

## Florida Keys National Marine Sanctuary Advisory Council Restoration Blueprint Survey Responses

Sanctuary Advisory Council representatives had the opportunity to provide additional input on Restoration Blueprint proposals following the March 24 and April 21, 2020, special virtual council meetings. The responses received do not reflect the council decision. Responses below were compiled from survey responses received by May 15 and are in no particular order. General input was summarized where possible; otherwise responses reflect input as it was received.

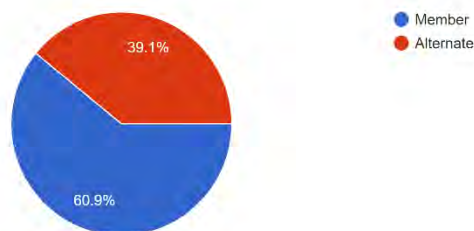
Responses to both surveys were provided by 30 of 42 total council representatives, 17 voting members, 13 alternate members, and 1 municipality member. The list of seats represented in survey responses is below.

### Advisory Council Responses by Seat

- Boating Industry (1)
- Citizen at Large – Upper Keys (2)
- Citizen at Large - Middle Keys (1)
- Citizen at Large – Lower Keys (2)
- Conservation and Environment (3)
- Education and Outreach (2)
- Diving – Upper Keys (2)
- Fishing – Charter Flats (2)
- Fishing – Charter Sports (2)
- Fishing – Recreational (1)
- Fishing – Commercial Shell/Scale (1)
- Fishing – Commercial Marine Life/Tropical (1)
- Research and Monitoring (2)
- South Florida Ecosystem (2)
- Submerged Cultural Resources (2)
- Tourism – Upper Keys (2)
- Tourism – Lower Keys (1)
- Municipality – (1)

Are you the Member or Alternate for this seat?

23 responses



## **Sanctuary Boundary Proposal**

**Pulley Ridge** – protect significant ecosystems  
(Alternative 4)

**Tortugas Region** – connectivity and habitat  
protections (Alternatives 2, 3, and 4)



**Area to be Avoided** -  
Consistent regulation  
(Alternatives 2, 3, and 4)

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

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.

3/24/20 input: Consider identifying an area for anchoring; work with specific user groups (e.g. lobster fishing community)

Note: Consideration of change to Tortugas Ecological Reserve South (TERS) and the addition of the Tortugas Corridor zone are addressed in other draft motions.

We repeat: This motion is not an endorsement of expansion of TERS or the Tortugas Corridor.

## **Advisory Council Survey Responses**

### ***Responses submitted after March 24 meeting:***

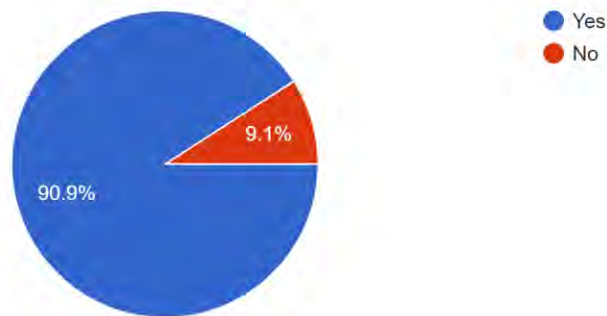
- I fully support Alternative 4. I agree with the no anchoring of vessels 50 meters or more, and that has support from the commercial fishermen of the area. There are not any commercial fishermen that have vessels over 50 meters. The few shrimpers, commercial fishers and lobster fishermen that fish that area should have a much larger input on how this resource is governed. Because of the few that depend on this area, it would be one of your easier fixes if you allowed them to sit with you, in a map making capacity, in order to come to a mutual agreement.
- I am in total agreement with supporting Alt 4. At the bare minimum expanding the southern Area to be Avoided limiting these large vessels. TERS and Pulley Ridge are both vital to connectivity and replenishment of the Florida Reef Tract. Proposing an alternative location for safe anchoring is an excellent recommendation and may make some of these proposed changes more palatable for user groups. These areas should be clearly presented in the next draft.
- Commercial ML fishers feel that this is an important area for potential fish spawning that may feed into the FKNMS, but not sure this is an anchorage for large vessels currently? and question how time and resources from this area will reduce much needed resources from the main FKNMS
- The proposed anchorage for large vessels need not be within the current or proposed Sanctuary boundary. The idea behind that proposal is that it would be sited in a location where anchoring will do minimal harm to bottom-dwelling organisms. Avoiding conflict with lobster trappers and other users is a good goal as well.

### ***Responses submitted after April 21 meeting:***

- I support boundary expansion ONLY if funding is secured to adequately manage and enforce regulations in what would be a bigger FKNMS. These proposed expansions would be a 25% increase in the size of the sanctuary, a much larger responsibility that can not be dealt with at current personnel levels (especially FWC officers).
- We have had commercial lobster people literally begging us not to bock off this area, said to be their primary fishing grounds. They say they are respecting the "hard bottom" in that area. Also, fishermen ( primary yellow tail) use that area to anchor over night - not really for fishing. We need to work with these user groups.
- I do not think specifying a place to anchor is necessary. They can anchor anywhere that is not prohibited.

Do you support the Advisory Council draft proposal/motion for the sanctuary boundary proposal?

22 responses



## **Sanctuary Wide Regulation Proposals**

### **Sanctuary-wide 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 4:** 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.

## **Advisory Council Survey Responses**

### *Responses submitted after March 24 meeting:*

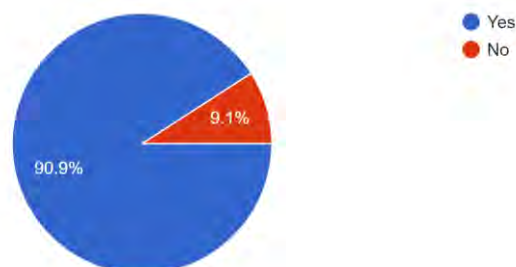
- This is a really small "industry", and most participants are barely hanging on. Adding more red tape to it seems like an overkill. I do think it's appropriate for FKNMS to have an MOU with the state and federal councils, and I also think it would be appropriate for the permitting agencies to require a letter of approval from FKNMS for new permits, which sounds almost like Alternative 4. Existing permit holders should not have to meet FKNMS approval or obtain a permit from FKNMS.
- I support Alternative 4, which states, "the proposed update would better enable FKNMS to address activities that might otherwise be inconsistent with FKNMS goals and objectives, complicate enforcement, and/or lead to illegal poaching of corals." I feel that FKNMS should be aware of all activities within the Sanctuary and manage accordingly. Just because there may not be an issue right now, does not mean that one will not occur in the future.

### *Responses submitted after April 21 meeting:*

- Proper live rock projects could be beneficial as a natural reef alternative to artificial reefs
- I am against harvesting coral or live rock in the Sanctuary.
- Yes, provided there is no management conflict with FWC.
- This status quo choice helps in the PR department more than anything.

Do you support the Advisory Council draft proposal/motion for the 3.2.1 Live rock prohibition proposal?

22 responses



## Sanctuary-wide Regulations: 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

3/24/20 input:

Clean and sterile; acknowledge technical changes needed

Consider explicitly noting ballast water (*staff note: USCG prohibits ballast exchange within US waters*)

### Draft proposal/motion for Advisory Council consideration

The Advisory Council supports the Preferred Alternative.

### Advisory Council Survey Responses

*Responses submitted after March 24 meeting:*

- Need a definition for "clean" water. What is the standard?
- The Preferred Alternative definitely needs further additions and clarifications as noted. UV sterilization of ballast water is already available technology. I believe it would be good to align with USCG prohibition within US waters.

*Responses submitted after April 21 meeting:*

- Ballast water has to be restricted.
- Make sure to add sterile
- I agree that the definitions of "clean" and "routine vessel operations" need to be more clearly defined.

Do you support the Advisory Council draft proposal/motion for the 3.2.2 Discharge proposal?

22 responses



## Sanctuary-wide Regulations: 3.2.3 – Shoreline slow speed

- **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

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

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.

3/24/20 input: Consider regulatory constraints, marking, and enforcement challenges; site specific exceptions for geography / accessibility concerns (e.g. boating routes)

### **Advisory Council Survey Responses**

#### *Responses submitted after March 24 meeting:*

- Time needed to discuss revised draft proposal language.
- Status Quo, alternative 4 is too difficult to mark and enforce
- This is dicey, but I think we can work it out among the user groups.
- Support. We already have a diver down flag restriction in place this would be the same for shoreline
- The concept is good but the application is challenging and enforcement even more difficult.
- Agree with the information presented above. Local users should be involved in determining which channels and near shore transit routes should be exempt from idle speed only.
- This alternative for concepts will need to take an adaptive management approach and will need professional Waterman who know the issues to advise as we implement this alternative. It is likely that there are currently pinch points and issues that we are not fully aware of yet and therefore will need some time to come back and tweak portions of this zoning. I think this alternative simplifies much of the zoning but there will be issues that arise.
- The slow speed (4 knots or no wake) within 100 yds (or perhaps some minimum depth to protect the benthic habitat?) prohibition should be extended to all shorelines throughout the Sanctuary unless otherwise marked. Making this consistent Sanctuary-wide would make it less confusing for boaters. The idea is to simplify this



boating rule without the need for excessive signage. Perhaps only some very minimal signage could be installed along the shoreline as a reminder? The next draft should be clearly worded so that it is easily understood that existing waterways and channels can continue to be safely navigated. Also clearly define slow speed, idle speed, no wake, etc.

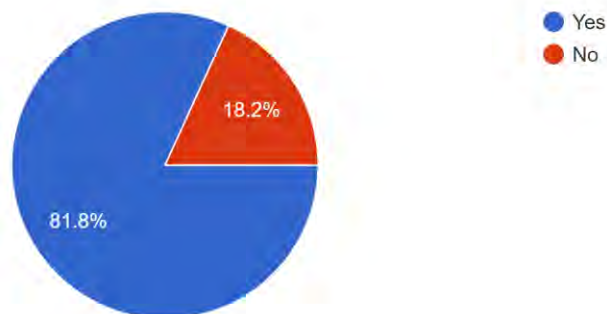
- Using GIS, The Nature Conservancy mapped the 100 yard shoreline zone and overlaid it with "waterways" marked by the U.S. Coast Guard aids to navigation to identify areas that may fall into "exception 1." Doing the same sort of analysis by mapping the proposed "running lanes" identified by the Lower Keys Guides Association would be an easy step towards identifying areas that may fall within "exception 2." Other locations that may fall within exception 2 need to be identified via public input.

*Responses submitted after April 21 meeting:*

- I would recommend working with outreach groups to "fine tune" specific locations where planing in traditionally used channels may cause less harm to sea grass.
- This is a must have regulation
- Easier answer to separate regulations in different areas, No need to go fast anywhere in my opinion
- I agree that this would be a catch all for other Sanctuary proposals
- This is too restrictive and would cause outrage among the public that probably isn't worth the tradeoff. I would suggest that 4 knots be changed to "slow speed" as 4 knots seems somewhat arbitrary considering the variety of boats this would apply to.
- Marking and or enforcement of this provision is impractical. When the 100 Yd provision was instituted in the 97 management plan, it required buoys in order to be enforceable. Consider the placement of such buoys along the entirety of shorelines through the length of the FKNMS.

Do you support the Advisory Council draft proposal/motion for 3.2.3. Shoreline slow speed proposal?

22 responses



## Sanctuary-wide Regulations: 3.2.4 – Emergency regulations

- **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

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

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.

### **Advisory Council Survey Responses**

#### *Responses submitted after March 24 meeting:*

- Yes. This is the only option going forward for "teeth" given the weakness of this proposal
- Is the second time period enough to go through the public process
- Preferred alternative for 186 days and I would suggest with options for additional 60 day extensions as needed
- I don't see that there is a huge difference between the previous preferred alternative and the one sketched out above. I think it's wishful to think that regulations to address the problem can be developed and implemented in 12 months. Perhaps there should be some sort of additional management authority that could extend beyond 12 months if at the end of the initial 12 month review period there is need for additional "protection". This additional period of time would be an interim regulation, and would require support from the state of Florida and the SAC.
- I support the Preferred Alternative, not the SAC proposal. I do not understand why the SAC would wish to limit FKNMS's time when accessing the situation. The Preferred Alternative does not imply that the initial 180 days would be used to their entirety. If FKNMS determines and addresses the situation in a shorter period of time, they would open it back up earlier.
- I agree with the need to increase this time frame for Emergency Regulation. I hear some user groups (mostly old-timer recreational boaters) fearful of this leading to permanent closures but this usually comes from lack of actually reading why the potential need for such closures may occur. They do not fully understand that there is a prescribed process that must be followed to enact a permanent closure. I don't know if it can be made any more clear.
- The lower keys fishermen support the status quo. We do not feel the S.A.C. should be given the responsibility or the ability to shutdown any area for such an extended period of time. We do however support any role they would have in informing and supporting any shut down mandated by fisheries management.

