

***FLORIDA KEYS NATIONAL MARINE SANCTUARY ADVISORY COUNCIL***

**VIRTUAL WORKING SESSION**

**Tuesday March 24, 2020**

**DRAFT NOTES**

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

**Council Members**

Tourism – Lower Keys: Clint Barras (Chair)  
Boating Industry: Bruce Popham (absent)  
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: Joe Weatherby  
Diving – Upper Keys: Elena Rodriguez  
Education and Outreach: Jessica Dockery (absent)  
Elected County Official: Michelle Coldiron  
Fishing – Charter Fishing Flats Guide: Will Benson  
Fishing – Charter Sports Fishing: Steven Leopold  
Fishing – Commercial – Marine/Tropical: Ben Daughtry (absent)  
Fishing – Commercial – Shell/Scale: Justin Bruland  
Fishing – Recreational: Ken Reda  
Research and Monitoring: David Vaughan  
South Florida Ecosystem Restoration: Jerry Lorenz  
Submerged Cultural Resources: Corey Malcom  
Tourism – Upper Keys: Andy Newman (absent)

**Council alternates (present)**

Citizen at Large – Lower Keys: Stephen Patten  
Citizen at Large – Upper Keys: Suzy Roebing  
Conservation and Environment: Caroline McLaughlin  
Fishing – Charter Fishing Flats Guide: Dale Bishop  
Fishing – Charter Sports Fishing: Richard Gomez  
Research and Monitoring – Shelley Krueger  
South Florida Ecosystem Restoration: Elizabeth Jolin  
Submerged Cultural Resources: Diane Silvia  
Tourism – Upper Keys: Lisa Mongelia

**Agency Representatives (present)**

Florida Department of Environmental Protection: Joanna Walczak, Nicolas Parr

FWC Division of Law Enforcement: David Dipre  
FWC Fish and Wildlife Research Institute: CJ Sweetman  
NOAA Office of Law Enforcement: Loren Remsberg  
NOAA National Marine Fisheries Service: Heather Blough  
U.S. Fish and Wildlife Service: Kristie Killiam  
U.S. Navy: Ed Barham

### **Municipalities**

City of Layton: Cynthia Lewis

## **I. CALL TO ORDER, CHAIRPERSONS COMMENTS**

Superintendent Fangman called the meeting to order and welcomed and thanked everyone for participating in the meeting. Chairperson Clint Barras thanked everyone and stated that the council has many issues to review during this meeting. He thanked the SAC members who contributed to drafting the motions that will be presented today.

Superintendent Fangman stated that public comment would be accepted during the meeting via email, and would be shared with council members in advance of the next meeting. While this meeting format is not an ideal, the sanctuary felt it was important to make progress. Today's session will involve discussions on complex issues; no decisions will be made during this meeting.

## **II. MEETING GOALS, FORMAT ASSOCIATED MATERIALS**

Ms. Dieveney reviewed the main goals for the meeting, including the previously identified priorities (spatial, regulatory and management plan). Some new priorities were added by council members. Draft proposals related to the items were submitted by council members and will be discussed. Most of these motions were authored by the SAC core group, which is comprised of former and current leadership of the council, members from different interests and across the geographic region. Additionally, public comments will be shared with the advisory council along with a follow-up survey, which will help direct next steps.

Current core group membership includes: Former Chair and Vice Chair (Conservation and Environment), Current Chair and Vice Chair (Boating Industry, Tourism - Lower Keys), Monroe County Elected Official, Citizen at Large - Upper Keys, Diving - Lower Keys, and Fishing: Charter Flats Guide, Commercial Marine Life/Tropical, and Commercial Shell/Scale.

To view Ms. Dieveney's presentation and other materials related to this meeting, visit <https://floridakeys.noaa.gov/sac/meetings.html>.

## **III. SANCTUARY BOUNDARY**

### Sanctuary Boundary Expansion Draft Alternatives:

In Alternative 4, Pulley Ridge is protected. In Alternatives 2, 3 and 4, the Tortugas region

receives connectivity and habitat protections and the area becomes consistent with the current Area to be Avoided.

