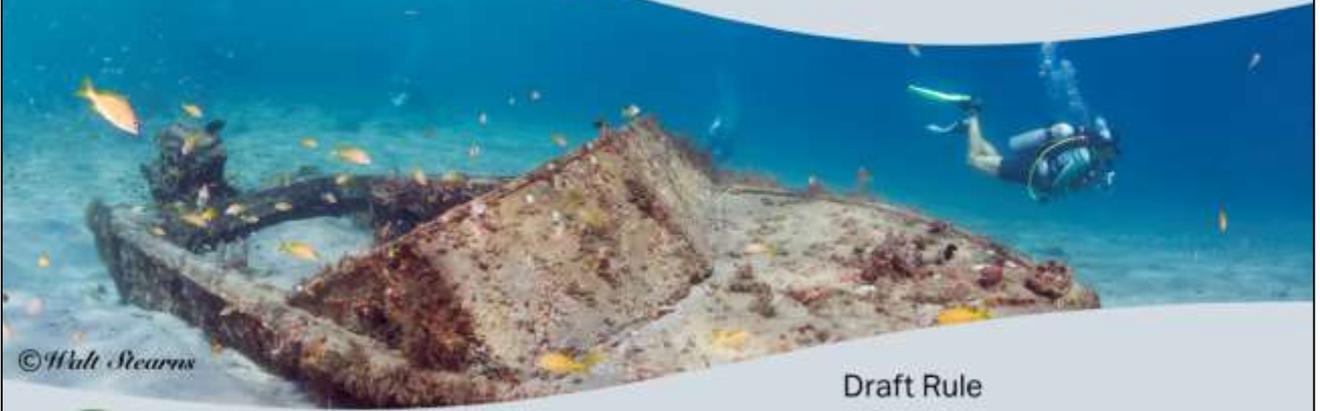


Marine Life Harvest at the Blue Heron Bridge



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Draft Rule
December 12, 2018

Florida Fish and Wildlife Conservation Commission

This presentation provides a summary of a proposed draft rule to amend the Florida Fish and Wildlife Conservation Commission's (FWC) Marine Life rules [68B-42, Florida Administrative Code (FAC)] to prohibit the collection of Marine Life at the Blue Heron Bridge dive site.

Division: Marine Fisheries Management

Authors: Mason Smith, Krista Shipley, Melissa Recks, and Jessica McCawley

Contact Phone Number: 850-487-0554

Report date: November 6, 2018

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Background

- Dive industry contributes over \$900 million to Florida economy annually

Blue Heron Bridge (Phil Foster Park)

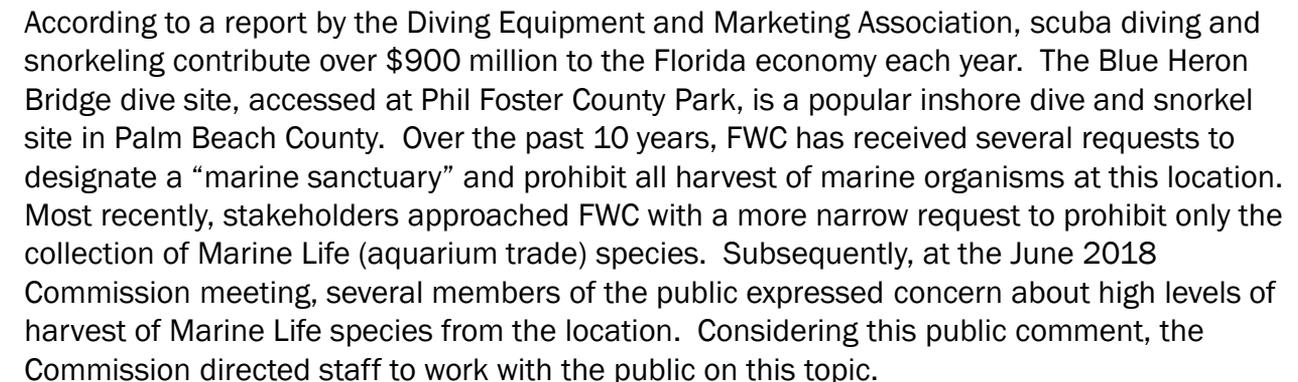
- Popular inshore dive and snorkel site
- Requests to prohibit Marine Life collection