#### *Responses submitted after April 21 meeting:*

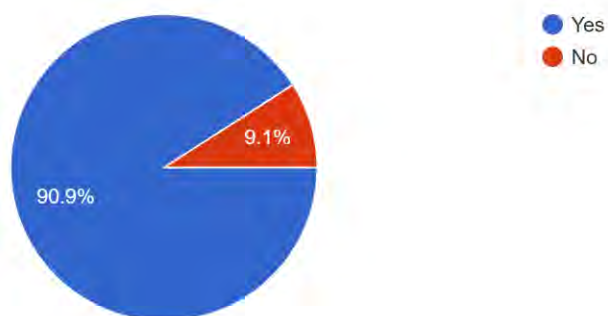
- Or keep alt 3



- The proposed time frame is probably not long enough to make any kind of regulatory changes that address the problem that precipitated the emergency action. I think some sort of extension beyond 12 months would be needed.

Do you support the Advisory Council draft proposal/motion for the 3.2.4 Emergency regulation proposal?

22 responses



## Sanctuary-wide Regulations: 3.2.5 – Historical resources permits

- **Status Quo:** Inconsistent with state regulations. Permitted categories include: survey/inventory, research/recovery, 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.

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### **Advisory Council Survey Responses**

#### *Responses submitted after March 24 meeting:*

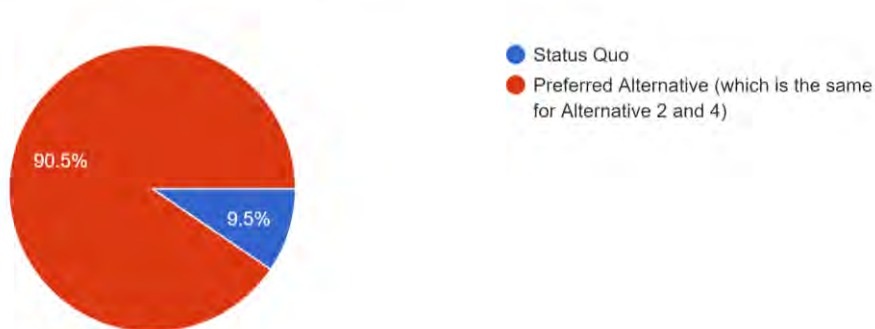
- I agree with aligning Sanctuary and State regulations whenever possible and simplifying the permitting process to one single permit to cover all.
- Time needed to discuss revised draft proposal language.
- There does not appear to be a good compromise for this one given the new Programmatic Agreement
- The proposed changes seemed to have caught the historic resource groups off guard and has led to a lot of fear and push back on any proposed changes.
- Figure it out so that progress can be made. Work with the rational salvage groups to find a reasonable solution

#### *Responses submitted after April 21 meeting:*

- This topic needs more dedicated attention. The groups that have been involved in this area for decades did not feel that they were able to participate in the development of any changes to the way the Sanctuary deals with this topic. I would recommend appointing a working group to consider options and make recommendations.
- It makes sense to have consistency between agencies, but status quo ok too
- I understand the need for the proposed streamlined permitting and am not necessarily against the proposal. It has been assumed by many, though, that status quo would mean a reversion to the 2016 programmatic agreement with Florida. It was said by staff at a recent SAC meeting that this was not the case. For the sake of clarity and fairness, "status quo" should be better defined.
- There still seem to be problems with either alternative, so I would suggest FKNMS spend a little bit of time with the interested parties and see if those differences can be resolved.

For the Historical resource permit proposal, do you support:

21 responses



## Sanctuary-wide Regulations: 3.2.6 – Fish feeding

- **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.

3/24/20 input:

Consider deadline for phase-out of activity and maintain current level of activity (no ramp-up of activity); and/or non-transferrable exception

Clarify fish feeding vs. chumming (general and specific to spearfishing); be explicit about intent of proposed regulation

### **Advisory Council Survey Responses**

*Responses submitted after March 24 meeting:*

- I agree with the Preferred Alternative but as noted, it will need further clarifications. (chumming for hook & line, chumming for spearfishing (I don't think this should be allowed), no ramp-up of activities, etc) Fish feeding as educational ecotourism perhaps should be permitted (and limited), demonstrating how it will be used in a business model. It definitely changes fish behavior, associating boats & people with feeding.
- I support the Preferred Alternative, without exception. Just because a business has historically practiced a behavior that is known to be harmful, should not mean they can continue this behavior.

*Responses submitted after April 21 meeting:*

- If grandfathered permits for this activity are issued, there should be a restriction on the sale of such a permit, so that the practice ends. It is dangerous.
- Only if grandfathered permits end with the permittee and no ramped up activity
- Fine to keep grandfather fish feeders/fish feeding operations in, but don't add new ones.
- I feel strongly that there should be no 'grandfather clauses' in this rule. If we do not believe in fish feeding enough to enact a regulation, we should not allow special exceptions. Rather than grandfather an operation in - we could give them a "phase-out" period where they run their model for a period of 2 - 3 years and then end it.

Do you support the Advisory Council draft proposal/motion for the 3.2.6 Fish feeding proposal?

22 responses



### Sanctuary-wide Regulations: 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.

3/24/20 input: Include clear and explicit definitions for relevant terms (e.g. derelict)

### Advisory Council Survey Responses

*Responses submitted after March 24 meeting:*

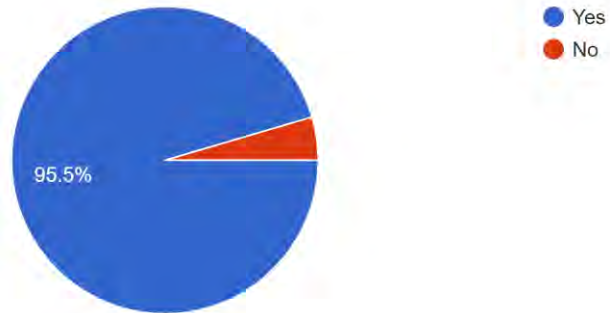
- Anything to protect water quality
- Agreed and needs clear and explicit definitions as noted

*Responses submitted after April 21 meeting:*

- What agency is responsible for enforcement?
- yes, with the understanding that this, too, is going to require additional enforcement personnel. Funding for them is necessary. Also, the definitions must be explicitly defined - i.e. "at risk," "derelict," and "harmful matter."
- The wording of this alternative is so muddy and so situationally based to cause outrage.

Do you support the Advisory Council draft proposal/motion for the 3.2.7 Vessel groundings proposal?

22 responses



## Sanctuary-wide Regulations:

### 3.2.8 – Large vessel 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, 3.2.8:** 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 Alternative.

3/24/20 input: Clarify definition of large vessel; ensure access for small vessel mooring buoys

#### **Advisory Council Survey Responses**

##### *Responses submitted after March 24 meeting:*

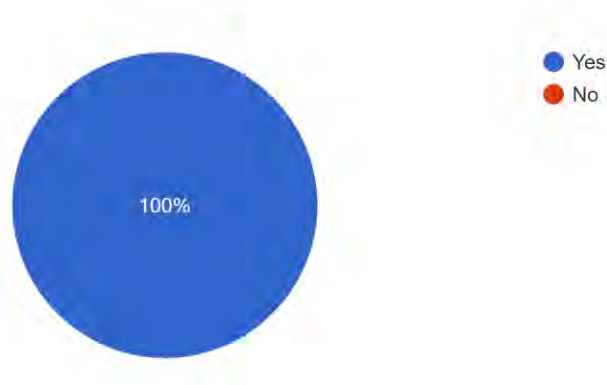
- Of course, but it is a matter of funding
- I agree with the Preferred Alternative and clarifications needed. This will require boater more education to ensure compliance. For that matter, I feel the Boater Education courses online should be required - display your sticker as proof.
- Definition of vessel size should include tonnage not just length..65" length overall or exceeding XXX G.T.
- Support the changes. I also support some sort of provision that would allow research or restoration vessels to anchor in SPA's when a mooring buoy is not available. This is a group of people who should know what they are doing and who often have a need to be working in areas outside where there are buoys.

##### *Responses submitted after April 21 meeting:*

- Would this prohibit smaller vessels from "rafting" or tying up to one another if buoys are unavailable?
- Yes as long as they are provided in all areas
- Is there an estimated number of buoy's that are being considered? If so, note such?

Do you support the Advisory Council draft proposal/motion for the 3.2.8 large mooring buoy proposal?

22 responses





## Sanctuary-wide Regulations:

### 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, 3.2.9:** Prohibit overnight use of FKNMS mooring buoys, except for safe harbor

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

The SAC supports the Preferred Alternative.

3/24/20 input:

Provide additional clarification; concern about increased anchoring; consider time limitations for use of overnight mooring buoys

Consider other authorities better able to address overnight use

#### **Advisory Council Survey Responses**

*Responses submitted after March 24 meeting:*

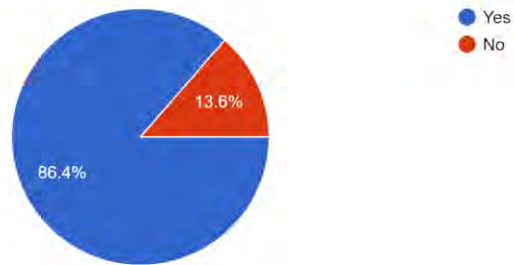
- Support preferred alt. with a limit of 24 hours.
- Time needed to discuss revised draft proposal language.
- Preferred alternative, but just prohibit commercial vacation rentals
- The Marquesas need to have designated Mooring buoys on the Westside that have time limitations.
- This needs some more input and clarification. I believe the intent is to curtail floating hotel/air bnb type uses. Overnight mooring for night dives was mentioned as a legitimate use.
- Consider requiring that nighttime, or daytime for that matter, users of moorings must post a watch if they are not engaging in in-water activities. This allows people to use moorings at night but ensures that at least one of those people must remain awake and alert the entire time. That would make rentals of boats as sleeping quarters much less appealing for renters and rentees.
- There should be exemptions available for the overnight ban, but in general I agree, ... the buoys should not be regularly used for overnight mooring.

*Responses submitted after April 21 meeting:*

- I think overnight use of buoys is OK as long as not long term. (Max 3 days)
- might change overnight to less than 24 hours
- need to address the month long anchoring of vessels in the Marquesas and Boca Grand. consider limiting to 7 nights per month.
- Perhaps they can be used as a revenue resource for the Sanctuary for overnight use?
- This becomes an additional enforcement issue. Who is going to monitor buoy use?

Do you support the Advisory Council draft proposal/motion for the 3.2.9 overnight use of mooring buoy proposal?

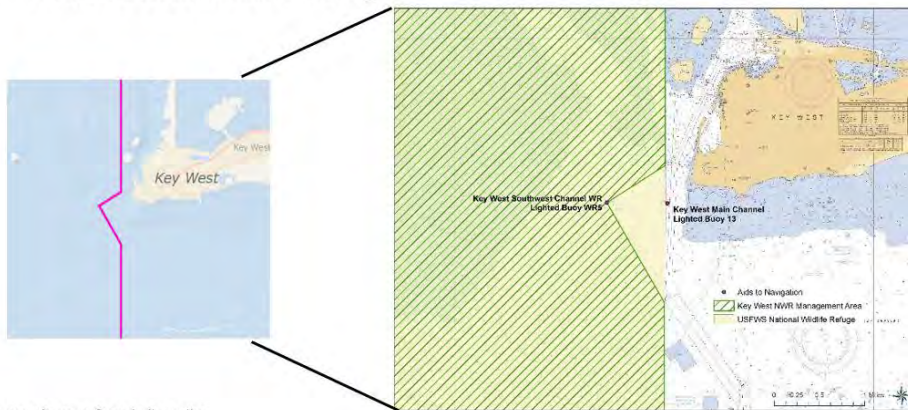
22 responses



## **Marine Zone Regulations**

### **3.4.1 – Motorized personal watercraft**

- proposed relief of personal watercraft operation in small portion of Key West National Wildlife Refuge



Images show preferred alternative

## **Marine Zone Regulations: 3.4.1 – Motorized personal watercraft.**

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

The SAC supports the Preferred Alternative.

