

Florida Keys National Marine Sanctuary Advisory Council Restoration Blueprint Advice and Recommendation Sanctuary-Wide Regulations & Marine Zones and Associate Regulations Draft for deliberation

Sanctuary Advisory Council members and alternates drafted the below statements for discussion and consideration at the December 2022 council meeting. These statements will be used to prepare Sanctuary Advisory Council advice and recommendations for the sanctuary superintendent.

Advisory Council members will vote to advance the information in these statements to the sanctuary superintendent for consideration when making decisions for NOAA's final rule for the Florida Keys National Marine Sanctuary. This vote will be informed by public input gathered through informal engagement with the public at the beginning of the meeting, as well as through council member outreach prior to the meeting.

Prior to taking a vote, Advisory Council members will have an opportunity to:

- 1) Provide additional information to these statements.
- 2) Further clarify information included in these statements.
- 3) Identify any information that may not reflect the collective advisory council perspective.

Sanctuary Wide Regulation Proposals

All descriptive statements are taken from the NOPR Preamble

Discharge

The proposed rule updates the existing discharge regulation to explicitly prohibit discharges of any material or other matter from a cruise ship, except cooling water.

Topics of Support

SAC Drafter: Will Benson

- *Strong evidence suggests that stony, coral tissue loss disease is transmitted via ballast water discharge. This regulation will reduce the spread of other and future pathogens like SCTLD.*
- *This regulation provides important protections for FKNMS against one of the most destructive*

environmental activities in FKNMS.

- *Discharge regulation would affect the release of highly acidic water created by the CO2 scrubber systems.*

Topics of Concern

SAC Drafter: Kelly Cox and Will Benson

- *Declines in water quality across the footprint of the Sanctuary can be attributed to a number of sources and discharges of graywater and deck washdown from cruise ships are just one such source.*
 - *Under the proposed rule, cooling water, deck washdown, and graywater are allowable discharges from vessels other than cruise ships – and, arguably, this does not fully address the discharge problem.*
 - *Wastewater discharged outside of Sanctuary boundaries could reach the Sanctuary anyway.*
 - *This additional regulation could drive up costs of cruises and could impact local businesses that rely on cruise-related tourism.*
 - *The regulation lacks substantive punishment and enforceability provisions.*
 - *Harbor pilots may be subject to this regulation if Ballast discharge has not occurred prior to entry into FKNMS.*
 - *Regulation does not go far enough to encompass the totality of all harmful environmental impacts resulting from cruise ship activity in FKNMS.*
 - *The regulation will only cause cruise ships to turn off their carbon dioxide scrubbers resulting in massive volumes of exhaust to be discharged and thereby affecting air quality.*
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Temporary Regulation for Emergency and Adaptive Management

The proposed rule includes an updated Temporary Regulation for Emergency and Adaptive Management which:

- *Expands the time frame during which any temporary regulation could remain in place from 60 days to 180 days (six months), with the option for one additional extension of 186 days (six months) for a total of one year. This aligns with NOAA National Marine Fisheries Service emergency regulations under the Magnuson Stevens Conservation Act;*
- *Outlines three purposes for which NOAA would issue temporary regulations:*
 - *Prevent or minimize destruction of, loss of, or injury to sanctuary resources from any human-made or natural circumstances, including a concentration of human use, change in migratory or habitat use patterns, vessel impacts, natural disaster or similar emergency, disease, or bleaching;*
 - *Initiate restoration, recovery, or other activities to improve or repair living habitats or species where a delay would impair the success of the activity; or*
 - *Initiate research where an unforeseen event produces an opportunity for scientific research that may be lost if it is not initiated immediately; and,*
- *Sets out the procedure by which a temporary regulation would be promulgated, including complying with the*

Administrative Procedure Act, addressing notice and comment requirements, and requiring state approval for any temporary regulations proposed in state waters.

Topics of Support

SAC Drafters:

Ken Nedimyer

- *A longer time frame in which a temporary regulation can be put in place to respond to an emergency need is necessary to allow for a proper long-term response to be developed, vetted in a public forum, and implemented.*
- *Sometimes a 6–12-month closure of an area is necessary to develop and implement a restoration plan for a damaged site.*
- *A well-designed system for implementing a six to twelve month emergency regulation will provide a powerful and effective tool to the FKNMS management team to respond to emerging threats and crises.*

Ginny Oshaben:

- *Rule-making is a slow process and can take five to ten years to make new regulations.*
- *Research and/ or protection may be imminent with a cataclysmic event.*

Topics of Concern

SAC Drafter: Will Benson

- *Emergency management will be used to enact further closures.*
- *Emergency management and adaptive management are two different things.*
- *Rule is almost entirely reactionary, and not proactive in such a way as to allow for opening areas that were previously closed.*
- *Additional considerations for enforceability and funding are needed.*
- *In certain instances, the question of jurisdiction is relevant, specifically fisheries management actions.*

Historical Resources Permitting

NOAA proposes to update historical resource permitting by replacing the current survey/inventory, research/recovery, and deaccession/transfer permit categories with a new, single archaeological research permit category. This would align sanctuary historical resource permitting with state archaeological research permitting and optimize compliance with the Federal archeology program.

- More specifically, NOAA proposes to:
 - Update historical resource permitting by replacing the current survey/inventory, research/recovery, and

- deaccession/transfer permit categories with a new, single archaeological research permit category;
- Define the term “archaeological research;”
- Explain criteria that must be met in order for NOAA to issue an archaeological research permit (including applicant qualifications); and,
- Prescribe certain conditions that would apply to these permits.

