

GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

CORAL MANAGEMENT COMMITTEE

Omni Hotel Corpus Christi, Texas

August 22, 2022

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- Tom Frazer.....Florida
- Susan Boggs.....Alabama
- Jonathan Dugas.....Louisiana
- Peter Hood (designee for Andy Strelcheck).....NMFS
- Bob Shipp.....Alabama
- C.J. Sweetman (designee for Jessica McCawley).....Florida

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- Kevin Anson (designee for Scott Bannon).....Alabama
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- Beth Hager.....Administrative Officer
- Lisa Hollensead.....Fishery Biologist
- Ava Lasseter.....Anthropologist
- Mary Levy.....NOAA General Counsel
- Natasha Mendez-Ferrer.....Fishery Biologist
- Emily Muehlstein.....Public Information Officer
- Ryan Rindone.....Lead Fishery Biologist/SEDAR Liaison
- Bernadine Roy.....Office Manager
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OTHER PARTICIPANTS

- Sarah Fangman.....FKNMS
- Tim Griner.....SAFMC
- John Walter.....SEFSC

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1 The Coral Management Committee of the Gulf of Mexico Fishery
2 Management Council convened at the Omni Hotel, Corpus Christi,
3 Texas on Monday morning, August 22, 2022, and was called to
4 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:** I will just apologize for the travel
11 hiccups here that has forced us to work in a virtual format,
12 but, in any case, I would like to call the Coral Committee to
13 order. The members of that committee are myself, Ms. Boggs, Mr.
14 Dugas, Dr. Sweetman, Dr. Shipp, and Mr. Strelcheck. The first
15 order of business is the Adoption of the Agenda, which is Tab N,
16 Number 1 in your briefing materials. Can I get a motion to
17 approve the agenda?

18
19 **MS. SUSAN BOGGS:** I will make the motion to approve the agenda,
20 as written.

21
22 **CHAIRMAN FRAZER:** Thank you, Ms. Boggs. Is there a second?

23
24 **DR. C.J. SWEETMAN:** Second.

25
26 **CHAIRMAN FRAZER:** All right. It sounds like we've got a second
27 there. Thank you. The second item on the agenda is the
28 Approval of the June 2022 Minutes. That is Tab Number 2 in your
29 briefing materials. Can I get a motion for approval of those
30 minutes?

31
32 **MS. BOGGS:** I will make a motion to approve as written.

33
34 **DR. BOB SHIPP:** I will second.

35
36 **CHAIRMAN FRAZER:** All right. We've got a motion and a second,
37 and we'll consider the June 2022 minutes approved. The third
38 agenda item is the Action Guide and Next Steps, and I would ask
39 Dr. Mendez-Ferrer to go through the entirety of the action
40 guide, to help facilitate this virtual committee. Dr. Mendez-
41 Ferrer.

42
43 **DR. NATASHA MENDEZ-FERRER:** Thank you, Mr. Chair. In Agenda
44 Item Number IV, we will have the Florida Keys National Marine
45 Sanctuary Proposed Rule, and so, for this item, we will have Ms.
46 Sarah Fangman, the Sanctuary Superintendent, presenting the
47 proposal for the Florida Keys National Marine Sanctuary
48 Management Review Blueprint for Restoration.

1
2 If you remember, the council provided comments on the DEIS in
3 2020, and the proposed sanctuary expansion includes areas within
4 the council's jurisdiction, such as Pulley Ridge and the
5 Tortugas Ecological Reserve.

6
7 The deadline to submit public comment on the proposed rule is
8 October 26 of 2022, which falls right in the middle of our
9 October council meeting, and so, at our previous June meeting,
10 the council requested council staff to submit a letter to the
11 Florida Keys National Marine Sanctuary requesting an extension,
12 and that extension has been granted, and so we have until
13 February of next year to compile and provide comments to the
14 sanctuary.

15
16 In addition, staff will provide an overview of the plan for
17 convening the advisory panels, to collect their comments, and so
18 I can do that after Ms. Fangman completes her presentation and
19 the committee has had an opportunity to ask any questions and
20 provide any feedback on how to move forward with providing
21 comments.

