

1 GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

2
3 CORAL COMMITTEE

4
5 Hyatt Centric French Quarter New Orleans, Louisiana

6
7 JANUARY 27, 2020

8
9 **VOTING MEMBERS**

- 10 Tom Frazer.....Florida
- 11 Leann Bosarge.....Mississippi
- 12 Roy Crabtree.....NMFS
- 13 Dave Donaldson.....GSMFC
- 14 Jonathan Dugas.....Louisiana
- 15 Phil Dyskow.....Florida
- 16 Martha Guyas (designee for Jessica McCawley).....Florida
- 17 John Sanchez.....Florida
- 18 Bob Shipp.....Alabama

19
20 **NON-VOTING MEMBERS**

- 21 Kevin Anson (designee for Scott Bannon).....Alabama
- 22 Susan Boggs.....Alabama
- 23 Dale Diaz.....Mississippi
- 24 Lance Robinson (designee for Robin Riechers).....Texas
- 25 Chris Schieble (designee for Patrick Banks).....Louisiana
- 26 Joe Spraggins.....Mississippi
- 27 Greg Stunz.....Texas
- 28 Ed Swindell.....Louisiana
- 29 Troy Williamson.....Texas
- 30 Lt. Mark Zanowicz.....USCG

31
32 **STAFF**

- 33 Matt Freeman.....Economist
- 34 John Froeschke.....Deputy Director
- 35 Beth Hager.....Administrative Officer
- 36 Lisa Hollensead.....Fishery Biologist
- 37 Ava Lasseter.....Anthropologist
- 38 Mara Levy.....NOAA General Counsel
- 39 Natasha Mendez-Ferrer.....Fishery Biologist
- 40 Emily Muehlstein.....Public Information Officer
- 41 Ryan Rindone.....Fishery Biologist & SEDAR Liaison
- 42 Bernadine Roy.....Office Manager
- 43 Camilla Shireman.....Administrative & Communications Assistant
- 44 Carrie Simmons.....Executive Director

45
46 **OTHER PARTICIPANTS**

- 47 Eric Brazer.....Reef Fish Shareholders Alliance
- 48 Chester Brewer.....SAFMC

1 Kenneth Daniels, Jr.....SOFA, FL
2 Beth Dieveney.....FKNMS
3 Susan Gerhart.....NMFS
4 Raleigh Hoke.....New Orleans, LA
5 Bill Kelly.....FKCFA, FL
6 Lawrence Marino.....LA
7 Ted Mask.....SFA
8 Jack McGovern.....NMFS
9 Carole Neidig.....Mote Marine Lab
10 Laurie Stevens.....SFA
11 Bob Zales, II.....Panama City, FL
12 Yuying Zhang.....Miami, FL
13 Jim Zurbrick.....Steinhatchee, FL

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16

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1 The Coral Management Committee of the Gulf of Mexico Fishery
2 Management Council convened at the Hyatt Centric French Quarter,
3 New Orleans, Louisiana, Monday morning, January 27, 2020, and
4 was called to order by Chairman Tom Frazer.

5
6 **ADOPTION OF AGENDA**
7 **APPROVAL OF MINUTES**
8 **ACTION GUIDE AND NEXT STEPS**
9

10 **CHAIRMAN TOM FRAZER:** We will call to order the Coral Management
11 Committee. The members of that committee are myself as Chair,
12 Mr. Dyskow is Vice Chair, Leann Bosarge, Roy Crabtree, Dave
13 Donaldson, J.D. Dugas, Martha Guyas, John Sanchez, and Bob
14 Shipp.

15
16 The first order of business is the Adoption of the Agenda, and
17 that would be Tab N, Number 1. Is there any modifications or
18 additions to the agenda? We are going to slightly modify,
19 perhaps, the ordering in Section IV, Recommendations to the
20 Florida Keys National Marine Sanctuary. We're going to actually
21 move the SSC recommendations first, but that's not a major
22 change, and we'll take care of that when we get there. Any
23 other suggestions or modifications? Seeing none, can I get a
24 motion to adopt the agenda? Motion by Martha, and do we have a
25 second? Second by Mr. Sanchez. Any further discussion? Seeing
26 none, we'll consider the agenda adopted.

27
28 The second order of business is the Approval of the October 2019
29 Minutes, and that will be Tab N, Number 2. Can I get a motion
30 to approve those minutes?

31
32 **MR. PHIL DYSKOW:** So moved.

33
34 **CHAIRMAN FRAZER:** Motion by Mr. Dyskow, and seconded by Ms.
35 Guyas. Any further discussion on the minutes? Seeing none, is
36 there any opposition? Seeing none, consider the October 2019
37 minutes approved.

38
39 The third item on the agenda is the Action Guide and Next Steps,
40 and that will be Tab N, Number 3, and we'll have Dr. Mendez-
41 Ferrer -- Sorry. Mr. Sanchez.

42
43 **MR. JOHN SANCHEZ:** Thank you, Mr. Chairman. Before we get into
44 the Action Guide and Next Steps presentation, I am kind of
45 asking, since obviously some of us, like me, down south in the
46 Florida Keys have some comments, and what would be the least
47 disruptive way, with the presentation? I know there's some
48 stops in the presentation, and should we jump in at a stop

1 period, or are we going to maybe perhaps hold back a little bit
2 of time for comments at the tail-end of everything?

3
4 **CHAIRMAN FRAZER:** I don't have a strong preference, John. I
5 would leave that up to Dr. Mendez-Ferrer.

6
7 **MR. SANCHEZ:** Okay.

8
9 **CHAIRMAN FRAZER:** Dr. Mendez-Ferrer, do you want to comment on
10 that?

11
12 **DR. NATASHA MENDEZ-FERRER:** I think, if there is something that
13 you have seen, if you have looked at the presentation before we
14 begin, that it's like out, you can raise your hand me know, and
15 I will stop, but I think most of the comments -- We should try
16 to do them during those stop-signs, specifically because they
17 are divided by topic.

18
19 **CHAIRMAN FRAZER:** Okay, and so I guess we'll go ahead and move
20 to the Action Guide and Next Steps. Again, that's Tab N, Number
21 3.

22
23 **DR. MENDEZ-FERRER:** Thank you, Mr. Chair. For this Coral
24 Committee, we have kind of a busy schedule, and so two items.
25 The first one, Item Number IV, we'll be discussing the
26 recommendations to the Florida Keys National Marine Sanctuary,
27 and so, in this portion, we will be going over some of the
28 comments that we received at the various meetings.

29
30 I will be summarizing some of the changes that are included in
31 the proposal, and we are kind of at a crunch period. We have to
32 provide our comments to the sanctuary by February 27, and so we
33 were looking for specific recommendations for the council that
34 we could include in a letter.

35
36 We also have, in the audience, representation from the SSC by
37 Doug Gregory and representation by the Spiny Lobster AP Chair,
38 Captain Kelly, and hopefully we will also have representation
39 from someone from the Florida Keys National Marine Sanctuary.
40 We are running a little earlier, and so hopefully they will be
41 showing up.

42
43 Then, after we go over the recommendations for the Keys
44 Sanctuary, I will go over some of the additional topics that we
45 covered during the Joint Gulf and South Atlantic Spiny Lobster
46 Advisory Panel, where they discuss a few of the concerns and
47 additional topics that could be included at a later meeting.

48

1 **CHAIRMAN FRAZER:** Okay. Thank you, Natasha. I think it's
2 probably appropriate at this point to go ahead and move to
3 Agenda Item Number IV, and we'll start off with the SSC
4 Recommendations, which would be Tab B, Number 7, and Mr. Gregory
5 from the SSC.

6
7 **RECOMMENDATIONS TO THE FLORIDA KEYS NATIONAL MARINE SANCTUARY**
8 **SSC RECOMMENDATIONS**
9

10 **MR. DOUGLAS GREGORY:** Good morning, Mr. Chair and council, Dr.
11 Simmons and staff. It's good to be back to say hello, and I
12 appreciate being on the SSC. I want to point out the two
13 pictures of the corals here. The top picture is a picture of
14 what was Pulley's Ridge back when USGS was first studying it,
15 and the Agaricia coral, and then the bottom picture is the
16 typical boulder coral that you find in the shallower waters of
17 the Florida Keys.

18
19 Briefly, the part of the SSC meeting that I'm going to present
20 is the restoration blueprint from the Florida Keys National
21 Marine Sanctuary. An update on the lane snapper I target data-
22 limited assessment, red grouper allocation changes due to the
23 incorporation of FES, and some standardized economic reports
24 that are now available from NMFS, and I will go over that during
25 the Reef Fish Committee tomorrow.

26
27 The SSC only looked at the parts of the sanctuary restoration
28 blueprint that pertain to Gulf federal waters. Specifically, we
29 discussed the overall boundary expansion, independent of
30 Pulley's Ridge, and we were wondering what was going on there
31 and what was the purpose of that expansion, and it seemed that
32 it was really to kind of smooth the boundaries of the sanctuary
33 by incorporating the Tortugas South into the overall boundary
34 and to expand the boundary out to the areas to be avoided that
35 is on the charts for ships and freighters.

36
37 Then we started to look at Pulley's Ridge in detail, and here
38 you have the motion that the SSC made to encourage the Gulf
39 Council to support a sanctuary boundary expansion that included
40 Pulley Ridge, with the associated regulations that go along with
41 being a part of the sanctuary. Now, one of those is a
42 requirement to get a permit, or to limit impacts on the seabed.

43
44 Some of the SSC were reticent to support this action, partly
45 because the document is not written the way the Gulf Council
46 typically writes documents, and the data were not there, and
47 part of that is because the Coral SSC, over the last three or
48 four years, has looked at the data pertaining to Pulley's Ridge

1 in great detail, starting first with Amendment 9, and then they
2 had some review of the sanctuary plans earlier in the year in
3 2019.

4
5 The Coral SSC was clearly supportive of increasing protection
6 for Pulley Ridge by prohibiting anchoring of non-fishing
7 vessels. The sanctuary people, representatives, have said
8 repeatedly that they were pleased with the regulations that the
9 Gulf Council is implementing with Amendment 9, and they were not
10 concerned about the continued fishing using longlines in the
11 western part of Pulley Ridge. What they are concerned about,
12 and what a lot of the Sanctuary Advisory Council members are
13 concerned about, is the large ships, the freighters, anchoring
14 on Pulley's Ridge.

15
16 When the coral scientists pointed out that this is a unique reef
17 area, and it's called a mesophotic reef, which means it's like
18 the middle region, and it's not in the dark region, and it's not
19 in the deepwater reef, and, because it's at 200 to 300 feet,
20 that's why the corals are plate-like, and they need to absorb as
21 much sunlight as they can for the photosynthesis of the
22 symbiotic algae.

23
24 Given the way these corals are growing, the idea of having a
25 freighter, a 300 or 400 or 500 or 600-foot freighter, whatever
26 they are, anchoring there with a large anchor and a large extent
27 of chain, would basically destroy the topography of the reef,
28 killing not only the existing corals, but also limiting overall
29 biodiversity and future recruitment. You can imagine what a
30 chain like could do with a ship moving in the wind back and
31 forth.

32
33 The sanctuary representative was asked what documentation they
34 had of these large tankers and freighters anchoring there, and
35 they said they had some observations by enforcement and others,
36 patrols. Pulley's Ridge is thirty-five miles west of the Dry
37 Tortugas, and so you can imagine it's not patrolled on a daily
38 basis, and so apparently these ships anchor there because it's
39 hard bottom, rather than anchoring in other parts of the Gulf,
40 and they are waiting their turn to get to a northern Gulf port.

41
42 The one thing that could be a requirement of the sanctuary, if
43 they adopt Pulley Ridge as part of their overall regulations, is
44 they may require fishermen to get a sanctuary permit, because
45 the weights that the longliners and vertical fishermen, and
46 recreational fishermen, use do impact the seabed, and so they
47 may want to get a handle on who is doing that and how much
48 fishing effort is going on there.

1
2 We then discussed the Tortugas area. The hashed line, the
3 hashed area, is called the Tortugas Corridor, which goes between
4 the Dry Tortugas National Park and the existing Tortugas South
5 Ecological Reserve. There was a lot of discussion about that,
6 because it's designated as a no-anchor zone and an idle speed
7 zone, and so it's about ten miles long and about four miles
8 wide, and it ranges in depth from about sixty to 130 feet, and
9 so it's open ocean, and the question is why idle speed.