### **Advisory Council Survey Responses**

*Responses submitted after March 24 meeting:*

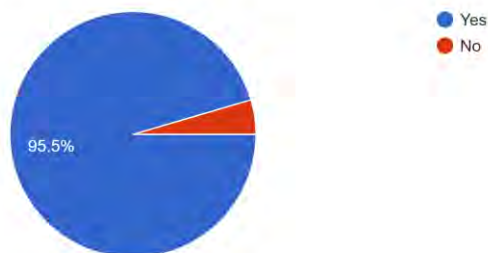
- 4 respondents indicated support for the Preferred Alternative.
- This would allow jet skis to use this area? the watersports companies already monopolize the entire harbor
- This will help alleviate user group conflict

*Responses submitted after April 21 meeting:*

- Many would like to see limits put in place on the number of commercial personal watercraft.
- My constituents, specifically the personal watercraft industry, feel they are being singled out unfairly and are contesting any change to current regulations and / or any change that separates PWC from any other boat.

Do you support the Advisory Council draft proposal/motion for the 3.4.1 motorized personal watercraft proposal?

22 responses



## Marine Zone Regulations: 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 for Advisory Council consideration

The SAC supports the Preferred Alternative.

3/24/20 input: Streamline permit process

### Advisory Council Survey Responses

*Responses submitted after March 24 meeting:*

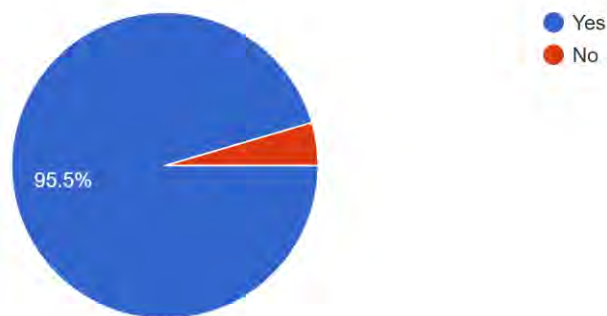
- none

*Responses submitted after April 21 meeting:*

- if ok with LE

Do you support the Advisory Council draft proposal/motion for the 3.4.2 Tortugas North access permit proposal?

22 responses



## Marine Zone Regulations: 3.4.3 – Catch and release fishing by trolling in four sanctuary preservation areas.

- **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 for Advisory Council consideration**

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.

### **Advisory Council Survey Responses**

#### *Responses submitted after March 24 meeting:*

- I support the Preferred Alternative, without exception, because it states, "this existing exception is no longer consistent with the goals and objectives of sanctuary management. This proposed update would serve to fulfill the original intent of the SPA zone type to separate conflicting uses and protect benthic habitats".
- Let the science decide
- The charter boat industry - lower keys supports, waiting for zone boundaries to be clear and then re visit.
- Support preferred alternative, but understand concerns raised in draft SAC motion. However, have a question about process. Because the zone boundaries will be finalized at the conclusion of this planning/NEPA process, how would this issue be revisited in the future? Would another NEPA process be necessary or does Sanctuary management have the authority to change these regs in a more timely way?
- It is important to reiterate: Both of these activities (trolling thru SPAs and bait fishing in certain SPAs) are not impacting or damaging the habitat. HOWEVER, they are both extracting fish from a protected ecosystem. To truly PROTECT the marine ecosystem, means also to protect the delicate food web tied to the habitat and ecosystem. This is not a fisheries management issue. The special zones within the Sanctuary are there to protect the ecosystem that the habitat supports - and they need to be larger areas to be more effective.
- Setting aside these 4 existing SPAs where catch-and-release trolling is currently allowed for a moment, if any SPAs are to be expanded or if new SPAs are added it may be feasible to allow catch-and-release trolling, or any fishing that does not require anchoring or have bottom contacting gear. This would protect corals and other bottom dwelling organisms from the acute impacts of anchors and traps while allowing a compatible and traditional use to continue.
- I think we can drop the trolling provision, and from talking to some of the charter fishermen, we can also drop the hair hooking for bait permits. They aren't being

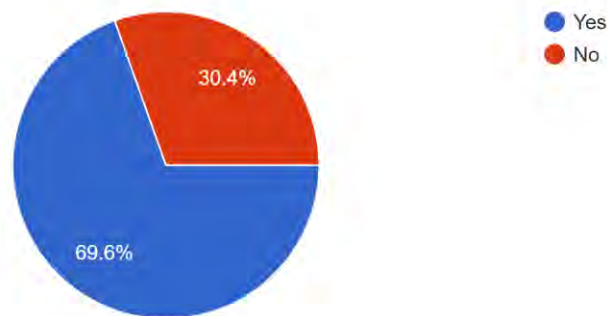
used. We may want to wait until the final lines are drawn, but in general i don't think there is a need to continue with these exemptions.

*Responses submitted after April 21 meeting:*

- It is not a SPA if catch and release is permitted.
- Leaving a message trolling ok in a SPA, and concerns will not be revisited with boundary changes
- trolling should never be a special protection area exception
- I understand concerns raised in draft SAC motion, however am not sure it is possible given the process. Because the zone boundaries will be finalized at the conclusion of this planning/NEPA process, how would this issue be revisited in the future? Would another NEPA process be necessary or does Sanctuary management have the authority to change these regs in a more timely way?
- no fishing in those areas. Fishing is allowed in many areas and should be limited
- Stick with the preferred alternative, but take some of the concerns expressed by the SAC into consideration as the process evolves

Do you support the Advisory Council draft proposal/motion for the 3.4.3 Catch and reslease fishing by trolling in four SPAs proposal?

23 responses





## Marine Zone Regulations: 3.4.4 – Baitfish permits

- **Status Quo:** Castnet 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

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.

- 3/24/20 input: Explicit description of baitfish type

### Advisory Council Survey Responses

#### *Responses submitted after March 24 meeting:*

- Revisit when issues are addressed.
- The lower keys ch. boat assoc. does not support the preferred alternative. All bait fishermen avoid throwing their nets on coral growth, and only by accident will their nets even encounter the bottom, because it could and will tear their nets. So many of these rules that impact fishermen's lives in a negative way, are being pushed without enough knowledge of how we use our resources. Fishermen are more than happy to work out new plans that will allow them to not be so negatively burdened, and at the same time protect our valuable resource.
- Support preferred alternative, but understand concerns raised in draft SAC motion. However, have a question about the process. Because the zone boundaries will be finalized at the conclusion of this planning/NEPA process, how would this issue be revisited in the future? Would another NEPA process be necessary or does Sanctuary management have the authority to change these regs in a more timely way?
- All SPAs should be non-extractive. Period. That means all bait fishing, cast-netting, trolling through. If it means phasing out the permits that are already in place, the sooner the better.
- I support phasing out the bait fishing permit system currently in place. If it was being used by a lot of fishermen then I would support continuing it, but the permits are not being used and there doesn't seem to be a need to continue the program

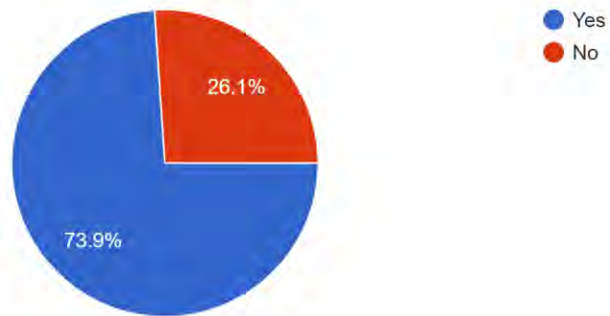
#### *Responses submitted after April 21 meeting:*

- Discussions with bait fishermen and Joanne Delaney had indicated to me that the practice was very limited and declining and changing it would have very limited impact. I am confused by the inconsistent changes proposed in many different areas.
- If commercial bait fishing is allowed in the spas charter and recreational baitfishing should continue to be allowed. Reference to FWC recommendation to allow lampara nets in spas.

- It's very important to be explicit about what constitutes "baitfish"

Do you support the Advisory Council draft proposal/motion for the 3.4.4 Baitfish permit proposal?

23 responses



## Marine Zone Regulations: 3.4.5 – Limited use access restrictions for specific sanctuary preservation areas

Test application of limited use zones in the sanctuary



### 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.

3/24/20 input:

Consider limiting overall user numbers/operators

Evaluate impact of vessels/users (e.g. types of activities and various commercial/non-commercial operation) on sanctuary resources

Consider mechanisms that other locations use (e.g. Great Barrier Reef and lease for use of area) to facilitate stewardship

Consider managing use specific to coral restoration sites

### **Advisory Council Survey Responses**

*Responses submitted after March 24 meeting:*

- Revisit when above issues are more defined.
- We support the input of 3/24 and want to make sure everyone understands that this complicated issue needs much work and negotiation using more of the users of each area's input.
- Carrying capacity studies are very important. diving and snorkeling are not without impacts. commercial users need to be limited. These reefs see hundreds of users every day from their commercial diving and snorkeling operations.
- There needs to be a "grade" placed upon users to determine their impact to the resource and they're use should be determined from this "grade".

- I believe now is the time to establish a system to limit the number of commercial vessels on the water. Once this emergency is over there will be a lot fewer operations in business and a limit can be put in place by either permits or licensing that restricts the number of vessels and the number of tourists that fish, dive, snorkel as well as other activities in the Sanctuary waters. This license or permit would become valuable to the holder and should provide a financial benefit to the holder. This is a large step but now is the time to start. "
- Do not support proposals to limit commercial entry at the Sand Key (page 159), Sombrero Reef (page 125), and Carysfort Reef (page 90) Sanctuary Preservation Areas to only "Blue Star" certified operators. While we support the Blue Star certification program, we do not believe it will serve as an effective or equitable method of limiting entry. Moreover, the impacts of these proposals on noncommercial users is unclear. We recommend the Sanctuary clarify this proposal by specifically referencing use by noncommercial users, clearly outlining goals and reasons for limiting use (ecological, social, etc.), providing data on current levels of use, and establishing a clear target for future levels of use. To achieve these goals and targets, we recommend limiting, not eliminating, commercial and private use at these zones or in other pilot locations by limiting the size and number of mooring buoys, allowing only one boat per mooring buoy, and prohibiting anchoring. Alternatively, the Sanctuary could implement a permitting system that puts a cap on visitation at these locations, but that would be more burdensome for all parties."
- Perhaps need to come up with a better way than Blue Star to limit access. What is the outcome of limiting access by size of vessel or numbers of passengers? (maintain limited access to some vessels of all sizes?). If this was intended to be a pilot study (3 locations, Upper/Middle/Lower Keys), we should have a shovel-ready rigorous science-based proposal for data collection & assessments, including controls, and analysis with research goals/questions, testable hypotheses, and expected outcomes. Perhaps such a study should be outlined in the next draft proposal"
- This is a complicated and controversial subject. I strongly support the idea of managing access to restoration sites, and I also support managing access to vulnerable habitats. Consider developing carrying capacity standards that apply to all users.
- I like Alternative 4 that includes the expansion of Carysfort Sanctuary Preservation Area from the shoreline to the deep reef. There was much public concern surrounding the ambiguity of ONLY allowing Blue Star Operators which implied restricting recreational use. I agree that we need to limit use, and charge User Fees to access the resource, but also agree with exploring other ideas that can accomplish the goal.

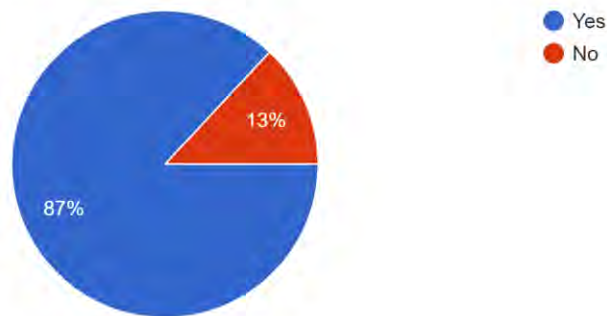
*Responses submitted after April 21 meeting:*

- limit the use now do not wait. The Blue Star Program has a lot of push back so I would go with a permit or Lic. system. Work with the state to implement a system now. We have a limited opportunity due to the Covid 19 virus and many small operators closing down. This would be a good starting point. and do more research going forward as to what is the best limit on capacity.

- Perhaps "general public" vs "commercial" is still missing the point. We don't necessarily want the "general public" to drop 20 or their out of town friends at the reef off their 65ft catamaran with no training. The issue isn't really about who paid to go on a boat and who got to ride for free.
- The input from the 3-24 meeting is especially important to incorporate into the decision making process. We have a chance right now to shape the future use patterns of the sanctuary, and we should be putting on our forward looking glasses and try to anticipate what it will look like down here in 10 and 20 years. If we knew what we know now twenty years ago when we did the first management plan, we might have made some different choices.

