved by a plan amendment of the South Atlantic Fishery Management Council. Over time, zones may not be where they should be. This would involve advice from people, including commercial lobster fishermen. Enforcement requires more money; more boats on the water and budget is an issue.
- A long-term charter boat owner and fisherman stated that the charter industry has been part of the rulemaking process for years and therefore can determine and negotiate the best way to protect our fishery. Fishermen are not for closures. In the charter industry, the distance that the boat needs to go on a trip becomes an economical issue. They will continue to participate in the process and work toward sustainability, but do not want to lose any fishing grounds.
- The charter boat industry played a major role in the change in hogfish size limit and mutton snapper protections. They are dedicated to sustaining fish for the future.
- In response to the progress on traps for lionfish, Ms. McCawley explained that FWC is in the process for evaluating ROVs and certain kinds of traps. Exempted fishing permits have been reviewed by the council for different designs, places and seasons. Dr. Crabtree stated that NOAA is evaluating three exempted fishing permits at this time. The public comment period on the Monroe County Commercial Fishermen Association's request is completed; the Keys Fisheries permit request will go out for public comment soon. These pilot programs could led

the Councils to approve a lionfish certified trap; fishing traps are currently prohibited.

- It was noted that lionfish are not a viable fishery in the Florida Keys at this point; most lionfish are caught inadvertently by lobster traps.
- In response to lionfish impacts to reef fish, Dr. Crabtree explained that this would require using ecosystem models. Changes in one species can affect another species, but more data are needed to feed the different models. John Hunt agrees that in shallow waters lionfish are being kept in check somewhat. In the reef fish visual census conducted with other partners, they regularly count lionfish as part of these surveys. Another survey will be taken this summer. At FWRI in Keys, they are working with Florida Keys Commercial Fishermen to develop a scientific approach to gear-testing that involved developed a proposal to be discussed with commercial fishermen before moving forward. Funds are available for this purpose. The goal of these traps would be to maximize catch rates and minimize by-catch mortality.
- In response to the stock assessment results for hogfish, Ms. McCawley explained that the recent assessment indicated that they had been overfished since the 1980s, but prior to that assessment, this information was not known to FWC. FWC is taking action for the overfished stock--the East Florida/Keys stock. Dr. Crabtree explained that a lot of recreational fish were fished down in the 1970s and have tended to stay low. It takes an assessment to determine its status.
- In response to the FKNMS NOAA Fisheries marine zone regulatory process, Dr. Crabtree stated that if the sanctuary wants to expand into a new area, the item will come before the relevant Gulf or South Atlantic Fishery Management Council. This involves presentations to the council, which can make recommendations and/or write the regulations. The Biscayne National Park management plan has taken a long time because it was controversial. Ms. McCawley started working on BNP fishery and general management plans when she began working for the FWC Commission. If FWC has to pass the same recommendations for state waters, it would involve rulemaking process that could be time consuming, depending on how controversial the proposed regulations are.

## **Break**

## **V. CONCEPT PROPOSAL: LICENSING FOR GUIDES**

Captain Doug Kirkpatrick, Lower Keys Fishing Guides Association, and Captain Steve Friedman, Commodore of Florida Keys Fishing Guides Association, presented about illegal charters. Visiting charter captains come to the Florida Keys without Monroe County occupational licenses, and potentially without captains licenses, and sell visiting tourists fishing trips. One concept the guides associations would like to propose is certifying sticker recognizing one as a legitimate Florida Keys fishing guide. This concept would help prevent the resource from being abused by those visiting captains who do not know the waters, similar to unlicensed illegal contractors in the state of Florida. Unlike the Blue Star Fishing Guide program, this sticker would be mandatory. You would be required to have an occupational guiding license and a captain's license in order to obtain a local Monroe County license.

## **Discussion and Questions**

- The Key West Charter Boat Association has been supportive of this effort.

