

National Marine Sanctuaries  
National Oceanic and Atmospheric Administration



# Florida Keys National Marine Sanctuary Marine Zoning and Regulatory Review

Presentation to the Florida Fish and Wildlife Conservation Commission

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November 20, 2014



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# Florida Keys National Marine Sanctuary Marine Zoning and Regulatory Review Update



- What is the Florida Keys National Marine Sanctuary and the Regulatory Review?
- Sanctuary Advisory Council and Science Based - Stakeholder Driven Process
- Types of Issues Being Discussed
- Timeline of Review and Draft / Final Actions

This is the menu slide identifying the four main points to cover in the presentation.



# 2011 FKNMS Condition Report: Foundation for Regulatory and Zoning Changes

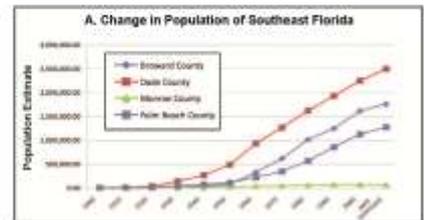


- History of discharges, coastal development, habitat loss, and over exploitation of large fish and keystone species
- Poaching, vessel groundings and discharging of marine debris
- Can be improved with long term management efforts, regulatory compliance and community involvement



Trends:

▲	Conditions appear to be improving.	?	Undetermined trend.
—	Conditions do not appear to be changing.	N/A	Question not applicable.
▼	Conditions appear to be declining.		



- In 2011, FKNMS released the Condition Report which is a precursor to the review of management plans and regulations for national marine sanctuaries. This report analyzed ecosystem conditions, pressures, trends, and importantly the management responses.
- Over 40 scientists collaborated on development, editing, and peer review of the document including FWC / FWRI scientists coordinated through the Marathon office of FWRI.

**Background:** A historical perspective of sanctuary biodiversity suggests that the populations of many higher-trophic-level species, such as marine mammals and predatory fishes, were dramatically reduced by hunting and fishing prior to the sanctuary's designation. Today, pressures on the resources include commercial and recreational fishing, disturbances to wildlife, coastal development, harmful algal blooms, marine debris, vessel groundings, the introduction of non-indigenous species, and vessel traffic. Human-driven factors such as climate change, sea level rise and ocean acidification are large-scale issues that may also affect sanctuary resources.



## Sanctuary Advisory Council Leads Planning Efforts



Community-based advisory group providing advice to Florida Keys NMS Management.

- Boating Industry
- Elected County Official
- Citizens at Large (3)
- Conservation (2)
- Research
- Education
- Tourism (2)
- Diving (2)
- Charter Fishing (2)
- Commercial Fishing (2)
- Recreational Fishing
- Cultural Resources
- 10 Non-Voting Local, State and Federal Agency Representatives



This slide shows the various community and constituency representatives on the advisory council. There are 20 primary and alternate seat on the council for a total of 40 individuals representing all sectors of marine uses in the Florida Keys. Advisory Council members are volunteers who collectively dedicate almost 2000 hours every year to provide input and advise on marine issues in the Florida Keys.

There are also ten representatives from the various local, state and federal resource management agencies who do not vote but attend to ensure coordination across the local, state and federal agencies. FWC is represented on the Advisory Council by John Hunt (FWRI) and Major Alfredo Escanio (LE).

To find representatives for different constituencies, please go to the website at [floridakeys.noaa.gov](http://floridakeys.noaa.gov) and click on the Sanctuary Advisory Council icon.