Do you support the Advisory Council draft proposal/motion for the limited entry proposal?

23 responses



## Marine Zone Boundaries

### **Marine Zones: Western Dry Rocks**

Western Dry Rocks: protects a multi-fish spawning aggregation site



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#### **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.

3/24/20 input:

Engage with fishery managers on fishing related activities; present proposal to fishery managers

Consider application of adaptive management

Concern about fishing in an area where fish spawn

Explicit about goal and evaluate outcomes over time

Consider this location/action for ecosystem management purposes

#### **Advisory Council Survey Responses**

*Responses submitted after March 24 meeting:*

- Support alternative 4
- trolling only will have little positive impact for resources, other options need to be considered
- The fishing industry up and down the keys as a whole supports the status quo. The importance of this area too fishermen year around will always be worth fighting for. We strongly advise the status quo. And we also suggest that all spawning fish that use this area have been deemed as not overfished, and we further state that we will be the first to raise the red flag If we see an issue through daily fishing and fisheries management best data.
- if it is going to be closed for fishing, it should be closed for diving and snorkeling too. mutton catch has already been lowered to 5 per person from 10. mutton snapper are not overfished and overfishing is not occurring. as a fisher, I do not target fish while spawning; however, how many boats are really out there during the spawn?
- Close it down during the spawn or Permit and Muttons
- I support the Alt. 4 but at a minimum make it a seasonal closure to all activities. This is an ecosystem issue not a fishing issue.
- As I recall, presentations of data on spawning aggregations at WDR showed that spawning aggregations of many different species ultimately occurred year round. How do we close and protect one spawning species while not protecting others? At



least seasonal closures (ie: spring/summer) would protect some of these species at this location. Once again, extractive activities impact the entire delicate food web in the ecosystem, not just the habitat."

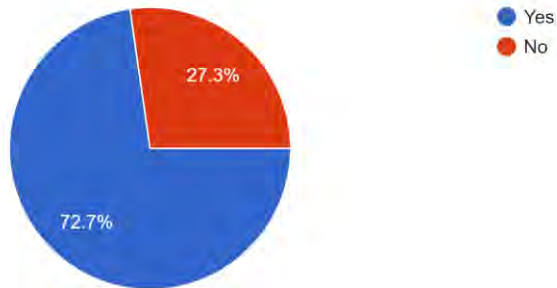
- At the very least this spawning aggregation site should be closed to all fishing during the times when the fish are using it for spawning. There would probably be a lot of benefits from closing it year round, but the opposition would be fierce. Fishery managers need to step up their game and ban fishing for certain fish during their spawning seasons, and especially at aggregation sites.
- I disagree with the proposed motion and support Alternative 4, which, "provides the greatest level of protection for targeted site-specific locations where resource damage is evident while also protecting the largest area of contiguous habitats compared to the other three alternatives". Also remembering that, "this approach aims to more fully meet Goal 2 of the advisory council regulatory and zoning alternatives development workplan to protect large, contiguous, diverse, and interconnected habitats that provide natural spawning, nursery, and permanent residence areas for the replenishment and genetic protection of marine life and protect and preserve all habitats and species". No exceptions or seasonal closures.

*Responses submitted after April 21 meeting:*

- The proposal needs clarifying. I am unclear about what I am being asked to vote for or against.
- WDR is an important preferred benthic habitat by fish and needs ecosystem based protections here. Spring/summer only closures caters to certain fishers/users and protections need to be uniform. Multiple species prefer this location year round. It is the only known spot outside of Tortugas with such aggregations - where successful management protections increased size, density, populations of fish with modeled spillover. Caymans re established Nassau grouper aggs from closure to overfishing. Why is a rare spawning aggregation being fished?
- Please protect this unique area
- My constituents do not support this closure
- look at this as an ecosystem and not just about fishing. Fishing is only one of the many constituents. At a minimum close it for spring and summer if not all year.
- I still think we need clarification about what specific fish spawn in that area and if they do indeed spawn in spring.
- This is the most important thing that the Council could do for the flats fishing community ie. Permit
- I am concerned about access for dive/snorkel operators during spring and summer. That is a prime time for visitors.
- Yes, provided there is no conflict with FWC over management.
- I still think a year round closure is warranted, but a complete closure in spring and early summer will accomplish a lot.

Do you support the Advisory Council draft proposal/motion for the Western Dry Rocks marine zone proposal?

22 responses



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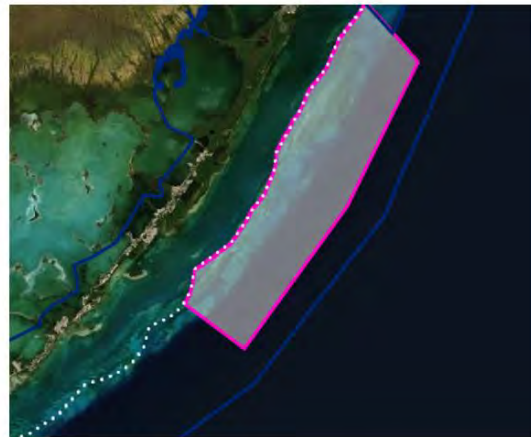
## Marine Zones: Key Largo Management Area

**Preferred Alternative:** proposed anchoring prohibition



**Alternative 1**

Existing Management Area regulations



**Preferred Alternative**

Existing Management Area regulations  
No Anchor

## Draft proposal/motion for Advisory Council consideration

The SAC supports Status Quo.

### Advisory Council Survey Responses

*Responses submitted after March 24 meeting:*

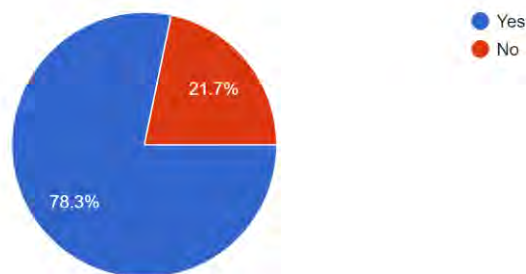
- I support the preferred Alt.
- Would only support the preferred alternative if there is a corresponding commitment to installation of an extensive network of mooring buoys to allow for continued use by stakeholders
- I support Alternative 4 in all Marine Zone areas, which more fully meets the goals of the SAC and the intent of the work plan.

*Responses submitted after April 21 meeting:*

- Would support the preferred alternative if there is a corresponding commitment to installation of an extensive network of mooring buoys to allow for continued use by stakeholders
- this should be limited anchoring.

Do you support the Advisory Council draft proposal/motion for the Key Largo no anchor zone proposal?

23 responses



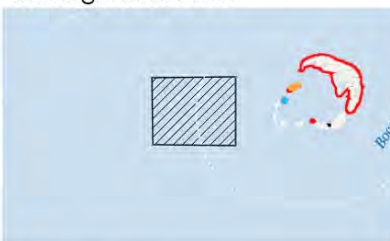
## Marine Zones: Marquesas Turtle Zone

- Marquesas Turtle Zone: protects internationally important sea turtle seagrass foraging habitat

**Alternative 1: Status Quo - No Zone**



**Alternative 2 & 3: Wildlife Management Area**



Idle Speed

**Alternative 4: Conservation Area**



Idle Speed

Transit Only

## Marine Zones: Marquesas Turtle Zone

### Draft proposal/motion for Advisory Council consideration

The SAC supports additional protections for sea turtle foraging habitat. Any specific spatial protections need clear scientific data.

Note if certain activities are compatible with the goals of this proposed zone (fishing, anchoring); are these activities impacting sea turtles

Consider a more refined area and regulations applied

Consider the need for safe transit and impacts due to this proposed marine zone

Consider seasonal application of marine zone and/or regulations

Note historical recovery of sea turtles; what is the purpose and intent/need for this marine zone

Note that this is a hot spot for turtles; further study of this area and possible impact to turtles

### Advisory Council Survey Responses

*Responses submitted after March 24 meeting:*

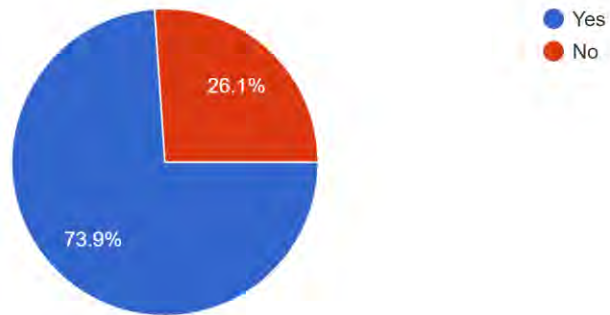
- The lower keys ch boat assoc. does not support this draft proposal.
- I support alternative 3. Any trapping done there is generally done from slow moving boats. Transit from Marquesas to Tortugas can be done outside this area. Time needed to discuss revised draft proposal language.
- This is a large area and idling into and out of its center is a daunting proposition. Can the zone size be reduced based on closer examination of the data and consultation with the turtle experts? Can zone boundaries be tweaked to avoid impacting access to wrecks and any other destinations? Would it be feasible to make a speed limit in the zone, say 20 mph, to allow on-plane access but reduce speed and increase the probability that boaters will see and avoid turtles and that turtles will see and avoid boats?

*Responses submitted after April 21 meeting:*

- This would be a devastating blow to the commercial fishermen of the Lower Keys. The intent of this proposed exclusion is not clear and the impact that it would have on the lobster fishermen has been completely overlooked.
- (Duplicate verbiage above for deep reef?). Not sure where SAC headed with this. Although increasing in numbers, sea turtles are still endangered and well below historic numbers. This unique assemblage is of green sea turtles at a critical age/life cycle to help achieve population stability - saving hatchlings does nothing to stabilize the populations. This life stage needs to reach maturity after having beat the greatest odds in survivorship. I survey deceased/stranded sea turtles and witness far more vessel/prop strikes than any other apparent cause of death, with trap debris/lines close behind. The idea that the turtle population was established here at status quo does not consider future demand and use. The Keys are beyond sustainable carrying capacity with multitudes of boaters/visitors. The Sanctuary at establishment could not predict the numbers of people and user groups to date. Future use and demand must be considered for the area.
- agree with idle speed restrictions but not with anchoring restrictions
- Support Alternative 4
- limit now study later. You can not lose the resource and then try to get it back.
- I don't think there is enough study to show that the turtles need this additional protection. There's not enough proof to show that anchoring or fishing is actually hurting the turtle population. I think you will do more harm to other user groups that came to us literally begging us to not impeded their way of making a living. This does not make senses to me and is making enemies for us needlessly.
- I prefer Alternative 4.
- This proposed zone seems to be a solution to no apparent problem.

Do you support the Advisory Council draft proposal/motion for the Marquesas Turtle marine zone proposal?

23 responses





## Marine Zones: Expansion to include deep reef habitats

(images show preferred alternative overlapping status quo)



Carysfort Reef



Alligator Reef



Western Sambo

### Draft proposal/motion for Advisory Council consideration

The SAC supports the extension of existing SPAs to encompass deep reefs, no anchoring in the entire zone including the new expansion area, and no trap fishing in the entire zone including the new expansion area, however, vessels should be allowed to operate at normal speed except among the mooring buoys of the highly-dived shallow reefs where idle or slow speed is prudent, and hook and line fishing should be allowed in the expansion area.

April 21, 2020 Input:

Question including exception for fishing, if expand consistent regulations; note the need to mark the area for multiple regulations

Each area considered individually for specific habitats/needs; clear understanding of boundaries

Proposed expansion interferes with some fishing activity, pelagic migratory species noted

Consider No Anchor regulation considerations for safety reasons

Consider goal of protecting deep reef habitats and applicable regulations (e.g anchoring); also consider original intent to protect historic fish spawning aggregation sites (be clear about location and species)

Consider areas from an ecosystem protection perspective

Consider overall number of zones and enforcement, public knowledge concerns

### Advisory Council Survey Responses

*Responses submitted after March 24 meeting:*

- I think each SPA should be reviewed for unintended impacts but I agree with the concept.
- I support Alternative 4 and do not want to see fishing exclusions to these protections.
- not sure I agree with hook and line fishing being allowed? why don't you call it a no commercial trip zone then?
- I don't think hook and line fishing should be allowed in the expansion areas
- All fishermen up and down the keys omitting flats guides that do not use these areas do not support this draft proposal for many reasons.
- Support Alternative 4 for these areas, with the modification that they are transit only. Extending these zones into deeper waters and eliminating anchoring throughout would improve the ability of the zones to protect corals and produce larger fish and lobster, which generate more offspring and eventually move outside the zone boundaries where they may be harvested
- YES! And several other SPAs (Coffins, Sombrero, Pickles, Molasses, etc) should also be expanded to the bottom of the reef habitat.