- In response to a question about whether this issue is being analyzed in the DEIS, Beth Dieveney explained that this issue is not specifically addressed in the DEIS. It was discussed in the shallow water working group but was not a formal recommendation. Captain Dipre explained that fees are done through the legislature. He doesn't have the authority to ask someone whether or not they have a Monroe County occupational license and the county is responsible for enforcement of their codes/regulations. He suggested working with FWC to accomplish their goals and to report people who are operating without the state required license.
- Support was expressed for their efforts and even though the council may not have the authority to help directly in this matter.
- One member noted that compliant fishermen are not the problem, guides need to report illegal charters.
- Every fishing guide already needs to have a business license in the county. Perhaps this program would work better with voluntary compliance. Have the stickers printed and use them voluntarily. Push the idea of customers using only guides with these voluntary stickers. Another member commented that voluntary compliance would take away the authority of the sticker.
- The FKNMS is providing the Blue Star Fishing Guides program, which will increase the legitimacy of guides. They make sure that the captains have the appropriate licensing before giving the Blue Star endorsement. Licensing is generally not something that marine sanctuaries do.
- Need to ensure bookings are legitimate through concierges, web bookings, and in person.

## **VI. PUBLIC COMMENT**

### **County Commissioner George Neugent**

Commissioner Neugent thanked Roy for being here today and for his service. He is there to bring up the idea of limited entry. He brought this subject up many years ago. He doesn't understand why the backcountry fishermen didn't push for this back in 1982 (and today, too). He fished in Alaska under the limited entry program. It can't be said that it doesn't work well because it did. He spent \$20,000 to acquire a license to fish three set nets in Alaska. The thing that amazes him here in Florida is that he sees so many charter and backcountry fish, but at the end and for all the effort, they don't have much. It would give them some security later in life and would give them an opportunity to pass this along to their children. It's also a great way to protect the resource. He just wanted to mention this since it ties in the licensing discussion. He doesn't know why this isn't considered for the Florida Keys National Marine Sanctuary.

### **Douglas Hattendorff, Mama Ocean**

Mr. Hattendorff was a commercial here and made a living as a diver, with traps and a marine life collector for 20 something years. He came back from Central America four years ago and this place looked worse garbage-wise than Central America. And now after the hurricane, the ocean is actually cleaner than it has been for ten years because the hurricane put the trash where it can't be ignored. Now, he has concerns about the traps and trap ropes. He brought this up last time and he has had the law called on him. He has been threatened and warned, but is not going to give up. Half the injured turtles they have brought over the past 25 years have been tourniqueted in trap rope in shallow water. It has been proven what traps do. Again, he had the law called on him and had false allegations. He



appreciates that. Something needs to change on this amendment 68B-55, which allows these traps to sit out there. They have already done enough damage from the hurricane and now they are going to be allowed to sit out there doing further damage until June, until they get their money and have time to clean them up. This makes no sense. He started the non-profit Mama Ocean. It has a trademark with DC and state of Florida with education/research and shoreline cleanups for three years. At least it should be legal to cut 50 feet of rope in five feet of water. They will leave the box, but want to remove the rope. Again, being threatened and warned is not going to stop him, Mr. Kelly. Thank you very much.

**Kama Cannon, K-12 Gifted Education Specialist Science Teacher, Dive N2 Life, Inc.**

Ms. Cannon teaches teachers at the college and directs a STEM enrichment program in the Lower Keys schools called Dive N2 Life. They operate out of Looe Key Reef Resort and Dive Center and are sponsored by SSI (Scuba Schools International). They also have a partnership with the National Park Conservation Association. She wants people to keep in mind ways that her group can serve. They reach out to young at-risk students who would not otherwise be engaged in STEM, which includes science, technology, engineering and mathematics. Physics and humanities are also part of the program. They focus on girls, but serve both boys and girls. She is a doctoral candidate; her research involves motivation and aspiration for science and the building of science identities in youth, particularly girls, and/or in students who are marginalized or that would not otherwise be attracted to science the way it is currently taught in schools and universities. This includes first generation Americans, of which we have many here in the Lower Keys. They engage these students and involve them through service learning and outreach. Students have been involved in sponge restoration and underwater archaeology through the National Parks Conservation Association. They have a Dive N2 Life web page. She would love to have anyone who wants to get involved in the program. They would love to work on other projects. They are in the process of becoming AAUS and she is a dive instructor. She will be the DSO for the training she is attending next week in Atlanta. Thank you.

