

FLORIDA KEYS NATIONAL MARINE SANCTUARY ADVISORY COUNCIL

VIRTUAL WORKING SESSION

Tuesday December 8, 2020

DRAFT NOTES

Council Members

Boating Industry: Ken Reda
Citizen at Large – Lower Keys: Mimi Stafford
Citizen at Large – Middle Keys: George Garrett
Citizen at Large – Upper Keys: Suzy Roebing
Conservation and Environment: Ken Nedimyer
Conservation and Environment: Chris Bergh
Diving – Lower Keys: Joe Weatherby
Diving – Upper Keys: Elena Rodriguez
Education and Outreach: Jessica Dockery
Elected County Official: Michelle Coldiron (absent)
Fishing – Charter Fishing Flats Guide: Will Benson
Fishing – Charter Sports Fishing: Michael Nealis
Fishing – Commercial – Marine/Tropical: Ben Daughtry
Fishing – Commercial – Shell/Scale: Justin Bruland (absent)
Fishing – Recreational: Karen Angle
Research and Monitoring: Erinn Muller
South Florida Ecosystem Restoration: Jerry Lorenz
Submerged Cultural Resources: Corey Malcom
Tourism – Lower Keys: Karen Thurman (absent)
Tourism – Upper Keys: Andy Newman

Council Alternates (present)

Citizen at Large – Lower Keys: Stephen Patten
Citizen at Large – Middle Keys: Rachel Bowman
Conservation and Environment: Caroline McLaughlin
Fishing – Charter Fishing Flats Guide: Dale Bishop
Fishing – Recreational: Gary Jennings
Research and Monitoring: Patrick Rice
South Florida Ecosystem Restoration: Elizabeth Jolin

Agency Representatives (present)

Florida Department of Environmental Protection: Jamie Monty, Nicolas Parr
FWC Fish and Wildlife Research Institute: John Hunt, CJ Sweetman
FWC Law Enforcement: Capt. Dave Dipre
National Park Service, Everglades: Christopher Kavanagh
NOAA National Marine Fisheries Service: Heather Blough
U.S. Environmental Protection Agency: Steven Blackburn
U.S. Navy: Ed Barham
U.S. Coast Guard: LTJG Erin Woods

Municipalities

City of Key West: Allison Higgins

City of Layton: Cynthia Lewis

I. CALL TO ORDER, ROLL CALL, CHAIRPERSONS COMMENTS

Chairperson George Garrett called the meeting to order and thanked everyone for participating in this virtual format. The meeting began with an acknowledgement for former Key West mayor Craig Cates and his family. The council observed a moment of silence for anyone impacted by the COVID-19 pandemic.

Chairperson Garrett reminded webinar attendees that public comment would be accepted during the meeting via email, and would be shared with council members in advance of the next meeting. There will be an opportunity to provide public comment on a proposed resolution during that agenda item.

Chairperson Garrett acknowledged outgoing Charter Sports Fishing member Steve Leopold for his decade long service to the Sanctuary Advisory Council (SAC). Many council members provided accolades for Mr. Leopold and for the outgoing Charter Sports Fishing alternate, Richie Gomez.

The council also welcomed four new members: Karen Angle and Gary Jennings (Recreational Fishing member and alternate) and Michael Nealis and Jeff Shelar (Charters Sports Fishing member and alternate). A new recruitment has recently been announced, and 13 seats are available for candidates to apply. Information on recruitment can be found at <https://floridakeys.noaa.gov/sac/recruitment.html>.

Chairperson Garrett also described a recent SAC Chairs meeting which included the Director of National Marine Sanctuaries, John Armor, and the National Advisory Council Coordinator, Katie Denman. Topics discussed included council diversity and inclusion, internal and external council engagement, and council recruitment processes.

II. SANCTUARY ADVISORY COUNCIL ADMINISTRATION / BUSINESS UPDATES

Beth Dieveney, Florida Keys National Marine Sanctuary

Ms. Dieveney provided updates to the council on various administrative items such as member expectations, resolution and voting procedures, and additions of agenda items.