10
11 Alternative 3 and 4, we were confused about. Since then, with
12 the help of Natasha, we kind of got clarification, and
13 Alternative 3 does not allow anchoring. It does not allow
14 fishing, but it does allow diving, and the question, from the
15 sanctuary standpoint, is are they going to put mooring buoys out
16 there for dive boats to tie up to, or is it just going to be for
17 drift diving? Alternative 4, which, initially, the SSC felt was
18 a better alternative, because it didn't have the idle speed and
19 no anchoring restriction, but Alternative 4 is a transit-only
20 zone. Alternative 4 would prohibit diving in addition to
21 fishing.

22
23 We got wrapped around the axle on that one, and the SSC again,
24 thinking this was more of a policy decision, didn't really make
25 a recommendation, and with that, Mr. Chair, that's what the SSC
26 reviewed and commented on with the coral sanctuary proposal.

27
28 **CHAIRMAN FRAZER:** Thank you, Mr. Gregory. It looks like we have
29 a few questions. Martha.

30
31 **MS. MARTHA GUYAS:** Doug, you mentioned this idea of some sort of
32 permit for I guess the longliners that would be working in
33 Pulley Ridge, and was that an idea that came from the SSC or the
34 sanctuary? Where did this come from? I haven't heard anything
35 about this before.

36
37 **MR. GREGORY:** From my imagination.

38
39 **MS. GUYAS:** Okay. 10-4.

40
41 **MR. GREGORY:** We were trying to see -- That overall regulation
42 is you shouldn't impact the seabed, and what does that mean? I
43 mean, technically, if you anchor anywhere in seagrass or hard
44 rock, which is dead limestone, or dead coral, you're in
45 violation of the sanctuary regulation. The only place you could
46 really anchor without being in violation is in sand, and so it
47 just depends on the extent, but I could imagine them wanting to
48 get a handle on the use of the area.

1
2 **CHAIRMAN FRAZER:** Any other questions for Mr. Gregory? Okay.
3 Thanks, Doug.

4
5 **MR. GREGORY:** Thank you.
6

7 **CHAIRMAN FRAZER:** We are waiting to get a presentation up on the
8 board, but, when we get there, Dr. Mendez-Ferrer.
9

10 **SUMMARY OF PROPOSED CHANGES**
11

12 **DR. MENDEZ-FERRER:** Thank you, Mr. Chair. Now I will be going
13 over a summary of the alternatives that are included in the
14 Florida Keys National Marine Sanctuary Restoration Blueprint, a
15 summary of the stakeholder comments and recommendations, and
16 then proposed comments for the council letter, and so there are
17 some slides that have a stop-sign, and this is where I really
18 want your thinking brains to kind of give us some guidance on
19 what we should include on that letter to the sanctuary.
20

21 The presentation I have divided into sort of three major topics.
22 First, I will be going over the expansion proposal, an overview
23 of like the alternatives, Alternative 1 through 4, as they
24 pertain to the sanctuary boundary, some of the sanctuary-wide
25 regulations that I thought that the council might want to take a
26 closer look at, general comments from stakeholders, and then
27 general items for the council to consider. This will be a
28 stopping point.
29

30 Then the next part of the presentation would be focused on the
31 changes proposed to the Gulf jurisdiction, and so we'll be going
32 over some of the marine zone boundaries that are being proposed,
33 the regulations associated with it, and I will give you an
34 overlay with some of the fishing effort data that we have for
35 that area and some specific recommendations from the advisory
36 panels and the various SSCs, and then we will have a stopping
37 point to discuss these changes.
38

39 Then the third part will be going over some of the changes that
40 are being proposed for the South Atlantic and the Florida state
41 waters, and this part can be a little confusing, because there
42 are a lot of different marine zones being proposed, but we do
43 have some specific comments for this region from some of the
44 advisory panel meetings that we've had.
45

46 The DEIS was released on August 20, and, since that time, we
47 have been convening various advisory panels, SSCs, and you saw a
48 presentation at the last council meeting, and the period for

1 providing public comment closes on January 31, but we have been
2 granted an extension to provide comments by February 21, and, in
3 your background materials, you have been provided a draft of the
4 letter, and, hopefully, as we have discussions today, we can
5 kind of tweak it and synthesize your concerns and your final
6 recommendations to the sanctuary.

7
8 The reasoning behind this DEIS is it looks to address and
9 protect some of these marine areas of national significance.
10 The Florida Keys, as you may know, has been undergoing some
11 significant changes as they relate to the decline of habitat
12 quality and water quality, and so, with this DEIS, they are
13 looking at proposing additional regulations in an updated
14 management plan on how to address some of these issues and
15 reduce -- Or create a more resilient environment.

16
17 The DEIS is kind of summarized in this table. It has five
18 components, and, for each of those components, there are four
19 alternatives. Alternative 1 is no change. With each
20 alternative, it becomes more protective of the environment.
21 Alternative 3 is currently the preferred sanctuary alternative.
22 As you can see, with each alternative, there will be more marine
23 zone designations or more restrictive regulations that can be
24 associated within those boundaries.

25
26 First, I will go over the proposed changes for the sanctuary
27 boundary. Here, in the salmon color, is the current sanctuary
28 boundary, and, as you can see, it kind of -- The Tortugas
29 Ecological Reserve South is separate from the overall larger
30 boundary.

31
32 In Alternatives 2 and 3, now that whole area in the Tortugas
33 region will be incorporated as part of the sanctuary, and so
34 that is looking to expand the southern boundary into what's
35 known as the area to be avoided, and this was an area that
36 protects benthic habitat by prohibiting the entrance of large
37 vessels, vessels larger than fifty meters.

38
39 The rationale behind this is to have more consistent regulations
40 in that area, protect more connectivity of the habitats, and
41 then protect that area, by it now being covered under the
42 sanctuary-wide regulations and management plan, which also looks
43 to address some of the water quality issues. In Alternative 4,
44 the larger boundary would be the same as Alternative 2 and 3,
45 but what's being added is the Pulley Ridge unit.

46
47 Now, what does it mean to -- What is going to apply to all of
48 these areas if they were to be incorporated as part of the

1 sanctuary? They have proposed some sanctuary-wide regulations,
2 and there would be four new, which I have in parentheses over
3 here, but I wanted the council to take a closer look at live
4 rock aquaculture and fish feeding.

5
6 Live rock aquaculture is currently covered under the Coral FMP,
7 and any live rock aquaculture activities are prohibited, unless
8 you have -- Unless you have a permit, in order to do these
9 activities.

10
11 Alternative 1 and 2 propose no change, and you will still need a
12 permit from NOAA Fisheries or the State of Florida, depending on
13 where these activities take place. In Alternative 3, I have
14 here to include the sanctuary in the conversation, and what I
15 mean by this is that it wouldn't necessarily be a permit, but,
16 before granting these permits from NOAA Fisheries or the State
17 of Florida, there needs to be more communication with the
18 sanctuary, and there would need to be a memorandum of agreement
19 before the permits are approved, and this is to make sure that
20 those activities still fall within the overall goal of the
21 sanctuary of protecting the habitat, and that's something that
22 is included in their management plan.

23
24 In Alternative 4, in addition to requiring a permit from NOAA
25 Fisheries and the State of Florida, live rock aquaculture
26 activities would also require a permit from the sanctuary.

27
28 Another proposed sanctuary-wide regulation is fish feeding,
29 which currently is not regulated in federal waters, but, in
30 State of Florida waters, it is currently restricted, and so what
31 they are proposing now for Alternative 2, 3, and 4 is to
32 prohibit fish feeding of fish, sharks, or any other species from
33 the vessel or while diving.

34
35 Now, a question that we've been receiving is how would this
36 apply to fishing practices, and so these changes would not
37 impact bait fishing or chumming or shore-based fish feeding.
38 That would not be considered fish feeding activities.

39
40 Since we are talking about fishing, another comment that we've
41 been receiving is what is considered traditional fishing, and so
42 traditional fishing currently is defined as those commercial or
43 recreational fishing activities that were customarily conducted
44 within the sanctuary prior to its designation. What is
45 highlighted in yellow is what is being proposed to be included
46 in the restoration blueprint to be defined as "traditional
47 fishing", and I know that some of the council members have been
48 having some questions about this, and I can stop here, if you

1 have any specific questions. We do have Ms. Dieveney in the
2 audience, and maybe she could help answer some of those
3 questions.

4

5 **CHAIRMAN FRAZER:** Mr. Sanchez.

6

7 **MR. SANCHEZ:** Trying to fit, I guess, comments, rather than a
8 question, into more appropriate sections as we go through this,
9 since we're talking about regulations, one concern that I have,
10 having read through the blueprint, is the sanctuary's proposal
11 to go from emergency rulemaking, where they can right now
12 propose and enact an emergency rule and request it on a two-
13 months basis, and then request an extension for another two
14 months. In the blueprint, they are suggesting being able to
15 have the authority to do that for six months, and then a six-
16 month extension. I don't know of any business entity that could
17 survive a year being shut out. Thank you.

18

19 **CHAIRMAN FRAZER:** Ms. Bosarge.

20

21 **MS. LEANN BOSARGE:** I had some issues with this definition of
22 "traditional fishing". I have issues with the DEIS, in that it
23 really doesn't define this very well. It refers you to the
24 original DEIS from 1997, I think, as to what was considered
25 traditional fishing there, that is defined there, and this
26 really needs to be fleshed out more, if they're going to do
27 this, but, personally, I think defining fishing and gear types
28 and what gears are used in certain fisheries is the purview of
29 the council. I think that we have the expertise for that, and
30 so I think this is maybe overstepping a little bit, especially
31 with a definition that is this static.

32

33 Traditional fishing does not include use of novel or new gear
34 types to catch species that were fished by other means, as
35 identified in the EIS. It does not include use of gear types
36 identified in the EIS to catch species those gear types were not
37 originally intended to catch, and then it goes into seasons and
38 bag limits and things like this, and I really think that's our
39 purview, and I hope that we'll put that in the letter and
40 suggest to them that, if they want to put something in there
41 about traditional fishing, it should really reference the
42 council and NMFS definitions and not something from 1997 that is
43 very static.

44

45 **CHAIRMAN FRAZER:** Ms. Guyas.

46

47 **MS. GUYAS:** I guess, while we're jumping into this one, I will
48 too. I agree with what Leann is saying. I have a couple of

1 issues with this one. The first, of course, is prohibiting the
2 use of novel or new gear types. Presumably, if we're
3 introducing some kind of gear type that is new, it's going to
4 solve a problem that we have, right, and so maybe reducing
5 habitat impacts, reducing bycatch, and so I think it's
6 shortsighted to kind of cut that off before we can even get
7 started.

8
9 Going back and referencing rules that were in place in 1997 I
10 think is also problematic. I don't think that's realistic for a
11 lot of people. Also, between 1997 and now, new gear types have
12 been allowed by the sanctuary. One example is in the marine
13 life fishery, and the sanctuary and FWC have allowed a flexible
14 blade to be used for harvesting I think it's zoanthids, little
15 anemone-type animals, and I would be interested to know what
16 other gears the sanctuary thinks would also be eliminated here,
17 based on what has happened between 1997 and now, and so this
18 seems, to me, to -- I'm with Leann on this one.

19
20 **CHAIRMAN FRAZER:** Dr. Crabtree.

21
22 **DR. ROY CRABTREE:** I think, Leann, I heard you say to use the
23 council's definition of "traditional", but, to the best of my
24 knowledge, we have never defined what "traditional fishing"
25 means anywhere, unless I'm missing something.

26
27 **CHAIRMAN FRAZER:** To that point, Leann?

28
29 **MS. BOSARGE:** I was referencing the gear types. We have a list
30 of gear types that are allowed in each fishery, and NMFS has
31 that, and we update that. We have a process for updating that,
32 and it has to be presented to the council, and I think we have
33 like ninety days to respond, and our list is not static. There
34 is a process for updating and changing and amending that, and I
35 call it our list, but I guess it's your list, but we're part of
36 that, and this definition is very static. It does not allow
37 these updates to occur in a timely fashion.

38
39 **CHAIRMAN FRAZER:** Thank you, Leann. Martha.