**Debbie James, Associate Professor at Governor State University (near Chicago, IL.)**

Dr. James explained that her family moved to Key Largo in the 1970s and relocated to mm 89 where they have been there ever since. In her current role, she teaches media. In 2019, she will be embarking on a new project that involves talking to scientists and others who work on the water to ask them for archival footage. She is looking for archival footage, drone footage, satellite footage. From the interviews with people and this footage, she plans to create a story of the past 30 years of the changes in the reef in the Keys. This year, she is spending time talking with people to see if there are any folks who would like to collaborate with her on this project or work on a similar project. They are building a prototype over the next couple of months. She came down this week to do some filming. This is the first time her university is doing a mixed media project. It will be public access and supported on a digital common platform. They have a \$10 million dollar television studio and post-production. She is really excited that an award winning photographer/colleague will be joining her on this project. She will be here the rest of the day and would be happy to talk with anyone about this. Thank you.

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

Captain Kelly is here today to discuss two topics: lionfish and marine debris. He sees a lot of folks around the table who have been working closely with, in some cases on both issues. With regards to

lionfish, the county is fortunate to have two noted experts on lionfish. On the deepwater side in 150 feet of water, it is every single spiny lobster trap fisherman in Monroe County. On the shallow water side, Rachel Bowman knows more about lionfish than anyone else in this county. She knows what they eat, where to catch them, etc. The lionfish project is not advocating for a new trap fishery and certainly nothing like earlier fish traps. They are selling every lionfish they are catching now. What they would like to do is prove the concept with experimental traps and then approach the coastal states with the trap design that works. This is similar to mitigation done for other invasive species such as pythons. They are catching enormous amounts of lionfish and no one knows better where they can be caught than the commercial lobster fishermen. They know the geographical distribution and population densities and could probably triple their catch of lionfish with some directed effort from three to five boats and a couple hundred traps.

In terms of marine debris, the term derelict is used and implies that it was left there intentionally. Just as with Hurricane Wilma, there are significant numbers of lost and displaced spiny lobster traps. Of the 350,000 traps in the county, there wasn't one that wasn't moved by the storm. With the help of Florida Sea Grant, Karl Havens and Shelly Krueger, they used an overflight approach to map the gear that was lost. Now, after covering 2100 miles, they know where the gear is and have mapped it. This is a breakthrough and is the first time this protocol has been applied over water. This Thursday, he will be coordinating a meeting. Senator Nelson is sending down his chief of staff, along with legal counsel for Department of Commerce. He has also asked Chuck Lindsey, Captain Dipre, George Garrett and a few others to meet to discuss the cleanup effort and the \$2 hundred million dollar disaster allocation just approved by the Secretary of Commerce. The important focus is getting the right players to efficiently clean the gear up just as with post-Wilma. George Garrett secured funding for the post-Wilma operation, which was very involved. Through the flyovers and help with Sea Grant, they recovered a great many traps. Now, what is out there are 90,000 to 94,000 traps, now mostly buoy clusters if you will. They are working very closely with Lisa Mongelia with Blue Star on the water recovery efforts and with law enforcement. Thank you for your support on both of these issues.

### **Barry Wray, Florida Keys Environmental Coalition**

Mr. Wray wanted to let everyone know about a program that is coming up in May. Approximately 300 to 400 professionals in the tourist industry have volunteered to spend a day or more helping out different environmental groups and help with recovery after the storm. This is open to anyone who wants to participate in the program. Contact him at [support@fkec.org](mailto:support@fkec.org). He will work with you to coordinate that initiative. These people are gracious and are coming here to help. Lisa Mongelia is working with them on marine debris cleanups. This puts heads in beds for tourism purposes and they are happy about that fact.

In terms of marine debris, the canals have a lot of debris. There seems to be issues with who will pay for what. He knows that some money has come down from the state. He encourages everyone to get the debris out first and then decide who is responsible for that debris at a later time. If effluent is leaking out into the water, this is really sad. He is happy to help and encourages people to get on social media and let people know about this issue.