Council members are expected to comply with state and federal environmental laws and honor their positions as members of the council, which is both to provide recommendations to the superintendent and to serve as a liaison with your constituency. Ms. Dieveney also reminded attendees of the importance to attend and engage in meetings, and adhere to the council charter which includes communicating any change in affiliation or ability to represent the constituency.

Resolution and voting protocols are outlined in the Advisory Council charter, which is available on the website. Ms. Dieveney clarified that resolutions and recommendations represent the views of the advisory council, and that members should recuse themselves from participating in a vote on any motion if there is a conflict of interest. The member seat is responsible for introducing

resolutions, voting, seconding, etc. However, the alternate can serve these roles if representing the seat on behalf of the member at a meeting. In order for the council to take action, notice must be given to the public via the council agenda to ensure transparency on the issues the council is potentially taking action on. All actions include public comment.

There are various voting mechanisms: roll call, consensus, and written. Virtual voting occurs via consensus voting by raising hand to speak or the question box to indicate opposition. Roll call voting will be round robin to indicate yay or nay.

Finally, Ms. Dieveney discussed the addition of agenda items. Any SAC member can request or propose an item or issue for the agenda. To do this, reach out to the Chair and Vice Chair to request that item for inclusion on the agenda, and copy the council coordinator. The council Chair, council Coordinator, and Superintendent develop agendas.

A motion was made to approve 2020 meeting minutes: February, March, April, June, and October. No opposition was noted. These will be finalized and posted to the website soon.

III. FOLLOW UP AND POTENTIAL ACTION: SOUTH FLORIDA ECOSYSTEM CONNECTIVITY

Chris Bergh, Conservation and Environment - Member

Karen Bohnsack, Florida Keys National Marine Sanctuary

Ms. Bohnsack provided a reminder about how to virtually conduct a resolution process. Members will be asked to use the 'raise hand feature' to make the draft motion and second, then engage in discussion about the motion, request edits, etc. Before taking action, there will be a public comment opportunity on this motion. For comments outside of the motion, members of the public should submit those to floridakeys@noaa.gov. A few individuals signed up in advance, and others can sign up to comment by typing name in the question box. Public comment will be limited to 3 minutes. Following public comment, the SAC can have additional discussion if necessary, then will use consensus voting on the resolution.

Mr. Bergh introduced the draft resolution to create a Working Group entitled the Florida Keys and South Florida Ecosystem Connectivity Team. A key outcome of the joint meeting of the SAC and Water Quality Protection Program (WQPP) in September was recognition that many of the water quality challenges in the sanctuary originate outside its boundaries, with many associated with the mainland and particularly those impacts meant to be addressed by South Florida Ecosystem Restoration (e.g., Everglades restoration). There are also issues with mainland wastewater outfalls, which contribute pollution into coastal waters that may affect the Florida Keys. The WQPP and SAC recognized that not all water quality issues have not been solved locally, however there are plans in place and underway to address those issues, and there remains a continued importance on focusing on the regional issues.

A similar Ecosystem Restoration Working Group of the SAC existed previously, but that was dissolved so the SAC could better focus on the Restoration Blueprint. The intent of this resolution is to recreate that type of a working group to focus on water quality impacts that emerge from outside the sanctuary, on the mainland. The creation of this working group was supported by the WQPP and the SAC at the joint meeting in September 2020. The SAC was tasked with developing this draft resolution for creating this working group. Once formed, this group will include WQPP

members, SAC members, and other interested parties and local experts.

Mr. Bergh summarized the 'whereas' clauses, and read the 'therefore be it resolved' portion of the resolution. George Garrett made a motion to pass the resolution, Chris Bergh provided a second.

Jamie Monty proposed two minor edits to the motion in the 'whereas' clauses and in the footer note. These edits were accepted by Mr. Garrett and Mr. Bergh.