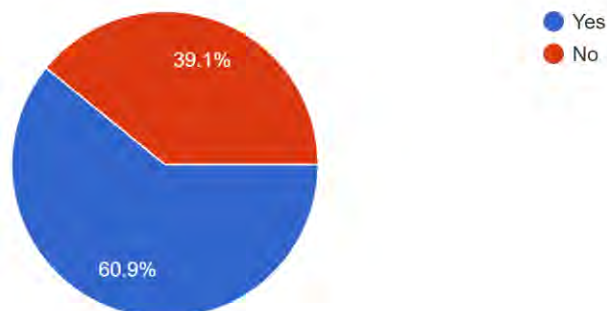
- It is critical to protect this habitat which may have some of the last remaining stony coral. (protect from both anchoring and extractive practices). These corals may provide a source of larvae for natural recruitment and settlement to surrounding reef habitats. It may also be a deeper-water (~100') refuge from bleaching and disease."

*Responses submitted after April 21 meeting:*

- The expansion of these closures was originally discussed as protection for spawning aggregations. Prohibiting lobster fishing while allowing hook and line fishing seems hypocritical and unproductive.
- What good is it to protect the drop off utilized by reef fish residents as much as they use the fore reef in their life histories if fishing is allowed there? Fish and corals are parts of an indivisible ecosystem, not separate pieces. This are small areas added to the SPAs with miles of reef drop off open to our millions of fishers.
- Agreed, but this was originally because of FWC research on lobsters.
- More discussion is needed. I would only support extensions if they were multi use areas. Diving in those areas will have as much if not more impact than fishing.
- support the extension of the zones to deep water as in Alt 3. No fishing in these areas. This again needs to be looked at as an ecosystem.
- I want to answer "yes," but there are still too many questions. I think it is confusing and unenforceable; too many zones, too many changes. If I'm trolling for sailfish and hook up do I still have to go around the boundary ? We'll never be able to explain this to anyone.
- Please provide additional mooring buoys to deeper water habitats.
- Unless these habitats are more universally closed - I am unclear if these little tiny closures will make any difference at all.
- There should not be new or different rules for the expanded area. I support expanding the areas to encompass some of the deep reef areas, but the goal should be to protect them. Pretending that we're protecting deep water coral habitat is a weak argument that will not stand up to much scrutiny.

Do you support the Advisory Council draft proposal/motion for the SPA deep reef expansion proposal?

23 responses

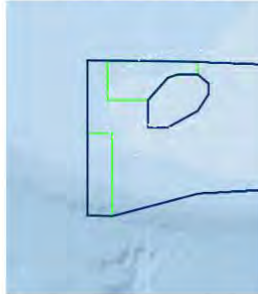


## Marine Zones: Tortugas South

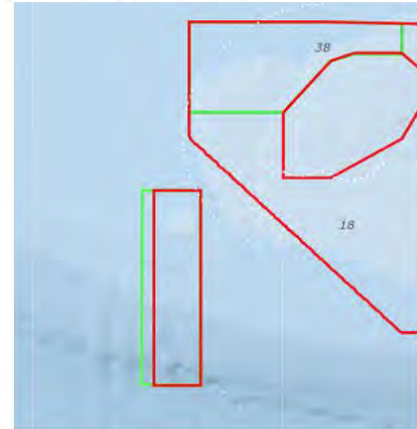
**Tortugas South Alternative 1:**  
(with existing sanctuary boundary in red)



**Tortugas South Alternative 3:**  
(with proposed sanctuary boundary in blue)



**Tortugas South Alternative 1 & 3:**  
(with existing sanctuary boundary in red)



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

The SAC supports the westward expansion of the Tortugas South Ecological Reserve and recommends that the southern boundary be moved north to allow fishing in the deeper waters, remote from Riley's Hump and the documented spawning aggregations. It is essential that the Sanctuary demonstrate that it is capable of removing, as well as creating, regulatory restrictions on fishing.

April 21, 2020 Input:

Note that this language reflects the Ecosystem Protection WG consensus/majority view

Question what resources are included in the deep reef area; opportunity for sanctuary to demonstrate a change in regulations

Engage with community that fishes in area; consider feedback received

### **Advisory Council Survey Responses**

*Responses submitted after March 24 meeting:*

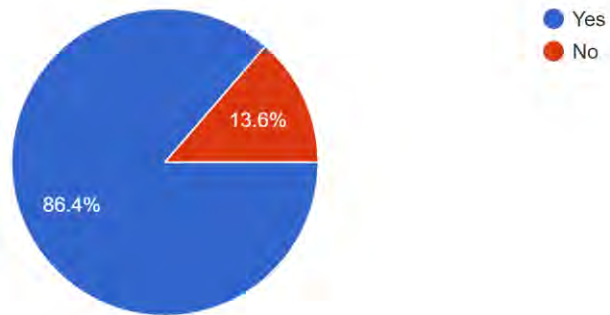
- This needs more clarification from my point of view
- The fishermen of the keys ask that before these lines become realities, members of the SAC meet directly with the few users that use this area consistently and base their whole livelihood on it. Have a much larger role in working out the lines in order to be beneficial to both sides of this un studied economically impacted area

*Responses submitted after April 21 meeting:*

- More attention needs to be brought to the specifics of the goal of this proposal and the impact it will have on those fishermen that use the area.
- Close all instead of separate areas, I like alt. 3
- Support alternative 4
- ENGAGE WITH THE COMMUNITY THAT FISHES IN THE AREA.
- if not then Alt. 3
- I support Alternative 4 and do not want to see fishing exclusions to these protections.

Do you support the Advisory Council draft proposal/motion for the Tortugas South marine zone proposal?

22 responses



## Marine Zones: Large Contiguous Areas

### Upper Keys Alternative 4: Carysfort SPA

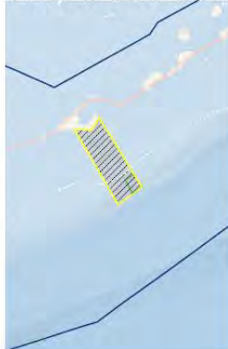


### Tortugas Alternative 3: Tortugas Corridor SPA

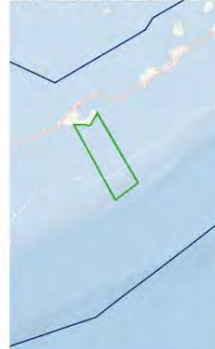


### Middle Keys : Long Key-Tennessee Reef

#### Alternative 3: SPA



#### Alternative 4: CA



### Lower Keys: Western Sambo Alternative 3: SPA



### Draft proposal/motion for Advisory Council consideration

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

April 21, 2020 Input:

Carysfort: if considered as preferred alternative would have driven input related to uses / activities in this area; consider more flexible closure that allows certain activities that are compatible with goals of protecting large contiguous areas (could be considered at Long Key as well)

Long Key: area may not be capturing the best habitat for a large contiguous area; unique area due to proximity to #5 bridge and connectivity with FL Bay (water, species, nursery/off-shore); association with State park – uninhabited area and near shore areas (beaches, seagrass, etc), interesting area for research

Western Sambo: specific issue of idle speed/no wake in this area

Tortugas Corridor: consider effectiveness of existing marine zones in this area (and for region) and how this corridor may contribute

Consider application of idle speed/no wake in all proposed large contiguous areas (Hawk's Channel transit)

Importance of protecting large contiguous areas; support creative application to achieve this concept

Consider consistency among regions for how any large contiguous marine zones may be implemented

Consider goals of marine zones and impacts by all user groups (e.g. fishing vs. diving)

Consider use of adaptive management strategy (e.g. 5-year closure, assess, adapt if needed, etc); could be flexible based on uses and habitat protection needs

## Advisory Council Survey Responses

*Responses submitted after March 24 meeting:*

- I fully support large contiguous areas as that was a SAC goal and Alternative 4.
- I think Carysfort should be elevated to Alt 4 with transit only in Hawks channel.
- One of the objectives of this whole process was to establish large contiguous marine reserve areas in the Upper and Middle Keys. This is painful and controversial, but it has merit and is an important component of our efforts to try to protect special habitats and species diversity. I think we should consider phasing out the commercial fishing activities over a 5-10 year period rather than just slamming the door. We could also consider allowing some continued consumptive uses on a limited and managed basis.
- Strongly support Tortugas Corridor, Alt 4. The proposed Tortugas Corridor zone would protect resident corals as well as fish transiting from the nearshore waters and

shallow banks of Dry Tortugas National Park, which are essential juvenile fish nurseries, to the deeper adult fish spawning habitat in the Tortugas South Ecological Reserve. Protecting marine life in the Tortugas helps ensure that the entire Florida Keys marine ecosystem continues to receive abundant supply of coral and fish larvae."

- Setting aside at least 1 Large Contiguous Area in each region of the reef tract is critically important. It has been scientifically demonstrated (see FWRI studies) that large contiguous areas (especially from shoreline to reef), protecting a continuum of habitats for multiple life stages and multiple species, results in greater species diversity, abundance, and size. This leads to a healthier, more resilient and resistant ecosystem. In turn, these large protected areas are a source for recreational & commercial fisheries (spillover effect) but also for larval dispersal and settlement to areas outside the protected areas (fish, corals, other invertebrates). Concerns:
  - This is a large area to declare 'no anchoring' as proposed in other SPAs but would require so many mooring balls; boaters should still enjoy snorkel/dive/sunset activities
  - These are very large/wide areas to require idle speed, no wake: but the Sanctuary-wide Shoreline slow speed/no wake' proposal could solve this issue.
  - Allowing Catch & Release on the flats: for these CAs to be truly protected there should be no extractive activities allowed. While catch and release is not 'extractive' it definitely alters the behavior of the fish and therefore the ecosystem. I would be willing to concede allowing catch & release if it means keeping these large contiguous habitats as CAs in the new draft
  - For the Long Key/Tennessee Reef area, many of my constituents would be less upset:
    - If the CA was narrower - perhaps only 1 mile wide, instead of 2 miles wide
    - 1A will there be mooring balls?
    - Should not all be designated as 'idle speed only' area, except for near-shore
    - Should allow catch & release flats fishing
    - But they still support extending the southern boundary of Tennessee ROA to deeper reef.
- If these large contiguous zones are going to happen then Idle speed throughout is ridiculous and needs to be reconsidered and if there is in fact a need for the protection of these areas they should not be SPA's allowing some user groups in they should be transit only truly protecting the resource to our fullest ability. If that is not truly needed then make them no anchor zones and allow as many uses as possible as the FKMNS is charged to do.
- Protecting sufficiently large, strategically located, essentially untouched zones containing diverse habitat types from local impacts represents our best chance for sustaining the full suite of species and ecosystem functions in the face of the changing climate and water quality challenges that will take, at best, many years to resolve. Strong evidence from the existing Tortugas South Ecological Reserve and Western Sambo Ecological Reserve shows that these areas, although larger than



most other existing zone types, are not so large that they eliminated or substantially reduced commercial and recreational fishing in their regions. They also contribute juvenile and adult fish to the vastly larger areas of the Sanctuary where fishing is encouraged. The following proposals for large new and modified zones are the most essential in the Restoration Blueprint, however, we need to be willing to consider other geographic areas that are designed to accomplish the same goals.