On the fisheries stuff, the EIS is supposed to come out soon. It is so important to consider what happens in the rest of the ecosystem, what supports the coral such as seagrass. It takes the whole

ecosystem to make the fish produce. One of the most prosperous places to fish is off of Western Sambo. There is a reason for that—the fish have a place to spawn, grow and eventually they spread beyond the zone and the fishing is very good. We need to follow these concepts and need to educate everyone about these concepts so that we can improve the state of the reef. Thank you very much for your time.

Note: George Garrett pointed out that the county recently signed an agreement and cleanup of canals will begin soon. FEMA is behind this effort.

### **Sergeant Frank, Adopt a Cop USA**

After 25 years, Sergeant Frank retired from law enforcement in Palm Beach County, but still felt that there was much to be done. When he was in the US Coast Guard off Key West 30 years ago and the water was amazing. He applauded everyone in this room for their dedication to bringing the planet back together. After he retired, he started a non-profit, Adopt A Cop USA, that goes into schools and feels that this kind of education should start earlier. The same thing is true for conservation; kids need to learn when they are young. Part of the program is to educate and teach them how to protect the environment in the Keys. The other thing they do is provide a security force in the schools. They are teaching the mentoring program and serving as a law enforcement officer in the school. The tragedy that happened in Broward County could have been thwarted and/or prevented if they had more officers in the schools. Captain Dipre mentioned the eyes and ears of the community. In the Columbine tragedy, the mother saw the rifle barrel, but didn't question it. With fisheries, if people see something, they should report it to law enforcement. Everyone is the eyes and ears of the ocean. When reported, they can then take action. People should send the information via photos (FL numbers) to help enforce fisheries. He is very excited to be here in the Keys and is here now with the Hometown Hero Alliance, which takes officers out fishing after tragedies they have incurred in the line of duty. Great organization. They support other non-profits. Feel free to reach out to him at [SergentFrank606@gmail.com](mailto:SergentFrank606@gmail.com) or 561-523-2110. He will be working in the Keys in the next five to six years. The Keys are the Keys to Our Future just like children are our future. He thanked everyone.

### **Alison Johnson, Oceana, Key West, Florida**

Ms. Johnson remarked that it is very timely that Dr. Crabtree is here today. Oceana has some very important campaigns taking place that involve the Magnuson-Stevens and Marine Mammal Protection Acts. Three bills are winding their way through Congress. The first one was introduced by Don Young of Alaska. It is called the *Strengthening Fishing Communities and Increasing Flexibility in Fisheries Management Act*. They are concerned that this bill will undermine the Magnuson-Stevens Fisheries Act by taking authority away from the Fisheries Management Councils and putting it in the hands of special interest groups. She was there for the mark-up of that bill in December and it passed very quickly without a lot of opposition. The second bill, introduced by Mike Johnson, LA., is called the *Streamlining Environmental Approvals Act*. They are concerned that this bill will increase blasting impacts to marine mammals by fast-tracking the permitting process for air-gun and blasting. The third bill, introduced by Steve Scalise, LA, is the *SECURE American Energy Act*, which can potentially open up Florida's coast to oil and gas exploration. Governor Scott is very opposed to that bill. Oceana is working in coalition with Ocean Conservancy, EarthJustice to generate opposition to these three bills.

## **Lunch**

### **VII. ADVISORY COUNCIL COMMENTS: DRAFT PROPOSED PROGRAM FOR THE 2019-2024 NATIONAL OUTER CONTINENTAL SHELF OIL AND GAS LEASING PROGRAM**

ONMS Director John Armor discussed Executive Order 13795 which required a retrospective review of sanctuaries for oil and gas exploration, and mandated reopening of outer continental shelf leasing for oil and gas development. Currently, the exploration effort has been concentrated in the Western Gulf of Mexico, but now there is potential to open up other areas of the shelf for exploration. Public comment is due March 9, 2018. It should be noted that National Marine Sanctuaries are not available for leasing.

Chairperson Popham introduced a draft resolution that opposes any leasing in the Eastern Gulf of Mexico. Conservation and Environment Alternate Carolyn McLaughlin explained that this resolution points out the importance of the Florida Keys National Marine Sanctuary and the dangers and threats associated with oil drilling in the Eastern Gulf of Mexico planning area. The motion was amended to include an opportunity for public input in the Florida Keys. A motion to accept the resolution was made by Carolyn McLaughlin, Dave Vaughn seconded. Resolution passed unanimously.