June 2018: Stakeholders addressed Commission

Aug. – Oct. 2018: Meetings with Palm Beach County and stakeholders

Oct. 2018: Collection event at Blue Heron Bridge

Today: Draft rule

An underwater photograph showing a vibrant coral reef. The coral is primarily orange and pink in color, with some green patches. A striped eel is swimming in the foreground, partially obscured by the coral. The background is a clear blue water column. A small signature "© Walt Neumann" is visible in the bottom right corner of the image.

According to a report by the Diving Equipment and Marketing Association, scuba diving and snorkeling contribute over \$900 million to the Florida economy each year. The Blue Heron Bridge dive site, accessed at Phil Foster County Park, is a popular inshore dive and snorkel site in Palm Beach County. Over the past 10 years, FWC has received several requests to designate a “marine sanctuary” and prohibit all harvest of marine organisms at this location. Most recently, stakeholders approached FWC with a more narrow request to prohibit only the collection of Marine Life (aquarium trade) species. Subsequently, at the June 2018 Commission meeting, several members of the public expressed concern about high levels of harvest of Marine Life species from the location. Considering this public comment, the Commission directed staff to work with the public on this topic.

Between August and October, FWC staff held meetings with Palm Beach County staff and a variety of stakeholders. Also in October, the collection of several dozen Marine Life specimens occurred at the Blue Heron Bridge by a legally permitted aquarium (under an FWC-issued permit), leading to considerable additional concern within the community. Today, staff will present a draft rule proposal to prohibit Marine Life collection at the Blue Heron Bridge dive site.

Marine Life Fishery

Aquarium trade fishery

- Over 500 fish, plants, invertebrates
- Collected and landed alive
- Only place in continental U.S. where this type of fishery occurs
 - Primarily in South Florida
- Managed since 1990 in coordination with fishery participants
 - Work with industry to ensure sustainability
- Comprehensive trends analysis every 5 years



The FWC manages a suite of specific tropical and ornamental species collected for the aquarium trade as “Marine Life.” The Marine Life fishery consists of over 500 fish, plants, soft coral, and other invertebrates, all of which are subject to FWC regulations, including requirements that they must be collected and landed alive. Florida is the only place in the continental United States where this type of fishery occurs and it operates primarily in South Florida.

The management of this fishery began in 1990 in coordination with fishery participants. The FWC continues to work closely with the Marine Life industry and the fishery participants in managing this fishery. Passionate about their fishery, Marine Life collectors often act as additional “eyes and ears” and have helped identify several issues needing further management attention over the years. To monitor landings, FWRI conducts a comprehensive trends analysis of the fishery every five years to ensure sustainability. The next Marine Life Trends Analysis is scheduled to be complete in 2019.



The Marine Life fishery has both a recreational and commercial component. The recreational Marine Life fishery allows people to collect animals for their personal aquariums and requires a recreational fishing license. The commercial fishery is limited-entry, meaning that there are a set number of endorsements available and the only way to enter the fishery is by acquiring an existing transferable endorsement from someone leaving the fishery. Currently, there are about 150 endorsements statewide. The commercial fishery is primarily order driven and collectors tend to specialize in the species they collect. Commercial landings in this fishery exceed \$3 million annually.

Both recreational and commercial fisheries are managed through strict bag and size limits, as well as gear, handling, and spatial regulations specific to various species collected under these rules.

Blue Heron Bridge/Phil Foster Park

- Access from County-owned Park
- World-renowned “Blue Heron Bridge” dive site
 - Voted one of 50 best dives in the world
- Nearby inlet brings clear Gulf Stream water and tropical species
- Easily accessible from shore
- Draws experienced and novice divers, photographers
 - Local residents
 - International travelers
- County/community investments
 - 800-foot snorkel trail
 - Park infrastructure



As previously stated, the Blue Heron Bridge dive site is accessible through Phil Foster County Park. This site is uniquely located within the major metropolitan area around West Palm Beach. The Blue Heron Bridge area was named one of the 50 best dive sites in the world by PADI Sport Diver magazine and referred to as Florida’s “best shore dive” by SCUBA Diving Magazine. The nearby Palm Beach Inlet brings clear Gulf Stream water and provides habitat for a variety of tropical species. The dive site is easily accessible from shore without a boat. This opportunity draws experienced and novice divers alike, as well as photographers, educators, and others from nearby and around the world.