SAC proposed Boundary Motion:

*The SAC supports Alternative 4, expanding the boundary to the maximum extent described in the DEIS. Sanctuary-wide regulations would apply in this expanded area. Pulley Ridge should have an additional prohibition on vessels longer than 50 meters anchoring therein.*

Discussion/Comments/Questions

- A member asked about law enforcement in this area. Superintendent Fangman acknowledged the importance of enforcement, but also noted that enforcement will never be perfect. Captain Dipre clarified that there are 51 officers enforcing in the Florida Keys, which are responsible for the entire sanctuary.
- A member asked about consultation with the Gulf Fisheries Management Council regarding Pulley Ridge. Ms. Dieveney explained that FKNMS consulted with both Fisheries Management Councils on this topic. A letter was provided by each council and were sent to members via email in preparation for this call.
- A member suggested that the anchoring restriction for large vessels may create an issue as there are many lobster traps fished in this area. There should be a clearly defined alternative area where these vessels could anchor, which can be identified with stakeholders.

#### **IV. SANCTUARY WDE REGULATIONS**

##### **3.2.1 - Live rock prohibition**

Status Quo: Prohibits harvesting or possessing any live rock except as authorized by a permit for aquaculture issued by the National Marine Fisheries Service or as authorized by the applicable state authority

Preferred Alternative: Develop a memorandum of agreement with the state of Florida and National Marine Fisheries Service

Alternative: Require sanctuary authorization for existing and any future live rock aquaculture activities

Draft proposal/motion for Advisory Council consideration:

*The SAC supports Status Quo, no change. There seems to be no stated existing issues with this use and it is not in conflict with FKNMS goals and objectives. This use has diminished over the last decade and there is no reason to believe that this will change in the future. It would be the SAC's desire that the FKNMS and state of Florida continue to work together on items that fall within both entities boundaries.*

Discussion/Comments/Questions:

- Members indicated that the current regulations in place seem to be adequate. This is a small industry with relatively low impact overall.

##### **3.2.2 - Discharge regulation**

Status Quo: Prohibits discharge of any material except “water generated by routine vessel operations” (e.g., deck wash down and graywater)

Preferred Alternative: Prohibits discharge of any material from a cruise ship except clean cooling waters, clean bilge water, or clean anchor wash water. The Advisory Council supports the Preferred Alternative.

No motion was put forth regarding this proposal.

Discussion/Comments/Questions

- A member asked about whether the discharge bilge water would be sterile so that it doesn't carry coral disease. Could the language include "clean and sterile"? Ms. Dieveney clarified that the level of clean will still have to be determined and discussed.
- A member noted that making technical changes in the cruise industry such as this one can take years to be fully implemented.
- A member asked for clarification about the term "anchor wash water" when most cruise ships, which are over 50 meters in length, are not allowed to anchor in the sanctuary. Ms. Dieveney reviewed the original language in the blueprint and provided the definition for the term cruise ship.

### **3.2.3 - Shoreline slow speed**

Ms. Dieveney stated that the sanctuary has received concerns about boats having to get on a plane in shallow waters and in marked channels.

Status Quo: Prohibits operating a vessel at a speed greater than 4 knots or creating a wake within 100 yards of residential shorelines

Alternative 4: Extend this prohibition to apply to all shorelines within the sanctuary and modify the restriction to slow speed. The definition for slow speed by the state would be used.

SAC Motion

*The SAC supports Alternative 4, expanding the sanctuary-wide slow speed regulation within 100 yards of residential shorelines to include slow speed within 100 yards of all shorelines with exceptions. Exception 1 is for waterways marked by US Coast Guard aids to navigation unless those waterways already have vessel speed regulations in place in which case existing regulations take precedence. Exception 2 is for boating routes that are not USCG-marked waterways but that are more safely or practically transited at normal operating speed so long as other factors (e.g. shoreline erosion and wildlife impacts) are not negatively affected by normal operating speed. Furthermore, the SAC supports this sanctuary-wide regulation as a possible alternative to many, not all, of the site specific, more restrictive shoreline or nearshore waters protection proposals in the DEIS unless well documented impacts to wildlife, habitat, or public safety require more restrictive measures such as no motor or no entry zoning. In other motions the SAC should make specific recommendations about shoreline zones that need more protection than slow speed zoning provides. Other individual zones not specifically addressed by the SAC, and particularly many of those in the Lower Keys National Wildlife Refuges, may require more examination by the relevant agencies before being reconsidered by the SAC.*

Discussion/Comments/Questions

- A member pointed out that this motion would substitute many of the "micro" zoning in the Blueprint. If this was the law within 100 yards of every shoreline in the Keys, with the exception of channels, etc., this could be the simplest action rather than individual zones. It may be challenging for enforcement, but compliance should be the goal.