40
41 **MS. GUYAS:** I forgot to say, on that note, that would also need
42 to include state waters too, FWC, and I guess another thing
43 that's kind of tricky with that is, in a lot of our rules, it
44 doesn't necessarily say these are the gears that you must use.
45 Sometimes it's these are the gears that you shouldn't use, and
46 so it's not -- It gets complicated.

47
48 **CHAIRMAN FRAZER:** Okay. Sometimes it's helpful to understand

1 what the intent of the language is in the document, and so I am
2 going to ask Beth. She is in the audience. Thanks, Beth, for
3 coming up. Can you just give a little history there of why the
4 language exists as it does? That might be helpful.

5
6 **MS. BETH DIEVENEY:** Sure. Good morning, and thank you for
7 allowing me to share a little bit of background on this.
8 Related to this definition, we acknowledge and recognize that
9 fishing is an active and continued element in the sanctuary, and
10 we do not want to change that, commercial fishing and
11 recreational fishing in the sanctuary.

12
13 What is intended by this updated language is simply for, as any
14 new gear types or activities would be to take place, or
15 requested to take place, in the sanctuary, a little bit of
16 additional review with sanctuary staff, due to potentially other
17 impacts to sanctuary resources, and so the sanctuary manages the
18 entire ecosystem, habitats, benthic habitat as well and so, just
19 as new gear types may be proposed or used as part of traditional
20 fishing, having that additional review for any unintended
21 impacts to sanctuary resources, and so it is not necessarily
22 intended to be static, but just additional consideration for the
23 entire ecosystem of the sanctuary.

24
25 **CHAIRMAN FRAZER:** Thank you. Mr. Sanchez.

26
27 **MR. SANCHEZ:** Thank you. Something that I always thought was
28 missing when I reviewed the blueprint is I would like to see,
29 for one, a list, clearly defined, of all the fishing regulations
30 in state and federal waters that we currently have in place
31 right now, so that sanctuary managers can see, species-by-
32 species, what has been done, since they tend to be, with some of
33 the closed area proposals, getting into fisheries management,
34 but I don't think there's a clear understanding of how we're
35 addressing these with size limits above maturity and seasonal
36 closures, not just in specific areas, but through an entire
37 jurisdiction, and all of these things.

38
39 I think that would help everyone to see that, that we're doing
40 our part, and we're bringing some fish back, and I don't gather
41 that they have a complete, thorough understanding of these
42 regulations.

43
44 **CHAIRMAN FRAZER:** Thank you, Mr. Sanchez. Are there any further
45 discussions? Okay, Natasha.

46
47 **DR. MENDEZ-FERRER:** Okay. Moving along, another proposed change
48 is bait fishing, and this is for sanctuary preservation areas

1 only, and this is not for the whole sanctuary boundary.
2 Sanctuary preservation areas, as you might have seen in the
3 DEIS, are referred to as SPAs.

4
5 Currently, you can baitfish in certain SPAs, but you need a
6 permit for that, and so what the sanctuary is now looking at is
7 to have more streamlined fishing, or overall regulations for
8 sanctuary preservation areas, and so, in Alternatives 2, 3, and
9 4, it would phase out those permits over a three-year period,
10 and so these SPAs would be truly no-fishing zones.

11
12 Again, the rationale behind this is for consistency of
13 regulations, to reduce user conflicts, and that would align with
14 new management plans, and, also, because these permit requests
15 have not been as frequent.

16
17 John, I know that you have a comment. I do have a stop-sign
18 with this specific question later on, and so, like I mentioned
19 earlier, several of our SSCs and APs have seen the presentation
20 provided by sanctuary staff, and we have been collecting
21 comments, and there have been some comments that have been
22 consistent throughout, which we have summarized in a few slides
23 here.

24
25 The complexity of the DEIS has made it difficult to provide
26 detailed comments, and this is a large document, and it has a
27 lot of changes, and so people were getting a little frustrated
28 in what's the best way to provide useful comments, and, also,
29 fishermen have been concerned about any future restrictions that
30 may influence their ability to fish in sanctuary waters,
31 specifically in the Tortugas region, because the new sanctuary
32 boundary would encompass a larger area, and it would include new
33 waters that is actively being fished.

34
35 Stakeholders were also concerned about the enforceability of the
36 regulations proposed, and this comes with concerns about not
37 enough number of law enforcement officers for the amount of
38 area, and, also, many small zones with specific regulations --
39 They don't see how these could be an efficient way of enforcing
40 the proposed regulations.

41
42 Another comment has been requesting a table of coordinates for
43 all marine zones, and, right now, the coordinates can be
44 accessed if you go to the sanctuary website and you use the
45 explore alternatives map. If you hover over an area, on the
46 bottom, you will see the latitude and longitude, but people
47 would like to see this more in a table with the appropriate
48 coordinates.

1
2 Stakeholders also have requested clarification and guidance on
3 language as it relates to idle and no wake and no motor and what
4 type of vessels are included here. For trolling, is there a
5 specific speed, so more clarification on some of these
6 navigational regulations.

7
8 Another recommendation is the installation of navigational aids
9 instead of closing areas. This comment has been given for the
10 many no-entry zones that are being proposed in the backcountry
11 around the lower Keys area, and a lot of these areas are being
12 closed to protect birds and also some of the shallow habitat,
13 like the seagrasses, and so one of the recommendations that we
14 received is like why not just provide better navigational
15 markers, instead of just closing these areas.

16
17 Another comment has been water quality and nutrient load and how
18 this has had an impact on quality of the habitat in the Keys.
19 They didn't think that this DEIS was addressing water quality
20 issues, and the stakeholders do recognize that the ecosystem has
21 been in decline, but they would like to see more supporting
22 biological data to support especially these closures and
23 regulations that are being proposed.

24
25 Finally, stakeholders would like to be more involved with the
26 sanctuary, in terms of outreach efforts and with boat users and
27 education. They want to be part of the research, and they know
28 the waters, and so they would like to be heard and taken into
29 consideration when developing these changes. Here we go. Here
30 is a stop-sign. We would like to hear comments on the overall
31 sanctuary expansion, the specific regulations, and general
32 stakeholder comments.

33
34 **CHAIRMAN FRAZER:** Mr. Sanchez.

35
36 **MR. SANCHEZ:** Thank you. The airbag almost went off. First, a
37 comment on ballyhoo fishermen. Years back, during the original
38 designation, we took sanctuary officials and staff out to go
39 ballyhoo netting on top of the SPAs, to demonstrate for them
40 that the nets don't touch the reef, and so, while we're
41 addressing permitting issues, or lack of continuing permits, I
42 think a three-year phase-out would be excessive to those that
43 are currently and plan to continue to pursue ballyhoo.

44
45 The industry would extend, once again, to the sanctuary an
46 opportunity to take them out and demonstrate how this gear is
47 not impactful to the reef, and hope we can address, in a better
48 fashion, the permitting, so this can be a continued activity for

1 those who choose to pursue it.

2
3 As far as regulations go, another thing, a suggestion, that I
4 think would be great, just so everyone involved, stakeholders,
5 sanctuary officials, everyone could see that we mention plotting
6 certain -- You know, get a chart encompassing the area, and
7 let's plot all of the proposed closed areas, the existing closed
8 areas, the existing regulations that we have as fishery
9 managers, grouper boundaries that move, shrimp and crab lines,
10 and put all this on a chart, clearly, so that everyone can see
11 it, all the parts that are around the sanctuary, Biscayne,
12 Pennekamp, the Everglades.

13
14 Put it all on one big chart to see, so you can see how the
15 public, whether you're commercial or recreational, you're
16 getting boxed and boxed in, and I would suggest that all these
17 different things, SPAs and this and that, be in a different
18 color, and it's going to look like a Walt Disney movie, I
19 promise you. I think that would be a powerful visual tool, so
20 you could see where this is going.

21
22 **CHAIRMAN FRAZER:** Thank you, Mr. Sanchez. Ms. Guyas and then
23 Ms. Bosarge.

24
25 **MS. GUYAS:** I have a lot to say on this, but I will start with
26 baitfish, since that's where John went. First, a just general
27 disclaimer. Our commission has not taken a final position on
28 the restoration blueprint at this point, and so, as I talk about
29 a lot of these things, I am going to either talk about staff
30 thoughts or ideas that we've heard from stakeholders that seem
31 like they could make some sense.

32
33 As far as bait fishing in the SPAs go, I think I'm with John, in
34 that I think probably the baitfish permits should continue to be
35 issued by the sanctuary to the lampara net endorsement holders,
36 and so, for those of you who are unfamiliar with this sanctuary
37 and this fishery in general, the sanctuary issues these baitfish
38 permits for SPAs, and FWC also issues permits for ballyhoo
39 fishing, for use of a lampara net.

40
41 At the time the sanctuary was implemented, I don't think that
42 endorsement existed yet, but it's limited entry, and it's a
43 limited number of people, and so there is already -- That group
44 of the bait fishers is already pretty well regulated.

45
46 John is right that those nets don't touch the bottom or coral,
47 the way that they're fished, and there are bait fishing permits
48 for the SPAs for cast nets and hair hooks, and those are fished

1 a little bit differently. The cast nets, potentially, could
2 have some bottom impacts, and so that might be something that
3 the sanctuary would want to consider. I am less familiar with
4 the hair hook fishery and how that goes. That is in federal
5 waters, from my understanding, and so there is also this deal
6 that was made between the sanctuary and fishermen at the time,
7 and so, going back on that at this point, I'm not really -- Is
8 it really worth it? What are we getting out of it?

9
10 One more thing is the people who are bait fishing in the SPAs
11 are in the SPAs at a different time than the divers, and so I
12 feel like user conflicts are probably pretty minimal, the way
13 that those two groups operate, and that's it on that one.

14
15 **CHAIRMAN FRAZER:** Okay. Before we get to Leann, John, to that
16 point?

17
18 **MR. SANCHEZ:** Yes, and, once again, that offer stands. The
19 folks, some of them, that are engaged in ballyhoo fishing with
20 lampara nets, they would, once again, welcome an opportunity to
21 demonstrate what they do, for sanctuary officials, just so -- I
22 guess give them a comfort level that it's not impactful to the
23 reef.

24
25 **CHAIRMAN FRAZER:** Thank you. Ms. Bosarge.

26
27 **MS. BOSARGE:** Natasha, I guess this is where you want us to give
28 you feedback on the general stakeholder comments and
29 recommendations, and so the one that stands out most glaringly
30 to me is the comment that there are no coordinates in this DEIS,
31 draft environmental impact statement, and so I guess, for the
32 people that maybe are not part of the fishing industry, to give
33 you an on-land example of what that would be like, it would be
34 like if you lived in a neighborhood and the city came in and
35 say, well, we're going to invoke eminent domain in your
36 neighborhood, and we're going to bulldoze a couple of houses and
37 put a park up, but they didn't tell you which houses.

38
39 Well, there might be a few houses in your neighborhood that
40 you're excited that they're going to bulldoze, and they need to
41 go, but, if it's your house, you might not be real excited. You
42 are living there, and you're keeping it up, and that's, to me,
43 the equivalent of this DEIS with no coordinates. They have
44 given you a map of the Gulf and South Atlantic, and they have
45 drawn some boxes in there, and they've said we're going to close
46 these forty boxes to fishing, these new SPAs, but there is no
47 coordinates on it, where, just a hair this way or hair that way,
48 it may affect you, and it may not, and it depends, but, without

1 any coordinates, our fishermen can't really evaluate that and
2 tell you what the effect is for them.

3
4 To go from a DEIS to a final EIS presented to the council and to
5 the public that finally does have coordinates, I think that's
6 inappropriate. I really think that what we need is a revised
7 DEIS that would be presented to the public and to the council
8 that has actual latitude and longitude coordinates, and maybe
9 some fathom curves, and that would be nice, anything, with all
10 the coordinates for each one of these different areas and
11 expansions, and I think that's the appropriate path forward, if
12 you truly want to engage stakeholders and get their input as to
13 how this is going to affect their livelihood.

14
15 **CHAIRMAN FRAZER:** Thank you, Ms. Bosarge. Any additional
16 questions on this talking point? Ms. Guyas.

17
18 **MS. GUYAS:** Not questions, but I can work down the list.

19
20 **CHAIRMAN FRAZER:** Proceed.