Topics of Support

SAC Drafter: Sara Ayers-Rigsby

- *The proposed rule brings all underwater archaeological pursuits up to the standards for professional archaeology, the same as those required for terrestrial archaeology.*
- *Recovered artifacts will remain in public ownership as property of the State.*
- *Eliminates deaccession/transfer permit which has never been issued, eliminating redundancy and emphasizing consistency in permitting across multiple agencies.*
- *Work will be conducted in a scientific manner with a clear research design, objectives, and methodology, resulting in more detailed and controlled data recovery and reporting for archaeological projects.*
- *The proposed single permit system will provide a more simplified and consistent permit process.*
- *The proposed rule will facilitate collaboration between different institutions and agencies.*

Topics of Concern

SAC Drafter: Diane Silvia

- *The term Historical Resources should possibly be changed to Cultural Resources as there is potential for discovery of Prehistoric Resources (i.e. submerged shoreline archaeological sites, dugout canoes, etc.)*
 - *Will those with current rights to particular shipwrecks be able to continue searching and working beyond already known wreck limits.*
 - *How to prevent looting and destruction of cultural resources*
-

Fish Feeding

NOAA proposes to prohibit the feeding and attracting of fish, including sharks, or other marine species, from any vessel or while diving.

Topics of Support

SAC Drafter: Mimi Stafford

- *Using food as a fish attractant can lead to behavioral changes in the fish and sharks and may lead to increased aggression and injuries.*
- *This practice also leads to altered expectations for the viewers, expecting to be thrilled by action instead of witnessing the natural interactions of the environment. Viewers are not seeing the normal behavior of wildlife if they are artificially attracted by feeding.*
- *The practice may change the behavior of sharks and other predators to associate divers with food; Effects of Concentrating and training sharks to associate humans with food*
- *Concerns about feeding of marine species in multiple use areas*

Topics of Concern

SAC Drafter: Ken Reda

- *Is this truly a large enough issue, practiced by so many, that it warrants NOAA intervention? It seems as though it borders on over-reach.*
- *By eliminating this action, does NOAA believe that FKNMS shark aggression will significantly decrease?*
- *It is arguable that the act actually raises public awareness to the beauty of the fish and promotes public awareness.*
- *The statement outlining the proposed regulation reads: “NOAA proposes to prohibit the feeding and attracting of fish, including sharks, or other marine species, from any vessel or while diving”.*
 - *We have been told that this excludes the act of chumming as it pertains to fishing. This is a mixed and confusing message. In other words, introducing unlimited amounts of feed into the water for the purpose of generating a frenzy affect that camouflage a hook & line intended to capture & remove fish from the habitat is OK, but selectively offering food to specific fish for purposes of observation & study, is to be prohibited?*

Derelict Vessels / Grounded Vessels

NOAA proposes including new regulations prohibiting anchoring, mooring, or occupying a vessel at risk of becoming derelict, or deserting a vessel aground, at anchor, or adrift in the sanctuary. The proposed rule would also prohibit leaving harmful matter aboard a grounded or deserted vessel. These proposed regulations and associated definitions align with existing state regulations that outline conditions for at-risk vessels, and include specific timeframes for giving notice that a vessel has gone aground and for submitting a salvage plan to FKNMS.

Topics of Support

SAC Drafter: George Garrett

- *Collectively, floating structures, houseboats, and vessels pose a substantial risk to FKNMS resources because, if unattended, they may ultimately sink to the bottom causing a navigation issue, destroying benthic habitats within the FKNMS, and potentially leaking or leaching sewage, fuel, or toxic materials into the waters of the FKNMS.*
- *As in many other proposed modifications to the FKNMS Management Plan (the Restoration Blueprint) mirroring state regulations regarding floating structures, houseboats, and vessels gives the FKNMS law enforcement authority that they don't have currently or as clearly stated, and it means that those enforcing FKNMS regulations can be doing it in a consistent manner.*
- *Generally, attention to and regulation of floating structures, houseboats, and vessels that become at risk or derelict falls to local and state law enforcement officers and in some sense the U.S. Coast Guard. This proposed revision to FKNMS regulations will mean that Sanctuary law enforcement officers can take a more active role in the enforcement of what will become a consistent set of regulations across all jurisdictions.*
- *Consolidating regulations will mean that more law enforcement officers from a broader suite of agencies, including the FKNMS, can enforce these regulations as proposed for addition to FKNMS regulations.*

Topics of Concern

SAC Drafter: Holly Raschein

- *Often these vessels are seen as much needed affordable housing, making education and communication with vessel owners important when it comes to implementing proposed regulations, even if they align with existing state regulations regarding at-risk vessels. Each occupied at-risk vessel that is removed is a person who will be in need of more stable housing.*
- *Costs associated with enforcing new regulations relating to at risk/derelict vessels and prohibiting leaving harmful matter on grounded/deserted vessels. While these regulations align with state guidelines, enforcing them in a larger area will require additional resources.*
- *The goal of these new regulations is to reduce the chances of a vessel becoming derelict and requiring removal. The costs of removing these vessels is also costly and specialized and should be considered when proposing regulations that could result in additional vessels being considered at risk or derelict without the ability of the vessel owner to pay for removal.*

Large Vessel Mooring Buoys

NOAA proposes to include a new regulation that requires large vessels to use designated large vessel mooring buoys and small vessels to use regular mooring buoys.

Large vessel means a vessel greater than 65' length, or the combined lengths of two or more vessels if, when tied together, the vessels would be greater than 65' length.

Topics of Support

SAC Drafter: Ken Reda

- *This acknowledges the difference in what level of holding power-strength is needed to accommodate a vessel of 65' or more versus that of the average sized family day-boat. Buoy color differentiation would allow for identifying which is which.*
- *Such would surely aid to prevent what may otherwise result in damage caused by improper anchoring, or damage caused by over-extending the capability of existing buoys not designed to hold large vessels.*
- *Large Vessel Buoys can be strategically placed so as not to promote entering into such an area that doesn't provide for proper egress & safe draft.*
- *Such buoys would not necessarily be warranted throughout the entire Sanctuary, but rather positioned on those reef line areas near larger boat destinations. Meaning, those areas with marinas and or dockage that accommodates such boats of size. Examples being Ocean Reef, Duck Key / Marathon, Key West.*