# Advisory Council Leads Planning Efforts From The Beginning for All Management Changes



## Community Based Stakeholder Driven Process:

Public Input ⇒ Advisory Council ⇒ Agency Decision



*"The Florida Keys National Marine Sanctuary is a fine example of a government program that works in its intended form... for the people, by the people, specific to its unique region. It is a group that listens, speaks, and acts on input from all the various stakeholders of that region."*

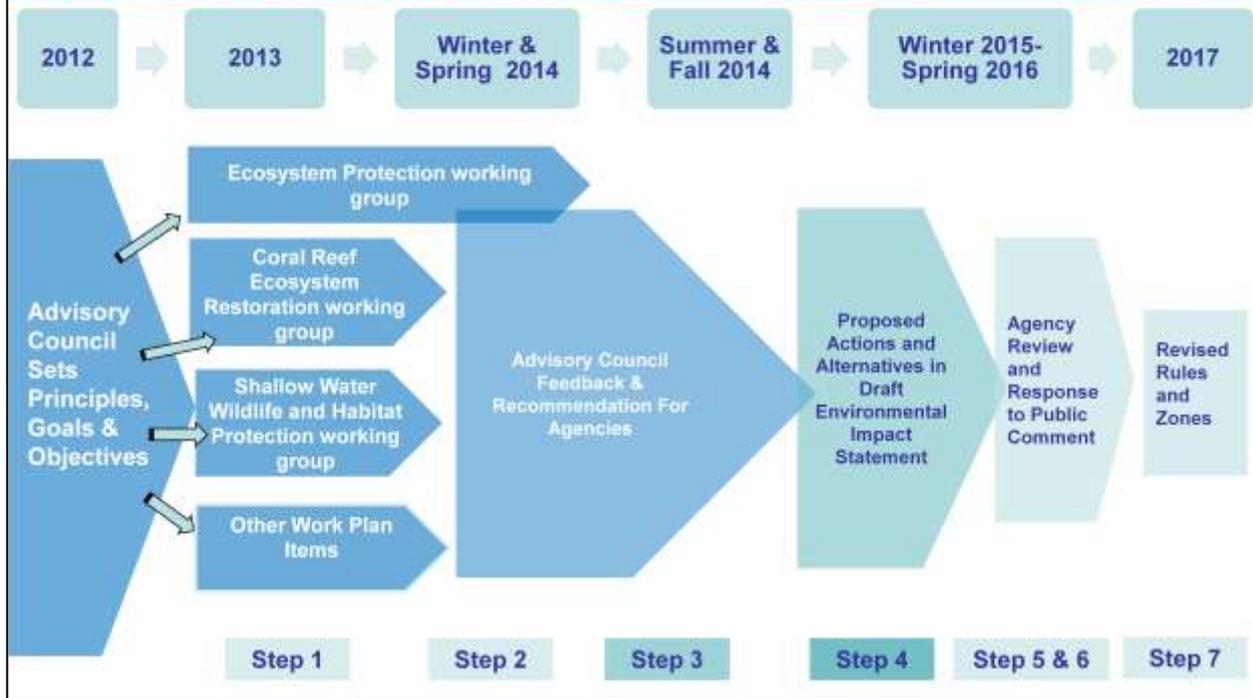
Captain Steve Leopold,  
Charter/Sports Fishing Seat

As part of the enacting legislation, the Florida Keys National Marine Sanctuary and Protection Act ensured the input of the local community and provided a formal structure for local input into agencies with marine management responsibilities in the Florida Keys.

A critical element of success in Sanctuary is the bottom up process of taking public comments and concerns and having the Sanctuary Advisory Council work to make recommendations on management changes prior to the agencies developing alternatives for rulemaking or programs.

The Sanctuary Advisory Council recommendations are the foundation for the scope and range of alternatives developed by agencies later in the public process. This often takes an extensive amount of time but ensures everyone has had the opportunity to provide input before changes are proposed by NOAA or the State of Florida.

# Marine Zoning and Regulatory Review Timeline



This is a graphic of the process timeline. At this point we have completed the major first stage of working with stakeholders through the Advisory Council and Working Groups which defined the alternatives to be analyzed in the Draft Environmental Impact Statement – this body of work was developed through almost 70 public meetings addressing the priority issues identified by the Advisory Council.

This timeline and flowchart also highlights how it is the stakeholders and public define the issues and range of alternatives to be analyzed by agency staff in preparation of the Draft Environmental Impact Statement. Almost 70 public scoping, working group, and advisory council meetings have been held to define the ideas and proposals to be analyzed.