Public Comment on the proposed resolution:

Lisa Gethard - I am a citizen scientist with the Globe Program and I'm happy to be part of this Southeast and SAC for the purposes of the [Florida] Keys and your sanctuary. I will be introducing new technology through the Globe Program that is through NASA, NOAA, and using technology through geo-spatial satellite imagery to help with the water quality and the debris and microplastics. So I just wanted to introduce myself, and the importance of the sanctuary and how it does apply to the deep ocean and deep space and the livelihoods we do have as humanity and to health and human services. My information is available, you can reach out to me about any of this information and I'd be happy to share the technologies that I'm rolling out and sharing with others to learn about how they can use the Sentinel 6 Michael Freilich satellite and other satellites that we do have to use for our purposes in migration patterns of our fish, finding out debris down in the ocean, whatever we can do to help and best serve. Thank you.

Timothy Birthisel - Just briefly here I'd like to offer some thoughts to the good piece work with this resolution. My personal perspective is based on aquaculture work in the Florida Keys. I would like to see aquaculture recognized on the SAC; this is different from fishing and has potential for a positive impact on the environment. The MPAs and SPAs in place in the keys are useful for protecting habitat but are limited because they interfere with fishing interests. There are unused areas adjacent to the reefs known as motor through zones. These are sand/silt and able to support aquaculture installations. These structures are iron rebar inserted into the seabed, vertically supported by 3 rebar inserted nearby and tied together. These are stacked with rock piles to create substrate. Then over 3-5 years, establish by settlement and growth of various organisms a complete functioning ecosystem which is positive for production of their product which is high end live rock sold to zoos and aquariums. And it just strikes me that this practice has some advantages. It obviously produces favorable habitat. We have hundreds of species of fish and activity going on in what was previously a desert area. So that could help promote connectivity within reefs offshore of the keys. In closing I'd like to acknowledge the great contributions of Ken Nedimyer for pioneering work in live rock aquaculture.

Gerald Ward - I'm Gerald Ward, Key West, I had submitted a two-page, 8 paragraph set of comments this morning and had put it in the chat box. Five summations of the eight paragraphs: I was very disturbed to find last week that the Florida Department of Environmental Protection, the co-manager, Ms. Monty, and her staff Mr. Parr, had not seen the resolution nor the agenda when it was published Thanksgiving week. The number two, the whereas clauses are extensive, not bad, some sixteen, but the implementing resolutions or action items of the resolution are more gum-flapping than they are substantive actionable items directing action. We pay the Department of Environmental Protection, we pay the South Florida Water Management District, and we pay the United States Environmental Protection Agency. They started in the 1970s and I have extensive work that they published by '72 even, of concerns over the water quality degradation in the Florida Keys. We need to be more emphatic that the council and its members mandate some action items

shortly. We find that in the 2019 September meeting a thousand people showed up in the Key West High School not happy, upset, we need to recognize that the majority of those comments were water quality. So my recommendation is that water quality become, with the specific direction to get a current action, immediate action, out of the 3 water quality agencies for standard setting and implementation that you send this resolution back to modify the four items to be much more actionable and let's get a draft by a subset of council members today reporting back by the 1st of January and let you go forward with items that say get something done. We've been a quarter of a century with the sanctuary and I participated in the '90s with the first plan, we haven't even redone the 5 year plan. It's up for evaluation now, but let's get forward using this working group.

Discussion:

- A member responded to the public comment/call to action by Mr. Ward that this sentiment is shared by many in the community and on the SAC. This motion is an organizational tool, we first need to create the working group to get to the recommendations that will lead to the actions he calls for.
- Another member agreed, and offered the example of the Comprehensive Everglades Restoration Plan (CERP) which was originally a 20 year process, and we still have 20 years still to go. Billions of dollars have been spent doing what the sanctuary management plan asked for, and implementing the county/city comprehensive plans for sewer, stormwater, and canal restoration. We need to recognize that we've come a long way, but also acknowledge we still have a long way to go.
- Another member reiterated that this resolution is creating a structure we can use to take action. This resolution will create a designated space at future SAC meetings for Everglades issues so we can take action on those issues as they arise. It will also allow the SAC to be more formally represented at Everglades related public meetings.
- A member acknowledged that terminology related to Everglades issues is hard to understand. They request that some sort of glossary of terms/acronyms/jurisdictional landscape would be helpful for the SAC and probably the public as well. This type of action is something this working group can focus on.