21
22 **MS. GUYAS:** Let's start with boundary expansion. I sent staff a
23 map with an idea that we've been kind of kicking around
24 internally, and so I think FWC is going to consider supporting
25 Alternative 4, which would include adding Pulley Ridge and
26 adding in that no anchor there. To me, that just makes sense,
27 putting another layer of protection on these corals that we all
28 recognize are pretty important, but adjusting the boundary of I
29 guess you would call it the main part of the sanctuary, the
30 southern boundary.

31
32 This map shows the Tortugas region, and so there's this like
33 long skinny rectangle here at the bottom with this yellow blob,
34 and a smaller red rectangle here, and so the long rectangle
35 right now is the Tortugas South Ecological Reserve. I think
36 what we're considering is suggesting cutting Tortugas South down
37 to this smaller red box, and this yellow blob inside here is
38 Riley's Hump, and we know that that's a very important spawning
39 aggregation area for a number of species. The blue dots on the
40 edge here are cubera snapper, but we know that mutton snapper go
41 in here as well.

42
43 Because we have these blue dots here kind of right on the edge
44 of the line right now, we would support the western expansion of
45 the sanctuary boundary, and Tortugas South, for that matter,
46 but, for the southern edge, move the southern edge of Tortugas
47 South up, and I think the latitude here is 24 degrees, 25
48 minutes, and then, if you do that, you could also adjust the

1 southern boundary of the sanctuary as a whole up to line up with
2 that, and so that's something that we've been thinking about,
3 and we think it makes sense, and, really, the really important
4 part of Tortugas South to protect is up here in the northern
5 part, and so I would just put that out for you all's
6 consideration as something that might work for folks.

7

8 **CHAIRMAN FRAZER:** Mr. Sanchez.

9

10 **MR. SANCHEZ:** Thank you. I hate to keep coming up, but this is
11 kind of our backyard. Having seen some of the support
12 documentation for Tortugas Ecological Reserve, they used very
13 outdated data, and, in their own summary report, it says,
14 really, there is no discernable changes in between fish
15 assemblages inside and outside and in the park, and so nothing
16 really happened. Then it mentions that, well, yellowtail went
17 up some. Mutton. Well, we've done a lot of management on these
18 species, ourselves as fishery managers, and none of those two
19 species are in trouble. They're not in biological jeopardy.

20

21 Yet, we're wanting to expand and move things around, where,
22 honest to god, not a whole lot of people go way, way far to the
23 west to fish. I mean, it's far, and, when you start talking
24 Pulley's Ridge, you need bladder tanks and stuff, if you're a
25 recreational guy, and so it's not getting the pressure, and so,
26 arguably, well, John, who is getting hurt if they're not going
27 there, and it's already kind of protected.

28

29 As far as cubera snapper go, there's not going to be a
30 commercial market for cubera snapper, and so, I mean, I just
31 don't see it, when the science is not there to justify these
32 expansions and to essentially get into fisheries management
33 instead of getting back to the task at hand, which is protecting
34 sensitive coral areas.

35

36 When I do look at even considering something that may have some
37 biological credits, in terms of fisheries management, closing an
38 area that perhaps is a known spawning aggregation, and there's
39 going to be some credits -- Again, they don't have the science
40 to back up and say, well, we closed this area, and here's our
41 study that shows that all of these credits were accrued, so us
42 fishery managers could factor some of these things into a stock
43 assessment model and maybe back off of some regulations, lessen
44 our rebuilding period, if that species is under a rebuilding
45 period, or lower a buffer percentage, and there's none of that
46 going on in what they're proposing, except the sanctuary
47 continues, according to their own condition report, to degrade.

48

1 Coral is in decline, and water quality is in decline, and
2 mangrove habitat is disappearing, and probably half of it is
3 lost, and seagrass is dying, and everything is getting choked
4 out by algal blooms, and so I don't see the need to expand
5 something, and I think we need to re-focus back on coral and
6 interagency coordination, a catalyst for interagency
7 coordination, on water quality.
8

9 **CHAIRMAN FRAZER:** Thank you, Mr. Sanchez. Dr. Crabtree.

10
11 **DR. CRABTREE:** Just a couple of things. One, to the concerns
12 about the coordinates, remember though that, before any of this
13 becomes regulation, there would be a proposed rule and a public
14 comment period, and the proposed rule would have all the
15 specifics of the coordinates that would be proposed to go into
16 the regulations.
17

18 The concern I've had with Pulley Ridge is that it is
19 disconnected from the Florida Keys, and, at least with respect
20 to the longline fleet and some of the commercial fleet that goes
21 down there, I know a lot of those boats come out of -- Well, I
22 think out of the Tampa Bay area, and others come out of I think
23 the Fort Myers kind of area, and so there are a lot of fishermen
24 going into that area that aren't based in the Florida Keys, and
25 that's been a concern of mine about it being a part of the
26 sanctuary, because I don't know how comfortable commercial
27 fishermen in Tampa are going to be dealing with the Florida Keys
28 National Marine Sanctuary, in terms of fishing regulations.
29

30 **CHAIRMAN FRAZER:** Ms. Bosarge.

31
32 **MS. BOSARGE:** Martha, to your proposal, I agree, and I'm very
33 much in favor with moving that southern boundary of that
34 Tortugas South northward, and I guess that's approximately
35 thirty-five miles north, somewhere, and thirty-four square miles
36 is what you have on there, especially considering there are some
37 royal red shrimp bottom down there at the tail-end of that box
38 that we have cut them out of, from a regulatory standpoint, and
39 so I would certainly be in favor of that.
40

41 However, generally speaking, that expansion westward, I am not
42 in favor of, especially when you get into that northwestern
43 corner up there, and I believe Natasha will show us this later,
44 but that's some pretty productive shrimp ground up there north
45 of that Tortugas South, all the way up to the top of what they
46 proposed to make the new sanctuary boundary, and I have listened
47 to a lot of these presentations.
48

1 Number-one for shrimp in there, that's not a coral area. We
2 don't shrimp on top of coral, contrary to what people may
3 believe, and that's not in our best interests. You tear up a
4 lot of gear, and we don't make money that way, and so we don't
5 want to be in it, the same way they don't want us in it, and so
6 those are shrimp grounds, and so, for the sanctuary to be
7 expanding further westward, from what I can hear on a lot of
8 presentations, just to make squared-off corners, to make it
9 easier for enforcement to square off the corners and make
10 everything nice and pretty, I am not in concurrence with that.

11
12 To me, that's opening Pandora's Box to eventually take that
13 Tortugas South or that area up to the north that's already
14 prohibited for fishing and extend it to that corner where we
15 work, and so I'm not in favor of that westward boundary
16 expansion, and so I would be in favor of your small red box in
17 the bottom, if it didn't include those couple of miles to the
18 west.

19
20 **CHAIRMAN FRAZER:** I just want to clarify, Leann, for my own
21 benefit here, and so, if you did not include the westward
22 expansion, the red box, as it exists on the screen there, that's
23 essentially no change. I just want to clarify, and I'm not
24 sure.

25
26 **MS. BOSARGE:** The longer -- Tortugas South right, and so I kind
27 of maybe went over two things at the same time. Martha's red
28 box takes the Tortugas South and essentially cuts it in half,
29 and then the second thing Martha's box does though is take that
30 smaller Tortugas South area that's been cut in half and extend
31 it westward by a few miles, which is one of the proposals in the
32 sanctuary, to extend that boundary further to the west. I am
33 not in favor of that red box going further to the west, but I am
34 in favor of the red box that is shorter, and does that make
35 sense?

36
37 **CHAIRMAN FRAZER:** Yes, and I understand. Thank you. Okay. Are
38 there any additional comments at this point and/or questions?
39 Martha.

40
41 **MS. GUYAS:** I've got other stuff from the stop-sign.

42
43 **CHAIRMAN FRAZER:** Now is your time.

44
45 **MS. GUYAS:** I think next on the list is live rock aquaculture.
46 I think where we may fall on that one is going to be
47 recommending status quo, just take that out of the plan, and,
48 again, there are already -- NOAA is regulating those leases in

1 federal waters, and the State of Florida is regulating the ones
2 in state waters and the ones in federal that are landing in
3 Florida, which is probably all of them, and I just don't
4 understand the problem that we're trying to solve with this one,
5 other than communication, and I don't know that it requires a
6 management plan change to do that. To me, if the sanctuary has
7 got some issues, it would just make sense to reach out to the
8 permitting agencies. I can keep going.

9
10 **CHAIRMAN FRAZER:** Please.

11
12 **MS. GUYAS:** Fish feeding, and so, in state waters, I think
13 Natasha mentioned FWC prohibits feeding fish, sharks, et cetera,
14 while diving. The sanctuary's proposal goes a little bit
15 further than that and prohibits it also from any vessel, and so
16 I think what we'll recommend here is supporting prohibiting fish
17 feeding in sharks while diving only, so that it's similar to
18 state regulations, and the reason for this is there are some
19 issues with behavior of fish and sharks, and there is some human
20 safety issues, as you can imagine, if we have divers in the
21 water and they're trying to attract sharks to that area, and so
22 we would just suggest extending that state prohibition into
23 federal waters. We already talked about baitfish. Okay. I'm
24 done.

25
26 **CHAIRMAN FRAZER:** Thank you, Ms. Guyas. Any further comments?
27 Ms. Levy.

28
29 **MS. MARA LEVY:** I am not suggesting that we need to do this now,
30 but, at some point -- I mean, you've been having a discussion
31 about various opinions, and, at some point, it would be nice to
32 have sort of council consensus, right, as to what -- Because
33 Leann had a different opinion about the boundary than Martha,
34 and so, at some point, you're going to have to get together and
35 come up with a council position, but we don't have to do that
36 right now, but before the end of the meeting.

37
38 **CHAIRMAN FRAZER:** You're absolutely right, and it's in my notes
39 that we will have to circle back and make sure that we identify
40 specifically what recommendations are coming out of this body.
41 Thank you. Okay, Natasha.

42
43 **DR. MENDEZ-FERRER:** All right. Now we're going to move to the
44 changes proposed in the Gulf Council's jurisdiction, and so I
45 will go over the marine zones, and we'll show you some of the
46 fishing effort data and specific comments from the APs and SSCs.

47
48 We will begin with the changes proposed to the Tortugas region,

1 and, over here, you see four panels. Alternative 1 is status
2 quo, where we currently are, and, in Alternatives 2 and 3, you
3 will see that it has the proposed sanctuary boundary expansion,
4 including that one mile westward of the Tortugas Ecological
5 Reserve South, and that's that green rectangle at the bottom,
6 and you will also see this diagonal yellow line that connects
7 the Tortugas National Park to the Tortugas Ecological Reserve,
8 and they are calling this the Tortugas Corridor.

9
10 In Alternative 2 and 3, it is a sanctuary preservation area, and
11 that means that this area will be no fishing of any kind, no
12 anchor, and idle speed. In Alternative 4, it will be a transit-
13 only area for the Tortugas Corridor, and Doug already went over
14 the SSC's thoughts on this area.

15
16 Like I mentioned, these are the regulations proposed for
17 Alternative 3. One of the comments or concerns that was brought
18 up during the SSC meeting was how is this going to affect
19 fishing practices in that area, and, specifically, the Tortugas
20 Corridor is basically breaking a point where shrimping vessels,
21 for example, will not be able to transit through -- To go from
22 north of the Tortugas Ecological Reserve South to that new
23 triangle area over here on the bottom, and so the current
24 language for transiting in the Tortugas Ecological Reserve South
25 says that vessels may only enter if they remain in continuous
26 transit with fishing gear stowed, and, for the Tortugas
27 Ecological Reserve, diving and snorkeling are prohibited.

28
29 The Reef Fish AP is also concerned that this Tortugas Corridor
30 is going to have an impact on some of the snapper fishing
31 activities that take place, and another concern is this large
32 area of idle speed, and it could pose a hazard or a safety-at-
33 sea, and the concern about limiting the use of other areas, and
34 I will show you that right here.

35
36 This is the -- I am showing you shrimp ELB data, and, to remind
37 you, the darker the pixel, the more activity in that area, and,
38 again, this may only account for one-third of the shrimping
39 fleet in this region, and these are active tows.