This document should be completed by Summer of 2015 and that would then be available for public comment prior to any draft rulemaking – which would not occur until 2016.

# Sanctuary Advisory Council Issues and Management Priorities for Review



- Personal Watercraft Tours / Fishing Conflicts
- Vessel / Boating Licensing and Education
- Alternative Funding Mechanisms & User Fees
- Coral Reef Ecosystem Restoration
- Shallow Water Wildlife and Habitat Protection
- Ecosystem Protection - Reserves & Preservation Areas
- Artificial Habitats
- Water Quality
- Adaptive Management
- Coordination with Fishery Management Agencies



Following release of the Condition Report and public input in ten scoping meetings in South Florida, the Sanctuary Advisory Council identified specific topics and priorities to address as part of the review.

Using a combination of specific working groups tasked with addressing complex topics like marine reserves, coral restoration, and impacts to the shallow water and flats areas as well as addressing topics as the Council body, they have made their recommendations on ideas and alternatives they would like the agencies to analyze as part of a Draft Environmental Impact Statement.

The Advisory Council and Working Groups have been discussing and making recommendations on these issues since January 2012 with the formation of specific working groups or addressing them in front of the full Council.

All of these recommendations can be found on our website at <http://floridakeys.noaa.gov>

# Sanctuary Advisory Council Establishes Working Groups for Recommendations on Specific Topics and Priority Issues



**Ecosystem Protection** and **Shallow Water Habitat** Working Groups Include Council Members and other Stakeholder Representatives from:

- Commercial Fishing
- Conservation
- Recreational Fishing
- Charter & Flats Guides
- Diving and Boating Industry
- Snorkel & Ecotourism
- Research & Monitoring
- Marine Life Collections
- Citizen at Large
- Tourism Industry



On some issues, the Sanctuary Advisory Council elected to form working groups made up of Council Members and other members of the community who volunteer with specific interests and expertise to review the science and provide suggestions for changes in management.

It is important to note that the Working Groups advise the Sanctuary Advisory Council but the Sanctuary Advisory Council is the formal body which provides recommendations to NOAA, DEP, and FWC regarding FKNMS management.

More information on the members of the various working groups can be found here: <http://floridakeys.noaa.gov/review/workgroups.html>

# Sanctuary Advisory Council Working Groups: Specific Charges and Objectives



## **Ecosystem Protection Working Group Charge:**

Review Sanctuary Preservation Areas, Special Use Areas, Ecological Reserves, Existing Management Areas, the Sanctuary Boundary and the Area to be Avoided (ATBA) – Addressing ecosystem level protection in no-take / limited take zones.

## **Shallow Water Wildlife and Habitat Working Group Charge:**

Evaluate zones for habitat and wildlife protection; identify concentrated uses that may be harming resources; evaluate marine salvage issues and harm to seafloor – particularly seagrass habitats.



Working groups are tasked with specific objectives by the Sanctuary Advisory Council. This slide is a summary of the “charge” provided by the Sanctuary Advisory Council.

Specific objectives for the working group and the membership of the working groups were approved by the Council in 2012. More information on the working groups and the objectives can be found here:

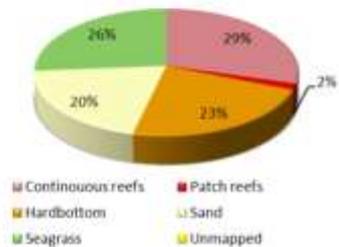
<http://floridakeys.noaa.gov/sac/othermaterials/121211draftworkplan.pdf>

# Natural Resource Analysis

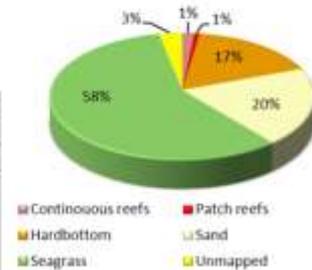


- Area is within current marine zoning scheme?
- Habitat types distributed within current marine zoning scheme
- High relief reefs
- Resilient reefs
- Federal and State threatened coral species
- Fish spawning aggregation areas
- Coral cover and diversity
- Fish abundance and diversity

**SPAs, SUAs**



**Remaining FKNMS, oceanside**



As noted earlier, this is a science based stakeholder driven process in defining the alternatives to be analyzed prior to any rulemaking procedures.