The motion was called for a vote. The motion passed with no opposition via question box. A final amended motion is available on the website.

A motion was made to nominate Jerry Lorenz as the chair of the working group. Mr. Lorenz accepted and no opposition was indicated. The motion passed.

A motion was made to nominate Patrick Rice as the SAC liaison to the Water Quality Protection Program (WQPP). Mr. Rice accepted and no opposition was indicated. The motion passed.

Break

IV. CELEBRATING 30 YEARS OF FLORIDA KEYS NATIONAL MARINE SANCTUARY

Craig Wanous, Florida Keys National Marine Sanctuary

Mr. Wanous has been the manager of the Florida Keys Eco-Discovery Center since 2007, and was tasked with organizing a celebration of the sanctuary's 30th anniversary, designated on November 16, 1990. The goal of this celebration was to highlight 30 years of accomplishments and milestones through three decades of the sanctuary's history.

The celebration utilized the website and social media by posting a different story or video each day, highlighting six key topics: science and resource protection, sanctuary voices, maritime heritage, mooring buoys, restoration, and stewardship. At the end of the campaign, the total engagements on Facebook had increased 290% compared to the previous month, and total engagements on Twitter had increased 152% compared to the previous month.

Discussion

- A member commented that this is an impressive milestone, and how the sanctuary has been a large part of their life professionally and personally. Recognizing this anniversary and the accomplishments of the sanctuary is something to be celebrated.
- Superintendent Sarah Fangman noted the amount of work done by the various sanctuary teams to highlight these significant accomplishments. While there are still issues faced by the sanctuary, it's worth taking time to consider "what if" we hadn't accomplished all of this impressive work over the past few decades.

V. MAPPING EFFORTS IN FLORIDA KEYS NATIONAL MARINE SANCTUARY *Chris Taylor, NOAA's National Centers for Coastal Ocean Sciences*

Mr. Taylor provided some background on how the National Centers for Coastal Ocean Sciences (NCCOS) shares cutting edge spatial data with decision makers for place-based management. Once managers understand the habitat, you understand the system and can make good management decisions. NCCOS' goal is to conduct multi-purpose mapping missions and get as much data as possible to "map once, use multiple times". The NCCOS mission supports the sanctuary, with nearly two decades of mapping missions using high resolution multi-beam and LiDAR bathymetry. To date, NOAA and partners have mapped about 65% of the 3,800 square miles that encompass the sanctuary and have been accumulating and storing data in one place as a comprehensive inventory. These are publicly available online without need for special software tools, and include thousands of benthic images. A link to that inventory is available here: <https://noaa.maps.arcgis.com/apps/webappviewer/index.html?id=03daf1d686c84ece8172ed394e287c78>.

Mr. Taylor provided an update on collaborative efforts with E/V Nautilus, resurrecting a survey from 2014, as well as a new survey in 2020 on the NOAA ship R/V Nancy Foster for an expedition to the Dry Tortugas area to fill in several mapping gaps. The mission covered a transect that revealed large masses of snapper and grouper, lionfish, remarkable geological features, and some newly documented mounds in the 200-225m depth with large documented amounts of biomass.

LiDAR flights help fill current gaps in reef and Hawk Channel, improving monitoring for things like stony coral tissue loss disease. However, gaps remain for outer reef bar and deeper Hawk Channel areas, and are planned for surveys in 2021 sponsored by NMFS and NOAA Coast Survey. Other missions with NOAA Ship *Nancy Foster* are planned for March-April 2021 for 30+

days at sea doing mapping for restoration, disease, and other targeted science projects west of Key West.