- A member reminded the council that the county initially added buoys to try to keep this type of regulation in place, but that was not feasible. It may be more difficult to have a blanket regulation without buoys, but buoys are not practical.
- A member brought up that in some places there is deep water next to islands that boaters/fishers use, and having them come off the plane before reaching that deeper water near the island could cause worse damage. There would need to be exceptions clearly stated.
- A member commented that this kind of approach work well in protecting sensitive areas in Everglades National Park. The park has moved boating routes away from all islands.

### **3.2.4 - Emergency regulations**

Ms. Dieveney explained that if in a particular situation, if there is a need for a permanent regulation, all of the regular public notice and input, etc. would be in place. This additional time is intended to provide the agency and its partners the additional time needed to monitor the situation.

Status Quo: Emergency regulations may be enacted for 60 days with option for additional 60 day extension

Preferred Alternative: Emergency regulations may be enacted for 180 days with option for additional 186 day extension.

#### SAC Motion

*The SAC supports the need for additional time to assess conditions and develop new regulations that would ameliorate or avoid recurrence of the emergency. The SAC requests that staff consider a new alternative that provides an initial 3-month period (one month longer than the existing first time period) for assessment of the emergency situation followed, if necessary, by a second, 9-month period (seven months longer than the existing second period) to provide ample time to develop new regulations which would go through the normal, time consuming, public process which could result in no action or new regulation.*

#### Discussion/Comments/Questions:

- A member commented that the sanctuary has had the ability to use these regulations under status quo and has done so rarely. However, additional time would allow better for better assessment of the resources in situations such as after a hurricane. It may be pragmatic to have this option.

### **3.2.5 - Historical resources permits**

Status Quo: Inconsistent with state regulations. Permitted categories include: survey/inventory, research/recovery, and deaccession/transfer.

Preferred Alternative: Aligns sanctuary regulations with state regulations. Create one historical resource permit category for: archaeological research

#### Draft proposal/motion for Advisory Council consideration

No draft proposal/motion was submitted in advance for this topic.

#### Discussion/Comments/Questions

- A council member detailed the background information about this proposal including a Programmatic Agreement that was developed between the state and the sanctuary to

address the issue of permits to salvage companies. This Programmatic Agreement resulted in a tiered approach to searching for and possibly recovering items, and ultimately deaccession and transfer of the recovered items into private hands. This would suggest that only those people with admiralty claims are able to own items in federal waters. In 2015, the Programmatic Agreement lapsed which resulted archaeologists and treasure salvors applying for both a federal and state permit. The Blueprint proposes moving to only the federal permit, which would create uniformed reporting guidelines, but would eliminate any possibility of private shipwreck salvage except for those that have admiralty claims. It seems as if the status quo option is in line with public comment. Ms. Dieveney clarified that if the status quo is adopted, the 2015 Programmatic Agreement would not automatically go into place.

- A member expressed concern about the timing of issuing a permit, and suggested that protocols should be created for ways to address the paperwork issue.

### **3.2.6 - Fish feeding**

Ms. Dieveney explained that fish feeding is not explicitly regulated in the current regulations (unless an injury to a sanctuary resource has occurred). The Preferred Alternative would prohibit feeding fish from any vessel and while diving. The difference between this draft proposal and the state's current regulation, which covers state waters, is the addition of "any vessel".

Status Quo: Inconsistent with state regulations. Not explicitly regulated unless: a discharge, or destruction, loss, or injury to a sanctuary resource occurs

Preferred Alternative: Prohibit the feeding of fish, sharks, or other marine species from any vessel and/or while diving.