In recent years, Palm Beach County and the local dive community have made numerous investments toward maintaining and enhancing the diver experience at the Blue Heron Bridge, including a recently-created 800-foot snorkel trail that includes sculptures and concrete modules associated with one of the wrecks in the area. The County has also invested in park infrastructure, such as parking, restrooms, and showers to support its high visitation and use.



This map shows the extent of the diving and snorkeling areas easily accessible from shore at Phil Foster Park. This area includes a variety of types of dive attractions including the deeper waters at the bridge pilings, the shallow water snorkel trail, several wrecks, and variety of native organisms, such as sponges and corals, inhabiting natural hardbottom and artificial structures.



Blue Heron Bridge – A Local Treasure

- Abundance of fish and invertebrates
- Unique diversity of tropical species
- Presence of rarely-seen species creates excitement
- High visitor use
 - Hundreds of divers daily

The Blue Heron Bridge is a treasure for both residents and visitors to the area. Its unique environment maintains an abundance of fish and invertebrates, including tropical species. Some examples of organisms commonly found at the Blue Heron Bridge include tropical sponges, seahorses, frogfish, and batfish, as well as an abundance of common coral reef inhabitants often found farther offshore. The presence of these species that are rarely seen so near shore creates significant excitement within the diving community. Combined with its easy shore-based access, the unique wildlife at this site draws high visitor use with hundreds of divers daily.

Recent Collection at Blue Heron Bridge

- Special Activity License (SAL): authorizes certain activities that are otherwise not allowed under current regulations for qualified individuals

Late Sept – early Oct. 2018

- Education/Exhibition SAL issued to out-of-state aquarium
 - Allowed collection of several Marine Life species throughout multiple counties
- Unexpectedly high number collected from Blue Heron Bridge
 - Roughly 60 animals
 - Considerable public concern
 - Law Enforcement verified no violation
- Staff worked swiftly with permittee to modify SAL to:
 - Exclude Blue Heron Bridge
 - Require use of entire permitted collection area



Collection of Marine Life species by an FWC- permitted public aquarium recently drew additional attention to concerns about Marine Life collection at the Blue Heron Bridge. For the purpose of scientific research, education, or public exhibition, FWC authorizes certain activities that are otherwise not allowed under current recreational and commercial harvest regulations through our Special Activity License (SAL) program. In the case of an aquarium, public exhibition provides a valuable teaching opportunity that connects animals that live in the ocean to people that would not otherwise have the opportunity to see them or learn about them. These venues nurture an appreciation of ocean life and a better understanding of why efforts to conserve them are important.

In September, an SAL was issued to an out-of-state aquarium (Moody Gardens in Texas) to collect several Marine Life species across an area spanning from St. Lucie through Monroe counties. In early October, FWC learned that an unexpectedly high number of organisms (approximately 60 total) were collected in conjunction with this SAL at the Blue Heron Bridge dive site. This caused considerable concern among the dive community that the level of collection occurring could adversely affect the valuable non-consumptive use of this unique dive site. The FWC's Division of Law Enforcement responded to calls from divers about this collection and verified that the collection was within the scope of the SAL. While the SAL issued to the aquarium did allow harvest of certain Marine Life across Southeast Florida, including the Blue Heron Bridge, FWC did not intend for the aquarium to direct the majority of harvest in this small area. When the FWC learned that this was occurring, staff worked swiftly with the permittee to modify the SAL to prevent further collection at the Blue Heron Bridge and also to require broader use of the permitted collection area in order to limit impacts to any individual location. The permittee was glad to work with FWC and agreed to the modifications.