From George Garrett

- *New FKNMS regulations that would require vessels larger than 65 feet to moor at Large Vessel Mooring Buoys also includes direction to provide more moorings in a larger number of areas while adding to the resources involved in funding and carrying out the mooring buoy program. So, larger vessels do have a greater impact on the mooring gear installed for smaller pleasure craft. Their shear lifting capacity could simply pull a mooring from its attachment on the bottom or at a minimum create more wear on the gear.*
- *With an expanded number of moorings throughout the FKNMS, it only makes sense to size mooring gear to meet the sizes of vessels typically using them.*
- *Mooring gear for larger vessels makes mooring safer for the vessels using them. In all respects such gear is sized to be stronger and heavier to meet the weight and lifting power of a larger vessel as it rides up and down on swells.*

Topics of Concern

SAC Drafter: Lucja Rice

- *Is every reef/ mooring site equipped with a large vessel buoy?*
- *How many large vessel buoys per site?*
- *How fast can those buoys be deployed?*
- *What are the plans for educating the public which mooring buoy to use for their vessel?*
- *How will this new rule be implemented and more importantly enforced?*
- *How is a large vessel defined length, draft, vs. gross tonnage?*

Marine Zones and Associated Regulations

Conservation Areas

Tennessee Reef and Western Sambo

Existing zones expanded to protect deep coral reef

Topics of Support

SAC Drafter: Cindy Lewis

- *Expanding these areas will protect a larger suite of habitats and prevent anchor damage of deep-water corals.*
- *At Tennessee Reef there are also nursery sites that need additional protection.*
- *These areas also protect spawning aggregation of many species and the expansion of Western Sambo will protect lobster populations as they migrate to the reef to spawn.*
- *Extending SPAs down to the 90'-100' contour as proposed, thereby protecting deeper coral habitat will protect remaining corals and other organisms that can still act as a larval source to naturally repopulate and help sustain shallower reef habitats.*
- *These remaining live corals that have survived recent perturbations may be more resilient and resistant to current conditions on our reefs and therefore produce more resistant/resilient offspring*

Topics of Concern

SAC Drafter: George Garrett

- *Expansion of the Tennessee Reef Conservation Area impacts those commercial and sports fishermen that fish the deep-reef area south of Tennessee Light, from the lobster fishery to traditional reef fishing to sportfishing for marlin and sailfish.*
 - *The deep reef near Tennessee Light is known for yellowtail fishing which would similarly be impacted.*
 - *As in other areas, expansion of the Tennessee Reef Conservation Area further reduces public access and use of the FKNMS*
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Tortugas South

Existing zone expanded to protect fish spawning site and southern portion retained to protect unique, deep habitat types not protected elsewhere.

Topics of Support

SAC Drafter: Stephen Patten

- *Protection of large contiguous spaces have been shown to result in spill over (increased fish and coral) to other areas outside of the protected area.*
- *This area is an important known multi-fish spawning aggregation site. This includes deep water grouper, snowy groupers, and snapper.*
- *This expansion will protect unique deep water pinnacles and highly rugose mounds, ledges and ridges.*
- *Simplifies user experience at FKNMS by combining areas into conservation area; protects additional area from anchoring*

Topics of Concern

SAC Drafter: Justin Bruland

No alternative information for this zone.

Restoration Areas

Habitat Restoration Areas

Habitat Restoration Areas would protect sites where active transplanting and restoration activities are ongoing. These areas would be managed with the same regulations that apply to SPAs to provide for access and educational opportunities while prohibiting discharge, fishing, and anchoring.

Topics of Support

SAC Drafter: Lisa Mongelia and Elena Rodriguez

- *Agree the habitat restoration process needs protecting while area is being established*
- *Public access to understanding and seeing the restoration process in progress*
- *Use the restoration efforts to educate the public on environmental issues*

Topics of Concern

SAC Drafter: Elena Rodriguez and Lisa Mongelia

- *Additional narrative needed to address reopening area after restoration efforts indicate significant improvement.*
 - *Limited or reduced public access to these areas*
 - *Additional marking buoys needed and maintained*
 - *Need more public education on restoration efforts (benefits, process, progress)*
-

Nursery Restoration Areas

Nursery Restoration Areas would encompass existing nursery areas and would be regulated similar to Conservation Areas to provide the highest level of protection to sensitive corals and other organisms while they are being propagated. These regulations would prohibit discharge, fishing, and anchoring, and would require that vessels remain in transit through the area.

Topics of Support

SAC Drafter: Erinn Muller

- *Coral cover within FKNMS has declined significantly over the last several decades and continues to suffer from many threats while showing few signs of natural recovery making coral restoration activities essential to return critical ecosystem services.*
- *Coral nurseries are the essential infrastructure for the propagation and growth of reef building coral species that are used as the foundation for restoration activities.*
- *Coral restoration practitioners use a suite of different structures for growing corals such as lines, frames, and trees, all of which can be damaged by fishing line entanglement or from anchors that can rip structures out of the substrate and directly kill living coral.*
- *Each structure can potentially hold hundreds of coral worth thousands to tens of thousands of dollars making damage to these grow out infrastructure costly to both the ecology of the reef but also monetarily to those managing these nursery areas.*
- *Protecting coral nurseries by prohibiting discharge, fishing, and anchoring will provide a healthy environment with low direct impact reducing the likelihood of fishing lines, anchors, and anchor lines from entangling and damaging nursery infrastructure and the corals that grow and thrive on them.*

Topics of Concern

SAC Drafter: George Garrett

- *Whereas the concept of coral nurseries is a good one, placement of those areas is important. The Zone Regulations will limit discharge, fishing, and anchoring. Areas need to be selected that would not affect other activities.*

- *Nursery Restoration Areas need to be selected that minimize any hard bottom impacts.*
 - *Areas need to be selected that are as near as possible to Iconic Reefs or other restoration sites.*
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Sanctuary Preservation Areas

Proposed new zones to protect patch reef habitat

Turtle Rocks (UK) and Turtle Shoal (MK)

Topics of Support

SAC Drafter: Mike Nealis

Turtle Rocks

- *This proposed SPA will protect one of the only known patches of fused staghorn coral in the Florida Keys*
- *This proposed SPA will also protect a well-developed mid channel reef system that has coral heads of several threatened species of coral, as well as scattered thickets of threatened staghorn coral.*
- *The proposed SPA will also protect a historically important shipwreck.*