Discussion:

- A member asked about SimRad and other GPS/plotter companies who are allowing the public to record latitude and longitude and upload data so they can help map bottom data. Is it possible to work with these companies to fill in data faster? Mr. Taylor explained that yes, and this is happening around the nation. Office of Coast Survey is seeking citizen-science sources of data, and they worked with manufacturers to understand data formats so they can use it for NOAA products.
- A member asked about shrimp trawls that drag on the bottom and create silt. Do habitats further from this type of fishing have healthier habitat? Mr. Taylor indicated he wasn't familiar with work in that area, but that NOAA's Coral Reef Conservation Program is trying to address issues of sedimentation in nearshore coral reefs around the US.
- A member noted the documentation for the south end of the Tortugas Ecological Reserve is hugely important for determining boundaries as part of the Restoration Blueprint.
- A member asked about the data from Western Dry Rocks. Mr. Taylor indicated that area has been a focus of research since 2009. It's a multispecies aggregation site; challenging to map because it is shallow, but slightly too deep for LiDAR. This area will be completely covered in 2021 mapping effort.

VI. AGENCY REPORTS

Superintendent's Report

- The sanctuary looks forward to christening a new dive and buoy vessel in 2021, which will be a 36-foot commercial duty, fiberglass hull workboat and will replace the aging R/V Rachel Carson.
- Two members of the sanctuary's education team retired in 2020, and new staff are slated to fill those positions by the start of the year.

Florida Department of Environmental Protection

- Bahia Honda State Park
 - We have two of the three bathrooms that were destroyed by Hurricane Irma completed, one in the day-use area at Loggerhead beach and one in the Buttonwood campground.
 - Don Bergeron has accepted a position as the manager of Honeymoon Island State Park. Our District is conducting interview this week and we hope to have a new park manager for Bahia Honda by late Feb. 2021.

Florida Fish and Wildlife Conservation Commission, Law Enforcement

- ATBA: LT Hein while on patrol on November 30th, responded to a violation within the Area to Be Avoided. A superyacht named "Rock It" was actively traversing within the ATBA. USCG and FWC responded together and took the necessary enforcement action on behalf of the FKNMS.
- FWC continues to work to spread the message in the upper and lower Keys, the important and necessity for live aboard vessels to pump out. Monroe County has coordinated with

the City of Marathon, Key West and the Upper Keys to have contractors in place to conduct pump-outs. The lack of boaters to register has been a concern to both Monroe County and FWC. We are working diligently to ensure boaters are complying with the county ordinance.

- FWC, during this period of COVID and during the winds of the season, has been working to reduce the theft, battery, illegal narcotics and derelict vessels in Boot Key Harbor. After the last violent incident, several months ago, FWC, the Monroe County Sheriff's Office and the US Coast Guard have been working together to concentrate our focus on the numerous infractions and criminal violations occurring in the harbor. It is our hope to ensure vessel operators are following state and federal requirements for boating and the harbor is kept a safe place for residents and tourists here in the middle Keys.
- FWC has worked with Monroe County to remove derelict vessels which continue to litter the waters of the Keys. These incidents, whenever possible, are being prosecuted by the State Attorney's Office under State Attorney Denis Ward. These derelict vessels are a hazard to navigation and an environmental hazard to the Florida Keys National Marine Sanctuary.
- As an appeal the SAC. Please continue to put out the word "The residents of the Florida Keys are the eyes and ears of law enforcement". If there are violations occurring which the public believes should involve the FWC we need to know about it. Call 888-404-3922 TEXT tip@myfwc.com. Email david.dipre@myfwc.com.
- Welcome to the new National Marine Fisheries Special Agent Jeremy Munkelt, formerly an FWC Lieutenant.

Florida Fish and Wildlife Conservation Commission, Fish and Wildlife Research Institute

- The next Commission meeting is scheduled for December 16 and 17 as a virtual meeting. The agenda can be found at: <https://myfwc.com/about/commission/commission-meetings/december-2020/>
- Items on the agenda of interest to SAC members and Keys residents are: Western Dry Rocks (draft rule), Sharks (Review and Discussion), Florida Pompano, Permit, and African Pompano (Review and Discussion) and Spiny Lobster (Review and Discussion). These items are scheduled for December 16.