40
41 If we look here, the blue, what is like blue polygons, it means
42 no fishing. North of the Tortugas Ecological Reserve South, we
43 do have some fishing activity, and so, with the creation of the
44 corridor, the SSC is concerned that this area over here, like
45 that southern triangle, that it might limit access to fishermen
46 to reach that area, if we -- Because how are you going to
47 transit? Idle speed is, what, four knots, with no wake, and how
48 long is it going to take a fishing vessel to go from this area

1 to cross through the corridor?
2

3 Here is some VMS data for people with commercial reef fish
4 permits, and, again, you can see that, near that Tortugas
5 Corridor, we have some darker pixels, which may indicate more
6 activity. A disclaimer though. With VMS data, this does not
7 mean active fishing. It means that it could be transiting, and
8 it could be anchoring in that area.
9

10 As Leann mentioned, some of the more specific motions from the
11 Shrimp AP was to oppose the northwestern expansion of the
12 sanctuary boundary, and the Shrimp AP was also not in favor of
13 the southern boundary, and so, if we go back, it will be this
14 westward expansion and then the southern expansion, to align
15 with the area to be avoided, and so this triangle they are not
16 supporting, including that as part of the sanctuary boundary.
17 Okay. Here's another stopping point. What are your thoughts on
18 the Tortugas Corridor?
19

20 **CHAIRMAN FRAZER:** Mr. Sanchez.
21

22 **MR. SANCHEZ:** Tortugas Corridor, no can do. I mean, it makes no
23 sense at all, and, generally speaking, beyond that one, which I
24 am fully not in support of, just to have idle speed areas in
25 deep water -- I mean, it leaves me scratching my head. It makes
26 absolutely no sense, for many reasons, safety-at-sea, and you're
27 really going to make a guy idle speed for roughly ten miles to
28 go from A to B? I mean, it makes zero sense, and I'm not in
29 support.
30

31 **CHAIRMAN FRAZER:** Thank you. Ms. Guyas.
32

33 **MS. GUYAS:** I think FWC staff is with John on this one, and so
34 the reason that the sanctuary is looking at this corridor is
35 because it is a documented corridor for spawning mutton snapper,
36 and they move between Dry Tortugas National Park and Riley's
37 Hump. However, it's not really clear, or it's unknown, whether
38 this additional -- I guess whether this closure of this corridor
39 would lead to an increase in mutton snapper populations, and so,
40 recognizing this as an important area for fishing, and it's a
41 pretty large area to do idle speed, and we're, I think, going to
42 recommend status quo on this one.
43

44 **CHAIRMAN FRAZER:** Ms. Bosarge.
45

46 **MS. BOSARGE:** I concur with John and Martha on this one. I am
47 opposed to the Tortugas Corridor, but, even more than that, I
48 think that, in our letter, we do need to mention that the

1 definition of "transit", that we're going to need to get with
2 them on that, especially since it's very vague as to fishing
3 gear as to be stowed.

4
5 Well, you know, we've been through these transit provisions in
6 several different amendments, in different situations, and
7 that's open for interpretation as to what "stowed" means, and so
8 I hope that they will allow the council to work with them and
9 craft an appropriate definition for fishing gear, as far as
10 transit.

11
12 **CHAIRMAN FRAZER:** Chris.

13
14 **MR. CHRIS SCHIEBLE:** I guess, back during Doug Gregory's
15 presentation, he said this area was in sixty feet of water, and
16 I can't comprehend what the need for an idle zone in sixty feet
17 of water is. Can anybody help me with that? Not that it really
18 impacts Louisiana, but I'm curious.

19
20 **CHAIRMAN FRAZER:** Natasha.

21
22 **DR. MENDEZ-FERRER:** My understanding of the DEIS at this point
23 is that corridor would be designated as a sanctuary preservation
24 area, and so they were trying to have consistent regulations for
25 all SPAs throughout the Keys. Maybe Ms. Dieveney can help us.

26
27 **CHAIRMAN FRAZER:** Thanks, Beth, in advance for getting up.

28
29 **MS. DIEVENEY:** Yes, Natasha's interpretation of sanctuary
30 preservation areas, all of our marine zones, and trying to have
31 consistent regulations for each zone type, to enhance
32 understanding by the community and compliance and enforcement.

33
34 As you have noted here, we have also been hearing a lot of
35 public comment related to the larger proposed sanctuary
36 preservation areas, where idle speed and no wake is one of the
37 proposals put out for public comment, that that is, in the
38 larger areas, too extreme for navigational purposes, safety-at-
39 sea, and what ultimately resource protection goals we're
40 achieving, and so we are getting those public comments.

41
42 **CHAIRMAN FRAZER:** Thank you. Okay. Are there any other
43 comments or questions at this stopping point? Okay. Seeing
44 none, Natasha.

45
46 **DR. MENDEZ-FERRER:** Okay. Moving on to Pulley Ridge, including
47 Pulley Ridge as part of the sanctuary, it's only part of
48 Alternative 4, and this was the way of the sanctuary finding

1 additional areas in the region that could benefit from
2 additional protection, and so, as you know, Pulley Ridge South
3 currently has some fishing regulations, and additional fishing
4 and anchoring regulations have been proposed in Coral 9, which
5 is currently approved, but it hasn't been fully implemented yet.

6
7 Over here in this little table is a summary of what we have on
8 Pulley Ridge South. It prohibits fishing with bottom longline,
9 bottom trawl, bottom buoy gear, pots, or traps year-round, and
10 it prohibits anchoring by all fishing vessels.

11
12 In Coral Amendment 9, it's similar, except for that it has an
13 extension for bottom longlines, and so, in this little blue
14 area, bottom longline will still be allowed, but bottom trawl,
15 buoy gear, pots, or traps will be prohibited.

16
17 What the Alternative 4 is proposing would then extend no
18 anchoring for all vessels, and it will not just be for fishing
19 vessels, like we have on our FMP, but, in addition to that, it
20 would also become part of the sanctuary-wide, and so all those
21 sanctuary-wide regulations would apply to this region, and so
22 like the emergency regulations and the no fish feeding in the
23 area.

24
25 We had a joint meeting with the South Atlantic and the Gulf
26 Spiny Lobster AP, and one of the recommendations was to remove
27 Alternative 4 from the proposed actions and do not even consider
28 it, and this was because they believed that the overall goal of
29 habitat protection could still be addressed by Alternatives 2
30 and 3. In addition, again, some of the comments were the
31 frustration that the DEIS was too complicated.

32
33 We also had a lengthy discussion during the SSC meeting between
34 the Standing SSC and the Coral SSC, and Doug went over the
35 motion, and there is research that supports the connectivity
36 between Pulley Ridge and the Florida Keys, and so the rationale
37 behind the motion is to provide additional protection from
38 anchoring of large tankers that might destroy these important
39 mesophotic corals, and so another stopping point for you all to
40 discuss the proposed changes on Pulley Ridge and provide staff
41 some guidance.

42
43 **CHAIRMAN FRAZER:** Ms. Guyas.

44
45 **MS. GUYAS:** To me, this one just makes a lot of sense, and I
46 actually want to ask a question of Roy, since, when we were
47 talking about Pulley Ridge before, you mentioned that the
48 Madeira boats might be kind of freaked out by fishing in now the

1 sanctuary, and so is there a sanctuary-wide regulation that you
2 think they would have a problem with, or it's just the notion
3 of, oh my gosh, I'm in the sanctuary, and that is really the
4 issue?

5
6 **DR. CRABTREE:** I think it's more of just the general fact that
7 these guys are not in the Florida Keys.

8
9 **CHAIRMAN FRAZER:** Ms. Bosarge.

10
11 **MS. BOSARGE:** This one is a little frustrating to me. You know,
12 we went through a very long, drawn-out process to find the right
13 coordinates and make the right exceptions and change some
14 boundaries here to afford protections for this area.

15
16 As a council, we just did that, and, now, it's not on the map
17 yet, but it's coming, right, and NMFS is in the process of
18 implementing that expansion that we just did to that area, and
19 so, now that we've done that, and we've afforded those
20 protections, it's very frustrating to have the sanctuary come in
21 and say, well, that area is not protected enough and we need to
22 go in and put our protections on it.

23
24 Really, the main protection that I can see that they're trying
25 to get as is the anchoring of large ships, right, because our
26 regulations just apply to fishing vessels, and so fishing
27 vessels are not able to anchor there, and I didn't see -- When I
28 listened to the SSC go over this, they were very divided, and
29 you can see it was thirteen-to-eight with three abstentions, as
30 far as including Pulley Ridge, and so there certainly wasn't a
31 consensus there, in my personal opinion, as far as unanimous.

32
33 The thing that I think we forget about -- Okay, large ships will
34 not be able to anchor there anymore if we allow the sanctuary to
35 put this in, but this -- I know you can't all see this, but this
36 is what it's going to look like on a NOAA chart, and so you see
37 this green line, and, essentially, they're going to draw a box
38 with green lines or blue lines or whatever around that area.

39
40 When our HAPC goes into place, it's going to look just the same
41 on a NOAA chart. It's going to have a line around it, and it's
42 going to say "habitat area of particular concern". The only
43 thing it says here on the NOAA chart, when it's in the
44 sanctuary, is "Florida Keys National Marine Sanctuary protected
45 area", and, if you want to know that can't anchor there, it
46 refers to 15 CFR 922, see note A.

47
48 It doesn't say on a NOAA chart that you can't anchor there. You

1 would have to go and pull up the CFR and look at the notes and
2 things, and so it's really, from a practical day-to-day
3 perspective of the man navigating the ship, the large ship,
4 whether it's an HAPC or a sanctuary, and it's got a line drawn
5 around it, and it says this is sensitive area, this is critical
6 area, and that is how he or she knows that you better not drop
7 your anchor there, and you're probably going to get in trouble.

8
9 Most people don't go to the CFR and read it, and so I really
10 think, us putting that HAPC status out there, that is going to
11 preclude the large ships too, in a realistic day-to-day
12 operation situation.

13
14 **CHAIRMAN FRAZER:** Mr. Anson.

15
16 **MR. KEVIN ANSON:** I am not on your committee, and thank you. I
17 was caught on that same topic or issue, Leann, is that how are
18 those folks that are navigating large vessels that are coming
19 from foreign-flagged fleets going to know about a no-anchoring
20 area, and so I checked in with our enforcement, and, off of
21 Mobile, there is many ports, and they have anchoring areas, and,
22 on the charts, it's listed as fairway anchoring, and so you can
23 go through a process, and I don't know what the process is, but
24 there is a process that you can get more distinct or specific
25 language in regards to anchoring that would target those larger
26 vessels, and I think that's an avenue that we ought to pursue in
27 parallel to this, or outside of this, if it doesn't go through,
28 just to help push that idea that this area is sensitive and
29 there shouldn't be any anchoring going on.

30
31 **CHAIRMAN FRAZER:** John.

32
33 **MR. SANCHEZ:** I think I said before that I am fully in support
34 of protecting sensitive areas, coral, habitat that needs
35 protecting, but I also would like to know where it's cited that
36 all these large vessels -- Where is the documentation that they
37 are anchoring there, in fact? That would be helpful in
38 considering, knowing what's going on there.

39
40 Now, I also am very proud of the work that we did with Amendment
41 9 and doing our HAPC there, and I think it's addressed, and so I
42 will not support them expanding into here, because my fear is,
43 having been involved, I guess, in the sanctuary process for
44 twenty years, then maybe, in another twenty years, there will be
45 another 600-page document with some lines going all the way to
46 the west, and, well, let's box Pulley's Ridge in and make it a
47 continuous sanctuary out there, and so I am not going to support
48 it right now.

1
2 **CHAIRMAN FRAZER:** Okay. Thank you, Mr. Sanchez. Are there any
3 other comments? Okay. We're at a stopping point. This is a
4 long presentation, and I'm going to allow us a ten-minute break.
5 Thank you.