Turtle Shoal

- *The proposed area is an important part of the shallow reef system, that holds many corals for regrowth*
- *The proposed area has like many others suffered from poor anchorage practices that will continue to damage corals unless protected*
- *The proposed area could be protected with a no anchor zone and still allow multiple use in said area*
- *Coral heads in said area are a fraction of what they once were*
- *(personal nota) East turtle shoal especially the center of the three coral areas, should also be put under protection*
- *A few mooring balls should help to guide in proper reef protection*

Topics of Concern

SAC Drafter: Ben Daughtry

Turtle shoal (MK)

- *Should be appropriate size, 0.5 square miles or less to protect most important coral area and fit in to other zone sizes*
- *Area should not be a SPA- will create additional traffic to area causing more harm than good*
- *Consider a no anchor zone but allow uses this will protect corals form anchors and other impacts with the bottom*

Existing zones expanded to protect deep coral reef

Carysfort Reef (UK) and Alligator Reef (MK)

Topics of Support

SAC Drafter: Caitlin Lustic

- *Extending SPAs down to the 90'-100' contour as proposed, thereby protecting deeper coral habitat will protect remaining corals and other organisms that can still act as a larval source to naturally repopulate and help sustain shallower reef habitats.*
- *These remaining live corals that have survived recent perturbations may be more resilient and resistant to current conditions on our reefs and therefore produce more resistant/resilient offspring*
- *Alligator Reef SPA*
 - *Deeper areas may serve as refuge for bleaching and disease-resistant coral species, so protecting these deeper reefs helps to protect biodiversity*
 - *Important coral restoration site where the community can engage in active restoration project*
 - *Iconic cultural resource – Alligator Lighthouse*
 - *REEF surveys have identified Alligator Reef as especially significant for high densities of different fish species; fish species count is up to 618 across 122 different families*
- *Carysfort Reef SPA*
 - *Protects the best spur-and-groove reef system in the Upper Keys and expansion would protect deeper reefs as well*
 - *Important spawning aggregation site for a few fish species*
 - *Mission: Iconic Reef site, and protection will expand to include the nursery*
 - *Iconic cultural resource – Carysfort Light*

Topics of Concern

SAC Drafter: Gary Jennings

- *Consider making these areas no anchor zones while allowing all other uses. This protects corals while allowing other traditional uses.*
- *Numerous no fishing areas already exist in the vicinity of Carysfort (Upper Keys)*
- *Drift fishing and trolling is compatible for protecting ESA listed species and corals*
- *Alligator Reef is famous for and extremely important for sailfishing*

Existing zones combined

Key Largo Dry Rocks and Grecian Rocks (UK)

Topics of Support

SAC Drafter: Ken Nedimyer

- Combining the existing SPA's will offer better protect habitat from anchor damage and drifting trap damage
- Combining the two SPA's will offer a "safe corridor" for fish and invertebrates to travel from one habitat to the next
- The reef between the two existing SPA's, Little Grecian, has several remaining stands of *Acropora palmata* and these threatened species are extremely vulnerable to trap and anchor damage.
- Combining the SPA's will make it easier to manage one larger area.

Topics of Concern

SAC Drafter: Ken Nedimyer

- Combining the SPA's will prohibit fishing and trapping in the area between the two reefs
 - FWC and NOAA can't enforce the rules in the areas they already have so why expand the area?
 - That's an important spot for fishing and closing it would displace too many fishermen
-

Existing zone expanded

Sombrero Key (MK)

Topics of Support

SAC Drafter: Sara Ayers-Rigsby

- Sombrero Key protects a diverse group of coral
- No anchoring except for mooring buoys will protect coral in sensitive area
- Reefs help FKNMS adapt to climate change
- Standardizes regulations (allows for boating, diving etc within area)
- Expansion of Sombrero Key SPA is slight

Topics of Concern

SAC Drafter: Justin Bruland

- Expanding the Sombrero Light SPA is nothing more than a land grab.
- Years back there was a tiny piece of hard bottom just outside the current closure. But the storms over the

- past 5 years have wiped that out.*
- *Big waves break and funnel right where it was in a hard SW wind. The expansion would be taking in sand and very low grass.*
 - *The current closure was placed well originally and the current hard bottom and corals are inside that area.*
-

Existing zones eliminated

French Reef (UK) and Rock Key (LK)

Topics of Support

SAC Drafter: Ben Daughtry

- *Show's the public that the FKNMS is willing to "give back" an area*

Topics of Concern

SAC Drafter: Lucja Rice

- *What's the reason for eliminating them?*
- *French Reef and Rock Key should continue to be protected (SPA) while still allowing public access.*
- *There was coral restoration work done in the past on Rock Key, why not continue to protect it?*
- *Rock Key (I'm not familiar with French Reef) suffered from the Stony Coral Tissue Loss Disease (SCTLD) – needs help and protection rather than more exploitation*
- *Both sites are beautiful sites popular with dive operators and snorkelers who would prefer to see those sites protected rather than eliminated*
- *Several large target fish species (black grouper) find shelter at Rock Key.*
- *Healthy populations of natural and restored elkhorn coral at French Reef that need to be protected from potential damage caused by anchoring, fishing, and trapping*
- *At both sites anchoring and trapping pressure is going to damage remaining threatened coral species*
- *If the SPA zone must be eliminated, no anchor rule and no trapping rule would help to preserve it.*
- *If this is a site where restoration work is being done consider making the area a no anchor zone but allow other uses*

Proposed new no anchor in all SPAs

Topics of Support

SAC Drafter: Karen Angle

- *SPA zones are to be protected and anchoring causes damage to sensitive substrate.*
- *Anchoring encourages increased usage of a sensitive area.*
- *Anchors can drag from sandy areas into hard-bottom or wrap smaller coral heads.*
- *Enforcement of SPA zone anchoring is easier if it is not allowed at all, avoids confusion.*
- *Inexperienced people see anchors down and assume they can anchor however usually don't realize it is only allowed in the sand and only if all balls are in use.*
- *Consider adding additional mooring buoys to SPAs and/or have business sponsored buoys.*
- *Consider allowing coral restoration practitioners to install subsurface buoys.*