22
23 Agenda Item Number V, we have FWC comments on the proposed rule.
24 Originally, we were scheduled to have a presentation from Dr.
25 Sweetman, and we have postponed that to October, and so Dr.
26 Sweetman will go, very briefly, on kind of what FWC's course of
27 action is going to be in providing comments on the sanctuary
28 expansion. Then Agenda Item Number VI is Other Business. If
29 there is additional time, additional items can be brought up for
30 discussion during the committee. That's it, Mr. Chair.

31
32 **CHAIRMAN FRAZER:** Ms. Fangman, I'm glad that you're here to
33 provide the presentation, and so, again, I will let you go ahead
34 and take it away, and it looks like staff has it up on the
35 board.

36
37 **FLORIDA KEYS NATIONAL MARINE SANCTUARY (FKNMS) PROPOSED RULE**

38
39 **MS. SARAH FANGMAN:** I am Sarah Fangman, and I am the
40 Superintendent of the Florida Keys National Marine Sanctuary,
41 and I appreciate the opportunity to be here with you all this
42 morning. I am also with my colleague, Beth Devaney, who is our
43 policy advisor and here to help with any questions that you may
44 have. We've got a relatively short presentation that I want to
45 give to you, and we'll end on some information on where you can
46 find more and how we're engaging with the public on this
47 important issue.

48

1 With that, what I'm going to cover today includes a number of
2 things. First of all, it's providing a little context for this
3 action and then highlighting specifically some of the elements
4 of this action that pertain to the questions and comments that
5 we received from this body. We're going to talk about our
6 proposals relative to the sanctuary boundary, sanctuary-wide
7 regulations that apply throughout the entire 3,800-square-mile
8 sanctuary, and then marine zones and their associated
9 regulations.

10
11 I'm just going to touch upon an updated socioeconomic report
12 that accompanies this action, as well as a management plan which
13 speaks to essentially our strategic plan, what the staff do, how
14 we focus our time and energies, and then, as I noted, provide
15 information on how we're engaging with the public on this, as
16 well as how people can get involved and where you can find more
17 information. It's a lot to cover, but I'm going to scoot
18 through it, starting with why this action is important.

19
20 In the Florida Keys, the marine environment is really central to
21 our economy. We have millions of people, of course, that come
22 there to enjoy, and so the tourism dollars that brings, but
23 then, also, beyond tourism, there are a lot of jobs connected to
24 our marine environment. Commercial fishing is the second-
25 highest employing activity there, and it's just a big part of
26 our economy.

27
28 This slide shows some specific statistics relative to the number
29 of people involved in the different types of activities that
30 occur in our marine environment, and it speaks to just how
31 important our marine environment is to our community, to our way
32 of life, and to our economy.

33
34 Unfortunately, we all know that our marine environment is under a
35 number of threats, and there are a lot of pressures on that
36 marine ecosystem upon which we depend, and so we really feel
37 that there are issues that need to be addressed, but that's not
38 just a sense we have. There is data that back it up.

39
40 We published a condition report, and you can see the date on the
41 slide, back in 2011. At that time, we took all the available
42 data that was out that we could find that spoke to the condition
43 of the resources in the Florida Keys and asked seventeen
44 questions about the natural resources, the habitats, and our
45 maritime resources, because, of course, we do protect those as
46 well, and we provided basically a score, a condition and trend
47 score, for each of those questions.

1 Soberingly, there was a lot of concerning news in that report.
2 We were fair to fair-to-poor, in terms of the score of the
3 resources in the Florida Keys, and that was over a decade ago,
4 and, since that time, as you can see on this slide, we have
5 continued to have a number of challenges and perturbations to
6 our ecosystem in that decade since we knew we have challenges,
7 and so there's a lot of issues to be concerned about, and that
8 is what the restoration blueprint attempts to address,
9 recognizing that some of these threats are caused by things
10 outside of our control, like storm events, temperature threats,
11 events coming in from outside of our jurisdiction.

12
13 Nonetheless, we believe that we can do things locally that can
14 enhance the resilience of this important ecosystem, and our job
15 is to protect the natural resources within the boundaries of the
16 Florida Keys National Marine Sanctuary, and the actions that I
17 am going to describe, and that are included in this plan, are
18 our attempt to do that, and so we can do things like have our
19 mooring buoys, coral restoration, marine debris cleanups,
20 education, being out on the water and sharing information with
21 people that are enjoying the sanctuary, and all of those things
22 can help.