6
7 (Whereupon, a brief recess was taken.)
8

9 **CHAIRMAN FRAZER:** We're going to pick it back up, and so,
10 Natasha, if you want to carry on. Thank you.
11

12 **DR. MENDEZ-FERRER:** Thank you, Mr. Chair. Moving on, this
13 portion of the presentation will focus on the proposed changes
14 within the South Atlantic and Florida state waters. The way
15 that I will be showing these is, again, like the four panels of
16 Alternative 1, 2, 3, and 4, and I won't go into detail for all
17 of those marine zones, but I will stop, and we have received
18 some specific comments on some of those changes, and so that's
19 what I will be highlighting for you.
20

21 To remind you, again, with each alternative, it is more
22 protective of the environment, and so the things that I want you
23 to take a look at in these panels is you will see more
24 delineations, and sometimes those delineations will change
25 color, and, for example, one would be like no anchor, but then
26 it will be no entry, a more protective alternative.
27

28 This is kind of hard to see, and I am showing you the Upper Keys
29 and Key Largo. Alternative 1 is where we currently are, and
30 Alternative 2 and 3 now have that Key Largo management area as a
31 no-anchor zone. As you may see, there are a lot more changes
32 being proposed, and, if you have this printed out, it might be
33 easier for you to take a look at those changes.
34

35 I have overlaid these different Upper Keys, Middle Keys, Lower
36 Keys with some of the data that we have, and so this is showing
37 you the available data for the shrimp ELB. We do know that
38 there is some shrimping effort going on in this region, but it's
39 just that it might not be representative by the way that we're
40 grouping the data, for confidentiality issues. Also, I wanted
41 to let you know that some of the South Atlantic vessels that
42 shrimp from Florida do have ELB for rock shrimp, and not
43 necessarily for pink shrimp, but some of the fishermen that do
44 target rock shrimp might also be targeting pink shrimp, and so
45 it might be used as a proxy.
46

47 This is Alternative 3, and you will keep track of the little
48 blue boxes, and so the blue boxes are the areas where no fishing

1 would be allowed, and this is all no fishing, and this was not
2 separated by gear or by sector.

3
4 Here is the VMS data, and the reason why there is a sharp line
5 there, when we were missing data from the South Atlantic, is
6 this is the dataset that we were using at this point, but,
7 again, the darker the color, it indicates an area that might be
8 of higher fishing activity.

9
10 Over here in the teeny-tiny pink polygons, these are the areas
11 that are closed for lobster trap gear, and these were included
12 in Spiny Lobster Amendment 11, and the reasoning behind the
13 closure of these areas was to protect ESA-listed corals, namely
14 staghorn coral and elkhorn coral, but, as you can see, there
15 isn't really a whole lot of overlap between the no-fishing areas
16 and the areas that are currently closed for lobster trap gear.

17
18 Moving on to the Middle Keys, Alternative 1 is where we
19 currently are, and one of the things that I do want you to see
20 in Alternative 3, which is the preferred alternative, is the
21 Long Key Corridor, if I remember the name correctly, and it's
22 that yellow line that extends all the way from the shoreline to
23 Tennessee Reef, and this is designated as a SPA, and, if you
24 remember, SPAs are no fishing, no anchor, idle speed.

25
26 That blue line, that blue larger rectangle, is what I was
27 referring to as the new Tennessee Reef SPA, and there was a
28 comment -- One of the motions that I will be showing you later
29 on is concerns about having such a large area that would be idle
30 speed and how it could be a hazard at-sea. If you're familiar
31 with the Keys, there is a Hawk Channel, which is a deep area
32 that goes all the way from Biscayne down to Key West, and this
33 is deep water, and so fishermen are concerned about idle speed
34 in an area like that, in a channel.

35
36 This is showing you the proposed Alternative 3, and, again, the
37 little blue polygons are no fishing, and we really don't seem to
38 have any shrimp ELB data for this area. Again, I am not saying
39 that it doesn't happen there, but it's just the way that the
40 data are aggregated are not showing up.

41
42 This is the data for the reef fish VMS, and the darker pixels
43 means higher activity. These are -- Again, the pink polygons
44 are the areas that are closed for lobster trap gear, and there
45 doesn't seem to be a whole lot of overlap there either.

46
47 The Lower Keys, this is where we have been receiving a lot of
48 comments. As you may see in Alternatives 2, 3, and 4, up in the

1 area of the Lower Keys that faces Florida Bay, there are a lot
2 more no-entry delineations, and no entry also means no fishing
3 in those areas.

4
5 People are concerned about enforceability of the no-entry zone
6 in that area by the amount of proposed changes, and I want to
7 point your eyes to another area that is looking to protect
8 contiguous habitat. If I remember correctly, the Sanctuary
9 Advisory Council had proposed having three designated areas that
10 would look to protect contiguous habitat, and so this is another
11 one of those, and, Beth, correct me if I'm wrong, but is this
12 West Sambo in the Lower Keys? Okay. Again, this will be a SPA,
13 no anchor and no fishing an idle speed.

14
15 Alternative 3, here we begin to see some pixels, some aggregated
16 data, from the shrimp ELB of active tows, and there seems to be
17 some overlap. You might not be able to see this very clearly,
18 and so there's a little bit of overlap over here and then near
19 the Western Sambo area.

20
21 VMS, there is -- During one of our stakeholder meetings, and I
22 can't remember which one specifically, and I apologize, but
23 there were some comments about idle speed near the West Sambo,
24 and, as you can see, that's an area where there is reef fish
25 activity, and so, like I mentioned earlier, one of the requests
26 is for clarification on what speed would actually be considered
27 for trolling, trolling speed.

28
29 Here, I am showing you the closed lobster trap areas, and there
30 is some overlap in this region, and, Beth, can you help me out
31 and let me know what zone that is, and not Western Sambo, and
32 it's that other closed area to the east.

33
34 **MS. DIEVENY:** If I'm referring to the correct area, that's an
35 area that is Looe Key, and it has three existing marine zones in
36 that area presently, Looe Key Existing Management Area that
37 allows some fishing, but prohibits some fishing, and it
38 prohibits spearfishing, and I would have to actually look at our
39 regulations right now. Within that is a sanctuary preservation
40 area that prohibits all fishing, and there's also a special use
41 area that is research only, and so it's a complex of three
42 different types of zones in that one area.

43
44 **DR. MENDEZ-FERRER:** Thank you. Here, I am showing you the
45 Marquesas, and the Marquesas are currently being proposed as a
46 no-entry zone, with Alternative 3 and 4 having a no-anchor zone,
47 and this is for protection of habitat for sea turtle foraging.

48

1 As you may see, this is the shrimp ELB data, and the larger
2 amount of shrimping effort seems to be closer to that north
3 boundary of the Florida Keys. Here, I am showing you the reef
4 fish VMS data, and, again, some of the concentrated possible
5 potential fishing activities might be kind of in the southern
6 area of the Marquesas, and we don't have any closed lobster trap
7 areas, which is why I am not including an image for that.

8
9 During the joint South Atlantic and Gulf Spiny Lobster AP, we
10 had some great discussions and some good motions that came out
11 of that meeting. The first one was to consider adding
12 additional regulations, specifically no anchoring and no harvest
13 of lobster by all user groups in the areas identified in Spiny
14 Lobster Amendment 11, and those are the little pink polygons
15 that I just showed you.

16
17 One of the reasonings why these might have not been included in
18 the DEIS was due to the number of small areas that would have to
19 be monitored, but then the Spiny Lobster AP had concerns, or
20 conflicts, of why then are we including, or is the sanctuary
21 including, so many small areas in the backcountry, and so then,
22 again, some of the issues with enforcement with the proposed
23 changes.

24
25 Another motion was to recommend the council to oppose the
26 closure of any new areas to lobster trap fishing, as proposed in
27 the Florida Keys National Marine Sanctuary restoration
28 blueprint, and they would not like their fishery to be impacted
29 by all these numbers of no entry and no fishing areas.

30
31 Another one was to recommend the council to oppose the use of
32 idle speed or navigational restrictions in the Hawk Channel, and
33 I think we've addressed this issue of how many of the
34 stakeholders oppose having idle speed in such a large area, and
35 it could be an issue of safety-at-sea.

36
37 Bringing back another motion that I had shown when I was
38 discussing Pulley Ridge, they recommended removal of Alternative
39 4 from the Florida Keys proposed actions, because their overall
40 goal could be addressed by less restrictive methods.

41
42 That is it for all the little changes in the South Atlantic.
43 From listening in on the South Atlantic's council meeting in
44 December, they are recommending an update of the cooperative
45 fisheries management agreement between FWC, the Gulf and South
46 Atlantic Councils, and, of course, NOAA Fisheries.

47
48 I have included that document as background materials, and they

1 have also discussed how are they going to develop these rules,
2 these fishing regulations, and so the South Atlantic is
3 proposing going through their FMP process to develop these
4 regulations, and maybe Chester can give us a bit more background
5 on what the South Atlantic is planning on doing. They are
6 proposing to see this and have discussions on the DEIS at their
7 next March council meeting.

8

9 **CHAIRMAN FRAZER:** Chester.

10

11 **MR. CHESTER BREWER:** I can't swear that I know exactly where
12 we're headed with this, but there was a lot of concern with
13 regard to the small areas and taking, I guess you would say, an
14 updated look at it, to see what maybe needs to change with that
15 1998 agreement, and I'm really -- I'm not certain that I can
16 say, oh, this is where we're headed, because I don't know.

17

18 **CHAIRMAN FRAZER:** Ms. Guyas.

19

20 **MS. GUYAS:** I think I can help with this one a little bit, and
21 so I would definitely recommend in our letter that we also
22 recommend updating this cooperative fisheries management
23 agreement as soon as possible between FWC and the councils and
24 the sanctuary, and so what this agreement does is it basically
25 outlines everybody's roles in this process, and so, for example,
26 if the sanctuary proposes new regulations, what is the process?
27 If FWC proposes new regulations, what is the process, and
28 likewise for the councils, and so the South Atlantic -- The way
29 that that agreement is drawn up now, the councils can implement
30 regulations, fisheries regulations, for the sanctuary.

31

32 They can kind of take the first bite of the apple, and I think
33 that's what the South Atlantic is interested in doing, just from
34 listening to their meeting. Rather than have these items go
35 through the sanctuary process, they would run it through the
36 South Atlantic process, and so doing their public hearings and
37 working with stakeholders and that kind of stuff, to figure out
38 what needs to be done in those areas, since there are so many
39 little closed areas that are in federal waters in their
40 jurisdiction.

41

42 Back to that cooperative agreement between the councils and FWC
43 and the sanctuary, it is really outdated. There's a lot of
44 things that have changed since that time, and the agency that is
45 referenced for the state agency isn't the correct agency
46 anymore, and it has a completely different process now, and so
47 we really need to fix this before this plan, or any form of it,
48 moves forward.

1
2 **CHAIRMAN FRAZER:** Thank you, Martha. Natasha.

3
4 **DR. MENDEZ-FERRER:** If we move on to the next slide -- We have a
5 comment.

6
7 **CHAIRMAN FRAZER:** Leann.

8
9 **MS. BOSARGE:** On this slide, since we were talking a little bit
10 about the South Atlantic, Chester, I would encourage you -- I
11 listened in to the South Atlantic Shrimp AP meeting that you had
12 on this, and they wanted to -- As you know, in the South
13 Atlantic, you all don't have that ELB program for the shrimpers,
14 and so a lot of their effort -- You haven't really captured it,
15 and it's no fault of yours, and that's fine.

16
17 You don't have those charts to look at like we did, and you do
18 have some VMS on some of your rock shrimp permits that's
19 required, but that's a little different capture process in
20 trying to look at that effort, the point being the shrimpers
21 wanted to bring you some of their plot sheets that shows their
22 trawl tracks, like this one, and those orange lines are some
23 trawl tracks, right, to show you where their effort is
24 happening, and I think, on that webinar that you had, they were
25 kind of dis-encouraged to do that, and staff sort of said, well,
26 in the past, the council hasn't been very receptive of that.

27
28 Well, if that's all the data you have, I think you should
29 encourage them to bring that in and show you where they've been
30 working and how it's going to impact them, and so we kind of cut
31 out that whole southern boundary expansion in our presentation,
32 because that's in your waters, but, in my world, that's our
33 backyard too, as far as the shrimp industry, and we work there
34 too, and so please be open and receptive to anything they have
35 to offer, and maybe reach out and ask for it, since you've kind
36 of said, well, no, probably not.

37
38 **MR. BREWER:** I will take a note right now.

39
40 **CHAIRMAN FRAZER:** Mr. Sanchez.

41
42 **MR. SANCHEZ:** I noticed the last item right there, the last
43 bullet, says submit comments to the sanctuary in March, and I
44 believe our deadline for comments is in February, and is there a
45 way that we can get on the same page with our partner in the
46 South Atlantic and maybe get our comments in in March as well,
47 without it being an act of Congress?