Topics of Concern

SAC Drafter: Mimi Stafford

- *Prohibiting anchoring in large areas of the SPAs will have a significant impact on access for snorkeling and diving.*
 - *Loss of access to the resources may decrease the public's interest and concern about the environments that are being protected.*
 - *Visitors will be more concentrated in other areas resulting in increased user conflicts and impact on the resources.*
-

Eliminate catch and release trolling in:

Conch Reef (UK), Sombrero (MK), Alligator Reef (MK), Sand Key (Marquesas)

Topics of Support

SAC Drafter: Cindy Lewis

- *Catch and release has very high mortality rates so even though fishers don't keep the catch, the trauma associated with catch and release often results with mortality especially when deep fishing due to barotrauma.*
- *Potentially changes fish behavior: releasing weakened fish after a catch are easier prey also contributing to mortality*
- *Fishing in SPAs has the potential to cause damage to the reef when a hooked fish seeks shelter in the reef (i.e. "rocked up")*

- *Derelict fishing gear (fishing line, hooks, weights, etc.)*
- *As SPA's these areas of concern currently do not allow fishing of any sorts within their current boundaries, therefore trolling with the explicit intent of "catch and release" should also not be allowed within any SPA designated zone.*

Topics of Concern

SAC Drafter: Ben Daughtry

- *This is a long-standing agreement that the FKNMS worked out with charter boat captains. These concessions were made in good faith that each side will honor their part.*
 - *If this is taken away then there could be concern that the FKNMS could come in and take away any and all previous agreements or concessions.*
 - *There is little evidence that this has been a problem over the last several years as far as number of complaints to law enforcement or user group conflicts, therefore it should remain as is.*
-

Eliminate baitfish permits in all SPAs

Topics of Support

SAC Drafter: Lucja Rice

- *To conserve and protect resources within SPAs NO extractive activities should be allowed: removal of baitfish from SPAs is removing prey organisms (i.e., baitfish) from the resident 'predator' species dependent on them for a food source and ultimately impacting the local food web within the SPA*
- *Consistency: eliminating baitfishing from all SPAs will eliminate confusion about where it is allowed and where it is not allowed*
- *There is plenty of baitfishing habitat adjacent to all the SPAs without the need to fish directly inside the SPA. The SPAs only account for less than 1% of the entire Sanctuary*

Topics of Concern

SAC Drafter: Gary Jennings

- *Important local source for bait*
- *Fisherman rely on these sites and can use gear that does not come into contact with corals*
- *Fishermen using cast nets want to avoid contact with the bottom as it would destroy their nets*
- *When FKNMS was formed, an agreement was made to allow baitfishing within SPA's*

Wildlife Management Areas

The Wildlife Management Area sections are categorized by region and include both more general Topics of Support / Topics of Concern and includes a review and recommendation provided by the conservation and recreation fishing community fishing community and the environmental non-governmental organization community.

Consensus WMA agreement between the conservation and recreation fishing community and environmental NGOs: Wildlife management area regulations should be changed from “no entry” to “no motor” 300’ from shore. Additional protection to include a 50’ “no entry” buffer zone surrounding the WMAs that have documented and current nesting colonies of state listed Species of Greatest Conservation Need. The 50’ “no entry” zone would still be able to be “cast into” and “fished”. The WMA zones would be evaluated annually, or as needed, and be included in the adaptive management updates. The inclusion of the “casting into” or “fishing” provision will similarly be evaluated for realized impacts of fishing line and lure entanglements.

Wildlife Management Areas - Upper Keys

Idle speed, no motor, no anchor:

Proposed New: Barnes Card Sound (UK) and Whitmore Bight (UK)

Existing: Dove & Rodriguez (UK) and Tavernier (UK)

Topics of Support

SAC Drafter: Dave Makepeace

Barnes-Card Sound:

- *Not only will the no motor status for the area reduce impacts to the nesting and wading birds as well the benthic community it will also promote the connectivity from the Everglades watershed to mangrove and shallow water habitats and on into Florida Bay.*

Whitmore Bight:

- *Not only will no motor status for this area reduce impacts to the hard-bottom and seagrass habitats, it will also promote the connectivity from the mangroves to the seagrass/hard-bottom to the reef.*

Dove Key/Rodriguez Key:

- *Expanding and the no-motor zone to include Dove Key while making the boundaries more uniform will increase protection for the area. It should enhance enforcement and make it easier for boaters to navigate through and around the area.*

Tavernier Key:

- *Making the boundaries of the area more uniform should enhance enforcement and make it easier for*

boaters to navigate around and through the area.

Topics of Concern

SAC Drafter: Suzy Roebling

Dove and Rodriguez Key WMA

- *Per the Florida Keys Shallow Water Boating Impact Analysis and Trends Assessment - Mapping Summary Report the shallows around the Dove/Rodriguez shoals and the associated benthic community once renowned as prime bonefish flats are moderately impacted by vessel damage overall and severely impacted around Dove Key, so adding no motor to the area currently not in that zone near Dove Key would be beneficial; however, the status quo no entry zone around this island in this most damaged area would provide the best protection and chance of recovery over the proposed rule to open Dove Key.*
- *Dove Key differs from its sister Rodriguez Key in that it has diverse habitat consisting of not only all mangrove species, but sandy shores and upland transitional zones with Rockland hammock vegetation supporting multiple nesting bird species utilizing these niches and sensitive to human disturbance facilitated by opening up this attractive, accessible island to the public.*
- *The proposed rule to add no anchor to the entire no motor zone around Tavernier Key located just over 3 nautical miles to the SSW of Dove would close that local raft up "party zone" and could increase vessel/human use and impact to Dove and Rodriguez Keys. Retaining the status quo no entry area around Dove Key would mitigate that impact.*