- Long Key Tennessee Reef Sanctuary Preservation Area/Conservation Area. Alternative 4 is modeled on the Western Sambo Ecological Reserve, which has been successful at increasing fish and lobster size in and around the zone which runs from shore to reef. Including deeper reefs in these larger zones is essential to the protection of remaining corals, which have been less degraded than their shallow water counterparts and may help reseed shallower, more degraded reefs. Many of the deeper reefs are also spawning locations for fish and lobster.
- Carysfort Reef Sanctuary Preservation Area. Alternative 4 was modeled on the Western Sambo Ecological Reserve's success (see above). This area should be modified from the proposal in Alternative 4 to become a transit only zone, off limits to all use except for transit which should be allowed at normal operating speeds.
- Western Sambo Sanctuary Preservation Area, Alternative 4 (with modifications), page 149. Extending the existing Western Sambo zone into deeper waters and eliminating anchoring throughout would improve the ability of this zone to protect corals and produce larger fish and lobster, which generate more offspring and eventually move outside the zone boundaries where they may be harvested. This area should be modified from the proposal in Alternative 4 to become a transit only zone, off limits to all use except for transit which should be allowed at normal operating speeds.
- If the Sanctuary adds large contiguous areas in the middle Keys and Upper Keys, then it makes sense to modify the Western Sambos zone to encompass deep reefs, no anchoring in the entire zone including the new expansion area, and no trap fishing in the entire zone including the new expansion area, however, vessels should be allowed to operate at normal speed except in the shallow inshore area and among the mooring buoys of the highly-dived shallow reef where idle or slow speed is prudent. On the other hand, if the Sanctuary does not add large contiguous areas in the Middle Keys and Upper Keys, then, in the interest of equity, the Western Sambos zone should be extended to include deep reefs, with no anchoring in the deep reef area and on any coral areas, no trap fishing anywhere in the entire zone, hook and line fishing allowed in the expanded area and gradual reopening of hook and line fishing in the existing area using a carefully planned, time-limited approach with monitoring in place before and during the transition and as long as necessary thereafter to detect change and inform management decisions. Reopening of fishing should not include trap fishing because of traps documented negative impacts on corals and other benthic invertebrates. This area could be used to experiment with ocean-side artificial habitat ("casitas") fishing for spiny lobster. This gradual reopening

- would need to be preceded by development of a robust monitoring plan to capture changes and it should be implemented for a 5-year period with a decision about staying the course, modifying the new regulations, or reverting to the previous regulations after 5 years. "
- Not in favor of these, no matter where you put them, you will be taking bottom away from lobster and stone crab fisherman, thus pushing traps on top of each other. I don't mean to be negative but through out the public workshop meeting I attended we heard from the public stating that they don't go inside the SPA's because the coral is way better outside of its boundaries. So until we can demonstrate that we can manage to improve or at least keep the areas that are already protected, we shouldn't sacrifice other areas. Remember when these areas were chosen to be SPA's it was because they were abundant with coral and worth protecting, we have failed in these areas.

*Responses submitted after April 21 meeting:*

- The scope of the proposed changes are too overwhelming for most people and the rationale has not been successfully communicated.
- Alt 4 for Carysfort if same size configuration, but TRANSIT ONLY. It is important enough to protect completely, and not to single out fisherman only.
- I support the maximum possible areas for all but I think some tweaking of what can occur within the boundaries like allowing transit only or some non extractive activities should be considered.
- Tortugas Corridor, Alternative 4, Transit Only: The proposed Tortugas Corridor zone would protect resident corals as well as fish transiting from the nearshore waters and shallow banks of Dry Tortugas National Park, which are essential juvenile fish nurseries, to the deeper adult fish spawning habitat in the Tortugas South Ecological Reserve. Protecting marine life in the Tortugas helps ensure that the entire Florida Keys marine ecosystem continues to receive abundant supply of coral and fish larvae.
  - Western Sambo Sanctuary Preservation Area, Alternative 4: Extending the existing Western Sambo zone into deeper waters and eliminating anchoring throughout would improve the ability of this zone to protect corals and produce larger fish and lobster, which generate more offspring and eventually move outside the zone boundaries where they may be harvested. This area should be modified from the proposal in Alternative 4 to become a transit only zone, off limits to all use except for transit which should be allowed at normal operating speeds.
  - Long Key Tennessee Reef Sanctuary Preservation Area/Conservation Area, Alternative 4: This proposal is modeled on the Western Sambo Ecological Reserve, which has been successful at increasing fish and lobster size in and around the zone which runs from shore to reef. Including deeper reefs in these larger zones is essential to the protection of remaining corals, which have been less degraded than their shallow water counterparts and may help reseed shallower, more degraded reefs. Many of the deeper reefs are also spawning locations for fish and lobster.
  - Carysfort Reef Sanctuary Preservation Area, Alternative 4 (with modifications): Again, this proposal is modeled on the Western Sambo

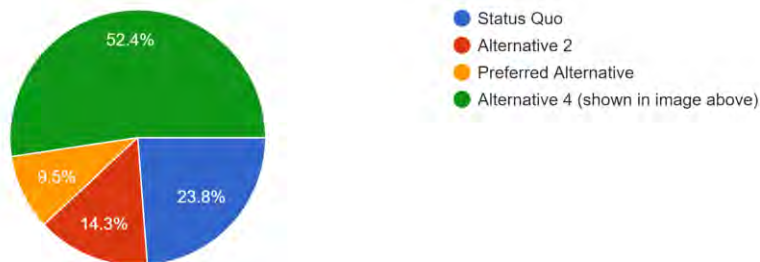


Ecological Reserve's success (see above). This area should be modified from the proposal in Alternative 4 to become a transit only zone, off limits to all use except for transit which should be allowed at normal operating speeds.

- Strong support for status quo on long key/ Tennessee zone
- I fully support large contiguous areas as that was a SAC goal from the beginning.
- I am unclear if these closures would be effective enough to create measurable improvements.
- I would suggest that we move forward with Alternative 4 for Carysfort and Alternative 3 for Long Key, and then propose to have some workshops to deal with sorting out some of the details on how these multi use SPAS might be managed. If we start out with a fairly restrictive preferred alternative, then the affected user groups will be more motivated to help develop a compromise plan that allows some limited activity in those zones.
- Carysfort - I support the expanded area. It does not need to be idle throughout the area involved or no anchor. No anchor does make sense in reef, patch reef or hard bottom areas.
  - Long Key - I support the expanded area. It does not need to be idle throughout the area involved or no anchor. No anchor does make sense in reef, patch reef or hard bottom areas.
  - Western Sambo - NC
  - Tortugas Corridor - I support the expanded area through either Alternative 2 or 3. new general no anchor area is questionable and the idle speed area is absolutely unnecessary
- I support a continuous habitat in each region once coordinates and SAC comments are considered and addressed.

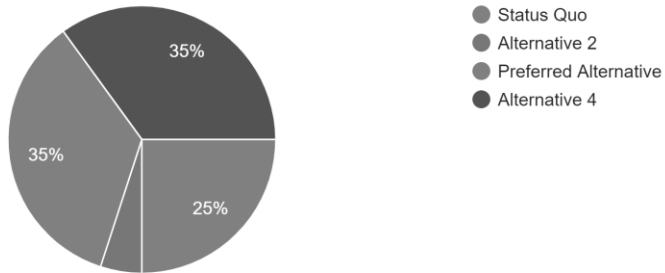
For Carysfort do you support (see page 90 in the Restoration Blueprint for all proposals):

21 responses



For Long Key Tennessee Reef do you support (see page 117 in the Restoration Blueprint for all proposals):

20 responses



For Western Sambo do you support (see page 149 in the Restoration Blueprint for all proposals):

20 responses



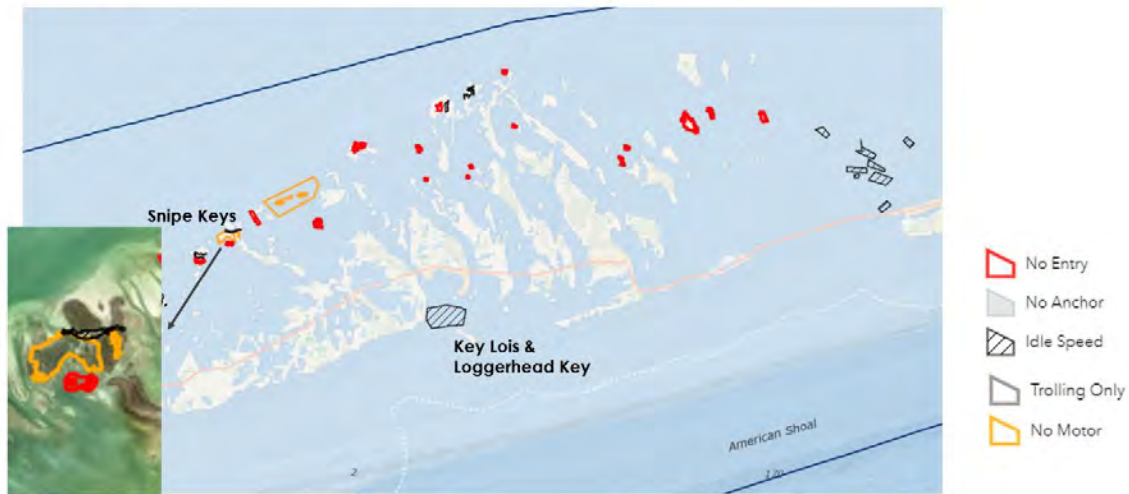
For the Tortugas Corridor do you support (see pages 168-171 in the Restoration Blueprint for all proposals):

20 responses



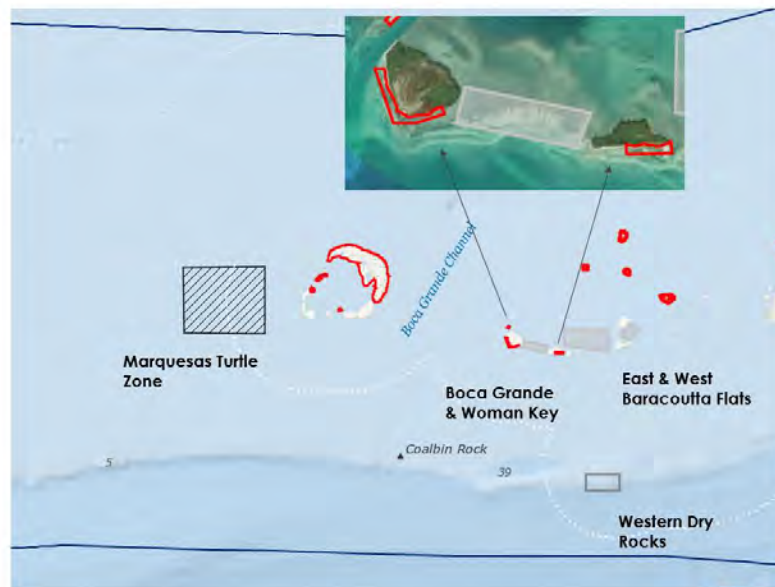
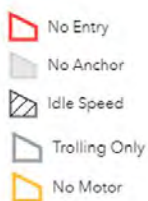
## Marine Zones: Wildlife Management Area

Preferred alternative: Lower Keys



## Marine Zones: Wildlife Management Area

Preferred alternative: Marquesas



# Marine Zones: Lower Keys Wildlife Management Areas

## Draft proposal/motion for Advisory Council consideration

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

April 21, 2020 Input:

Too many different regulations within these marine zones; also an increased number of marine zones – consider public education and compliance

Consider simplifying marine zones, clearly marking, enforce

Revisit proposed slow speed zone along all shorelines; could serve to replace many of these individual zones; however consider those zones that are needed for particular species of concern, confer with USFWS (e.g. birds); could simplify; consider enforcement challenges

Specific comments related to proposed zones to protect Florida bay bank habitats – specificity of where/how regulations are applied and purpose and intent of these zones

Consider other areas that may need additional protections (e.g. Tower Flats, slightly off-shore shallow banks)

Note that impacts many of these marine zones are intended to address are boating impacts – need for better protection, channel marking, boater education

Marquesas island proposed closure and clarity of purpose and intent

Snipes, Marvin, Boca Grande examples given to ensure proposals are clear

Consider purpose and intent of closed areas for various species (e.g. birds), provide data, and consider appropriate regulations

Signage needed at important bird nesting areas

Consider vessel and aircraft disturbances to sensitive bird nesting islands

Consider adaptive management

23

## Advisory Council Survey Responses

*Responses submitted after March 24 meeting:*

- Support alt.3
- The fishermen of the lower keys, omitting of course the flats fishermen whose influence helped carve out these overreaching, over protective wildlife closures, as well as recreational boaters up and down the keys only support status quo, and ask that you re evaluate and make locals a larger part of what we see as to biased and special interest group motivated.
- Support no entry zones in areas with sensitive wildlife populations and habitats that are incompatible with human activity. However, in other areas, idle only and no motor zones are sufficient to achieve conservation goals.
  - Support the proposed idle only zone at Key Lois and Loggerhead Basin (Alternative 3, page 140) as an effective way to provide natural resource protection and sustainable use without unduly restricting navigation.
  - Support the proposed no motor zone at Barracuda Keys (Alternatives 2, 3, and 4, page 145) which maintains access by keeping the primary boat channels open to normal operation, while minimizing negative impacts on the shallow seagrass, fish, and birdlife of the area.
  - The highly sensitive bird rookery at Pigeon Key is a location which must be protected by a no-entry zone (Alternatives 2, 3, and 4, page 100).
  - Support a no-entry zone on Pelican Key to protect birdlife (Alternative 4, page 96).
  - Stronger protections, including no anchoring and expanded area, at Dove Key and Rodriquez Key would benefit wildlife and their habitat (Alternative 4, page 99).
  - At Archer Key (see page 160), we support creating no anchor zones (Alternative 2) and adding idle-only or no-motor zones, which have not been

identified in any alternative, as opposed to the no entry zone in the Sanctuary's preferred alternative (Alternative 3). Wildlife and compatible human activities currently coexist at Archer Key, with tour companies taking people there expressly to see wildlife from paddle craft, and Sanctuary mooring buoys have encouraged this activity at this location."

