

FLORIDA KEYS NATIONAL MARINE SANCTUARY ADVISORY COUNCIL MEETING

**Hawks Cay Resort
Marathon, Florida
Tuesday, July 12, 2022**

MEETING NOTES

Attendees:

Council Members:

Citizen at Large – Upper Keys: Suzy Roebing
Citizen at Large – Middle Keys: George Garrett
Citizen at Large – Lower Keys: Mimi Stafford
Boating Industry: Ken Reda
Diving – Upper Keys: Elena Rodriguez
Diving – Lower Keys: Joe Weatherby
Fishing – Charter Fishing Flats Guide: Will Benson (absent)
Fishing – Charter Sports Fishing: Michael Nealis (absent)
Fishing – Commercial – Marine/Tropical: Ken Nedimyer
Fishing – Commercial – Shell/Scale: Justin Bruland (absent)
Fishing – Recreational: Karen Angle
Tourism – Upper Keys: Lisa Mongelia
Tourism – Lower Keys: Andy Newman
Conservation and Environment (seat 1): Ben Daughtry (absent)
Conservation and Environment (seat 2): Jerry Lorenz
Research and Monitoring: Erinn Muller (absent)
South Florida Ecosystem Restoration: Kelly Cox
Education and Outreach: Shelly Krueger (absent)
Submerged Cultural Resources: Diane Silvia
Elected County Official: Holly Raschein

Council Alternates (present):

Citizen at Large – Middle Keys: Bobby Dube
Citizen at Large – Lower Keys: Stephen Patten
Fishing – Commercial – Shell/Scale: Jeff Cramer
Fishing – Recreational: Gary Jennings
Tourism – Upper Keys: Ginny Oshaben
Conservation and Environment (seat 1): Jessica Bibza
Conservation and Environment (seat 2): Caitilin Lustic
South Florida Ecosystem Restoration: Marisa Carrozzo
Submerged Cultural Resources: Sara Ayers-Rigsby

Agency Representatives (present):

Florida DEP: Nick Parr
FWC DLE: Dave Dipre
FWC FWRI: John Hunt
US Navy: Edward Barham

Municipalities (present):

Layton: Councilwoman Cindy Lewis
Key Colony Beach: Beth Ramsay-Vickrey

Call to Order

Chairperson Garrett welcomed advisory council members and viewers to the meeting and asked council members and staff to introduce themselves in lieu of a roll call. The meeting was called to order at 9:10am.

Meeting Administration:

- Motion to approve today's agenda made by Andy Newman, motion was seconded by Joe Weatherby. Approved with no objections or edits.
- Motion to approve the June 2022 notes made by council members, motion was seconded and approved with no objections or edits.

Opening Remarks

Council Chair George Garrett welcomed the group, and discussed the process of the management plan and restoration blueprint over the last ten years. The next phase of this process will start today, oral public comment will occur in September and October at the SAC meeting, and comment at any time online via [regulations.gov](https://www.regulations.gov).

Restoration Blueprint

Sarah Fangman, Superintendent Florida Keys National Marine Sanctuary

Sarah gave an introduction to the Restoration Blueprint in the context of the blue economy of the Florida Keys, and the role a healthy reef ecosystem plays in the community. A 2019 economic study found that approximately 60% of the economy is tied directly to marine-related activities, including commercial and recreational fishing, boating, diving, wildlife viewing, and other various tourist-related activities. The Restoration Blueprint is composed of two distinct items: the Draft Rule and the Management Plan. These two documents together hope to address the threats that the Florida Keys ecosystem has experienced over the years. This process has been

long and has been informed by many public meetings and comments, as well as input from our management partners. The Sanctuary now welcomes more public comment on the Proposed Rule, understanding that compromise is an important part of this process.

FKNMS Notice of Proposed Rulemaking

Beth Dieveney, Policy Analyst, Florida Keys National Marine Sanctuary

Joanne Delaney, Resource Protection & Permit Coordinator, FKNMS

Andy Bruckner, Ph.D., Research Coordinator, FKNMS

Staff from the Florida Keys National Marine sanctuary provided highlights of the proposed rule including the timeline and process to date, the sanctuary boundary expansion proposal, modified or new proposed sanctuary wide regulations, and modified or new proposed marine zones and associated regulations. A summary is not included here as the full presentation with detailed notes can be found at www.floridakeys.noaa.gov/restoration.