Tavernier WMA

- *Intense prop scarring and other vessel damage to the benthic community has been documented around Tavernier Key and "squaring off" of the mostly ignored status quo no motor zone boundaries for ease of recognition and enforcement is advisable but there are questions regarding also making this entire area no anchor by the local community where many find this proposed rule highly unpopular and creating contention.*
- *Noted in the concerns for the Dove and Rodriguez WMA, by eliminating all anchorage in the entire no motor zone of Tavernier Key while removing the no entry zone to Dove Key located nearby creates a situation contrary to the intent of the proposed rule to decrease disturbance to birds, fish and shallow water productive benthic communities by shifting further disturbance up to now accessible Dove Key island and surrounds.*

No Entry (all or some portion):

Proposed New: Pelican Key (UK) and Pigeon Key (UK)

Existing: Eastern Lake Surprise (UK)

Topics of Support

SAC Drafter: Will Benson and Jerry Lorenz

Review and proposal submitted by Will Benson and Jerry Lorenz

Upper Keys	Restoration Blueprint Proposal	Coalition Recommendation
Crocodile Lakes WMA	No Entry	Support Rule with caveat that Steamboat Channel remain open
Barnes-Card Sound WMA	No motor	Divide the no motor area proposed in the rule into two zones at Narrow Point. No entry zone to the northeast of Narrow Point and no motor zone to the southwest of narrow point
Eastern Lake Surprise WMA	idle speed, shoreline no access	Support Rule
Whitmore Bight WMA	No motor	Support Rule
Pelican Key WMA	No entry	Support Rule
Dove and Rodriguez Keys WMA	No Motor with 300ft No Entry around Dove Key	No Motor and no Anchor with 300ft closure around Dove Key
Pigeon Key WMA	No entry	No motor for 300 ft and no entry for 50ft along all shorelines
Tavernier Key WMA	No motor + no anchor	Support Rule except for channel on southern bank should be open

Topics of Concern

SAC Drafter: Ginny Oshaben

- Enormous loss of educational opportunities for visitors
- Significant loss of revenue from loss of snorkeling and eco-tourism by local companies
- Draconian measures to put island off-limits while birds nest and roost there despite boat traffic and birds do not nest on nearby protected and non-visited islands in ENP
- Provide opportunities for visitation with educational permit

Wildlife Management Areas - Middle Keys

Idle speed, no motor, no anchor:

Proposed New: Channel Key Banks (MK), Marathon Oceanside (MK), and Red Bay Banks (MK)

Existing: Snake Creek (MK) and Cotton Key (MK)

Topics of Support

SAC Drafter: Bob Beighley

- *I recommend not closing any area unless it's temporary for fish spawning or birds nesting with their juveniles.*
- *The more you spread boats out the better.*
- *Closing areas just causes added pressure to the same old spots which is not good for the fish or birds.*
- *The more spots available for anglers to go, the less impact it will have over all.*
- *I believe leaving the areas open and following the suggested idle speed zones, no motor zones and no anchoring zones leaves a very small footprint and should suffice for the masses*
- *Marking shallow-water flats areas as WMAs makes sense*