48

1 **CHAIRMAN FRAZER:** I will take a stab at this. I mean, so we
2 went through a request process, acknowledging that we had to
3 convene the various stakeholder groups, and recognizing that we
4 were going to have our council meeting here in January, and that
5 would have allowed us enough time to incorporate the comments
6 that we get here to put into a letter, and I think the South
7 Atlantic did a similar type of thing. I think we're good on
8 timeline, to be honest with you, John. Go ahead.

9
10 **MR. SANCHEZ:** I recall the letter and seeing it, and I guess
11 we'll know how much progress we make here, in terms of maybe
12 getting to a point where we make motions for items that we want
13 to include in our position letter.

14
15 **CHAIRMAN FRAZER:** Leann.

16
17 **MS. BOSARGE:** Would this be the time to back up and look at
18 those spiny lobster recommendations, or are we going to hit that
19 again at some point?

20
21 **CHAIRMAN FRAZER:** It's okay. We'll go ahead and back up. Where
22 do you want to go?

23
24 **MS. BOSARGE:** That slide right there. I just wanted to be clear
25 on this. if you read the first motion by itself, I think both
26 of these motions have to be read together to truly capture the
27 essence of that conversation that they had, and so they have
28 this Amendment 11, and I learned a lot listening to this
29 webinar, where they really went through and looked at a lot of
30 the diversity of the corals in these specific little boxes and
31 tried to map out a path forward that protected the things that
32 really need to be protected, and it closed some areas to those
33 fishermen, but they were part of that process, and they seemed
34 to be very comfortable with it.

35
36 What they were suggesting is, look, sanctuary, why don't you,
37 instead of creating these forty-something-new-odd SPAs that you
38 have that are going to close us out, why don't you push that to
39 the side and go look at our Amendment 11, where we've been
40 through this process once, and we came to some sort of
41 conclusion where it was protective of the corals and still
42 allowed us some grounds to do our lobster fishing, and so I just
43 wanted to make that clear and make sure that that makes it into
44 our letter, that that may be an option in lieu of the forty-
45 something-new-odd SPAs, and some of them overlap. There is some
46 overlap there, but I think that needs to be considered by the
47 sanctuary and not as an additional closure, but in lieu of what
48 they're looking at currently.

1
2 **CHAIRMAN FRAZER:** Ms. Guyas.
3

4 **MS. GUYAS:** I guess let me offer a little different point of
5 view, and so I would suggest leaving this out of the letter,
6 this motion about no anchoring and no harvest of lobster in
7 those Spiny Lobster 11 areas, and so I guess the first thing
8 would be, if additional fishing regulations are needed for those
9 areas, I feel like the South Atlantic Council should be
10 implementing those. That's well within their power.
11

12 Then, really, the bigger thing for me is it seems like these
13 areas should be looked at as part of the comprehensive big-
14 picture look at coral in the Keys, and we have some serious
15 issues, and I think we need to look at do these areas still make
16 sense, are there living Acroporid corals still in these areas,
17 have they been effective.
18

19 Since the South Atlantic Council implemented these areas, we've
20 had additional coral species that have been listed as endangered
21 that are in the Keys, and we've had a pretty devastating stony
22 coral tissue loss disease that swept the Keys and killed a lot
23 of coral, and so I think it just makes sense to step back and
24 look at what are really the priorities for protecting coral and
25 restoring coral in the Keys. Are there bigger priorities, now
26 that we've had all these events coming through the Keys?
27

28 I think that's something that the South Atlantic probably would
29 be the lead on, since this is their jurisdiction, but certainly
30 I would hope that, if they did that, they would work with the
31 Gulf Council and FWC, because it's -- Especially with these
32 other species in the mix listed under the ESA, there may be
33 areas in the Gulf and state jurisdiction that may need to be
34 considered, and I don't know.
35

36 **CHAIRMAN FRAZER:** Dr. Simmons, to that point?
37

38 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chairman. I was
39 just going to mention that was a joint plan, because that was
40 spiny lobster and the trap fishery, and we worked with the South
41 Atlantic Council on it and implemented it together.
42

43 **CHAIRMAN FRAZER:** Ms. Levy.
44

45 **MS. LEVY:** Well, also, just to point out that those areas -- The
46 council has looked at them and implemented them in particular
47 response to a biological opinion that was looking at protections
48 for elkhorn and staghorn coral, and so it was a very specific

1 purpose, and so I guess considering whether it's appropriate to
2 expand protections for those areas when it wasn't really a
3 lobster protection area, and it was an elkhorn and staghorn
4 protection area, and so I would just consider the purpose of
5 that when you're considering these recommendations.

6

7 **CHAIRMAN FRAZER:** Thank you, Ms. Levy. Ms. Guyas.

8

9 **MS. GUYAS:** There was another motion, I think on the other
10 slide, Motion 4, that was to recommend removing Alternative 4,
11 and so I don't think I would be in support of that, and we've
12 already talked about Pulley Ridge was just Alternative 4, but
13 there may be some other things in Alternative 4 that may
14 actually simplify things and make things a lot easier.

15

16 The one thing that comes to mind that I've heard from a number
17 of folks in the Keys is there's this notion of doing a slow
18 speed, a hundred yards from shore, throughout the Keys. Right
19 now, there's a regulation that only has that in developed
20 residential areas, and so one idea that has kind of bubbled up
21 is, instead of having this patchwork of no entry or slow speed
22 or pole and troll only areas in the backcountry, and we haven't
23 talked about those today, but there's a lot of them, and it
24 could be pretty confusing.

25

26 Doing this slow speed a hundred yards from shore could alleviate
27 a number of issues, and it could deal with some user conflicts
28 in those areas, and it could protect shorelines, and it could
29 potentially reduce interactions with sensitive bird habitat, and
30 so that may be an option that the sanctuary would want to keep
31 in play, just to really simplify things.

32

33 **CHAIRMAN FRAZER:** Thank you, Ms. Guyas. Are there any
34 additional comments at this time? Ms. Bosarge.

35

36 **MS. BOSARGE:** Just specific to this, in the DEIS, I would like
37 to see a little more discussion about the impacts of those SPA
38 closures, as far as an ecosystem standpoint. When I listened to
39 this AP meeting, I was surprised to hear that -- You know, it's
40 a relatively small group of guys that do this, and we have the
41 chairman of the AP, I think, in the audience, Mr. Bill Kelly,
42 and so he may speak to this a little more, but these guys
43 actually kind of each have their own turf, right, and this guy
44 works this area, and this guy works that area.

45

46 I think the benefit of that is there's almost like an ownership
47 there, right, and he's not going to overwork that area, because
48 that's his area. If he fishes it too hard constantly, he's

1 going to shoot himself in the foot.

2
3 Well, as you start closing more and more of these areas that are
4 your lobster grounds, those guys are going to get compressed
5 into smaller and smaller areas, and do you see what I'm saying?
6 There's going to be two or three fishermen that now have to work
7 this area, whereas there may have only been one before, and I
8 haven't seen any studies, or any evaluation, of what effect
9 that's going to have.

10
11 Yes, you may take some pressure off of this area over here, from
12 a lobster standpoint, but now you're going to triple the
13 pressure over here, because those guys aren't going away, and
14 they still have to fish, and so I would like to see what that
15 impact might look like, and I think that needs to be addressed
16 in the DEIS, and that's from any standpoint. You can say the
17 same thing about reef fish fishermen in general as you compress
18 them into smaller and smaller areas when you close their
19 grounds, and so I think that needs to be addressed.

20
21 **CHAIRMAN FRAZER:** Leann, I'm just taking notes, just so I can
22 synthesize all these comments. The specific question that you
23 have really is how the proposed closures might result in some
24 type of effort shifting or consolidation? Okay. Thank you.
25 Mr. Sanchez.

26
27 **MR. SANCHEZ:** There have been a lot of concerns about idle speed
28 in Hawk Channel. That's, you know, the major artery from Key
29 Largo to Key West, and so definitely, just as a general premise
30 -- If you have a marked channel, it shouldn't be idle speed,
31 unless there's an absolute safety reason or something like that,
32 but not for resource management.

33
34 **CHAIRMAN FRAZER:** Thank you, Mr. Sanchez. Any further comments?
35 Okay, Natasha.

36
37 **DR. MENDEZ-FERRER:** I guess the last slide was going to address
38 some of the FWC's approach to providing comments, and I don't
39 know if Martha has any additional information.

40
41 **MS. GUYAS:** Sure. Yes, let me chime in here. Our commission
42 has discussed this plan at two meetings, and we'll discuss it
43 one more time at their next meeting of February 19 and 20. Our
44 deadline for turning in comments is the end of April, and we did
45 get an extension, so that the commission could discuss it at
46 another meeting and we can synthesize our letter.

47
48 Our commission has made it very clear that FWC should be leading

1 the rulemaking on fisheries items for state waters, and so we've
2 been working through this plan, to figure out where we do have
3 jurisdiction and what that might look like, and so I expect
4 that, at our next meeting, the commission is going to set up a
5 process for doing this, and that likely would include public
6 workshops. They could be as soon as this summer, and those
7 would not be linked to whatever stage this EIS, or I guess
8 whatever the sanctuary is up to at that point. This would be a
9 completely separate process, and so I think we would be pulling
10 basically those items out of this plan.

11
12 It might be a good idea to have some council representation at
13 those workshops, kind of like we did for mutton snapper and
14 south Florida issues, just given that this plan as a whole is so
15 comprehensive. There is stuff happening in state, and there's
16 stuff happening in federal, and we know people get confused,
17 and, really, it's thinking big picture, and so I can certainly
18 keep everybody up-to-date on where that goes following our next
19 meeting.

20
21 Our commission has asked us, as staff, to review this plan, with
22 some guiding principles in mind, and I will just read those to
23 you all, just so you kind of know where they're kind of coming
24 from.

25
26 One of their big things is addressing ecosystem-level change,
27 and that's a high priority, and so they're thinking specifically
28 water quality, water flow, and coral loss. Those are really,
29 really big issues for the Keys, and they need to be kept in mind
30 as we move through this process.

31
32 I already mentioned fisheries management would be FWC's
33 prerogative for state waters, and another one is considering
34 closures and access restrictions on a case-by-case basis, if you
35 all might have seen the op ed that our Chairman wrote on the Key
36 West paper this weekend, and so our Chairman's opinion on that
37 is, really, that these should be a last resort.

38
39 Then, for each of the proposed actions, we really need to
40 clearly define the rationale, discuss what issue is being
41 addressed, what past experience has taught us, what are the
42 likely outcomes, and, really, evaluate all of that relative to
43 stakeholder impacts and then be fair to all stakeholders,
44 because, of course, this plan impacts fishermen, boaters, people
45 living in the Keys, tourists, I mean, lots and lots and lots of
46 people.

47
48 With those points in mind, I think the commission is going to

1 ask for a lot more emphasis on water quality and have what can
2 the sanctuary do directly, what can they influence, how do some
3 of these other efforts to restore water quality feed into what's
4 happening in the Keys, and then one thing that might make sense,
5 moving this forward, would be looking at this plan and really
6 through the lens of coral restoration, again, given those recent
7 Endangered Species Act listings.

8
9 We've had bleaching events, and the stony coral tissue loss
10 disease, and this could be an opportunity to kind of coordinate
11 all of those efforts that are going to be occurring in the next
12 several years to restore and recover corals in the Keys, and so
13 that's all I'll say.

14
15 **CHAIRMAN FRAZER:** Thank you. Mr. Sanchez.

16
17 **MR. SANCHEZ:** I just wanted to add something, and kudos to the
18 state. They went around and spent a lot of time in the Keys,
19 meeting with all kinds of working groups, commercial fishermen,
20 charter fishermen, and they ran around and really spent a lot of
21 time gathering input, and so I'm very pleased with that, and I'm
22 very proud of them for doing that. I hadn't seen that level of
23 involvement before, and so thank you very much, Martha.

24
25 **CHAIRMAN FRAZER:** Ms. Bosarge.

26
27 **MS. BOSARGE:** I just wanted to say thanks to Natasha for the
28 presentation, because, obviously, this is a very complicated
29 blueprint to try and navigate through, especially when you add
30 the fishing piece of it and all of our effort analysis in there,
31 and she did a great job, I think, of synthesizing what we have
32 and putting it in a format where we could really bite it off
33 piece by piece and try and give good feedback to her and Dr.
34 Simmons for the letter.