### **VIII. ADVISORY COUNCIL BUSINESS: CHARTER RENEWAL**

FKNMS Policy Analyst Beth Dieveney explained that the Florida Keys National Marine Sanctuary Advisory Council charter expired in November of 2017. However, there was an extension granted through February 28, 2018. The charter has been updated based on council member input and to ensure consistency across different sites within ONMS. The charter was approved without change, and will be sent to ONMS for final review and approval.

## **Break**

### **IX. PUBLIC COMMENT**

No public comment was offered at this time.

### **X. MEMBER UPDATES OF NOTE**

David Vaughan announced that Mote Marine Laboratory is working with the Boy Scouts of America to offer STEM education. This will involve long-term monitoring in fisheries and will reach thousands of scouts over the years.

Caroline McLaughlin called attention to the senate bill regarding the design of a reservoir south of Lake Okeechobee. The National Parks Conservation Association is concerned that the current plan will not provide enough treatment for the water. Governor Scott has been urged to look at ways to increase the reservoir's capacity, including finding a larger parcel of land.

Don Kincaid pointed out that the GEOS satellite imagery from February 17<sup>th</sup> shows the high amounts

of sedimentation and material from the Caloosahatchee River coming down to Key West on the Gulf side. It's reaching the Tortugas, too. There is a small turbidity plume on the east coast near Stuart, FL, too. It is disturbing to have this kind of water reach the Lower Keys.

### **Marine Debris Update**

On behalf of the advisory council marine debris working group, Blue Star and Team OCEAN Coordinator Marlies Tumolo provided a brief update on the groups' progress. The National Marine Sanctuary Foundation has allocated \$80,000 to this working group to be used by Blue Star operators and lobster trap fishermen for debris removal. A mini-proposal will be provided by the Foundation so that groups/businesses can apply for these funds for local cleanups. The working group has developed a 10-page document with protocols on removal procedures. The document outlines the key components needed for this volunteer effort, including obtaining the FWC/Sanctuary permits and volunteer training. Marlies noted that they are not addressing dive training, but are providing guidance on how to properly remove debris while diving. An email announcement will be sent to the advisory council once the RFP and protocols are developed. People are encouraged to share these resources.

### **Discussion (Marine Debris)**

- Captain Dipre was asked about recovering traps from flats that are exposed. He explained that a trap cannot be touched (as it is private property). If the trap is nothing but pieces of wood, then it is not really a trap anymore and is debris and can be removed. If the trap is only in minor disrepair, it should not be removed by the non-owner. Ideally, it should be given back to the commercial fisherman.
- Elena Rodriguez, Upper Keys diving representative, announced that C-Ocean ([www.mote.org/cocean](http://www.mote.org/cocean)) is being used to compile reports and track marine debris. People can go online and report what exists. She can arrange to send people with the proper permits to retrieve the debris. She added that Marlies is working on a webpage that will have links for the public to use and pertinent information.
- Jeff Cramer, commercial fish advisory council alternate, explained that the commercial lobstermen are retrieving their traps as fast as possible. This storm was very impactful. People should call Bill Kelly if they see traps. Fishermen can then retrieve them. It's not efficient to track down one trap at a time. Mimi Stafford added that it would be helpful if people would give coordinates for retrieval purposes. Bill Kelly is on the marine debris working group.
- Bob Smith, Lower Keys dive alternate, has been on the marine debris working group. He is very impressed with the amount of work that this group has been able to accomplish and congratulates them for what they have accomplished.
- FKNMS Enforcement and Emergency Response Coordinator Steve Werndli announced that NOAA's marine debris program has available funding. Because of the work that the marine debris working group has done, he was able to provide locations for removal of debris. Projects totaling about 1.4 million have been applied for in the submitted proposal. This includes removal from areas on the reef tract, using aerial data, and looking at sites to the west of the Keys, back country, and various other locations.

