



# Gulf of Mexico Fishery Management Council

*Managing Fishery Resources in the U.S. Federal Waters of the Gulf of Mexico*

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## DRAFT LETTER

Date , 2020

Ms. Sarah Fangman  
NOAA/NOS - Sanctuary Superintendent  
Florida Keys National Marine Sanctuary  
33 East Quay Road  
Key West, FL 33040

RE: Comments on the Proposed Regulations for the Draft Environmental Impact Statement (DEIS): Florida Keys National marine Sanctuary (FKNMS) Restoration Blueprint

Dear Ms. Fangman:

The Gulf of Mexico Fishery Management Council (Council) appreciates the opportunity to provide comments on the proposed DEIS. On behalf of the Council, I would like to take the opportunity to thank you and your staff for the presentations on the Florida Keys National Marine Sanctuary (FKNMS) Restoration Blueprint at the various stakeholder meetings. The Restoration Blueprint for the FKNMS seeks to provide additional measures to ensure the long-term resource protection, ecosystem function, and value of marine-related habitat and fauna in the Florida Keys.

The Council understands the importance of a proactive approach given the current threats to marine resources, whether natural or anthropogenic in nature. The Council has reviewed the Restoration Blueprint and gathered input from various Advisory Panels, Scientific and Statistical Committee members, and fishermen. We reiterate here general concerns that were raised repeatedly during stakeholder meetings and provide a bulleted list of specific concerns.

The FKNMS preferred Alternative 3 proposes to close 435 square miles of area in the Gulf, South Atlantic, and Florida state waters to *all fishing*. This is an additional 234 square miles of area compared to status quo (Alternative 1). This estimate does not consider other proposed areas with specific fishing restrictions by gear. These proposed changes will likely have considerable socio-economic impacts on fishing fleets and the Florida economy more broadly and therefore require a more rigorous analysis in the DEIS. For example, the potential impacts to the fishing fleets were analyzed with data through 2013, which is considered outdated information; thus, potential socioeconomic losses to the for-hire and commercial fishing fleets is not well quantified.

Common themes heard at every stakeholder engagement meeting were that the DEIS lacks detail, data, and analyses for proposed changes, with the clear supporting rationale for many of

the proposed changes. This leaves managers and stakeholders with limited information to make informed decisions and provide useful feedback. The Council has navigational and safety concerns about the proposed closure of large continuous areas of open ocean and boaters being limited to “idle speed” only. The Council is concerned about enforceability of the regulations proposed, specifically due to the increase in proposed areas with “no entry” and “no motor” regulations in the lower Florida Keys.

The Council requests that the FKNMS Final Environmental Impact Statement (FEIS) should discuss the history of actions taken by partner agencies such as the Gulf and South Atlantic Council’s as well as the Florida FWC to protect coral and fishes. Finally, the Council requests that the FKNMS increase outreach efforts with the boating public, both tourist and locals, to increase education, collaboration with fishermen and divers, and signaling of navigation and regulations.

Below is a bulleted list of concerns and recommendations by subject: **Does the Council agree?**

#### Changes to marine zones and regulations

- User groups were concerned about the amount of changes included in the four alternatives, thus allowing for confusion and difficulty to provide detailed comments. One of the recommendations from the Spiny Lobster Advisory Panels of the Gulf and South Atlantic Councils is to completely remove Alternative 4. The group thought that Alternative 4 was unnecessarily restrictive, and that the FKNMS’s management plan for habitat protection and resource preservation could still be achieved with the other Alternatives. **Does the Council concur? The SSC recommended inclusion of Pulley Ridge which is proposed in Alternative 4.**
- **Members of the Shrimp Advisory Panel (AP) oppose the westward and southern Sanctuary expansion. With the Sanctuary boundary expansion proposed in Alternatives 2–4, fishermen are concerned about more stringent regulations that may reduce fishing areas in Sanctuary waters in the future. Similarly, they did not think the rationale for the Sanctuary boundary expansion is well documented in the DEIS. Does the Council concur?**
- **User groups were also concerned about the enforceability of the regulations proposed, specifically due to the increase in proposed areas with “no entry” and “no motor” regulations in the Lower Keys. This concern stems from the currently limited amount of law enforcement officers in the Florida Keys versus the large amount of area to patrol. Stakeholders suggested that the installation of navigational aids instead of closures may be better received by the public, it would still protect shallow-water habitat, and would potentially enhance enforcement. Does the Council concur?**
- **Members of the Gulf and South Atlantic Council’s Spiny Lobster AP suggests that Sanctuary considers providing additional protections to the areas closed to spiny lobster trap gear to protect Endangered Species Act listed *Acropora* spp. Specifically, the Sanctuary should consider no anchoring and no harvest of spiny lobster by all user group for the areas identified in Spiny Lobster Amendment 11. Fishermen stated that the**

rationale in Spiny Lobster Amendment 11 had strong scientific evidence for closing these areas. **Does the Council concur?**