FKNMS Revised Draft Management Plan

Sarah Fangman, Superintendent Florida Keys National Marine Sanctuary

Sarah gave an update on the sanctuary's management plan which is the guiding document for staff, and includes proposed actions on research, community involvement, and more. This plan is a way for us to advance our goals and objectives. It is worth noting that the President's budget proposes an increase in Sanctuary's budgets, and we are hopeful that an increase in funding will help us accomplish these goals.

The management plan contains six priority themes which were created taking into account public comment. These themes are, in no particular order:

- Management effectiveness/adaptive management,
- Water quality,
- Restoration,
- Visitor use management,
- Enforcement, and
- Stewardship and engagement.

The plan also includes five goals, each of which includes several objectives:

- **Goal 1: Improve our understanding of sanctuary resources, ecosystem services, and their value to the Florida Keys economy.** Activities include: zone-specific monitoring and research, update condition report, visitor use data, identify and track ecosystems services value.
- **Goal 2: Improve the condition of sanctuary resources and, where possible, restore ecosystem structure and function.** Activities in this goal focus on new and innovative solutions to improve and restore sanctuary resource conditions. There are three objectives

under this goal: one pertaining to water quality, another for habitats and a third: living marine resources.

- **Goal 3: Reduce threats to sanctuary resources and manage human uses and associated impacts.** Seeks to identify patterns of human uses and potential impacts of those uses, and then work to reduce adverse impacts to key marine species and habitats. Ultimately our objective is to facilitate and manage human use, ensuring use is compatible with sanctuary resource protection goals.
- **Goal 4: Increase awareness and support for FKNMS and its resources.** Seeks to implement communication, interpretation and education programming to achieve higher public awareness, understanding, sustainable use, and appreciation of FKNMS.
- **Goal 5: Advance and support collaborative and coordinated management.** This includes staff training and professional development, maintaining the infrastructure required to accomplish sanctuary mission and goals, and maintaining and strengthening cooperative management with our federal, state, and local partners to advance shared resource management priorities.

Socio-Economic Analysis

Danielle Schwarzmann, Ph.D., Chief Economist, Office of National Marine Sanctuaries

Danielle Schwarzmann provided an overview of the ways in which sanctuary resources contribute to a robust Florida Keys economy, and the ways in which this proposed rule could affect this.

“This report shows that the estimated economic effects of the proposed rule are not considered economically significant as defined in Executive Order 12866. This means that the estimated annual effect of the proposed rule is less than \$100 million and will not adversely affect in a material way the economy; a sector of the economy; productivity; competition; jobs; the environment; public health or safety; or state, local, or tribal governments or communities.”

The methodology used is updated with current data and aligned with similar agency methods like those used by NOAA Fisheries. Estimated maximum potential loss to fisheries was less than 1% of annual revenue of all affected fisheries, except lobster fisheries which is around 2% annually. The analysis includes a cost-benefit analysis of the proposed rule and can be reviewed [here](#).

Next Steps: Restoration Blueprint Tools, Public Comment Period, and Advisory Council Process

Scott Atwell, Outreach Coordinator Florida Keys National Marine Sanctuary

Scott Atwell walked through the new [Restoration Blueprint support website](#) and how to find and access resources for better understanding the draft rule as well as supporting research and data. Public comment is available at any point through [regulations.gov](#). NOAA is offering several oral public comment opportunities including a virtual event on August 30, 2022 and three in-person comment sessions, September 20, 21, and 22 in Key Largo, Marathon, and Key West respectively.

The website includes interactive maps that allow interested individuals to overlay old and new proposed boundaries and regulations.

Public Session with Sanctuary Advisory Council Members

Members of the public had the opportunity to approach and chat with SAC members about their thoughts and concerns, members also used this time to chat with each other and to review zone maps.

Advisory Council Discussion and Q&A

George Garrett opened the floor for members of the council to give comments and/or to ask questions regarding the NOPR content and process.

Q: Elena Rodriguez, Upper Keys Diving: When the rule is finalized, when does this updated information get imported into electronic navigational tools like GPS, chartplotters, etc?

A: Adding these updates to GPS units and educating the public will be part of the process as we move toward the final regulations. We do not yet have a firm timeline, but will continue to update the council and public about the process and status.