Proposed Draft Rule

- *Prohibit all collection and possession of Marine Life species in/on the waters around Phil Foster Park*
- *Allow direct transit by vessel across waters of the area*
- *Allow landing of Marine Life species only by motorized vessel at the Phil Foster Park boat ramp and docks*



The proposed draft rule would modify 68B-42, FAC, to prohibit all collection and possession of Marine Life species in or on the waters around Phil Foster Park. The proposed draft rule would allow direct and continuous transit by vessel across the waters of the area without stopping while in possession of legally-collected Marine Life species and the landing of legally collected Marine Life at the Phil Foster Park public boat ramp and the docks on the northern side of the Park when transported by motorized vessel from an area open to collection.

Stakeholder Input

Marine Life collection prohibition

- Widely supported by dive community
- Online petition signed by >20,000
- **Letters of support**
 - Palm Beach County Commission
 - Palm Beach County Tourist Development Council
 - Sustainable Palm Beach County
 - Florida Marine Life Association
- **Opposition:** Citizen scientists that wish to collect mollusks and some recreational harvesters



Staff have received considerable stakeholder input on prohibiting Marine Life collection at the Blue Heron Bridge dive site, including broad support from the dive community. In addition, an online petition has been signed by more than 20,000 people as of Nov. 1, 2018. FWC has received letters of support from the Palm Beach County Board of County Commissioners, the Palm Beach County Tourist Development Council, Sustainable Palm Beach County, and the Florida Marine Life Association, the official organization for the Commercial Marine Life fishery and associated industry.

Staff have also received limited opposition to closing the area to Marine Life collection. The majority of the opposition received has been from a small group of citizen scientists that wish to continue collecting the few species of mollusks regulated by the Marine Life rule from the Blue Heron Bridge. There has also been some opposition received from recreational Marine Life collectors who enjoy collecting in the area.

Additional Considerations

- Small area: ~33 acres
- Will not affect other fishing activities at the Park
- Future applications for SALs including this area can be evaluated on whether the location is vital to the project
- Aligns with the Marine Fisheries Strategic Initiative
 - Maintaining access to high quality, non-harvest-related opportunities



There are several factors the Commission may wish to consider regarding management of the Blue Heron Bridge dive site. The proposed Marine Life collection closure would apply to a small area (approximately 33 acres) that provides a unique and special experience for divers and snorkelers. Additionally, the proposed draft rule is limited in scope in that it would only apply to the tropical aquarium species that are managed through the FWC's Marine Life rules. Other fishing activities at the Park, such as hook-and-line fishing, cast netting, and lobstering would not be affected. Spearfishing is already prohibited at the park due to its proximity to a public fishing pier and swimming beach.

Future SAL applications that include this area would be further evaluated on whether it is vital that the requested collection comes from the Blue Heron Bridge or if other collection locations can be utilized.

Finally, the proposed draft rule aligns with the FWC's Innovations in Marine Fisheries Management Strategic Initiative, which includes goals and strategies aimed at providing residents and visitors with access to high quality, non-harvest-related opportunities.

Staff Recommendation

Approve the proposed draft rule to provide continued high-quality snorkeling and diving opportunities at the Blue Heron Bridge dive site

- Prohibit the collection and possession of Marine Life species
- Allow direct transit without stopping
- Allow landing of Marine Life by vessel at the Park boat ramp and docks

Evaluate future SALs on whether collection at this location is vital to the project

Consider SAL revisions as part of an SAL package in new Workplan

If approved and directed, return for a final public hearing at the Feb. 2019 Commission meeting



Staff recommends ensuring the high-quality snorkeling and diving opportunities at the Blue Heron Bridge are maintained by approving the proposed draft rule to prohibit collection and possession of Marine Life species in the park or surrounding waters, but allowing direct and continuous transit of Marine Life species by vessel without stopping, and allow landing of Marine Life species at the Park boat ramp and docks when transported by motorized vessel.

Further, staff will evaluate all future SALs that include the Blue Heron Bridge dive site on whether collection at this location is vital to the project. Staff also recommends considering revisions to the SAL program as part of the larger SAL package in the new 2019-2020 Workplan.

If approved and directed, staff recommends returning for a final public hearing at the February 2019 Commission meeting.