

# Marine Life Harvest at the Blue Heron Bridge



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Final Public Hearing  
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Florida Fish and Wildlife Conservation Commission

Version 1

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

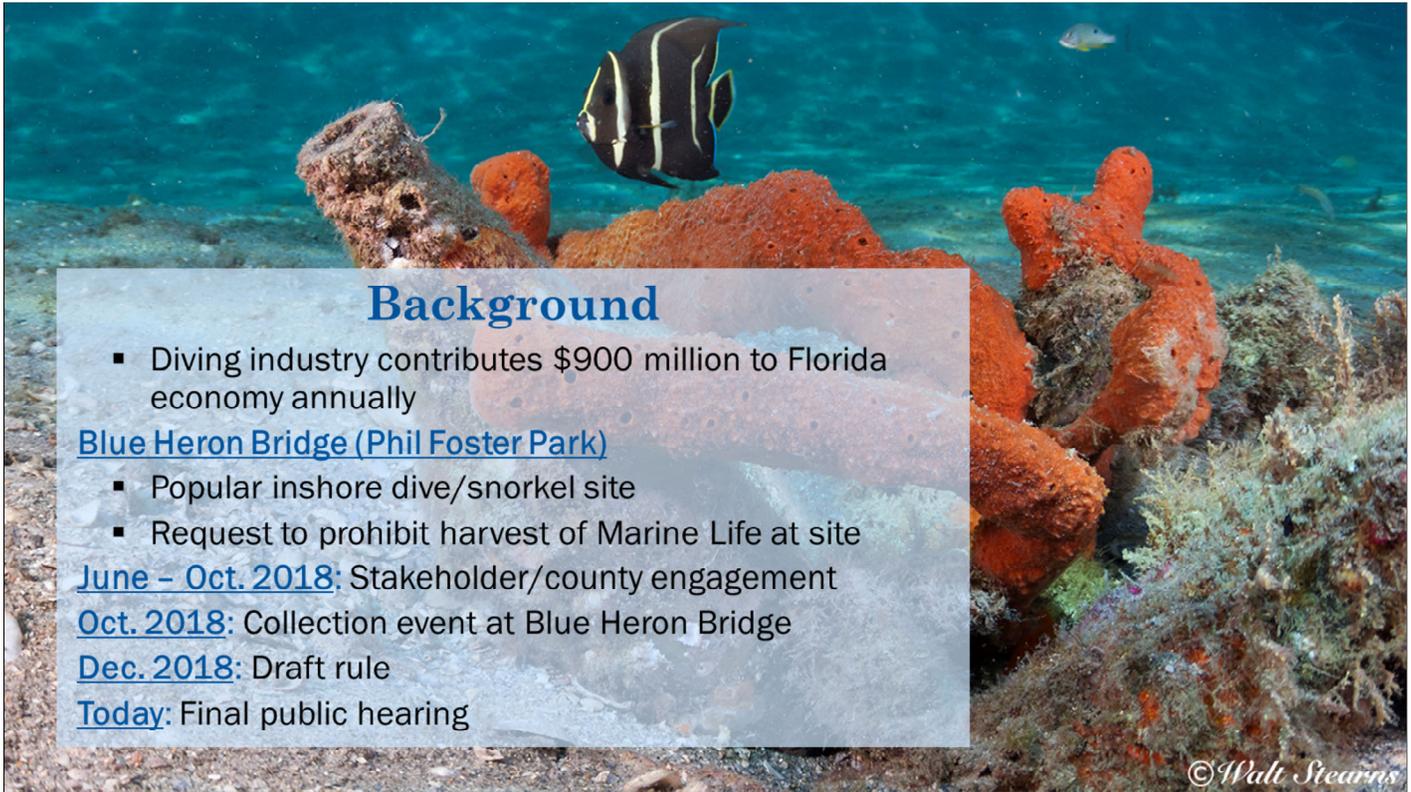
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## Background

- Diving industry contributes \$900 million to Florida economy annually

### Blue Heron Bridge (Phil Foster Park)

- Popular inshore dive/snorkel site
- Request to prohibit harvest of Marine Life at site

June - Oct. 2018: Stakeholder/county engagement

Oct. 2018: Collection event at Blue Heron Bridge

Dec. 2018: Draft rule

Today: Final public hearing

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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 in Palm Beach County, is a popular inshore dive and snorkel site. 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. Last December, the Commission approved a draft rule proposal to prohibit Marine Life collection at the Blue Heron Bridge dive site. Today is the final public hearing for that rule.

## Marine Life (Aquarium Species)

### Tropical aquarium trade fishery

- Over 500 fish, plants, invertebrates
- Collected and landed alive
- Unique to Florida
- Managed since 1990 in coordination with participants
- Recreational and commercial (limited-entry) components
- Commercial landings exceed \$3 million annually



### Recent collection at Blue Heron Bridge

- Unexpectedly high number of Marine Life species collected from Blue Heron Bridge under a Special Activity License (SAL)
  - Staff worked swiftly to modify the SAL



As a reminder, the FWC manages a suite of specific tropical and ornamental species typically 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 a fishery of this scale occurs and it operates primarily in South Florida. The management of this fishery began in 1990, and FWC continues to work closely with the Marine Life industry and fishery participants. The Marine Life fishery has both a recreational and commercial component. The commercial fishery is limited-entry and there are currently 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.