## **XI. AGENCY REPORTS: SUPERINTENDENT'S REPORT AND AGENCY REPORT**

**HIGHLIGHTS::** DEP, FWC-FWRI, FWC-LE, NOAA NMFS SOUTHEAST REGION, NOAA OGCS, NOAA OLE, EPA, NPS, USCG, USEPA,USFWS, and U.S. NAVY

**Florida Keys National Marine Sanctuary, Superintendent Sarah Fangman**

- FKNMS has selected a research coordinator from the pool of very good candidates. It was a rigorous selection process. At this time, the offer is being made to the candidate.
- Beth put together collection of proposals for funding from NOAA's Coral Reef Conservation Program. BleachWatch at Mote Marine Lab requested \$40k. A Florida Keys mapping project in its third year requested \$100k. Just under \$60k was requested to help with coral disease outbreak response.
- Three public boater education workshops are being held to inform the process of developing a boater education online course for FKNMS. These workshops are open to the public and will be held on March 5 (Key Largo Library), March 6 (City of Marathon Chambers) and March 7 (Florida Keys Eco-Discovery Center).
- The status of artificial reefs after the hurricane is being addressed. Four artificial reefs have been permitted since FKNMS was created in conjunction with local responsible parties that include City of Key West and Monroe County. The sanctuary is requesting that the responsible parties provide ecological and safety information regarding these structures.

**NOAA Office of Law Enforcement, Kenny Blackburn**

- The new NOAA officer, Mitchell Robb, will be back in Keys soon. Has been working on administrating some summary settlement cases offsite because of the hurricane.
- A case was made on a commercial lift boat that was over 150 feet in length and crossed through the sanctuary's Area To Be Avoided. The case went to general counsel. Another sailing vessel grounding case also went to general counsel.
- Joint enforcement operations are taking place in conjunction with the US Coast Guard. A Notice of Violation was issued recently for illegal shrimping in the closed Tortugas ER. This case was sent to general counsel.

**Florida Department of Environmental Protection DEP), Karen Bohnsack (for Joanna Walczak)**  
South District

- The agreement between the County and DEP for marine debris removal in canals has been executed, and the state contractor, DRC is starting the canal cleanups.
- For an update on their progress, a DRC representative will be at the WQPP Canal Subcommittee meeting being held on Friday, February 23<sup>rd</sup> in the County BOCC room (starts at 9:30 AM).

**Florida Coastal Office**

- Ocean's Day:
  - DEP Florida Coastal Office traveled to Tallahassee last week for Ocean's Day to raise awareness about our coastal and marine resources.
  - The Governor's budget currently has a recommendation for an additional \$1 million allocation for water quality and disease this next Fiscal Year. If passed, this will support additional priority coral disease response activities and allow for an additional year of WQ monitoring along the reefs in southeast Florida between Miami-Dade and Martin counties.

- There is also new legislation that has passed the House and Senate and is currently on the Governor's desk to create a "Coral Reef Ecosystem Conservation Area" that will recognize that northern section of the FRT as a unique area, and may improve protection of those resources in the future.
- United States Coral Reef Task Force:
  - The bi-annual USCRTF meeting is happening this week in Washington D.C. The main themes are natural disaster impacts to coral reefs with information from American Samoa, the US Virgin Islands and Florida, and Force Blue (who help with restoration in FL). There are also panels on the USCRTF priority watersheds, and disaster risk reduction and resilience.
  - 2018 is the 3<sup>rd</sup> International Year of the Reef. For more information, visit [www.IYOR2018.org](http://www.IYOR2018.org).