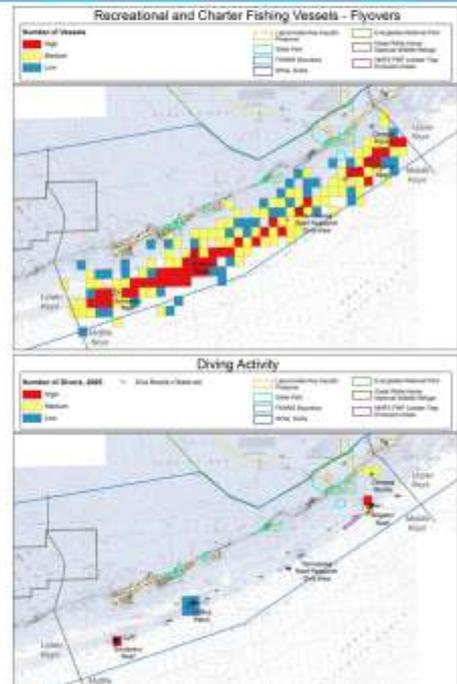
In addition to the information from the Condition Report, the Sanctuary Advisory Council and Working Groups had access to and used 30 years of research and monitoring of natural resources and socio-economic activity.

The Working Groups and Advisory Councils also had specific results from monitoring the effectiveness of existing management strategies.

# Human Use Analysis



- Commercial Fishing
  - Distribution of **Commercial Fishers**
  - Distribution of Commercial Fishing Landings
- Recreational Fishing
  - Distribution of **Recreational and Charter Fishing Vessels**
- Recreational Diving
  - Distribution of **Diving Vessels**
  - Distribution of **Recreational Divers**
- Distribution of **Marine Debris**
- Location of **Vessel Groundings**



Examples of human use and socioeconomic data used by the Working Groups and Advisory Council.

# Sanctuary Advisory Council Working Groups: Proposing Alternatives to Analyze in Draft EIS



## **Ecosystem Protection WG (and Council) Recommend Analysis of:**

- Modify 11 existing marine zones
- Modifications to the Sanctuary and ATBA boundary
- Proposing 7 new marine zones
- Removing certain exceptions in 4 existing marine zones
- Zone recommendations range from limited access or anchoring restrictions to no access (research only)

## **Shallow Water WG (and Council) Recommend Analysis of:**

- Remove 2 existing zones (not needed)
- Modify 19 existing zones
- Proposed 24 new zones – mainly pole /troll or idle, some temporal access restrictions