In October of last year, the collection of Marine Life species by an FWC-permitted public aquarium drew additional attention to stakeholder 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 harvest regulations through our Special Activity License (SAL) program. In September 2018, 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. After learning that an unexpectedly high number of organisms (approximately 60 total) were collected in conjunction with this SAL at the Blue Heron Bridge dive site, staff worked swiftly with the permittee to modify the SAL to prevent additional collection at the Blue Heron Bridge and also to require broader use of the permitted collection area.

## Blue Heron Bridge/Phil Foster Park

- Easily accessible from County-owned Park
- World-renowned “Blue Heron Bridge” dive site
  - Voted one of 50 best dives in the world
  - Designated Florida’s best shore dive
- Inlet brings clear Gulf Stream water and tropical species
- Draws experienced and novice divers and photographers from around the world
- County/community investments include 800-foot snorkel trail

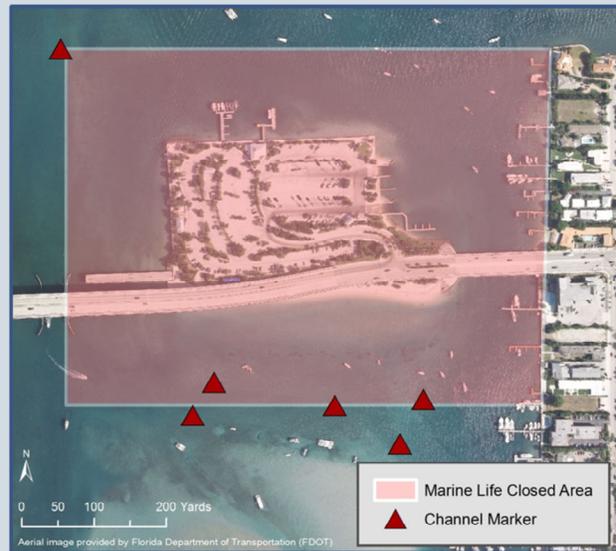


As previously stated, the Blue Heron Bridge dive site is accessible through Phil Foster County Park. This site is uniquely located within the major metropolitan area around West Palm Beach. The Blue Heron Bridge area was named one of the 50 best dive sites in the world by Sport Diver magazine and referred 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, giving divers the opportunity to reliably encounter both cryptic and colorful species that are not often concentrated inshore. The dive site 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 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.

## Proposed Final Rule

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



The proposed final 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 northern boundary of the proposed final rule has been modified since the draft rule hearing at the Commission's December 2018 meeting. This change is based on Commission direction for the northern boundary to be extended northward. The proposed final rule would allow direct and continuous transit by motorized vessel across the waters of the closed area while in possession of legally-collected Marine Life species. The rule would also allow landing of Marine Life at the Phil Foster Park public boat ramp and the docks on the northern side of the Park when the Marine Life was collected from an open area and transported by a motorized vessel. Marine Life legally collected from an area open to harvest could also be transited directly through the closed area and landed at the privately-owned docks associated with the residences located on Singer Island east of Phil Foster Park.

## Additional Considerations

- Small area: ~46 acres of water
- Collection opportunities at nearby sites
- Addresses user conflicts
  - Not a sustainability issue
- Will not affect other fishing activities
- Stakeholder input
  - Strong support overall
  - Some opposition from citizen scientists and recreational harvesters
  - Online petitions for both support and opposition



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 46 acres of water). Marine Life species could still be collected from nearby inshore or nearshore areas outside of the dive site. The species included in the closure can be sustainably collected from these other locations, but the proposed rule would address localized user conflicts and provide a unique and special experience for divers and snorkelers. Additionally, the proposed final 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. Species not included in the Marine Life rule would not be affected. In addition, 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.

Staff have received considerable stakeholder input in support of the proposed Marine Life collection closure. FWC has also received letters of support from a variety of groups, including 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 received limited opposition to closing the area to Marine Life collection from a small group of citizen scientists and recreational Marine Life collectors who enjoy collecting in the area. Online petitions exist for both those in support and in opposition to the proposal.

Finally, the proposed final 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 at Phil Foster Park only by motorized vessel and only at the Park boat ramp and docks

Evaluate whether collection from this location is vital for future SAL applications

Consider overall SAL revisions as part of Workplan



*If approved and directed, make the rule effective April 1, 2019*

Staff recommends maintaining the high-quality snorkeling and diving opportunities at the Blue Heron Bridge by approving the proposed final rule to prohibit collection and possession of Marine Life species in Phil Foster Park and its surrounding waters, but allowing direct and continuous transit of Marine Life species by vessel, and allow landing of Marine Life species collected from an open area at the Park boat ramp and docks when transported by motorized vessel.

Further, staff will evaluate all future SAL applications that include the Blue Heron Bridge dive site as to whether collection at this location is vital to the project and will consider additional revisions to the SAL program as part of a comprehensive SAL review during the approved 2019-2020 workplan.

If approved and directed, staff recommends making the rule effective April 1, 2019.

Staff has evaluated the proposed final rule under the standards of 68-1.004, FAC, and found it to be in compliance.