



Gulf of Mexico Fishery Management Council

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

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February 21, 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:

On behalf of the Gulf of Mexico Fishery Management Council (Council), I would like to thank you and your staff for multiple presentations on the Florida Keys National Marine Sanctuary (FKNMS) Restoration Blueprint and also for the opportunity to provide comments on the proposed Draft Environmental Impact Statement (DEIS). The Sanctuary's efforts to ensure long-term resource protection in the Florida Keys while simultaneously providing access to those resources are laudable and key to sustaining a vibrant regional economy.

The Council appreciates the complexities associated with the management of a large, heterogeneous ecosystem that caters to a broad suite of user groups and other stakeholders, and understands fully the challenges of carrying out a comprehensive planning effort. Again, we thank you for your work on this front. Having said that, the Council, in consultation with its stakeholders, has identified some key areas of concern that are directly and indirectly related to fisheries. Common themes heard at every stakeholder engagement meeting were that the DEIS lacks sufficient detail, data, and analyses to support many of the proposed changes. As a consequence, many knowledgeable stakeholders have opted not to engage in the planning process. Providing, for example, the coordinates for all of the proposed boundaries is likely to increase stakeholder engagement, as fishers can directly compare them to the location of their fishing grounds and provide better feedback to the Sanctuary. Without this level of detail, many stakeholders are left with limited information to provide constructive feedback that could better inform decisions.

The Council is hesitant, at this time, to support in full the proposed Sanctuary boundary expansion, which includes the Area to be Avoided and encompasses the area in the Tortugas region between the existing Sanctuary boundary and the Tortugas Ecological Reserve South (TERS), with a

1-mile westward expansion to the TERS. The DEIS notes that the proposed boundary would potentially facilitate enforceability and protect habitat connectivity. However, a number of user groups have expressed concern regarding a lack of supportive data for the inclusion of new areas into the Sanctuary, particularly data that demonstrate a clear biological and/or ecological benefit for exploited fisheries species. In the absence of such data, many fishers view the proposed expansion as unjustified and unnecessary. The Council recommends more stakeholder engagement meetings to address the fishers concerns and to include more data that would justify the ecological benefit of including these new areas in the management plan.

Although the Council understands the intent to have consistent regulations to facilitate enforcement, there is strong concern about the implications of a Tortugas Corridor as a Sanctuary Preservation Area (SPA). The Council believes that an idle-speed designation in large open-ocean areas is not warranted and might, in fact, introduce a safety-at-sea issue. Furthermore, the Council is concerned about the lack of data to justify a year-long closure to fisheries in the proposed Tortugas Corridor. The boundaries of the Tortugas Ecological Reserves in conjunction with the proposed Tortugas Corridor is likely to limit access to fishing areas given the transit and speed restrictions in these zones. The Council recommends the use of more recent and robust data, as well as a more transparent process to support the inclusion of the Tortugas Corridor in the expansion plan. Related concerns about the dangers of large idle-speed zones were raised also for other areas in the plan. Several Council members and stakeholders noted, for example, that the proposed boundaries of the Western Sambo and Long Key Tennessee Reef SPAs would overlap Hawk Channel, an important navigational pathway in the Florida Keys.

The Council considers Pulley Ridge to be an important mesophotic reef, which is why it has worked diligently to manage fishing practices to reduce impacts on benthic habitats. It is crucial to acknowledge that this area is actively used by fishers that are not solely based in the Florida Keys. Including those fishers in discussions related to changes in fishing regulations and other management practices will be important moving forward and prior to any final decision to integrate Pulley Ridge into the Florida Keys Sanctuary. As recommended by Council's Scientific and Statistical Committees, the Sanctuary should consider also providing in the DEIS additional data that documents damage to the benthic community by non-fishing fishing vessels, in addition to analyzing the socio-economic effects of implementing no anchoring for all vessels.

The proposed phase-out for bait fishing activities in SPAs may not be necessary as these activities are already regulated by the limited number of permits that allow this practice. Moreover, the predominantly used gear does not interact with the habitat of concern. The Sanctuary may want to consider modifying this action and simply indicate the types of gears that can be used for bait fishing in SPAs. The Council recommends that the Sanctuary consult with Florida Fish and Wildlife Conservation Commission on this issue.

The Council requests clarification of regulatory language in the DEIS, specifically as it pertains to the definition of traditional fishing. Many new fishing practices have been developed since the FKNMS was incorporated into the National Marine Sanctuary System more than 30 years ago, and many of these practices were designed to reduce impacts on benthic habitats and alleviate other negative environmental impacts. The Council recommends the Sanctuary be more explicit

in its purpose of including the “traditional fishing” language, what is considered “traditional fishing,” and consider more fully the implications for fishers.

Several Council members and stakeholders have expressed concern about the potential implications of extending the existing FKNMS emergency regulation from 60 days to 180 days on fishing and related businesses. Further justification for this proposed change in the DEIS is warranted as is an assurance that the Sanctuary will consider fully the economic impacts of an extended closure in its decision-making process.

The Council does not support the requirement of an additional permit from the Sanctuary for live rock aquaculture activities. These practices are already overseen by NOAA Fisheries and the Florida Department of Agriculture and Consumer Services, and additional management appears to be unnecessary. The Council does, however, favor an increase in communication between the permitting agencies and the Sanctuary to make sure permitted live rock aquaculture activities do not pose significant threat to the Florida Keys ecosystem or increase user group conflicts. Moreover, live rock aquaculture activities are part of the Gulf’s Coral Fishery Management Plan. Any future changes and discussions to regulatory actions in live rock aquaculture practices should also include the Council.

The Council, its various advisory bodies, and other key stakeholder groups continue to voice concerns regarding water quality degradation and its impacts on corals and other important fish habitats within the FKNMS. Efforts to restore coral reefs will hinge heavily on alleviating nutrient pollution and other environmental stressors that may, in fact, originate outside Sanctuary boundaries. Corrective action will thus require the attention of multiple management entities and coordination of their efforts. The Council strongly recommends that the Sanctuary define more explicitly its intended role in this regard.

Thank you again for affording the Council an opportunity to provide comment on the DEIS. We appreciate the efforts of you and your team to protect and conserve the natural resources in the Florida Keys ecosystem and the concerted effort to include the full suite of stakeholders in the process.

Respectfully,

A handwritten signature in black ink, reading "Thomas K. Frazer". The signature is fluid and cursive, with a large initial 'T'.

Thomas K. Frazer
Council Chairman

Cc: Council Members / Council Staff / Beth Dieveney / Stephen Werndli / Jack McGovern/
Andy Strelcheck / Sue Gerhart / Jessica McCawley / John Carmichael