- If the SAC supported the Sanctuary-Wide Regulation 3.2.3, Shoreline Slow Speed for all shorelines with exceptions (see above), then the SAC should support pausing consideration of other changes to vessel access, speed, etc. in the areas immediately around the shorelines of the Lower Keys National Wildlife Refuges. U.S. Fish and Wildlife Service staff put most, if not all, of the individual Lower Keys shoreline regulation proposals on the table. Unfortunate staffing circumstances have prevented Service staff from fully participating in the public meetings for the Draft EIS/Restoration Blueprint. A 100-yard idle speed zone around all Sanctuary/Refuge shorelines may make a meaningful difference for wildlife on all the individual shorelines addressed by the Service's proposals. Careful monitoring of particularly sensitive wildlife populations would enable the Service to determine if idle speed is sufficiently protective or if, via their own public process, they should propose more protective measures.
- I support Alternative 4. There was much public comment regarding FKNMS closing popular island beach locations, like Snipe Key, however, the facts are the facts and where people congregate are not affected by these new restrictions. I am still amazed at cognitive dissonance and how, when presented with maps, some people still cannot see the truth.

*Responses submitted after April 21 meeting:*

- Again people fear that there will be a landscape filled signs and restrictions whose benefits are unclear. The suggestion of the 100 yard idle speed buffer around islands may accomplish the goal without all the confusion and visual pollution.
- Sanctuary wide slow speed zones will help with this and should be implemented. The Refuges should identify the closed areas for wading birds, etc., from their data.
- I support protection for these areas but based on the amount of input there's still a lot to be done to make it possible for users to follow the regulations and for managers to enforce them.
- I have, through Audubon Florida, provided specific WMA's that are important bird areas and need full protection
- prefer all to be idle speed, but not restrict anchoring or beach access in areas not under specific bird nesting restricted use
- We support no entry zones in areas with sensitive wildlife populations and habitats that are incompatible with human activity. However, in other areas, idle only and no motor zones are sufficient to achieve conservation goals. We support the proposed idle only zone at Key Lois and Loggerhead Basin (Alternative 3, page 140) as an effective way to provide natural resource protection and sustainable use without unduly restricting navigation. We support the proposed no motor zone at Barracuda Keys (Alternatives 2, 3, and 4, page 145) which maintains access by keeping the primary boat channels open to normal operation, while minimizing negative impacts on the shallow seagrass, fish, and birdlife of the area. The highly sensitive bird rookery at Pigeon Key is a location which must be protected by a no-entry zone

(Alternatives 2, 3, and 4, page 100). We support a no-entry zone on Pelican Key to protect birdlife (Alternative 4, page 96). Stronger protections, including no anchoring and expanded area, at Dove Key and Rodriguez Key would benefit wildlife and their habitat (Alternative 4, page 99). At Archer Key (see page 160), we support creating no anchor zones (Alternative 2) and adding idle-only or no-motor zones, which have not been identified in any alternative, as opposed to the no entry zone in the Sanctuary's preferred alternative (Alternative 3). Wildlife and compatible human activities currently coexist at Archer Key, with tour companies taking people there expressly to see wildlife from paddle craft, and Sanctuary mooring buoys have encouraged this activity at this location.

- make it slow speeds 100 yards from shore except for traditional routes. Limit no entry areas to a few specific places. This would leave two types of regulation: slow speed and no-entry
- Be sure we have proper information and input on PWC in the area - with a safe way from them to access the area ( if allowed). I think this is very confusing for the public and law enforcement. It would be great to start this over.
- If public education is to be considered, the Sanctuary needs more staff to do so.
- As we discussed at the last meeting. I thing the 100 yard rule would clean up any confusion
- No additional comments except that I support Alternative 4.
- Now is the opportunity FKNMS and USFWS will have to protect some of these sensitive habitats. Usage is only going to increase, and opposition to any kind of closures will increase exponentially over time. People will learn to adapt to closed areas, and those closed areas will serve to protect fragments of intact habitat. Allowing unlimited access is going to foster increase degradation of the entire ecosystem.
- Generally support the proposed new zones and restrictions in the Marquesas. Support the general suite of comments made by the SAC for areas of the back country. Each one needs additional individual review with the public and the SAC.

- **Management Plan Activities & Other Issues**

**Management Plan SAC Priorities:  
Water Quality, Law Enforcement, Education and Outreach**

**Restoration Blueprint Proposal see:**

- Water Quality – pg. 67, Management Plan Goal 2, Objective 1, Activities 1-6.
- Law Enforcement – pg. 70, Management Plan Goal 3, Objective 3, Activity 1; pg. 75, Management Plan Goal 5, Objective 4, Activity 1
- Education – pg. 71-73, Management Plan Goal 4, Objectives 1-3, and all associated Activities (8+)

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

The SAC has said it before many times: We heard the public commenters loud and clear, and we agree that FKNMS and its constituent agency implementers and partners need to work even harder on water quality improvements within and beyond sanctuary boundaries, law enforcement capacity and staff retention, and outreach/education efforts.

However, the SAC does not believe these are the only issues that need to be addressed in the sanctuary for the FKNMS to achieve its purpose. Other challenges and opportunities are addressed in other discussions and potential motions.

April 21, 2020 Input:

Consider enforcement of non-compliance on water quality related issues

Consider additional water quality monitoring (citizen science program) in addition to ongoing WQPP monitoring

Greater access/communication from WQPP

**Advisory Council Survey Responses**

*Responses submitted after March 24 meeting:*

- We've made our concerns known many times. The lower keys fishermen and recreational boaters agree with the draft proposal and ask that we look closer at the issues that fishermen base much of their resistance on.
- Much more should be done regarding water quality. Would recommend the development of an action plan in coordination with other partners/entities to address water quality in the Sanctuary, that covers both activities internal and external to the Sanctuary. Strongly support the implementation of a mandatory boater education program. Would love to see increased financial commitment by both the state and federal government to increase enforcement capabilities within the Sanctuary.
- The DEIS has addressed immediate water quality issues by limiting discharge and expanding the area to be avoided boundary. Larger Water (above the Keys, Everglades, S Florida) quality issues are more under the purview of other state agencies (DEP, SFWMD, Army Corps). These issues need to be addressed at the state level. The public should contact their state representatives. and yes, they all impact our reef ecosystem
- The SAC as a whole should take a stand and demand from ONMS and Washington DC that if this plan is going to be implemented that they prove that this is a priority to them as well and properly fund the FKNMS without that support you will lose the support for this that you have.
- Though it is true that the State of Florida should address clean water as that is out of the scope of the FKNMS, that does not mean that the FKNMS should not do everything in its power to conserve and restore the Sanctuary. I fully support User Fees to address the deficient enforcement and education and outreach efforts.

*Responses submitted after April 21 meeting:*

- Over the past few years I have seen a shift toward apathy as solutions seem to elude. There is a great need for inspiration and hope to get people engaged in



solutions. So many people have heard that it is too late, so they have given up. The restoration programs are good efforts to inspire and that is why I think citizen science projects can be a resource of man/woman power and an infusion of inspiration.

- All three of these are like mom and apple pie, who could be against them but what are the real changes to make them effective.
- Address Water Quality: We support the Blueprint's Alternative 2 to eliminate greywater discharges from cruise ships. We believe more attention needs to be directed to determining if shallow well injection of treated wastewater harms Sanctuary resources. While we recognize that many of the other deleterious factors contributing to a decline in Sanctuary water quality originate from beyond the boundaries of the Sanctuary, we encourage Sanctuary managers to partner with U.S.E.P.A and Florida D.E.P. to reinvigorate efforts to communicate the importance of local water pollution and remediation efforts and to continue to seek out and eliminate the sources of this pollution via the Sanctuary's Water Quality Protection Program. We also call upon the Sanctuary to make a renewed commitment to participating in and extending influence over external processes impacting water quality. We urge the Sanctuary to play a larger role in advocating for progress in Everglades restoration through increased participation with the South Florida Ecosystem Restoration Task Force, Working Group, Science Coordination Team, Biscayne Bay Regional Restoration Team, and current efforts to develop a Combined Operations Plan for Southern Everglades projects. Implement Mandatory Boater Education Program: In recent years, the Sanctuary has released a voluntary boater education program intended to educate boaters about relevant regulations that provide the framework for boater safety and resource protection in the Sanctuary. Participation in the voluntary program has been very limited despite efforts to encourage it. Given demonstrated damage to sensitive natural resources caused by uneducated boaters, we support making the boater education program mandatory for all those boating in Sanctuary waters. This mandatory program could be modeled after the program that exists in Everglades National Park.
- Regarding Law Enforcement. The FKNMS should present to the public and stakeholders their ability to financially afford adequate Law Enforcement. This should be approved by the Law Enforcement arms before ANY additional SPAS , SPA Extensions , and Marine Zones , etc. are considered. Can the FKNMS afford adequate Law Enforcement ?
- Push the state and the county to enforce the rules on the books such as hooking up to the sewers or start fining people. Push for deep well in Cudjoe and Marathon. Push at every opportunity possible.
- Continue to emphasize that while these (enforcement & water quality) are key to the process of restoration, they are not all the legs on the stool.
- This is not our balliwick. We could / should give support to agencies charged with water quality.
- My constituents have voiced a concern that there is not enough education and outreach staff to accomplish the need for community and visitor education.
- obviously we need more on the water law enforcement

# Management Plan SAC Priorities: Channel Marking

(including marked running lanes and back country routes)

## Restoration Blueprint Proposal see:

Channel Marking - pg. 70, Management Plan Goal 3, Objective 3, Activity 4

## Draft proposal for Advisory Council consideration

No draft proposal was submitted in advance for this topic.

April 21, 2020 Input:

Consider strategic marking of channels and routes

Coordinate with USFWS for marking while also acknowledging wilderness designation

Coordinate with USCG

## Advisory Council Survey Responses

*Responses submitted after March 24 meeting:*

- It needs to be done
- I support backcountry markers for well established routes.
- this seems to be a problem without an answer to how this is going to happen. If the answer is that this is USCG's job and the FKNMS is going to write a letter asking them to add more markers then this is a joke and a waste of time. ONMS will need to coordinate and provide a budget for these purposes. There is photographic evidence that this works. It needs to be a priority with funding and not in ten years from now.
- In general, Channel marking and mooring buoys should be a priority as a number are still missing from Irma. New channel markings in the back country would be most welcome.
- There are people who believe FKNMS and/or USFWS staff remove "homemade" markers. It would be beneficial to hear from the agencies if this is true or not. If public agencies do not remove homemade markers, then this whole issue may be best left alone as far as government intervention is concerned. If agencies do remove homemade markers then there's a lot more to talk about, including agencies installing and maintaining markers for select routes.
- I was shocked to learn that years ago, we did have channel markers and they were removed to discourage people from attempting to go to the backcountry. YES, please put in channel markers.

*Responses submitted after April 21 meeting:*

- Channel marking also needs education to go with it and possibly restrictions on the size of vessel that is permitted to use the channel. That has been the problem in the past with "marked" channels.....bigger and bigger boats.
- like the strategic marking
- \*Keep the personal watercraft out of shipping lanes !
- The guides of the lower florida keys has given a detailed map of needed running lanes

- Better marking of channels will help protect marine resources as well as lives. It reinforces boater education.
- Please see my previous comments. The Channel Marking Action Plan created a significant number of improvements for transit within the FKNMS. What more? Over 1,000 additional or modified markers were installed as a result of the 97 Plan - ATONS and 100 yd buoys.

## Management Plan SAC Priorities: Artificial Reefs/Habitats

### Restoration Blueprint Proposal see:

Artificial Habitat - pg. 70, Management Plan Goal 3, Objective 3, Activity 8

### Draft proposal for Advisory Council consideration

I would like the subject of artificial reefs to be discussed by the Core group and/or SAC. I would like certain types of artificial reefs and habitat restoration activities be identified as priorities.