Draft proposal/motion for Advisory Council consideration

*The SAC supports the Preferred Alternative with the caveat that existing businesses that can demonstrate that fish feeding is central to their business model and that fish feeding has historically, for at least 5 years, been central to their business model, may be grandfathered in with a special permit.*

Discussion/Comments/Questions

- A council member described general opposition to fish feeding but understands business models. Perhaps grandfathering in certain businesses is the answer. Another member suggested a time limit on current businesses, so they have time to work around the regulation, and ensure they cannot transfer the permit if the business sells. Another member countered with an idea that the business be allowed to continue for as long as they have been in business. There was general agreement that no new operations be allowed.
- Members sought clarification on fish feeding vs chumming. Ms. Dieveney clarified that in the current regulations the sanctuary has an exception for chumming the water during traditional fishing and this proposal will not affect the existing regulation.

### **3.2.7 - Vessel groundings and derelict and deserted vessels**

Status Quo: Not explicitly regulated unless: a discharge, alteration to the seabed, or destruction, loss, or injury to a sanctuary resource occurs

Preferred Alternative: Prohibit anchoring, mooring, or occupying a vessel at risk of becoming derelict, or deserting a vessel aground, at anchor, or adrift. Prohibit leaving harmful matter aboard a grounded or deserted vessel

Draft proposal/motion for Advisory Council consideration

*The SAC supports the Preferred Alternative*

Discussion/Comments/Questions

- A member asked for clarification on the language “in danger of becoming a derelict vessel”. Ms. Dieveney noted that the Blueprint contains definitions for harmful matter etc. and the intent is to try to align definitions with state and other federal regulations.

### **3.2.8 –Large vessel mooring buoys**

Ms. Dieveney described the two buoy proposals together.

Status Quo: Use of FKNMS mooring buoys is required: in Tortugas North Ecological Reserve, in all other SPAs and Western Sambo Ecological Reserve, if a buoy is available.

Preferred Alternative: Require vessels over 65’ length overall to use large vessel designated mooring buoys.

Draft proposal/motion for Advisory Council consideration:

*The SAC supports the Preferred Alternatives.*

### **3.2.9 - Overnight use of mooring buoys**

Status Quo: Use of FKNMS mooring buoys is required: in Tortugas North Ecological Reserve, in all other SPAs and Western Sambo Ecological Reserve, if a buoy is available.

Preferred Alternative: Prohibit overnight use of FKNMS mooring buoys, except for safe harbor.

Draft proposal/motion for Advisory Council consideration:

*The SAC supports the Preferred Alternatives.*

Discussion/Comments/Questions:

- A member asked about dive operations which spend the night out on the reef and wonder if this regulation might force them to anchor when not needed? Perhaps instead there could be a time limit for vessels.
- A member asked about placement of large buoys, would they be placed where regular size buoys are located? Can there be a regulation keep the smaller vessels from mooring to the large vessel buoys?
- A member brought up the regulations in place at the city and country level would address the Airbnb problem.

## **V. MARINE ZONE REGULATIONS**

### **3.4.1 - Motorized personal watercraft**

Ms. Dieveney explained that this proposed alternative provides relief of personal watercraft operation in small portion of Key West National Wildlife Refuge. Ms. Dieveney noted that some public comments support the expansion of this area.

Draft proposal/motion for Advisory Council consideration:

*The SAC supports the Preferred Alternative.*

Discussion/Comments/Questions

- No comments were offered by council members at this time.

### **3.4.2 - Tortugas North Ecological Reserve access permits**

Status Quo: For access to Tortugas Ecological Reserve North, access permits must be requested at least 72 hours but no longer than one month before the date the permit is desired to be effective and FKNMS or NPS staff must be notified before entering or leaving the Reserve.

Preferred Alternative: Remove the current time requirement for requesting access permits and for notifying FKNMS or NPS staff before entering and leaving the Tortugas Ecological Reserve North. Access permits will still be required.

Draft proposal/motion

*The SAC supports the Preferred Alternative.*

Discussion/Comments/Questions

- A member stressed the importance of online submission to streamline the process.

### **3.4.3 - Catch and release fishing by trolling in four sanctuary preservation areas.**

Ms. Dieveney explained these proposed changes to the current (status quo) regulations related to certain SPAs. In the preferred alternative, the two exceptions for bait fishing and fishing by trolling would be removed from these four SPAs.

Status Quo: Allow exception for catch and release fishing by trolling in the Conch Reef, Alligator Reef, Sombrero Reef, and Sand Key Sanctuary preservation areas.