Q: Jerry Lorenz, Conservation and Environment: Why were two SPAs removed? What was the thought process behind removing protection from these areas?

A: The Draft Rule proposes to remove French Reef and Rock Key as SPAs. Rock Key SPA was established due to the flourishing Elkhorn coral population which is now nearly gone. Sand Key and Eastern Dry Rocks are nearby zones that have similar habitat types and reef structure. Removing the SPA designation allows comparison studies to be done between similar areas with different levels of protection. French Reef and Molasses Reef are a similar example in the Upper Keys where sanctuary managers can compare impacts from users on resources between areas that are designated as SPAs and those that are not.

Q: Jerry Lorenz: Are there programs in place to monitor and measure these effects?

A: Yes, there are standard monitoring procedures for Mission Iconic Reef sites as well as established routine monitoring programs Keys-wide. We are working on developing a comprehensive monitoring plan using existing data and monitoring programs.

Q: Jerry Lorenz: So then what happens if we see degradation of these sites which have had restrictions removed?

A: This is what we were envisioning for the Temporary Regulation for Emergency/Adaptive Management included in the proposed rule. We could use the temporary regulation, have a process to get input from the community and partners, and implement protections temporarily. The longer time-frame proposed could allow the time to determine if something is truly temporary or if something more permanent is needed therefore requiring a full rule-making process.

Q: Jerry Lorenz: If I were to report a new resource like a bird colony, could the sanctuary set up something quickly to protect that?

A: Hard to define “quickly,” but that is the general intention of the temporary regulation tool, yes.

Q: Andy Newman, Tourism: Lower Keys: I want to compliment sanctuary staff on this well done presentation. Overall, I’m a little disappointed that the proposal does not include artificial reefs which could serve as more fish habitat to support the fishing/tourism economy. Mission Iconic Reef is important, and I understand that Sanctuary resources are focused on that program.

Q: Joe Weatherby, Lower Keys Diving Seat: I promised our friend and colleague Will Benson that I would mention that he wanted to see the August meeting reinstated. He is overseas and I promised I would say that on his behalf. I would tell you too, I echo what Andy had to say. I don’t think it’s a surprise to anyone on this council where I stand on artificial reefs. Artificial wrecks are regarded in the business and waterman community as a big draw and a place where an abundance of life exists. 30 years ago it was mentioned in the management plan and I want to see more emphasis on artificial reefs in this one. One could argue that Key West was formed around artificial reefs. I believe artificial reefs have a place in this management plan, and I haven’t read the whole thing yet, but I want to ask this group of people to bring it to the front of their mind. For my part, I intend to talk to Sarah and George and some other leadership to demonstrate public support. I ask you to look kindly on artificial reefs as in my opinion, nothing comes close to it as far as economic impact.

Q: Ken Reda, Boating Industry: with regards to mooring buoys, I’m curious about the categorization of small vs. large vessels - is it weight, size, etc. and is that something that’s up for discussion within the buoy working group? Will those large vessel buoys look different? Can small vessels use them? Then what happens when a large vessel comes and can’t have the proper one? Reiterated the importance of properly tying to mooring balls.

A: The proposal is to create a distinction between which vessels can use which moorings. Buoys would be different in such a way that small vessels can only use small buoys, and large vessels can only use large vessel buoys. Distinction will be length because it seems to be both logical and easy for a recreational user to know the answer for their particular vessel. We also considered whether the rule should account for vessels tying to each other, which is how mooring buoy regulations in Tortugas North Ecological Reserve are written (such that the maximum vessel length is the combined length of all vessels if rafted together). We welcome public comment on this issue from boaters regarding the length of 65 feet and whether we should be also considering rafting of vessels. We do also have great educational resources about boating already available including a free online boater education class that includes information about proper mooring use. We will continue to improve upon our education efforts in this arena.

Q: Ken Reda: Regarding grounding of vessels, it was mentioned that notice should be given in 24 hours, and a salvage plan in 72 hours. Is it really expected that the person causing the grounding is expected to give notice?

A: This is consistent with existing laws and regulations within the state of Florida. This proposed regulation would now require notice to the sanctuary. This notice allows FKNMS to get in touch with FWC and be involved with the salvage plan and ensure the least amount of damage is done to resources during the removal of that vessel.

Q: Mimi Stafford, Citizen at Large: Lower Keys: spoke with a citizen during the break who was concerned with enforcement capacity and also wondered what the public can do to support and to help get this need met.