NOAA National Marine Fisheries Service, Southeast Region

- NOAA Fisheries recently published a proposed critical habitat designation for the five Caribbean reef-building coral species that we listed as threatened under the Endangered Species Act in 2014. The designation consists of 28 mostly overlapping areas that are currently occupied by the corals off Florida, Puerto Rico, the U.S. Virgin Islands, Navassa Island, and Flower Garden Banks. There are five units off Florida, each of which overlaps with Florida Keys National Marine Sanctuary boundaries, and to a large extent with existing Acropora critical habitat. The proposed rule, maps, and other supporting materials are accessible [here](#). We are requesting public feedback on our proposed designation through January 26.
- The Gulf of Mexico Fishery Management Council met November 30-December 1. Summary information from that meeting will soon be posted [here](#). They did not approve any regulatory changes at that meeting, but did review new scientific information that could lead them to propose increased catch limits for several stocks next year, including lane snapper, vermilion snapper, red snapper, and gray triggerfish. Their next virtual

meeting webinar is scheduled for January 25-28, 2021. The agenda and registration information for the January webinar will be accessible [here](#) as the meeting date approaches.

- The South Atlantic Council is currently meeting through December 10 via webinar. The agenda and supporting materials for that meeting are accessible [here](#). Discussion topics include the new yellowtail snapper assessment and fishing level recommendations, as well as new catch limits and management measures for greater amberjack, dolphin and wahoo, and some other items. The Council will also receive an update on the new electronic reporting requirements that are scheduled to take effect early next year for federally-permitted for-hire fishermen. There is a formal public comment session on these and other agenda topics at 4pm Thursday, December 9, and they are also inviting written comments which can be submitted via [this form](#) on their meeting website.
- Outreach activities for the federal for-hire electronic reporting program are ongoing and permit holders who want to better understand the new requirements are invited to attend one of the webinars scheduled for next week - the Gulf program will be addressed at 10am and 6pm Tuesday and the South Atlantic program will be addressed at 10am and 6pm Wednesday. Click [here](#) for more information on these programs or to register for one of the webinars.

NOAA Office of Law Enforcement

- NOAA Office of Law Enforcement (OLE) currently does not have a uniformed officer stationed in the Keys. In early December, NOAA OLE deployed a uniformed boat crew to conduct patrols from Marathon to the Marquesas Keys. Patrol efforts focused on FKNMS zones and the primary objective was to assess compliance with FKNMS and federal fishery regulations. A summary of their activities and results are below.
 - Worked with U.S. Coast Guard Sector Key West to conduct a joint-agency boarding of a commercial shrimping vessel and issued a citation for fishing in federal waters without a valid permit.
 - Provided assistance to a disabled PWC.
 - Issued a citation to a recreational vessel fishing in Western Sambo Ecological Reserve.
 - Issued a citation to a recreational vessel for discharge Looe Key Sanctuary Preservation Area.
 - Issued a citation to a recreational vessel for possession of tilefish and grouper out of season.
 - Issued a citation to a commercial shrimping vessel for Turtle Excluder Device (TED) violations.
 - Provided compliance assistance to a number of vessels failing to display dive flags and a recreational vessel in possession of undersize yellow tail snapper.
- The patrol was a success and the crew completed 30 hours of vessel patrol in less than ideal conditions, conducted five NOAA OLE Southeast Division (SED) milestone FKNMS patrols, four milestone TED patrols, and conducted vessel operation training to qualify one officer as a NOAA Small Boat Operator.
- NOAA OLE is continuing to work on backfilling Officer Mitchell Robb's position and is also working to fill a new position that will be located in the Upper Keys. The Special Agent position left vacant by Ken Blackburn's transfer has been filled by Jeremy Munkelt, who was formerly a Lieutenant with FWC in the Keys.