Preferred Alternative: Remove the exception for catch and release fishing by trolling in the Conch Reef, Alligator Reef, Sombrero Reef, and Sand Key sanctuary preservation areas.

Draft proposal/motion

*The SAC supports Status Quo because it is premature to make a determination about these issues until the zone boundaries are crystal clear. Limiting bait fishing and catch-and-release trolling in existing SPAs where these activities are currently allowed has one set of impacts on people and the environment, but if those SPAs expand it is a completely different and larger set of impacts. Once zone boundaries are clear the SAC should revisit these regulations. Staff must also clearly define “trolling” so the SAC and the public can understand exactly what is being proposed.*

### **3.4.4 - Baitfish permits**

Status Quo: Cast net permits are issued for and valid in all sanctuary preservation areas where fishing is prohibited. Hair hook permits are valid in only Davis, Conch, and Alligator sanctuary preservation areas and are issued for October 15 through April 15, and only allow fishing from 5:00 a.m. until 10:00 a.m. daily.

Preferred Alternative: Eliminate, over a three-year period, the practice of issuing permits that allow capture of baitfish from within the sanctuary preservation areas.

Draft proposal/motion for Advisory Council consideration -- Trolling and Baitfish permits in 4 SPAs:

*The SAC supports Status Quo because it is premature to make a determination about these issues until the zone boundaries are crystal clear. Limiting bait fishing and catch-and-release trolling in existing SPAs where these activities are currently allowed has one set of impacts on people and the environment, but if those SPAs expand it is a completely different and larger set of impacts. Once zone boundaries are clear the SAC should revisit these regulations. Staff must also clearly define “trolling” so the SAC and the public can understand exactly what is being proposed.*



### Discussion/Comments/Questions

- A member asked about the definition of trolling needs to be made clear. Additionally, if the SPAs change through this process, this proposal could change.
- Another member added that baitfishing in these areas is mostly for ballyhoo, and does not impact the reef.
- Another member suggested separating these two uses. Baitfishing in the SPAs should be separated from trolling because they are two different things. Ms. Dieveney clarified that these two regulations, catch and release by trolling and baitfish permits, are distinct proposals and issues and would be discussed separately as things go forward.
- Another member commented that regulations should be consistent which would create less confusion. Even if the baitfishing is not impacting habitat it is impacting the biomass and contributing to user conflict.

### **3.4.5 - Limited use access restrictions for specific sanctuary preservation areas.**

Ms. Dieveney stated that the limited use proposal applied to and was meant to test limited use at certain zones: Carysfort, Sombrero and Sand Key SPAs. Ms. Dieveney also noted many ideas were provided by the public on this issue. Currently sanctuary staff are conducting an evaluation regarding carrying capacity and limited use and are collecting information on how such measures have been implemented in land and marine areas across the world to better understand and apply some of those ideas here.

#### Draft proposal/motion for Advisory Council consideration

*The SAC supports further examination of limited use access restrictions on heavily used sanctuary preservation areas such as Sombrero and Sand Key and other areas, SPAs or otherwise, but the SAC does not support the idea of Blue Star Dive/Snorkel Operators being the only commercial operators granted access to these or any other area. The Blue Star Program has benefits for sanctuary resources and its participants, but it is voluntary, should remain strictly voluntary, and should not be used as described. The SAC strongly recommends that access restrictions focus on commercial users, not the general public. Other regulatory tools, such as Wildlife Management Areas, Special Use Research Only Areas, and Special Use Restoration Areas should be used to address excessive impacts by the general public if warranted.*

### Discussion/Comments/Questions

- A member commended Blue Star as a great program, but not for this use. If there are too many people using an area and resulting in negative impacts, other regulations can be employed to deal with that problem.
- Another member agreed. There should be a distinction between commercial use and the general public, which has the right to use the reef, with limitations.
- One member brought up that this issue should be looked at across the entire sanctuary, not just individual SPAs. This might be the time to looking at some sort of licensing or restrictions on the number of commercial vessels that are operating and the number of individuals that are allowed on each of the commercial vessels. There might be fewer operators in the future and ways to keep lower use level could be put in place.
- One member suggested considering local only zones. There are concerns about large scale activities taking over sandbars near Key West. The sanctuary should look at the

type of activities and what kind of impacts they are having and look at a variety of approaches so that we know best how to go forward in the future.