A: The public has raised this concern with good reason all along, that we need more enforcement to protect these resources. As we prepare to add additional zones, how are we going to ensure that folks adhere to these rules? We are working with our law enforcement partners to make sure that we bring in more resources where we can, we are also working on education and outreach. I can't say we'll catch everyone that breaks a rule, but it is important to have rules in place and explain why we are proposing them. Most people want to follow rules when they make sense and are explained well. We are going to put regulations in place and we are going to continue to have law enforcement challenges, but we will do our best to enforce these rules where we can, and to educate users about their importance where we can't. Sarah then invited Capt. David Dipre of Florida FWC to speak on this topic.

FWC CAPT. DIPRE: I think the superintendent got it exactly right. We are all used to seeing a few hundred enforcement officers up and down the keys along our roads and communities. However, if you wanted to see that same volume of officers in the Sanctuary waters, you'd need over 1000 officers to cover the area, and even then you'd only see a few every couple of miles. Even if we had those numbers, we don't make laws for the purpose of making an arrest or writing a citation. We make laws because we are encouraging people to do the right thing. The majority of people want to do the right thing and we are only "catching" a small number of people doing the wrong thing. We are also not out there just enforcing NOAA laws, we're doing DEP, FWC, and NOAA rules. Although the sanctuary may only have 2500 hours of contracted time, I promise you we're doing more than that. We're going to keep adding officers when we can (51 positions are coming soon) and we will keep enforcing what we can and getting better at protecting the resources. It's a great idea to let people know that grounding is a violation, so they take care not to run aground. The number of boaters has increased slightly, and the number of tourists has increased immensely. It's important to go to your legislators and let them know that more resources are needed to protect our waters.

Q: Karen Angle, Recreational Fishing: Regarding discharge, pumpouts and recreational fishing, I know there's been a lot of progress on this with the county but I know there's still a lot of vessels out there that would benefit from pump out services. What is the update on that?

A: Through the Water Quality Protection Program, the latest is that there is a county-wide service that operates from Marathon to Key West throughout unincorporated Monroe County. Our partners have been working hard to ensure that service is known and available to users.

George Garrett: We've had a no discharge zone in state waters and federal for many years, and from my perspective it is boats anchored in the mangroves, congregations of boats, not so much those offshore. Pump Out Service called me the other day asking: How can we fit in where you're not covering everything? The City of Marathon is working on it, the county is working on it, the bigger marinas are hooked to the sewers, smaller marinas are still using come-alongs and pull up services.

Q: George Garret, Citizen at Large: Middle Keys, Council Chair: I know we have 23 new WMAs but I wanted to ask, how are those distributed? For the community members that are watching, I know we got beat up for some of the management and regulations from other agencies, specifically in the lower keys. Another question is in the backcountry: When we did

this a few years ago one of the issues was how do you keep people from running aground, more channel markers? Sometimes there can be two to three hundred people at the Contents [Keys], how did they get there and what did they run aground on before they got there?

A: Many of these zones did come up through the advisory council community working groups and much of what you've seen has been informed by public and agency comment. The purpose of many of those locations is to protect the sensitive habitats and animals, and address the threats to each of those specific areas. We've worked with our partner agencies to assess where there was damage or need for protection. Where a need was demonstrated, this proposed rule favors protecting the natural resource over access, but did our best to allow the greatest level of compatible access and use. We will work with agency partners, this body, and the buoy working group to determine if and how to mark and manage use of these areas.

Q: Ginny Oshaben, Tourism: Upper Keys: Looking at Pelican Key Wildlife Management Area on the map, it says 24 acres, I've been going there for years and taking customers as well, I'm there almost daily and the birds aren't disturbed except when jet skis go through. It's an important resource for eco-tourism but also snorkel tours, especially when it's blown out. I think it's an important area for education and to show tourists the mangrove and seagrass ecosystem. Been taking customers there for 30 years and think it's an area where customers are able to connect to the birds when they hear the babies on the island. There are tiki boats that go there too, we feel like we know the fish that live there.

A: This proposed new marine zone was included in the Draft Environmental Impact Statement with other alternatives including idle speed no wake. The proposed rule no entry area at Pelican Key is informed by public comment, impact to the birds using this area and concern about increased use and impact. We welcome public comment on anything in the proposed rule, including insight into places like this.