23
24 This slide shows you what is contained within this proposed
25 rulemaking. As I noted before, we are proposing changes to the
26 boundary. We are proposing changes to regulations that apply
27 within that boundary, anywhere you are in the sanctuary, and
28 then, lastly, we are proposing updates to our zoning strategy
29 and changes to the regulations that apply within those zones.

30
31 It's really important to know that these proposals reflect what
32 we've heard from you, from other agencies, from the public, and
33 we took all of the input that we received over a very extensive
34 public comment process, over several years, and used that to
35 inform what I'm going to talk about today.

36
37 We also, as I noted, did some updated socioeconomic analysis and
38 brought in additional new environmental data. Some of you may
39 remember, the last time we were presenting to you on this
40 action, we actually had four alternatives, as a part of our
41 draft environmental impact statement.

42
43 That included status quo, leave it alone, everything is fine,
44 nothing is wrong, to three alternatives that ranged, in terms of
45 the protections that they provided, the most protective being
46 the Alternative 3, and so, instead of just picking one of those
47 four in its entirety, what you're going to hear about selects
48 the best of all of them, and so it is not just a single pick one

1 of the four, but rather pick the best, and I'm going to talk
2 about that.

3
4 For your interest, we highlighted, in this slide, some of the
5 things that were of interest to the Gulf of Mexico Fishery
6 Management Council in your comments the last go-round, and so
7 you can see, on the left side of the slide, these are the things
8 that were specifically mentioned to us, when you reviewed this
9 the last time, and you can see, in some cases, the things that
10 you had noted aren't going forward. In other cases, they are,
11 but we have taken into consideration some of your comments, and
12 I will bring that into my discussion as we go along. Let's get
13 to the proposals.

14
15 The boundary, I noted that we are proposing expanding the
16 boundary in three specific areas, and so what you're looking at
17 on this slide is, in the orange-ish color, is our existing
18 boundary for the Florida Keys National Marine Sanctuary. We are
19 proposing to expand it in three separate ways, and that's the
20 green-hatched line that you see. First, I will talk about the
21 very narrow strip seaward of the Keys. That is an area where we
22 are proposing to align our existing sanctuary boundary with an
23 area we already regulate, which is called the area to be
24 avoided.

25
26 That is an area that was established when the sanctuary was
27 established to keep large vessels, larger than fifty meters, off
28 of the reef. In the time that the sanctuary was being
29 established, there were several large vessels that ran aground
30 in the Keys, causing significant damage to the reefs, and the
31 area to be avoided is an attempt to try to keep them a little
32 bit further offshore.

33
34 What we are proposing is to align those two boundaries that
35 already exist, so that it is consistent and more clear for
36 mariners, as well as providing those ecosystem benefits, through
37 sanctuary-wide regulations that would apply in that narrow strip
38 now.

39
40 Also, we're proposing to encompass the Tortugas South Ecological
41 Reserve, which is a zone existing in the sanctuary that is, as
42 you can see, sort of a long, narrow box out by the Tortugas, to
43 protect connected habitats, important connected habitats, in
44 that area, and then this audience is quite familiar with Pulley
45 Ridge, one of the deepest known photosynthetic reefs in the
46 continental U.S.

47
48 It already has protections from this body, and we are proposing

1 to add protections there, sanctuary-wide regulations, plus no
2 anchoring. Right now, you all protect it from anchoring from
3 fishing vessels and certain bottom-tending gears, and we are
4 proposing to add no anchoring for other types of vessels.

5
6 I mentioned that we're proposing a number of potential changes
7 to sanctuary-wide regulations, and this is one example. We have
8 a temporary regulation for emergencies. Currently, that
9 regulation allows us a sixty-day temporary regulation, with the
10 option of potentially extending that to sixty additional days,
11 for a total of 120.

12
13 Here, we are proposing, much like the Magnuson-Stevens Act, to
14 make that a 100-day initial action, with an optional 186 days,
15 to make a full-year action. Based on comments we heard when we
16 put this idea forward during the DEIS, we are proposing to be
17 explicit about the circumstances under which we would do
18 something like this, and so you can see, on the slide, we've
19 created three categories for which we would apply this type of
20 temporary regulation, and so it would be in the case of an issue
21 to a resource impact, and so if there's a storm event, or an
22 incident, and we need to address that, we could potentially
23 impose temporary regulations.