SAC Drafter: Suzy Roebing

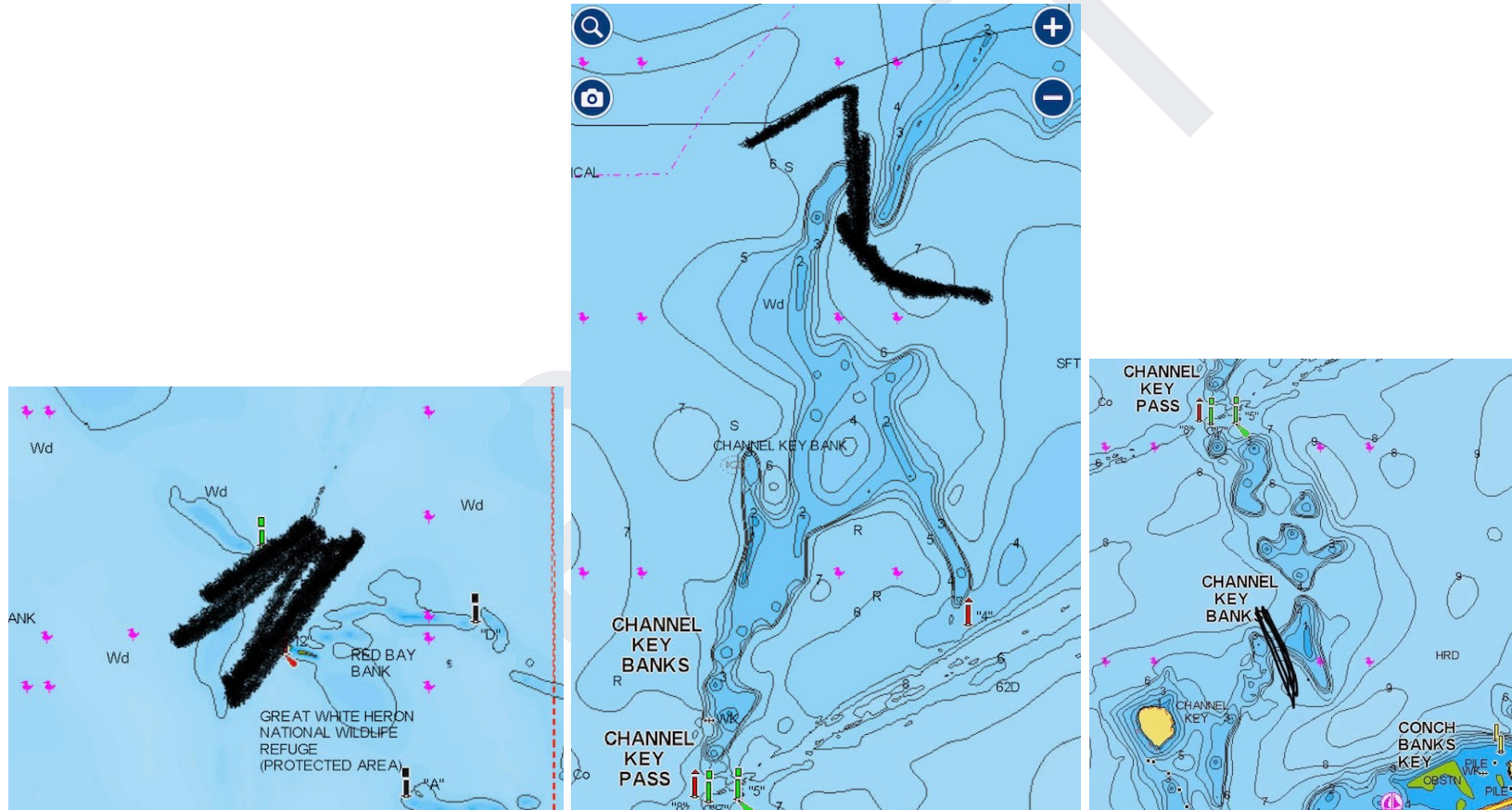
Channel Key and Channel Key Banks WMA

- *Noted in the proposed rule for creating Channel Key Banks WMA, this benthic community hosts uncommonly seen productivity with healthy seagrasses, corals and sponges providing significant habitat and foraging grounds for juvenile fishes and invertebrates, but also juvenile green sea turtles as well as marine top predators.*
- *Channel Key and surrounding banks are located beginning one half a nautical mile or less due North from the Duck Key community with the Hawk's Cay Resort so are particularly vulnerable to heavy human and vessel impacts to both the banks and island.*
- *The upland island of Channel Key supports highly diverse Florida Keys protected habitat of beach berm, estuarine wetlands, tidal barren, salt marsh and some Rockland hammock with associated vegetation that harbors survey-documented high numbers, density, and diversity of multiple species of state listed wading, sea and shorebirds by providing nesting habitat, foraging flats and inland marsh, and migratory roosting refugia.*
- *Regular survey documentation supports not only creation of a WMA here for protection of this fragile submerged habitat, but also for a no entry zone for the important overlooked upland island rookery where hundreds of multiple species of birds have been recorded nesting, roosting and foraging here year round and been observed flushing from nests and roosts by vessels, including kayaks, passing within 100 meters of the shoreline.*

Topics of Concern

SAC Drafter: Justin Bruland

- These two charts (below) show the deeper water cuts through the Channel Key banks and Red Bay bank that the guys in Conch Key highly use.
- When the boats have to slow down to an idle with a load of traps on they draw 2' more of water causing damage that otherwise would not have occurred if they were able to run through on a plane.



No Entry (all or some portion):

Proposed New: Ashbey-Horseshoe Key (MK)

Existing: none

Topics of Support

SAC Drafter: Will Benson and Jerry Lorenz

Review and proposal submitted by Will Benson and Jerry Lorenz

Middle Keys	Restoration Blueprint Proposal	Coalition Recommendation
Snake Creek WMA	No motor except in established channels	Support Rule with the expansion of no motor to include flats north and south of Whale Harbor
Cotton Key WMA	No motor	Support Rule with expansion of no motor zone to include flat on southeast end of Cotton and the addition of an idle speed zone on the flats north, east and west of the no motor zone (see guides map)
Ashbey-Horseshoe Key WMA	No entry	ENGO want no motor for 300 ft and no entry for 50ft along all shorelines at Ashbey Horseshoe. Guides want no motor. ENGO also believe some of the Guides recommendations have merit and should be looked at by the Sanctuary
Channel Key Banks WMA	Idle speed	Support Rule but with a no Entry Zone 300 ft around Channel Key
Marathon Oceanside Shoreline WMA	Idle speed	Support Rule
Red Bay Bank WMA	Idle speed	Support Rule

Topics of Concern

SAC Drafter: NONE

Wildlife Management Areas - Lower Keys

Idle speed, no motor, no anchor:

Proposed New: East Bahia Honda (LK), West Bahia Honda (LK), Northeast Tarpon Belly Keys (LK), and Barracuda Keys (LK)

Existing: East Content (also portion covered above) (LK)

Topics of Support

SAC Drafter: Bob Beighley

- *I recommend not closing any area unless it's temporary for fish spawning or birds nesting with their juveniles.*
- *The more you spread boats out the better.*
- *Closing areas just causes added pressure to the same old spots which is not good for the fish or birds.*
- *The more spots available for anglers to go, the less impact it will have over all.*
- *I believe leaving the areas open and following the suggested idle speed zones, no motor zones and no anchoring zones leaves a very small footprint and should suffice for the masses*

Topics of Concern

SAC Drafter: Caitlin Lustic

- *These should be adaptive and clearly marked*
- *Need to define what constitutes anchoring and consider both impacts of the anchoring device but also the impact of letting people anchor and then have the ability to get out of their boat (possible trampling of seagrass by humans, litter, etc.)*
- *Also ties in to potential need to mark major backcountry routes with markers similar to what is in ENP for consistency and to try to eliminate seagrass scarring by keeping all boats in well-marked channels*

No Entry (all or some portion)

Proposed New: Little Pine Key Mangrove (LK), Water Key Mangroves (LK), Howe Key (LK), Torch Key (LK), Crane Key (LK), and Happy Jack Key (LK)

Existing: Snipe Keys (also includes area of no motor and idle speed/no wake) (LK)

Topics of Support

SAC Drafter: Will Benson and Jerry Lorenz

Review and proposal submitted by Will Benson and Jerry Lorenz

Lower Keys	Restoration Blueprint Proposal	Coalition Recommendation
East Bahia Honda Key Wildlife Management Area	No motor	Support Rule
West Bahia Honda Key Wildlife Management Area	No motor	
Mud Keys WMA	Idle speed and no entry	
Lower Harbor Keys WMAs	Idle speed	
Cayo Agua Keys WMA	Idle Speed	
Bay Keys WMA	Idle speed in creek and no motor around Islands	Support Rule
Horseshoe Key WMA	No Entry	No motor for 300 ft and no entry for 50ft along all shorelines
Little Pine Key Mangrove WMA		
Water Key Mangroves WMA		
West Content Key WMA		
Howe Key Mangrove WMA		
Northeast Tarpon Belly Keys WMA		