#### Regulatory language and clarity

- The final EIS should clearly specify the coordinates of all proposed marine zones in a table.
- Additional clarification is requested for regulatory language as it relates to navigation: idle speed, no motor, trolling speeds; and to the definition of traditional fishing. Regarding traditional fishing, one suggestion would be to look at the list of allowable gear types for the Gulf and South Atlantic Councils.
- The Council requests clarification on whether bycatch from fishing activity would be considered “fish feeding”?
- No anchoring regulations are proposed in the Key Largo Management Area; how would this translate to the spiny lobster trap fishery?

#### Idle speed in large open ocean areas

- Although having consistent regulations for all Sanctuary Preservation Areas would potentially enhance enforcement and ease confusion, there are concerns regarding enforcing idle speed in deeper waters, specifically Hawk Channel and the Tortugas Corridor. The APs and SSC are worried this could pose a navigational hazard. More specifically to the Tortugas Region, the SSC is also concerned about the implications to commercial fisheries as navigating at idle speed through the Tortugas Corridor could limit fishermen to accessing other areas in the Tortugas Region that do not have fishing restrictions. For example, running at idle speed to get to the area east of the Tortugas Ecological Reserve South, alone could take numerous hours to transit. **Does the Council concur?**

#### Tortugas Corridor

- In addition to the concerns regarding idle speed within the Tortugas Corridor, the Reef Fish AP expressed concerns about the Tortugas Corridor SPA. They felt many yellowtail and mutton snapper fishermen use that area. An SSC member noted that the Condition Report for the Tortugas Region is cited throughout the DEIS; however, the report doesn't cite information on Southeast Data Assessment and Review (SEDAR) stock assessments on black grouper and mutton snapper. The Shrimp AP also opposed any changes to the Tortugas Region due to lack of biological data to support the expansion in that area. **Does the Council support the Tortugas Corridor and these proposed regulations?**
- The Council requests clarification on transiting provisions (i.e., fishing gear stowage) if the navigational regulation is idle speed?

#### Pulley Ridge

- The areas proposed to be included as part of the Sanctuary in Alternative 4 include Pulley Ridge South habitat of particular concern (HAPC) and the Pulley Ridge South Portion A boundary from Coral Amendment 9. Pulley Ridge South currently has fishing regulations to reduce damage to hard bottom as a result of fishing practices. The regulations include no anchoring by all fishing vessels, as well as restrictions on bottom-tending gear. Similar regulations were proposed to the expansion in Coral Amendment 9, with an exemption for bottom longline gear. Given the importance of this mesophotic reef, and its biological connectivity to the Florida Keys, the Sanctuary is proposing additional regulations that would extend beyond the Council's jurisdiction. The changes proposed in Alternative 4 would restrict anchoring by all vessels, as well as Sanctuary-wide regulations as described in Section 3.2 of the DEIS. **Does the Council concur with this?**
- Although the Coral SSC agrees with the biological importance of Pulley Ridge, and agrees with providing additional protections, other members of the Standing SSC would like to see additional data and analyses regarding the socio-economic effects of implementing no anchoring; regulations to vessels other than fishing fleet.

#### Supporting data

- The APs and SSCs would like to see analyses that include data from more recent years and that would support the proposed changes. Specific comments were provided for the overall Sanctuary expansion, which is proposed to be extended to include the southern boundary for the Area To Be Avoided. They would not like this to be based solely on enhanced enforceability, but clearly describe the ecological justification for this change and supporting data. A member of the socio-economic SSC commented that the DEIS only captures analyses on the potential impacts to the fishing fleet with data through 2013 which is considered old and outdated information. Thus, potential losses to the commercial sector may not be well represented given that the analyses do not include more recent data. Similarly, the Joint Spiny Lobster AP request an update on the data used to estimate the economic value of the spiny lobster fishery.

#### Water quality

- At the various meeting with the stakeholders, there were many discussions regarding ecosystem decline and how this related to poor water quality, nutrient enrichment, and harmful algal blooms. Some members showed discontent as they felt penalized as they believe water quality is a larger problem than fishing practices.
- The way the DEIS addresses water quality is through the proposal to prohibit discharge of certain materials from cruise ships (e.g., graywater, scrubber wash water, and others). In addition, the FKNMS's proposed management plan (Section 3.5) seeks to strengthen engagement with local and regional entities that address issues related to water quality. This would include supporting water quality and habitat monitoring activities, as well as increase in outreach and educations efforts. **Does the Council support increased inter-agency communication and collaboration or suggest additional management recommendations?**