24
25 Another category would be initiating restoration, and so if we
26 need to get in and have a lot of activity occurring in an area
27 to do restoration, we might provide some temporary regulations,
28 or, if there is a certain research question that needs timely
29 response, it is possible that we could impose some kind of
30 temporary regulation.

31
32 Importantly, we also articulate a process for implementation
33 that would include public comment, that would include in-state
34 waters for the state to also be involved and approve that kind
35 of action and so we have a little bit more detail in this
36 particular proposal in this draft rule.

37
38 Traditional fishing, traditional fishing is -- The definition
39 applies sanctuary-wide, and it was identified, and is still
40 defined, by the 1996 environmental impact statement and
41 management plan, and that is still the grounding upon which that
42 definition is based. However, we are proposing some next steps
43 for that, recognizing that 1996 was a while ago, and things
44 change, and so we are working with our colleagues at NOAA
45 Fisheries, the Gulf and South Atlantic Councils, and with FWC,
46 as a part of our update to our protocol for cooperative
47 fisheries management, to work together to clarify what this
48 definition is, and, importantly, develop a process whereby

1 future changes might be discussed and modified, so that we all
2 have a clarity on how that would be done.

3
4 Moving on to zoning, I mentioned that, in addition to boundary
5 changes and sanctuary-wide changes, we are proposing potential
6 changes to our zoning, as well as changes to regulations that
7 apply within those zones. Zoning is something the Florida Keys
8 National Marine Sanctuary has done since 1997, and it is a tool
9 that has served us well to provide protections for sensitive
10 habitats, like maybe spawning areas, for certain ecological
11 functions.

12
13 Going forward, we are also proposing to use some of our zoning
14 to facilitate restoration. Back in 1997, restoration wasn't
15 necessarily a tool that was used as much as it is today, but we
16 are proposing to provide some zoning for that activity, and then
17 we are proposing, as a part of this action, to provide
18 opportunity to simplify and make our regulations in some of
19 these zones more consistent, and so let me get into some
20 examples.

21
22 Sanctuary preservation areas, this is a zone type that we have
23 currently, and, currently, we actually have eighteen of them,
24 and I'm going to explain this little figure you see on the
25 slide, sanctuary preservation areas, and there is a series of
26 gray dots, and those represent zones that we already have. The
27 blue dots you will see -- I'm explaining this because you're
28 going to see this in a couple of slides. The blue dots
29 represent new zones that are being proposed, and then the
30 universal circle with the line through it is removing zones.

31
32 What you're seeing here is, for sanctuary preservation areas,
33 which is a zone type that is intended to try to separate
34 conflicting uses, provide protection to important habitats, and
35 then, as I mentioned a moment ago, as a part of this action, we
36 are proposing to make consistent the regulations that would
37 apply in all sanctuary preservation areas, and I will get more
38 into that in a moment, but what you can see here is, as part of
39 this, we are proposing to create two new sanctuary preservation
40 areas.

41
42 We are proposing to combine two, and then we are proposing to
43 remove the restrictions that currently apply in two sanctuary
44 preservation areas, and so they would become no longer special
45 zones, and sanctuary-wide regulations would apply there, and so
46 things like fishing could resume in those areas.

47
48 In all sanctuary preservation areas currently, discharge is

1 prohibited, and we are proposing to continue that. Fishing, we
2 are proposing to prohibit it in all of the sanctuary
3 preservation areas, and then we are proposing to add no
4 anchoring to all sanctuary preservation areas. Currently, you
5 can anchor if a mooring buoy is not available, and we have
6 mooring buoys in many of these sanctuary preservation areas, and
7 if you are not going to drop down on coral.

8
9 The second zone type I want to talk about is conservation areas,
10 and you can see we have six conservation areas, and they are all
11 existing. We are proposing to eliminate the Looe Key Special
12 Use Area. This is a zone that was set up to allow for research
13 to occur there, in absence of other activities. Well, it turns
14 out that people aren't really using it for that purpose, and so
15 why should we continue to prohibit other activities, if the
16 researchers aren't actually taking advantage of that, and so
17 those restrictions will be removed.