- Another member detailed experienced at the Great Barrier Reef, where operators had use of specific sites which was an incentive to keep the area in good shape. This approach promotes good stewardship and could be considered in the Keys.
- A member agreed that commercial and recreational use and the carrying capacities at these sites should be studied, especially if coral restoration is occurring.

## **VI. MARINE ZONE SPATIAL**

Note: Some of the topics in this agenda item were not discussed due to time constraints.

### **Western Dry Rocks**

Superintendent Fangman noted that the sanctuary received many comments on this area. Ms. Dieveney explained that currently there is no marine zone at Western Dry Rocks. In Alternative 3 and 4, the size of the proposed Wildlife Management Zone is the same, but in Alternative 4 the area is transit only, while in Alternative 3 the area allows for trolling. She acknowledged that trolling needs to be defined.

Status Quo: In Alternative 1, status quo, the area is not protected by a zone designation.

Preferred Alternative: In Alternative 3, the area is proposed as a Wildlife Management Area with trolling only. In Alternative 4, the area is proposed as a transit only zone.

Draft proposal/motion for Advisory Council consideration:

*Amend the proposal at Western Dry Rocks to be a seasonal closure during the spring and early summer to protect springtime fish spawning aggregations.*

Discussion/Comments/Questions

- A member added that the closure should apply to all user groups to be fair and allow the natural process take place as it is a multispecies spawning site and has biological significance.
- Another member explained that this decision should be made by fisheries management councils, not the sanctuary.
- A member suggested that if this area is closed seasonally, especially as a trial period and is not performing as anticipated, then it could be changed or eliminated. Taking a modest step forward might help get desirable effects. Another member echoed this stance, that understanding the results of the action taken is crucial to applying this action elsewhere.
- Another member described opposition to fishing in a spawning aggregation at all. The management of the ecosystem in this area should be up to the sanctuary. Another members added that fisheries management is depending on habitat management.
- A member inquired about the economic loss of fisheries if this area would be closed.
- A member asked if this proposal was in the original Blueprint. Ms. Dieveney clarified that this specific draft proposal was not in the original blueprint and was drafted by council members.

## **VII. MANAGEMENT PLAN AND OTHER SANCTUARY ADVISORY COUNCIL PRIORITIES**

Note: This agenda item was not discussed due to time constraints.

## VIII. CLOSING REMARKS

Superintendent Fangman provided closing comments. She is pleased and inspired by the group coming together to discuss these issues using this unfamiliar and sometimes challenging technology. Clearly, all items haven't not been covered today and she welcomes more input on these topics. FKNMS will provide information on how things will proceed in the future. She thanked the staff for their work during the meeting today.

Chairperson Barras agreed that the program went very well and he thanked everyone again for their hard work and research in advance to make this possible.

## IX. PUBLIC COMMENT

Note: written public comment was accepted via email during the course of the virtual session.

### **Blair Witherington, Inwater Research Group, Inc.**

Please accept this general comment regarding the discussion among FKNMS Advisory Council members on the wisdom of new regulations and zone expansion. Respectfully, the argument that new regulations are not warranted because old regulations are not enforced is a widely recognized logical fallacy--Tu quoque, or the appeal to hypocrisy. This fundamental assertion fails at a basic level. There is much written on it because the discussion is common in legal proceedings.

As a user who accesses sanctuary waters by boat, we (Inwater Research Group) strongly support the protective measures to require slow vessel speed within 100 yards of all land forms. In answer to the signage and enforcement challenges for this measure, I point to the common use of distance-from-shore as a speed enforcement criterion for FWC (attached image).



### **Taffi Fisher-Abt, Mel Fisher Enterprises**

On page 68 of the socioeconomic document concerning Historic resources, it states: In conjunction with this proposed change and DEIS, the Programmatic Agreement for the Purpose of Historical Resource Management in Florida Keys National Marine Sanctuary will be updated. The parties to this agreement include NOAA's Florida Keys National Marine Sanctuary and the State of Florida Historical Preservation Office. My comment: This 'draft' programmatic agreement' referred to and included in the blueprint, did not invite ANY input from the commercial private sector salvage community who were integral in the original version of the same document, the Programmatic agreement and will be the most effected user group. Why doesn't FKNMS reinstate the original agreement until a version with public/user group input has been invited and considered. We support ONLY Alternative ONE with a reinstatement of the original Programmatic Agreement!