Q: Marisa Carrozzo, South Florida Ecosystem Restoration Alternate: Thanks for these presentations, I'm looking forward to reading the entire document. The Tortugas corridor was part of the initial draft proposal. Based on the information I've seen thus far today it seems like the Tortugas corridor is not part of the draft proposal, please walk us through why that change was made.

A: This decision was primarily influenced by comments related to the use of that area by many fishing operations, the impact it would have by closing it down, and concern that the proposal as presented would not have the intended effect. There are activities in the management plan to work with our agency and other partners to review and consider how and where to meet the goal of protecting large and interconnected habitat areas.

Q: Lisa Mongelia, Tourism: Upper Keys: The more we know, the more we can support. Thank you law enforcement for your efforts- if you see something say something. I've got a few quick bullet points: Sarah and Andy both talked about condition reports and monitoring reports. What is the timeframe that those come through? Will Mission: Iconic Reefs monitoring be annual?

A: Those are two different things: the condition report is a series of indicators we use, certain habitats, species, economic parameters, etc. Only one of those was completed in 2011. The monitoring reports include coral reef monitoring report, disturbance response monitoring of benthic corals and resources, National Coral Reef Monitoring Program (Corals and fish), and more. The intent is to get information on how marine resources and coral reef resources are doing across the U.S. jurisdiction. It's all work done through multiple partnerships, some are

annual, some are biannual. We are still in the process of getting baseline data for Mission Iconic Reefs and creating a monitoring plan for those sites and areas. Mission Iconic Reefs is the first time we're looking at reef restoration holistically by not only outplanting corals, but also reintroducing grazing species. Monitoring will inform the process of restoration here in the Keys and in future restoration projects globally.

Q: Lisa Mongelia: Is there/will there be any monitoring of artificial reefs?

A: There is no actual monitoring program on the artificial reefs in the Florida Keys and it's something we need to determine the benefits of artificial reefs. The management plan includes specific activities related to the need for this monitoring data.

Q: Lisa Mongelia: Finally, someone that I talked to in the audience, was asking for clarification of the historical resource permitting process with regards to salvage efforts.

A: As noted in the slide overview, we have had an existing permitting program since 1997 that was developed in partnership with the state to allow archaeological research all the way through traditional salvage techniques. We are now looking to revise that program so that it is basically the same as the state's archaeological research program. There are a few entities in the Florida Keys that have valid rights of access to certain historical resource areas and we will continue to work with them to clarify how updated historical resource permitting regulations would or would not affect potential future activities.

Q: Gary Jennings, Fishing - Recreational Alternate : Artificial reefs make sense whether providing relief from natural habitat or providing new habitat. FWC is doing a good job of recruiting new officers and increasing their pay to match the cost of living in the Florida Keys, it's hard for many officers to afford housing here.

Q: Andy Newman, Tourism: Lower Keys: I would like some kind of reaction from staff on this topic of artificial reefs.

A: Sarah explained that the goal of staff today and throughout that process is to listen to feedback and to provide clarification of what the proposed rule says, but not to say "yes we can change this."

Q: Jessica Bibza, Conservation & Environment Alternate: Thanks for the really great explanation to Jerry regarding the changes to zones earlier. I'm curious about Looe Key, which was removed from a conservation area but there were a lot of little shifts and tweaks to the boundaries and no-transit areas. I'm curious about the reasoning behind this.

A: Specific to Looe Key Special Use Area was originally established as a research area, which has not been used for this purpose. We are proposing to eliminate that specific marine zone, however the area will still be included within the larger Looe Key Management Area so will still be afforded some additional management protections. The marine zone summary table provides more details of the proposed changes.

Closing Remarks

George: There have been some great comments and questions today and we're excited to continue with this process moving forward. There are public comment opportunities to comment

orally both virtually and in person. You can always submit public comments online. Council members, please watch for an email with details of public comment and presentation opportunities that you are welcome to attend if you wish.

View all public comment opportunities and browse proposed rule materials here:

<https://floridakeys.noaa.gov/blueprint/>

Sarah: There are staff both here in the room and around the country who helped make this process possible and we are appreciative of their efforts. Thank you to our community members for your participation, and thank you to our Advisory Council members for their work educating the public and please continue to tell us if you hear something that we are not communicating well, or concerns from your constituents.

Meeting adjourned at 2:55.