#### **FWC Fish and Wildlife Research Institute, John Hunt**

- FWC received funds from DEP to track the spread of coral disease in the Middle Keys. This is being accomplished by mapping and monitoring corals living within four 5 by 5 meter sites. Some monitoring sites have up to 500 small corals in them. FWC scientists are returning to these sites once a week to see if the corals show signs of disease. They have seen some evidence of disease at the East Washerwoman site, but no disease has been seen at other sites.
- In response to a question about the origin of the coral disease, John said that regardless of what infectious agent is causing the disease, they know that it is waterborne. In the Middle Keys, at certain times of the year, medium-sized eddies can bring water westward toward shore along Hawk Channel. This may or may not be a factor in disease transmission.
- FWC received a grant to purchase 50 extra acoustic receivers to replace receivers lost in Hurricane Irma. These receivers are used for connectivity work in sanctuary. They also received funds to replace the coral trees at the FWRI nursery which was impacted heavily by the storm.
- The MOU developed between the National Park Service and FWC regarding the Research Natural Area (RNA) in Dry Tortugas National Park calls for monitoring and research inside the RNA. This agreement is revisited every five years. FWC provided the scientific results of the RNA to Tallahassee as part of this process. On February 7, the FWC Commissioners voted unanimously to keep the no anchoring/no fishing restrictions in place in the Tortugas. They also voted unanimously to shift to a 20 year review time instead of a five year time frame. The next step in the RNA process involves seeking approval from the Governor and Cabinet in their role as the Board of Trustees for the Internal Improvement Trust Fund. They will receive the same FWC presentation about the effectiveness of the RNA. He thanked everyone who has supported these efforts. The FWC presentation may be found on MyFWC.com in the commission meeting section.
- Goliath grouper will be addressed at the Commission meeting, which is scheduled for April 25-26 in Ft. Lauderdale. Public workshops were held last fall.

#### **FWC Law Enforcement, Captain Dipre**

- FWC had seven offshore patrols out to the Tortugas, Pulley Ridge and other locations. They have just obtained one more offshore patrol boat. So, now five boats are going out to the Tortugas now. Every time they go out there, they make a case. The goal is to make the stops and to find people in compliance, but they are not finding that to be true. This points to the

notion that poaching may be taking place when the patrols are not there. They will continue patrolling the area and making cases.

- FWC is addressing boats being rented for overnight housing through Air BNB. People who are offering these rentals are not following the state rules for a livery, which requires registration with the state. This is also a safety issue since some boats are derelict or nearly derelict. At this time, FWC is educating people on what is needed to be legal before moving forward with enforcement in the future.
- FWC has closed the areas that were housing displaced vessels that were removed from state waters. The site at Harry Harris Park will be closed soon. The Marathon sites are still open. The only site left open is the one at mm 106.
- FWC is working a trap robbing detail.
- FWC has had some dignitary details, including the President's visit to Florida.
- FWC works closely with the sheriff's office in this county. FWC assisted with a situation in which a student was making threats.

### **NOAA National Marine Fisheries Service, Heather Blough**

- Irma Update
  - Earlier this month, Secretary Ross approved Gov. Scott's request for a catastrophic fishery disaster declaration in the state of Florida following Hurricane Irma; after decisions are made regarding how to allocate the supplemental funds Congress appropriated for this and other disasters, we'll work with Florida to develop a spend plan that addresses the needs of impacted fishing communities
- NOAA Fisheries
  - Implemented new regulations the South Atlantic Council proposed for mutton snapper to address the recent assessment and improve regulatory consistency in South Florida waters. Through March 17, they're also requesting public comments on a Gulf Council proposal to make similar changes. The Gulf Council proposal also would increase the commercial minimum size limit for gag.
  - Through March 4, they're requesting public comments on a joint Council proposal to increase the spiny lobster catch limit and prohibit the recreational use of traps to harvest spiny lobster in federal waters off the Carolinas and Georgia
- Gulf Council met in late January/early February in New Orleans
  - Reviewed draft proposal to make federal spiny lobster bully netting regulations consistent with those Florida recently adopted, and enable Florida to submit proposed lobster regulations directly to NOAA Fisheries without Council action; South Atlantic Council will look that over next month.
  - Approved for public comment a proposal that would allow commercial and for-hire reef fish permit holders to use new sea turtle release gears (public hearing webinar scheduled for Apr. 4)
  - Recommended (with minor modifications) NOAA Fisheries to approve 2 of the 3 exempted fishing permit applications. Applicants are requesting authorization to test various trap designs for lionfish harvest.
  - Also recommended (with caveats) that approval of exempted fishing permit applications received from each of the 5 Gulf states to pilot test state management of recreational red snapper fisheries in 2018 and 2019. They hope to solicit public comment on those applications within the coming weeks and to make a final decision



regarding issuing the permits in mid-April.