April 21, 2020 Input:

Consider opportunities for citizen science, education, research

Consider broader role to facilitate habitat restoration (e.g. sponge, mangrove); apply adaptive management, and marry with applicable regulations; partner with various and relevant user groups

Concerns raised about artificial reef function, potential impact to ecosystem (e.g. invasive species); how this aligns with restoration of natural ecosystem

Consider need/role of artificial reef/habitats in light of status of natural resources

Note the need for careful regulation of any use of artificial reefs/habitat (e.g. casitas)

## Advisory Council Survey Responses

### *Responses submitted after March 24 meeting:*

- This is an ambitious plan and I think it can be a game changer for habitat and water quality issues.
- I think this is a topic that needs to be discussed at some point. Beyond the shipwreck issue there are lots of other habitat enhancement ideas as well as underwater sculpture park ideas that should be discussed. The sanctuary has traditionally been opposed to these other ideas, but I think times are changing and we should consider the role artificial reefs and sculpture parks might have in the economy of the Keys.
- With all resource degradation that is happening within the FKNMS, I do not see this identified as a priority but also do not object to certain artificial reefs/habitats and feel they can remove some pressure from our reefs by divers and provide additional habitat for fish.

### *Responses submitted after April 21 meeting:*

- Five respondents support artificial reefs
- Intention for placement of artificial reefs and honest evaluation about the role in the ecosystem are important.
- Consider natural reef creation, not old ships, concrete waste etc. Always require coral restoration to jump start the successional process instead of leaving a bare substrate for invasive colonization

- more work needs to be done in this area. I believe there is a place for artificial reefs and the process should be streamlined and studied as it moves forward, with specific goals for each project that are measured and reported.
- Opportunities for citizen science could be facilitated with more education and outreach staff.
- The Sanctuary should work with nonprofits to pursue this
- I support limited significant and meaningful artificial reef projects. Priority should be given to the Marathon area. Every other Keys region has at least one symbolic wreck. The Middle Keys should be included in the Wreck Trek.
- I think artificial habitats will play an increasingly important role in providing recreational opportunities in the sanctuary, so FKNMS and the state of Florida should be more open to new ideas. Any new, large artificial structures should have local support, including municipal support.
- I fully support expanding artificial reef and habitat restoration programs to assist in the recovery of our natural resources.

## **Other Management Priorities: Carrying Capacity/User Fees**

### **Restoration Blueprint Proposal see:**

- 3.4.5, Limited use access restrictions for specific sanctuary preservation areas.
- Carrying Capacity - pg. 69, Management Plan Goal 3, Objective 1, Activities 1 and 2
- User Fees - pg. 175-176 Considered and Eliminated

### **Draft proposal for Advisory Council consideration**

No draft proposal was submitted in advance for this topic.

April 21, 2020 Input:

Consider opportunities to assess carrying capacity of the reef and mechanisms to manage that use  
 Consider other partners their roles and authority  
 Establish goals and outcomes for this effort  
 Concern about additional fees by individuals  
 Further discussion about scope, scale, and intent is needed

## **Advisory Council Survey Responses**

*Responses submitted after March 24 meeting:*

- Absolutely there should be user fees. The watersports companies monopolize the reefs, the harbors, the bays. Thousands of people every day urinating pharmaceuticals, covered in personal care products, touching and standing on the reef. I have friends working on these industry boats, some people cannot even swim and they let them hop off the boat. I've also been on boats where they discourage you to use the heads and say to pee in the water before coming aboard.
- There needs to be a weighted number assigned to each person going to the reef. If you have 40 snorkelers it's heavier than a local with a family
- Now is the time to establish License/permits for all on water activities within the Sanctuary. The number of operators is going to be much smaller after the Covid-19 emergency is over and will be a great new baseline to start with. We know we are over capacity now. Let's start with restricting the numbers now and follow it with the science after we have stopped the growth.
- Carrying capacity would be difficult to define without extensive scientific data to back it up. User fees could go a long way to help: sponsor a mooring ball project, sponsor

a restored reef or favorite dive site, sponsor a cleanup, etc. Certainly many other vacation destinations require it to use their resources.

- Activities such as the underwater music festival and pumpkin carving that encourage large congregations of divers and rafting on buoys should be discussed. The effect of noise on marine life should be considered.
- FKNMS should set and implement carrying capacity limits at select diving hotspots (e.g., Sand Key and Sombrero), monitor biological and social impacts, and adaptively manage the limit to accomplish predetermined objectives.
- Since NOAA has no interest in imposing a user fee, but it takes more money than congressional appropriations and other revenue sources have historically generated to do all of the important management activities associated with the FKNMS, the SAC should ask the FWC to explore using the existing saltwater fishing license as a means of generating revenue for marine resource conservation in the Florida Keys. Right now, as a fisherman, I buy an annual fishing license and lobster license. I pay a fair fee to use those natural resources and my fee is used for all sorts of essential resource conservation work; enforcement, education, research, restoration, and so forth. Right now, as a boat owner, I buy an annual vessel registration. I pay a fair fee to access marine resources with my boat and my fee is used for all sorts of essential activities. Right now, as a diver and as a birdwatcher, I pay nothing, yet I derive benefits from FWC's fishing license-funded conservation efforts and the state and county boat registration-funded efforts. Divers, birders, and others who do not fish or own vessels are free riding on fishermen and boat owners' backs. Simply requiring that free riders obtain a fishing license - maybe call it a license to interact with fish and marine life instead - would produce a substantial amount of revenue for statewide conservation needs. Adding a modest additional fee for a location-specific endorsement to use the FKNMS, or the state waters of the Florida Keys, would create a way to target funds to the subject area. If there are other ideas for essential revenue generation out there, let's hear them.
- We have had discussions in the past regarding user fees and the state and feds have shied away from taking the lead on developing a plan. It's potentially a radioactive issue, but I think there is a lot of support for it. Carrying capacity is also controversial, but we need to face the facts and realize that we're loving paradise to death.
- I strongly disagree with NOAA's recommendation that User Fees should not be implemented for administrative difficulties. There are numerous, easy ways to collect user fees. For instance, there could be a surcharge on all dive/snorkel trips. It could potentially be added onto boating or fishing licenses and with mobile apps and proper signage, there is also the possibility to collect from other groups. With so many complaints about a lack of enforcement and lack of buoys, markers, signage, education & outreach, restoration effort funding, etc., this is the only logical answer. Do not overthink this concept without having a viable alternative to replace it with. The FKNMS needs more money and we had 5.1 million tourists visit us in 2018, the solution is very clear.

*Responses submitted after April 21 meeting:*

- There is a need for licensing of boat operators.

- People will pay to come to the Keys as millions also pay to stand in line at Disney for rides. There are too many of us and we have to take turns so we can all enjoy the majesty of this special place or what is left of it.
- I encourage finding a way to charge user fees to help pay for education, enforcement, restoration etc.
- I am in favor of user fees and the SAC and sanctuary should be looking into ways to implement such.
- Yes consider fees of any sort, voluntary or other wise. also all national parks can close when at capacity, why not National Sanctuaries
- Implement a System of User Fees: Annual appropriations, grants, fine monies, and creative partnerships have not been sufficient to fund the real costs of effective Sanctuary management to date. User fees should be collected and used for law enforcement, water quality improvements, education programs, mooring buoys, channel markers, applied science, monitoring, and other vital efforts.
- Enact limits now as we know the resource is over its limit. Some sort of permit or lic needs to happen now. Partner with whoever it takes to get this done. We have an opportunity as many operators may not be around after the Keys open back up from Covid 19. Let the science then guide us to what is the correct number of visitors is to maintain a vibrant ecosystem.
- I support additional conversation and further discussion. It's a nice idea, but, I don't think the general public will support user fees. I'm also not sure how we could enforce.
- There should be a grading system based on impact/carrying capacity
- I'm ambivalent about user fees, but if they are implemented establish clear conduits where the money is going. #1 priority in my book would be additional law enforcement.
- Education would probably be a better solution to many of the problems that carrying capacity and fees might address. Perhaps these tools might be applied to specific reefs, but in general they would only alienate the public.
- User fees needs to play into the future of managing certain activities in the sanctuary. It's an obvious solution, but one that is radioactive politically. We need an influential champion to advance the idea.



## Other Management Priorities: Adaptive Management

Restoration Blueprint Proposal see:  
3.2.4 – Emergency regulations

### **Draft proposal for Advisory Council consideration**

I propose a fully articulated description of what adaptive management is and how, step-by-step, a constituent or stakeholder group can engage with FKNMS process to challenge, increase or decrease or otherwise alter any of the rules we are making. Our citizens should understand that they can effect change.

I propose the Core Group and/or SAC discuss Adaptive Management vis a vis how it is worded in this document and how it is used in our Sanctuary in more detail and, if agreeable, provide feedback on appropriate language which addresses application.

April 21, 2020 Input:

Emergency regulations are important, however only one side; Adaptive management could apply to create or remove regulations (Dry Tortugas Research Natural Area example provided)  
Provide feedback loop for review of policies and for public to present topics for review/discussion

### **Advisory Council Survey Responses**

*Responses submitted after March 24 meeting:*

- Definitely needs more to be defined and fleshed out with more detail, including objectives
- The concern here is potential overreach without support from the public and user groups. Checks and balances are certainly important
- I disagree with the SAC recommended proposal here. I fully support the Preferred Alternative because it states, "This proposed update would not change the requirement for public notice and comment rulemaking under the Administrative Procedures Act for any actions that extend beyond these timelines. This proposed update is intended to provide NOAA sufficient time to conduct the necessary review and public notice if a rulemaking process is deemed necessary."

*Responses submitted after April 21 meeting:*

- Including the ability for the public to participate in adaptive management is a powerful tool to encourage engagement.
- Adaptive management is crucial to the Restoration Blueprint and requires clear protocols and timelines. This practice is essential for any successful resource management.
- I support the draft regarding adaptive management.
- That's a no brainer
- Whatever document is produced should be streamlined and easy to understand.
- I fully support the Preferred Alternative because it states, "This proposed update would not change the requirement for public notice and comment rulemaking under the Administrative Procedures Act for any actions that extend beyond these timelines. This proposed update is intended to provide NOAA sufficient time to conduct the necessary review and public notice if a rulemaking process is deemed necessary."
- Adaptive management should generally be supported by science, not "gut feelings" or emotion. If the data warrants change, then adapt with it.



- FKNMS needs the ability to make adaptive management decisions that don't require this 5 year nightmare to get implemented.

### **Miscellaneous/Other**

Are there any additional proposals and/or concepts you would like to raise for discussion/consideration?

*Responses submitted after March 24 meeting:*

- We need to deal with capacity now and have the ability to limit the number of users that are utilizing the resource. Water quality needs to be addressed.
- I would like to see as much pressure or appeals to reason that the FKNMS can make to the State of Florida to clean our waters and take better care of our environment.
- Here is a concept for everyone to consider, and not to say there are not many others let's just think about this one. For the sake of the story let's consider that there is a fisherman catching fish responsibly on a popular low water diving reef. There is also one diver diving responsibly. I would have to admit out of the two of them the fisherman is having a larger impact, because he is taking fish. Now let's put reality into play. On any given day at a popular dive reef tourists by the hundreds are dropped into the water 2 too 3 times a day. Compare that to the small handful of fishermen that may use that reef, if they are allowed to for a small portion of their fishing day. and when they are using it they are mainly trolling 3 to 4 baits on top of the water in order to provide some action for their guests on slow days. Now tell me what group is having more impact. The absurdity of this situation has always kept our alliance from growing. To take this insult even further, out of the few reefs we are able to fish at, on any given day a dive boat may pull up while we are fishing, grab a mooring buoy and basically force us to leave that reef for safety concerns. We may even be yelled at for being there while they are trying to dive. If the SAC ever wants to have fishermen, omitting flats fishermen who have managed to do real fine for themselves, figuring out how to get what they want. Then I suggest that as the protectors of the ecosystem the SAC should do just that and look at each issue from an environmental aspect only, and leave the special interests out of the equation. In case you don't realize it the absurdity of many of these issues and how special interest groups manipulate this committee is quite obvious.

*Responses submitted after April 21 meeting:*

- It would be appropriate for NOAA to recognize the stress that the current pandemic has caused everyone. The scope of the proposed changes were ambitious in normal times, but may be overwhelming given the current situation. Please consider the hardship that everyone is experiencing when developing your proposals.
- Consider the Seven Iconic Reefs as appropriate management for "real restoration" now
- I appreciate the Core Group including charter fishing concerns in their proposals! I also appreciate Chris Berg reaching out and asking questions and my opinions.
- Find a way to limit capacity on the ecosystem. Don't let the fishing community drive the bus as there are many different constituencies. Last meeting fishing had the loudest voice.

- Thanks for the continuing opportunity for input. The most controversial area of public interest is the modified or additional zones, including modified or added regulations. This area of the Plan requires continuing public input.
- I would like to thank all those that have provided comments and feedback during this review process. The individuals, captains and law enforcement that are on the water daily, are the best eyes and ears we have that understand the true pulse of activities, obstacles and benefits. Their input plus unbiased scientific studies should be logically partnered to formulate the best consensus and plan.