18
19 Conservation areas are designed to protect generally larger,
20 contiguous areas with diverse habitats, and we have the same
21 sanctuary preservation area regulations, although, for most of
22 them, we are also proposing transit only, and so no discharge,
23 no fishing, no anchoring, but also transit only. Now, that
24 said, there are a couple of exceptions for areas you can see on
25 the slide, and I'm not going to go into too many details.

26
27 What I do want to point out is here's an example of a
28 conservation area that is existing, and it's currently the
29 Tortugas South Ecological Reserve, and it would become
30 Conservation Area, and just changing the name, and we are
31 proposing to expand it by a mile along the western border, and
32 so it would go from seventy-two square miles to about ninety
33 square miles. This is an area that was established to protect
34 spawning fish, and we know that that additional area will give
35 us protections also to spawning black grouper, scamp, and
36 cubera, and so that is the intention of that conservation area
37 modification.

38
39 Restoration areas, I mentioned before that restoration was not
40 necessarily a part of the equation when the zoning strategy was
41 established in 1996 in the Florida Keys, and now it is.
42 Restoration is an important activity, especially with our reefs.
43 Right now, this zone type is really focused on corals, but our
44 intention is if, in the future, we need to provide restoration
45 of say seagrass habitats, perhaps we could use this zone type
46 for that, but, right now, we are focused on corals.

47
48 The intent is to provide protection for coral nurseries, but

1 also habitats, and so we actually have two different types of
2 restoration areas proposed, and you can see, on this slide, that
3 we're proposing thirteen, and we started with zero, because we
4 didn't have any before, and total area being protected under
5 this zone type is 1.4 square miles. 1.4 square miles. It's
6 pretty small, and they're very small, and four of them are
7 habitat restoration areas, which protect the out-planting area,
8 where you're taking the little corals and out-planting them.

9
10 Nine of these are to protect the nursery areas, which is where
11 the corals are grown before they are brought out to the reef to
12 be planted and hopefully thrive.

13
14 These protections we are seeing are necessary because we are
15 seeing a lot of fishing activity and anchoring activity that is
16 occurring in these areas, and the fishing lines are getting
17 entangled in the trees, which are vertical features, and some of
18 you are probably familiar with how this works, but they are
19 vertical in the water column, and, of course, that attracts the
20 fish, but we're seeing a lot of entanglement and destroying the
21 nursery areas, and that's sort of the future of our coral, and
22 so we would like to protect these. Again, in total, 1.4 square
23 miles.

24
25 You can see, on the slide, in the habitat restoration areas, the
26 protections would be the same as sanctuary preservation areas.
27 No discharge, no anchoring, no fishing. In the nursery areas,
28 we add transit only.

29
30 Wildlife management area, also a zone type we currently have,
31 and this is the zone type, as you can see on the slide, that we
32 have the most of already, and we are proposing the most
33 additions to this zone type. These are zones that are intended,
34 as the name would suggest, to provide protection to wildlife in
35 the sanctuary, different parts of their life cycle, the habitats
36 they depend upon, and we are proposing twenty-three new wildlife
37 management areas. These tend to be quite small. We are
38 proposing to combine two and then eliminate two.

39
40 In this zone type, unlike the others, where we try to be pretty
41 consistent, in this zone type, we are proposing different
42 regulations, depending upon what it is that we're trying to
43 protect, and so if, for example, we're trying to protect an
44 island that has nesting birds, that are very easily disturbed,
45 we may need to make that a no-entry area around that island. In
46 other places, for example if we're trying to protect seagrass
47 habitat that keeps getting run over by vessels going through it,
48 perhaps too fast, we might make it an idle speed zone, and so,

1 depending upon what we're trying to accomplish, we provide
2 regulations that are the least restrictive to accomplish that.

3
4 Here's an example of a wildlife management area, and many of you
5 are probably familiar with Western Dry Rocks and know that the
6 state, FWC, provided protections to this area in January of
7 2021, and this is an important spawning area. We are proposing
8 to overlay sanctuary regulations there as well, which would
9 apply no fishing from April 1 to the end of July, as is their
10 current regulation, and we would also add no anchoring, because
11 there are sensitive habitats there, and so, in addition to the
12 fishing regulations during that season, we would also have
13 anchoring protections during that same timeframe.