On page 67 of the socioeconomic document, concerning Historic resources, it states: No deaccession/transfer permits have been applied for or issued. My comment: this is misleading because no private commercial salvage company has been able to get to that point of applying for those permits due to the already existing overly restrictive prerequisites. We support ONLY Alternative ONE with a reinstatement of the original Programmatic Agreement!

On page 68 of the socioeconomic document, concerning Historic resources, it states: This definition is informed by and consistent with Florida's 1A-32 archaeological research permit standards and with the Secretary of the Department of Interior's Standards for Archeological Documentation. My comment: Florida's 1-A-32 is focused on those salvage companies who are government, university, and not for profit organizations. There is a whole different law for those commercial private salvage community, those who have pre-existing admiralty claims or worked previously under the old programmatic agreement are not addressed or acknowledged as even existing here. We support ONLY Alternative ONE with a reinstatement of the original Programmatic Agreement!

Alternatives 2,3, and 4 include the rule of "In Situ Preservation", My comment: Keep in mind that even if 'in situ preservation' is what the majority of the 'rest of the world' promotes at this time, that doesn't make it right in the case of FKNMS. If the majority ruled, there would be no FKNMS, because the majority voted against its designation in 1990 on the ballot. While "In Situ Preservation" may sound ideal, and maybe it is in certain situations for a wreck that is largely intact and in an ideal environment, but, we in the industry working in the real world here in the keys know that the keys shipwrecks, unlike most in the world, are not like that, most of the shipwrecks in the FKNMS are highly dispersed accident sites, scattered in broken bits and pieces over miles of bottom, centuries of hurricanes, in warm, turbulent, toredo worm ridden, high salinity, algae and bacteria filled underwater environment, subject to pirates and looting, and in actuality, they are actively rotting and rusting and continually going through 'in situ deterioration'. Unlike coral, fish, and seagrass, which can be renewable, planted and regrown, submerged cultural resources are non-renewable and they need to be salvaged to be conserved. The Atocha and Margarita and the Henrietta Marie slaveship would not have been saved and on display at the Mel Fisher Maritime Heritage Society and all that we have saved and preserved so far would not exist if this 'blueprint and PA' had been in place 50 years ago. It's a

sad fate for all the other wrecks in the keys if anything but alternative ONE is approved. We support ONLY Alternative ONE with a reinstatement of the original Programmatic Agreement!

### **Gerald Ward**

I listen to most of the subject meeting (other than a portion of the sanctuary boundary element when I took a business call for 0.2 hour). The sanctuary is managed by two co-managing partners of which only the NOAA superintendent with her staff interpreted provisions of the draft “blueprint” (or newly drafted provisions) today. A number of times, the council and staff discussions transcended state and federal lands or activities. The state of florida co-manager who is equal in management of the sanctity (although her management also had trump authorities built into the states agreements) did not weigh in to my knowledge. Why?

### **Tim Birthisel**

A few months ago I wrote to FKNMS about a proposal to utilize a live rock aquaculture project as a way to increase habitat for the reef ecosystem offshore of the Keys, and I wonder if it would help to have me do a brief presentation at a FKNMS SAC meeting? I am thinking it may be helpful to verbally share the basic concept with the group in order to facilitate consideration efficiently, in light of the diverse priorities and activities of this group.

### **Peggy Mathews, American Watercraft Association**

There is no one on the SAC representing Personal Watercraft (PWC) interests. AWA would like to reiterate the need to allow Personal Watercraft (PWC) tours in Key West be allowed to access the Key West Refuge. PWC tours need to operate parallel to the Ship Channel for public safety. Below are the AWA comments submitted on the DEIS. AWA would appreciate your attention to the PWC issues.

- Allow access in Key West NWR, parallel for the entire length of the Ship Channel for public safety.
- The small area by Marker 13 in the Key West Refuge allows for personal watercraft (PWC) to reduce conflicts with tarpon fisherman. This must to be changed to allow access parallel for the entire length of the Ship Channel for public safety. Currently PWC must use the Ship Channel with Navy vessels, cruise ships and other large boats.