U.S. Navy

- Submitted Fiscal Year 20 annual report summarizing the implementation of the installations natural resources program to the FWS, FWC, FKNMS and NOAA NMF. Annual review meeting was held in October, highlighted accomplishments:
 - NASKW Natural Resources reduced its major infestations of exotic invasive plants. NASKW Natural Resources were so successful in reducing exotic invasive vegetation on Navy property that exotic invasive treatments are now effectively in a maintenance rotation.
 - NASKW Natural Resources staff executed a project which reduced encroaching woody vegetation in endangered species habitat. NASKW has the largest meta-population of Lower Keys Marsh Rabbits (LKMR) in the world. The LKMR habitat improvement project was an immediate success. It improved habitat in three locations on NASKW.
 - NASKW constructed a nesting platform for terns which provided habitat for State listed species. These terns often nest adjacent to the NASKW Airfield, which increases Bird/wildlife Aircraft Strike Hazard BASH. The constructed platform provides an alternative area for these terns to nest away from airfield operations in an effort to reduce Airfield BASH.

VII. MEMBER UPDATES OF NOTE

- Ken Nedimyer requested the SAC send a letter of condolence to Craig Cates expressing condolences to him on the loss of his wife due to COVID. Chairperson Garrett offered to draft a letter.

VIII. PUBLIC COMMENT FOLLOW UP

No public comments were received during the October 2020 meeting.

IX. CLOSING REMARKS

Chairperson Garrett thanked council members and the public for tuning in to this virtual meeting, and for a robust discussion. The next meeting will take place on February 16th, 2021.

X. PUBLIC COMMENT

Gerry Ward:

I have participated with FKNMS planning since the early 1990s and amazed at the public response/involvement in the ongoing national environmental policy act of 1969 attempts to achieve the (first) five year mandated plan revision/update. Public response has been substantially to fix the water quality issues of Monroe county uplands and adjacent nearshore waters.

The 23 September 2020 joint FDEP/USEPA water quality protection program steering committee meeting with the FKNMS sac (this council) exuded no end of water quality issues. The resolution before you today was and is supposed to light the fire to get long standing water quality issues as top priority for fixing! It does not do so!

To that end I attach in word 2016 a two page request that you not approve the NOAA presented two page resolution today and designate today a subset of your members to rewrite by 01 January 2021 an action oriented redraft that includes all the important governments (FDEP, USEPA & SFWMD), then for adoption action in early 2021 as well as implementations.

Reflecting on the establishment of the workgroup today: How about mandating an agenda item at each meeting in 2021 of an action item by the work group (does it now have members since it has a chair for six months??) So! Does the council desire an action item from the newly established workgroup each 2021 meeting??

Attachment:

Gerald M Ward, Old Town Key West, Truman, and Whitehead: Comments
8 December 2020 Florida Keys Natl Marine Sanctuary Advisory Council Meeting
Agenda Items 0915: Council Administration/ Business Updates
Resolutions: A Resolution of the Florida Keys National Marine Sanctuary Advisory Council to Create a Working Group entitled: The Florida Keys and South Florida Ecosystem Connectivity Team (draft)
<https://nmsfloridakeys.blob.core.windows.net/floridakeys-prod/media/docs/20201208-draft-resolution.pdf>

This resolution was put up on the Sanctuary Web pages Thanksgiving week. On Monday, 30 November 2020, I started to attempt to get with the Florida Department of Environmental Protection Sanctuary Co-Manager and her staff (Nick Parr) in Marathon, after reading Council's draft Minutes from the 8 October 2020 meeting, to discover that a new Florida Department of Environmental Protection/Trustees of the Internal Improvement Trust Fund Co-Manager (Jamie Monty) was to come on-board. In addition, I put another call into the Florida Department of Environmental Protection Marathon Branch Office Gus Rios Water Quality Protection Program Steering Committee Facilitator (Gus Rios).

Nick Parr called back during lunch hour and we had a one third hour conversation whereas he opened up this 8 December 2020 Agenda Draft and the draft Resolution not having chopped or seen either before. FDEP Florida Keys National Marine Sanctuary Co-Manager Jamie Monty called back promptly upon returning to work from the Thanksgiving holidays Tuesday morning 1 December 2020. She also opened up this meetings Draft Agenda and the draft Resolution for the first time during our one third hour conversation. Gus Rios attempted to contact me during a conflicting meeting on Tuesday. We later in the week talked and he also had not this meetings Draft Agenda nor draft Resolution!