- South Atlantic Council meets early next month in Jekyll Island
  - Continue to explore options for establishing a moratorium on for-hire snapper grouper permits; as well as a private angler permit and electronic reporting requirement to improve catch and effort estimates for snapper grouper species.
  - Considering requiring commercial and recreational snapper grouper fishermen to have venting tools and descending devices onboard their vessels.
- Next Gulf Council meeting is April in Gulfport, then they'll meet in Key West in June

#### **Dry Tortugas National Park, Meaghan Johnson**

- Stabilization of Fort Jefferson will continue over the next couple months. Maintenance to the Garden Key main dock will begin in mid-March.
- In January, staff and volunteers collected 724 lbs. of marine debris from Garden, Bush, Long and Loggerhead Keys prior to bird nesting season. Another cleanup will take place in April prior to turtle nesting season. This project is funded by the South Florida National Parks Trust.
- Bush Key was closed in early February when the sooty terns arrived and began nesting. The island will remain closed to visitors through the remainder of the nesting season.

#### **Everglades National Park, Chris Kavanagh**

- Water quality has improved in Florida Bay in the five months since hurricane Irma. Eastern and Southern basins within the Park have mostly cleared of turbidity and chlorophyll-*a* from phytoplankton. Western portions of Florida Bay continue to have high turbidity. The North Central basins and bights (Snake Bight to Terrapin Bay, Rankin Lake and North Whipray basins) continue to have high levels of chlorophyll-*a* (>20 ug/L), but turbidity has reduced greatly.
- A fish kill was reported in Western Florida Bay this past weekend between Oxfoot and Schooner banks (south of Sandy Key). The fish kill was investigated, and reported as "limited in scale and numbers of fish" (<100, dead catfish and pinfish). Live seabirds (pelicans, cormorants, frigate birds) and dolphin (pod of 8) were seen in the area. Water clarity and physical parameters were good. A water sample was collected by a fishing guide, and sent to FWC for testing for presence of *Karenia brevis* (HAB-red tide organism).

#### **US Coast Guard LT. Quentin Long), Sector Key West**

- In January, USCG carried out the close-out process for ESF-10 in the Florida Keys. This involved returning FEMA/USCG property; disposing of hazardous wastes, terminating leases and contracts, working with FWC to transfer databases, notifying natural resource and historical property trustees and closing out emergency consultations.
- FKNMS staff members were acknowledged by LT. Long. Eric Raslich was recognized for his hard work as a Natural Resource Advisor in the vessel removal process. Steve Werndli was acknowledged for his contribution while based out of the Miami Incident Command office.
- ESF-10 began on September 18, 2017; operations were completed on January 24, 2018.

USCG assessed 1824 vessels and removed 563 vessels. Responsible parties removed 1122 vessels. Total costs for removal contractors was \$15,705,000.

- Two options exist regarding what to do with remaining vessels. If the vessel is believed to be Irma displaced and is not sheening, information will be routed to FWC. If the vessel is believed to be related to Irma and is sheening, USCG will respond in concert with local FWC and FDEP to address the pollution threat. Funding will be coordinated through the National Pollution Funds Center. If people see pollution (oily sheen), they should report it by calling 800-424 8802.
- USCG will be stepping up its enforcement efforts throughout the Florida Keys.
- The USCG DC office has recently submitted a joint ER (Environmental Response) Joint Contingency Plan with Cuba to respond to pollution events. This is currently being reviewed by the Department of State.

#### **US Navy Naval Air Station Key West, Ed Barham**

- NASKW removed 80 vessels in response to Hurricane Irma. An additional 20 vessels were removed by the vessel owners.
- NASKW completed a habitat enhancement project by removing invasive, exotic vegetation and woody native vegetation from endangered species habitat on Boca Chica and Truman Annex.
- In December NASKW conducted an annual survey of the Lower Keys marsh rabbit, preliminary data indicates Boca Chica population survived Hurricane Irma.
- In December, completed a smalltooth sawfish survey of waters around the installation. No sawfish observed, but the presence of suitable habitat and historic and regional observations allow a reasonable conclusion that smalltooth sawfishes are residents of waters off NAS Key West.

## **XII. UPCOMING MEETING AND CLOSING REMARKS**

Chairperson Popham announced that the next advisory council meeting is April 17<sup>th</sup>. He thanked everyone for their active participation and thanked guests John Armor, Roy Crabtree, Jessica MaCawley and Ed Lindelof.

**Meeting Adjourned.**