35
36 One question for Martha. Martha, I like what you had to say,
37 and I agree with John that you all have really put a lot of
38 effort into this as a department, trying to figure out the best
39 path forward, and so my question is, if the sanctuary does
40 endorse Alternative 3 as their preferred, which has the forty-
41 some-odd SPAs, and, in their proposal, those are closed to
42 fishing, and a lot of those are in your state waters, and how do
43 you override them and say, no, we're going to tell you what the
44 fishing regulations are going to be? I am interested from a
45 council perspective, and do we have that option?

46
47 **MS. GUYAS:** That's a good question, and so this is where this
48 protocol comes into place a little bit, and so, actually, FWC

1 has exclusive authority to do the fisheries regulations in state
2 waters, and so the sanctuary -- This is in their plan, but,
3 unless FWC implements no fishing in these SPAs, at least for the
4 ones in state waters, that's not going down, and so what our
5 commission is suggesting is we kind of get out in front of the
6 sanctuary on some of these things, now that we've seen their
7 draft EIS, and evaluate whether we would want to implement those
8 things for state waters, and so it's a little bit different than
9 the council's authority. I think the council can implement
10 fishing regulations for the sanctuary, but so can the sanctuary,
11 and so it's not an exclusive authority.

12
13 **CHAIRMAN FRAZER:** Ms. Levy, can I just ask a quick question? If
14 the sanctuary were to impose a SPA designation, would that in
15 fact preclude any fishing or any intervention, I guess, by the
16 state agency? Which supersedes which?

17
18 **MS. LEVY:** Okay. Well, so Martha is right about the state's
19 authority. The regulations say that any fishing regulations in
20 the sanctuary shall not take effect in Florida state waters
21 until established by the commission, and so, if the commission
22 doesn't establish fishing regulations in state waters, there are
23 no fishing regulations in state waters.

24
25 It's different in federal waters, and so Martha is also correct
26 that you could have council regulations as well as sanctuary
27 regulations in the sanctuary, but the sanctuary regulations, to
28 the extent that they are more restrictive, are going to apply,
29 meaning, if the sanctuary says no fishing and the council's
30 regulation that says a two bag limit of whatever, it's not going
31 to override that.

32
33 Ultimately, the councils -- What the sanctuary is looking for
34 from the council is fishing regulation recommendations, given
35 the purpose of the sanctuary, and so they're coming to you with
36 their proposal, and these are what we're proposing for fishing
37 regulations, and do you agree with them, do you not agree with
38 them, and do you want to propose your own fishing regulations
39 that you believe meet the purpose of the sanctuary, but,
40 ultimately, then the Secretary of Commerce decides, if there is
41 some sort of conflict, is it the Magnuson Act fishing
42 regulations, is it the Sanctuary Fishing Act regulations, but
43 the council doesn't have the authority to override Sanctuary Act
44 fishing regulations.

45
46 **CHAIRMAN FRAZER:** More specifically, if the sanctuary designated
47 an area as a no-entry zone, for example, it's hard for me to
48 envision how any fishing regulations might be implemented, if

1 that is in fact the case. If there's no entry, then how could
2 you even implement a fishing regulation within that area?

3
4 **MS. LEVY:** The regulations also say that -- So there's specific
5 fishery regulations that have to be implemented by the
6 commission, but it also says that any amendment to these
7 regulations shall not take effect in Florida state waters until
8 approved by the Board of Trustees of the Internal Improvement
9 Trust Fund of the State of Florida, which is essentially a
10 gubernatorial cabinet type thing, and so, outside of fishing
11 regulations, there is still a government approval in Florida to
12 actually get that implemented for state waters.

13
14 **CHAIRMAN FRAZER:** Thank you, Ms. Levy. Mr. Sanchez.

15
16 **MR. SANCHEZ:** It kind of answered it with some of that
17 discussion, but I am a little leery of -- You know, when you
18 have a closed area, and it is no take, by virtue of the
19 designation, yet how do you go with the back and forth that,
20 well, we're not doing fisheries, but it's closed, and that's a
21 disallowed activity, and then we're going to say, well, then
22 you're doing fisheries, if you're not allowing fishing.

23
24 Who is going to win that? To me, it's kind of a gray area,
25 because I have heard it before, that, no, we're not doing
26 fisheries, and we're doing biodiversity management via these
27 closed areas, yet there is no fishing allowed.

28
29 **CHAIRMAN FRAZER:** I think there is a protocol in place to deal
30 with that, and that's what I understand from Ms. Levy, and so I
31 think we're okay at this point. Is there any further discussion
32 at this point? Do you want to work through this cooperative
33 fisheries management agreement, or do you feel like we've
34 hammered that? Ms. Guyas.

35
36 **MS. GUYAS:** Well, I don't think it's something that we're going
37 to be able to hammer out at this table, and so I think we need
38 to coordinate with the South Atlantic and FWC and the sanctuary,
39 and we probably need to have some sort of separate meeting about
40 that, and I don't know if it's with a sub-committee of people
41 from the two councils and FWC and the sanctuary, but I think
42 that's an item for another venue. There is a number of things
43 in there that need to be updated though, and Mara has got her
44 hand up.

45
46 **CHAIRMAN FRAZER:** Ms. Levy.

47
48 **MS. LEVY:** The agreement is very heavily Florida Commission and

1 the sanctuary. I mean, the councils are mentioned in there, and
2 you are part of the process, but a lot of the process goes
3 towards how the commission is going to interact with the
4 sanctuary. I guess my suggestion would be to have the
5 commission and the sanctuary interacting and see what they think
6 needs to be updated and then potentially coming back to the
7 council with whatever their update is, and also the timing.

8
9 Really, it's a commission and sanctuary thing, right, and the
10 councils are, again, involved, but it doesn't necessarily need
11 to be updated before moving forward with the Florida Keys
12 proposal, and I understand that's what the State of Florida
13 wants, but it could also be used as a learning experience as to
14 what types of processes and procedures work well and then get
15 updated, but, again, a lot of that, to me, is between the state
16 and the sanctuary, and I guess my suggestion would be that they
17 kind of take the lead on what changes they think are necessary
18 and that the council then look at what they've done and focus on
19 the parts that reflect the council process.

20
21 **CHAIRMAN FRAZER:** Thank you, Ms. Levy. Ms. Bosarge.

22
23 **MS. BOSARGE:** Tom tried to help me, to the side during the
24 break, understand it more from the sanctuary's perspective, and
25 he really did put it in a perspective where I can understand
26 that there are a lot of fishery management things that will take
27 place within this blueprint, but maybe that has something to do
28 with the disconnect between the sanctuary and the council, as
29 far as how often we interact, sort of like the disconnect that
30 the council has right now with the Corps of Engineers with
31 aquaculture. We feel like we're not looped into that process,
32 and, yes, they may be doing their due diligence, but, because it
33 never comes before us, and we really don't see it until after
34 the fact, we kind of have issues with it.

35
36 Maybe this agreement is a good place to have the councils give
37 more input and make sure that we are more looped in with the
38 sanctuary, as they are moving forward, and they're looped in
39 with what we're doing to protect habitat down there and to
40 protect the different fish stocks and what kind of progress
41 we're making, like what John was alluding to, and so I do think
42 the councils should have some input on that cooperative
43 agreement.

44
45 **CHAIRMAN FRAZER:** Thank you, Leann. Okay. Any further
46 discussion at this point? Okay. I think clearly we anticipated
47 a fairly lengthy discussion, and this is a complicated document,
48 and there are a number of recommendations that have come out,

1 and potential recommendations.

2
3 I think what we would like to do, or at least what I would like
4 to do, is take some time, over the next day or so, with Natasha
5 to try to consolidate and synthesize those recommendations and
6 bring them back to Full Council, to say, hey, these are the
7 points that we as a council can reach consensus on, and these
8 are recommendations.

9
10 Whether we ought to make motions specific to each one of those,
11 or maybe as a group, I think that's to be determined, I guess,
12 but my preference would be to step back for a minute and kind of
13 look at what was said and bring it back in a more synthesized
14 form at Full Council, and so I would be prepared, actually, to
15 weigh-in at that point, because, moving forward, we certainly
16 will try to incorporate all of the recommendations into the
17 letter.

18
19 Everybody has seen a draft of the letter, and there are
20 certainly some issues in there that there's not consensus on,
21 and there's actually two very different opinions, and so take a
22 look at that letter, and, again, the specific items that are in
23 there now, and we'll bring back additional items at Full
24 Council, and we will have some motions at that point to decide
25 what we are actually going to put into the letter that goes to
26 the sanctuary in February.

27
28 The only thing left on the agenda at this point, I guess, would
29 be the recommendations from the Joint Gulf and South Atlantic
30 Spiny Lobster Advisory Panels. Natasha.

31
32 **RECOMMENDATIONS FROM THE JOINT GULF AND SOUTH ATLANTIC SPINY**
33 **LOBSTER ADVISORY PANELS**

34
35 **DR. MENDEZ-FERRER:** Thank you, Mr. Chair. The Spiny Lobster
36 specific recommendations to the sanctuary were included in this
37 presentation, but, in addition to those, they went over a
38 variety of other topics and possible items that they wanted to
39 address at a future joint Spiny Lobster meeting.

40
41 One of the discussions was the state of the spiny lobster
42 fishery, and the AP discussed some of their worries regarding
43 the state of the fishery and how landings have been reduced, and
44 they've been seeing a larger number of sub-legal lobster,
45 especially after Hurricane Irma and after the red tide events
46 that Florida has been experiencing.

47
48 We also had representation from FWC's Law Enforcement, and, in

1 addition to discussing some of the law enforcement issues that
2 they foresee with the proposed DEIS, they discussed the limited
3 amount of law enforcement, the high turnover of some of the FWC
4 law enforcement officers in the area, and there was concern
5 about carapace measurements versus tail measurements and whether
6 it was possible for lobster to be legal based on carapace
7 lengths, but have a sub-legal tail measurement.

8
9 We had John Hunt from the FWC/FWRI office in Marathon saying
10 that research shows that a five-and-a-half-inch tail tends to
11 come from a larger than three-inch carapace lobster, and law
12 enforcement also did say that they use their discretion when
13 enforcing some of the regulations when they find what would be
14 considered sub-legal lobster onboard.

15
16 Another topic was the recreational lobster tagging program, and
17 AP members were recommending that a recreational tagging program
18 be created and that this program could improve law enforcement,
19 especially during recreational spiny lobster mini-seasons. We
20 had Jessica McCawley and Martha Guyas from FWC and explaining
21 that staff has discussed a tagging program. However, in the
22 past, the commission has not chosen to approve such a program,
23 and the main concern of the commission is that, if additional
24 funding is necessary to implement the tagging program, it must
25 be approved by the Florida State Legislature.

26
27 They also talked about the trade war in China, and AP members
28 were concerned about how the tariffs would impact the Chinese
29 market for live lobster, and the price has been lower, which
30 could be causing significant impacts to the state's spiny
31 lobster businesses, and I believe that the South Atlantic
32 Council sent a letter to the Secretary of Commerce detailing the
33 impacts of the trade war on the spiny lobster fishery.

34
35 Another item was the discussion on casitas and marine debris,
36 and this was brought up due to a suggestion by one of FWC's
37 commissioners to reconsider the use of casitas in the spiny
38 lobster fishery, in order to reduce the number of spiny lobster
39 traps, yet the AP members explained that spiny lobster does
40 account for less than 10 percent of marine debris found in the
41 Florida Keys, and they are concerned that allowing casitas will
42 only increase the marine debris problem in the area.

43
44 Then there was a discussion on retention of undersized, or sub-
45 legal, lobsters used as bait, and the AP members would like to
46 see an increase in the number of undersized lobsters that can be
47 onboard and be used as bait, and we do have Captain Kelly in the
48 audience if the council or the committee has any questions

1 regarding any of the topics included in the summary.

2

3 **CHAIRMAN FRAZER:** Okay. Are there any questions or concerns or
4 points of clarification with regard to the summary that Natasha
5 provided? Okay. Seeing none, is there any other business to
6 come before the committee? Seeing none, we will adjourn the
7 Coral Management Committee.

8

9 (Whereupon, the meeting adjourned on January 27, 2020.)

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11

12

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