Examination of the draft Resolution (2 Pages) finds 17 whereas clauses in a page and a half! Then in a half page which ends with the Council Charter (2017/2018) required (Page 10, operation, Item 4 (b)) legal disclaimer that none of these agencies have to agree or accomplish any actions we have just four so-called action items or resolves! The first is "Gum-flapping", the second is "more Gum-flapping", the third is "Agency Gum-flapping" and fourth "Build a platform to stand on to Gum-flap"!! Only in the first item that even "Council recommendations" could even be considered!

Yes, the Sanctuary is three decades old by the date of the Congressional Act! Yet, it is a Quarter of a Century old by the first Plan of what we thought was improvement actions in

the mid-1990s. Now into 2020 the National Environmental Policy Act of 1969 (NEPA) draft document supporting what was supposed to be an every Five-Year Revision or Update (now 4 times overdue) has been strongly rejected by most all sides.

In my half century of generating Environmental Assessments and Environmental Impact Statements this issue produced at Key West High School Auditorium in September 2019 the absolute largest crowd (the full auditorium holds 1000 seats) of “mad/upset” citizens ever for a NEPA action. To Superintendent Fangman’s credit she did not attempt to initially address the upset citizens, but imposed upon a long term Florida Fish & Wildlife Commission Captain to defuse the folk that were correctly upset over a quarter of a century of lack of progress over what was described many times as water quality degradation.

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Gerald M Ward, Old Town Key West, Truman, and Whitehead: Comments
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<https://nmsfloridakeys.blob.core.windows.net/floridakeys-prod/media/docs/20201208-draft-resolution.pdf>

The draft Resolution speaks to the words “water quality” only twice, in the sixteenth, whereas which correctly determines that “water quality” is the top priority! Yet nowhere in the draft Resolution four action items / resolve is water quality cited, nor as it should be included in the proposed working group title. Likewise, the United States Protection Agency (USEPA) is not cited in any manner in the draft Resolution. USEPA has been beneficially involved in water quality observations and evaluations since the beginning of the 1970s. Region 4 Atlanta is the Co-Chair of Florida’s Department of Environmental Protection Water Protection Program Steering Committee. If we are going to actually accomplish Florida Keys upland and adjacent waters improvements in Water Quality, the Council needs to recommend full involvement of the Florida Department of Environmental Protection and United States Environmental Protection Agency (and possibly SFWMD).

The words “water quality” appear 43 times in the minutes of the FDEP/USEPA joint meeting with the SAC on 23 September 2020. The minutes of your joint 23 September 2020 meeting with FDEP/USEPA are also replete with emphasis that implementation of improvements to stormwater, wastewater disposal and nearshore water quality is the objective now and not “kicking-the-can-down-the-road”.

The draft Resolution should not be approved and a designated today, subset of Sanctuary Advisory Council members and staffs directed to generate a second draft resolution with actions to be sent to SAC members and posted on the SAC web meetings page by 01 January 2021. This time delay also recognizes that the FDEP/USEPA Water Quality Protection Program Steering Committee expected to be able to review the draft Resolution.

Gerald M. Ward, P.E.

2003noaadraftresolutionfknmsworkgrpconnectivityteamgmwcomments12082020

PS-Not only is the Florida Department of Environmental Protection and South Florida Water Management District in position with some current funding, but given their structure (and regardless of the crazy virus) it is highly likely that FY 21/22 emphasis will evolve from the Florida Legislature. Equally important is a new federal administration that will emphasize NOAA's role. See: <https://www.msn.com/en-us/news/politics/under-biden-noaas-profile-is-set-to-rise-as-climate-change-takes-center-stage/ar-BB1bDTNY>
PPS-2020-150 Laws of Florida (Senate Bill 714 (2020) is being implemented by principally FDEP and statewide rulemaking for Stormwater is coming under Rule Development and transfer of all onsite sewage disposal systems (old septic tanks) is being accomplished to now one wastewater Agency-FDEP.

DRAFT