Lower Keys	Restoration Blueprint Proposal	Coalition Recommendation
Little Crane Key and Crane Key WMAs		
Sawyer Key WMA		
Happy Jack Key WMA	No Entry	ENGO will agree to no motor for 300 ft and no entry for 50ft. Guides request Idle Speed
Snipe Keys WMA	No Entry	No motor for 300 ft and no entry for 50ft along all shorelines
East Harbor Key WMAs	No Entry	
East Content Keys and Upper Harbor Key Flats WMA	Idle speed with 300 ft no entry around island	Expand idle speed zone to include shallow north boundary habitat, north reef tract to Content Passage with 300 ft no motor and 50 ft no entry around island
Torch Key Mangroves WMA	No Entry	No motor for 300 ft and no entry for 50ft along all shorelines including 3rd islet to the east
Barracuda Keys WMA and Tidal Flats south of Marvin Key WMAs	Idle speed zone	Modify idle speed zone to encompass shallow habitat north and west to include Marvin Key tidal flats WMA, while maintaining an access channel to Marvin Key.

Topics of Concern
SAC Drafter: NONE

Wildlife Management Areas - Marquesas Region

Idle speed, no motor, no anchor:

Proposed New: Archer Key (M), Ballast and Man Key Flats (M), and Marquesas Turtle (M)

Existing: none

Topics of Support
SAC Drafter: NONE

Topics of Concern
SAC Drafter: Jeff Turner

- *Protection of nesting birds on Archer Key is important and the nearshore areas for no anchoring recommended appear to not cause issues for most uses.*
- *The recommended new Ballast and Man Key Flats Idle speed areas would benefit the shallow water habitat, while also lessen the impacts related to recreational boaters who unknowingly might speed by flats fishers poling on the flats at this location.*
- *The Marquesas Turtle WMA is a rather large recommended "Idle Speed" zone that is very far away from most vessel traffic, and therefore this specific area will be very difficult to enforce as an idle speed zone. IF NOAA and ALL GPS manufacturers create ALL Sanctuary zones at ANY level of protection onto MAPS, then this type and size of an Idle Speed Zone might be enforceable. However, with current technology available, and the significant distance and size of this proposed zone, I believe this new recommended zone should be removed from the plan.*

No Entry (all or some portion)

Proposed New: None

Existing: Cottrell Key (M), Woman Key (expanded area) (M), Boca Grande (expanded area) (M). Marquesas Keys (M)

Topics of Support

SAC Drafter: Will Benson and Jerry Lorenz

Review and proposal submitted by Will Benson and Jerry Lorenz

Marquesas Region	Restoration Blueprint Proposal	Coalition Recommendation
Western Dry Rocks WMA	Transit only	Support Rule
Archer Key WMA	No anchor	ENGO will discuss the guides suggestion about SPC anchoring at next meeting
Big Mullet Key, Little Mullet Key, and Cottrell Key WMAs	Cottrell and Little Mullet keys closed. Big Mullet Key no Motor	Cottrell and Little Mullet keys 300 ft no motor and 50ft no entry but allow casting into no entry zone. Big Mullet Key no Motor
Ballast and Man Key Flats WMA	Idle speed	Extend proposed idle speed zone east and west to include Boca Grande, and the Tower Flats regions. Include appropriate access channels (See map in Guides comment letter)
Boca Grande Key and Woman Key WMAs	No entry along specific parts of shoreline on both Keys	Implement Guides recommendation with the addition of a 50 ft no entry area along the shorelines where the blueprint proposed no entry zones

Marquesas Region	Restoration Blueprint Proposal	Coalition Recommendation
Marquesas Keys WMA	No Entry around 4 keys with heavy bird use	<p>ENGO agree that extending the idle speed zone throughout the WMA (see map in Guides comment letter); of the four islands designated as no entry in the rule, both groups agree that two of them should be no entry designation out to 50 ft. and a 300 ft no motor, however the ENGO's want the south island and the elongated WMA that is the central of the three northwestern WMA's be designated as no entry and the guides want a 50ft no entry and 300 ft no motor designation. ENGO indicate these islands are important to Frigate birds and that they once nested on these islands. Currently the ENGO believe the reason they don't nest there is disturbance from both boaters and sea plane overflights. Guides believe the problem is just sea planes. Still working toward an agreement on these.</p>

Topics of Concern

SAC Drafter: Mimi Stafford

- *Concentrating visitors in smaller areas may lead to more impact in other areas.*
- *Loss of access may lead to lack of interest in protecting wildlife in these areas.*

Wildlife Management Areas - Miscellaneous

Western Dry Rocks (seasonal)

Proposed new with transit only and no anchor

Topics of Support

SAC Drafter: Gary Jennings

- *Credible science supporting seasonal closure*
- *Buy in from multiple local and national stakeholder groups*
- *Already approved and supported by FWC*
- *Multi-species spawning area that seeds recruits to entire SE Florida region*

Topics of Concern

SAC Drafter: NONE

Existing no access buffer zones modified to no entry

Crocodile Lake (UK) and Pelican Shoal (LK) (both extended year round), Horseshoe Key (LK), Upper Harbor (LK), West Content (portion of) (LK), and Little Mullet Key (M)

Topics of Support

SAC Drafter: Will Benson and Jerry Lorenz

Topics of Concern

SAC Drafter: NONE

Review and proposal submitted by Will Benson and Jerry Lorenz

- Crocodile Lake: Support Rule with caveat that Steamboat Channel remain open
- Horseshoe Key: No motor for 300 ft and no entry for 50ft along all shorelines
- Upper Harbor Key: 300 ft no motor and 50 ft no entry around island
- West Content Key: 300 ft no motor and 50 ft no entry around island
- Little Mullet Key: No Motor