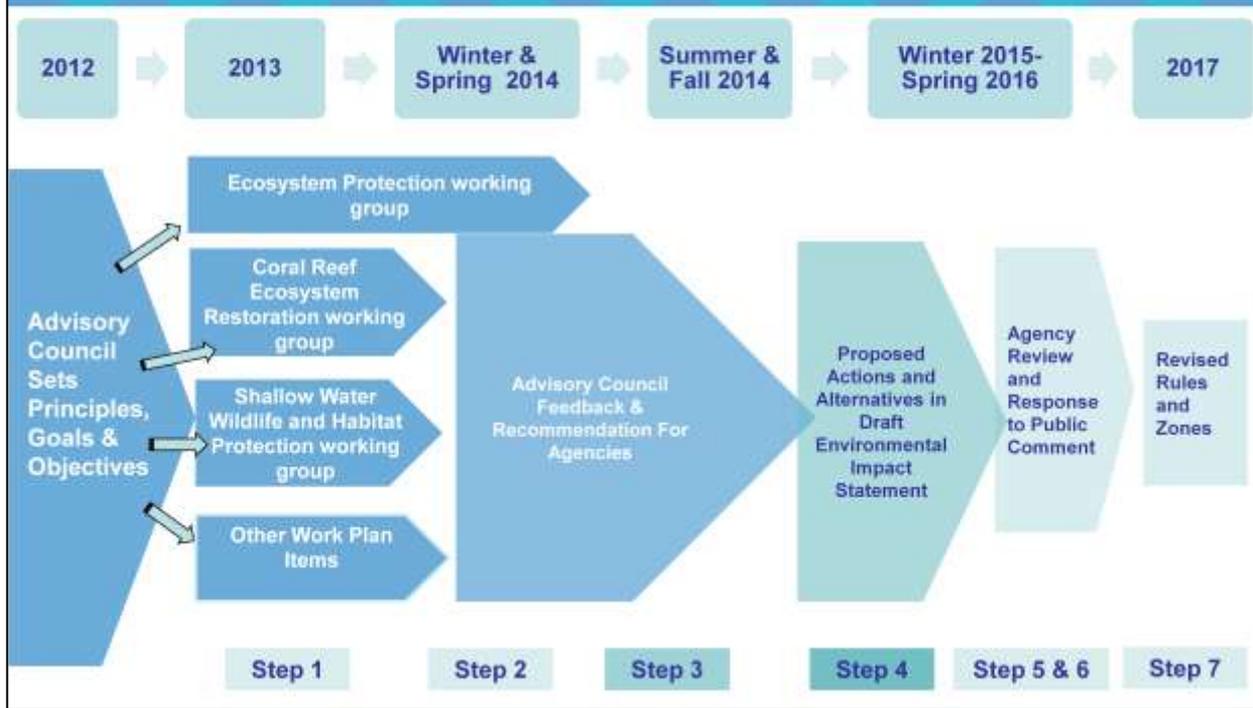
After reviewing the data and extensive discussion in 2013 and into 2014, the Advisory Council and Working Groups made recommendations on different ideas and alternatives they wanted to see evaluated in the Draft Environmental Impact Statement.

More information on the recommendations from the working groups can be found here: <http://floridakeys.noaa.gov/review/workgroups.html>

Sanctuary Advisory Council Motion to advance Working Group recommendations can be found here: <http://floridakeys.noaa.gov/sac/othermaterials/20140819epwgmotion.pdf> and <http://floridakeys.noaa.gov/sac/othermaterials/140617resolutionfinalshallowwater.pdf>

Many issues have been discussed by working groups and the Sanctuary Advisory Council related to Sanctuary management however potential alternatives recommended by these working groups (and subsequently the Sanctuary Advisory Council) may come before the Florida Fish and Wildlife Conservation Commission for discussion prior to potential rulemaking.

# Marine Zoning and Regulatory Review Timeline



This is a graphic of the process timeline. At this point we have completed the major first stage of working with stakeholders through the Advisory Council and Working Groups which defined the alternatives to be analyzed in the Draft Environmental Impact Statement – this body of work was developed through almost 70 public meetings addressing the priority issues identified by the Advisory Council.

The next steps will involve staff work among NOAA, Florida DEP, the National Wildlife Refuge, and FWC putting together the various alternatives and completing the environmental and economic analysis identifying the potential beneficial or negative impacts of each concept (Step 4).

This document should be completed by Summer of 2015 and that would then be available for public comment prior to any draft rulemaking – which would not occur until 2016.

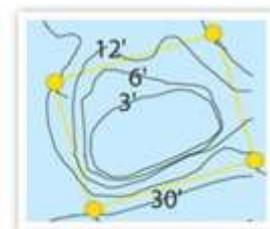
Although this schedule may change, no regulatory changes would become final before 2017.

For more information:

Visit our website at [floridakeys.noaa.gov](http://floridakeys.noaa.gov)

Contact me at [sean.morton@noaa.gov](mailto:sean.morton@noaa.gov)

Contact Sanctuary Advisory Council Members:  
<http://floridakeys.noaa.gov/sac/>



MARINE ZONING &  
REGULATORY REVIEW

The FKNMS website contains all agendas, notes, minutes, presentations and recommendations from the working groups and the Sanctuary Advisory Council. All actions by the Sanctuary Advisory Council are made in the form of resolutions which are posted following Council meetings.