14
15 I mentioned, at the beginning, that we have an updated
16 socioeconomic analysis document that accompanies this proposal,
17 reflecting new and updated information, and that, obviously,
18 examines what are the potential benefits and the potential costs
19 of this action. As I mentioned at the beginning, our community
20 depends upon these resources being healthy, and so, by
21 protecting them, allowing them to be more resilient, hopefully,
22 we will see the economic benefits of that.

23
24 We also know that, by restricting activities in certain areas,
25 there will be costs, and so this analysis reviews that, and, as
26 you can see on the slide, assuming that those who can no longer
27 fish in a given area, for example, don't move and do it
28 somewhere else, the maximum potential costs are less than 1
29 percent, excepting lobster fishing, which would be 2 percent
30 annual loss, and so there's lots more to that document, and you
31 can find it on our website.

32
33 I do want to note that I have been talking mostly about the
34 regulatory actions, and just a few examples of them, that are a
35 part of the draft rule, but it is important to know that there
36 is also a secondary piece to this, which is our management plan,
37 and that management plan speaks to what we do every day, what
38 our staff's attention is on and how we are doing our day-to-day
39 work.

40
41 That plan highlights a number of important themes that reflect
42 what we heard during the public comment process. We heard, loud
43 and clear, from the community that, for example, enforcement is
44 an issue. Water quality is an issue, and adaptive management,
45 and a number of other things that you can see on the slide, were
46 of great concern to the community, and so these priority themes
47 are really an important focus for us in that management plan.

1 That was a lot, and yet only a little, and so there's a lot more
2 that you can find out about this proposed action on our website,
3 and we know that people take in information in lots of different
4 ways, and so we try to provide you information in lots of
5 different ways, and so we have videos that explain, for example,
6 what's the point of a wildlife management area, and we have
7 documents, like the socioeconomic report, and the draft rule
8 itself can be read in its entirety.

9
10 We have static maps, recognizing that, you know, people in the
11 Keys, they have their favorite spot, and they just want to know
12 what are you proposing to do to my favorite spot, and so you can
13 find maps from the different parts of the sanctuary and compare
14 what are the current rules that apply there, what are you
15 proposing to change there, and that's very, very easy to do.
16 The management plan is there, and then we also have an iterative
17 map, and so you can zoom in and out, and you can click on the
18 different zone types, and I hope that that will be helpful for
19 people to figure out what it is.

20
21 We have also got presentations on there, and we've been doing
22 Q&A, and so we are putting up some of the questions we've been
23 hearing, so that people can learn more about it, but, most
24 important, the very most important thing, that's on this slide,
25 and that's on our website, is the comment button.

26
27 People can comment, and it's very, very, easy. There's a button
28 that you can just click on it on our website, and you can
29 comment any day of the week, and twice on Sunday, and you can do
30 it in your pajamas on the couch, and we are starting to get
31 comments. They don't get posted immediately, but they get
32 posted a couple of days after they get submitted, and it's a
33 human that has to do that, and so they're not just sitting there
34 waiting for anybody to comment. We had, last I checked, like
35 twenty-ish comments, and so not overwhelming yet, but we've only
36 been at this for about a month now, and so we are hoping that
37 people will comment and provide their input.

38
39 Some people like to stand up in front of a body like this, and a
40 microphone like this and provide oral comments, and so we're
41 making that available. I mentioned that we have been receiving
42 questions. Last week, we did a virtual Q&A, recognizing that
43 there's a lot to this. People had a lot of great questions, and
44 we had about fifty people join us virtually, and ask us about
45 forty-ish questions that we provided answers to, and those are
46 being summarized and will be put on our website, and so that was
47 an opportunity for people to understand what are you talking
48 about.

1
2 Next week, we'll do our first virtual public comment, and I want
3 to call that to your attention, because I doubt that many of you
4 will be in Key West in September, or maybe you will, and you're
5 welcome to join us, but you can register on our website and join
6 us virtually, to hear what some of the comment is, and then we
7 are making in-person public comment an option as well, as you
8 can see on the slide, throughout the Keys. Then the last public
9 comment will be October 18, in front of our Sanctuary Advisory
10 Council.

11
12 Then, as I heard it mentioned before, the public comment closes
13 on October 26, and so we are hoping to hear from the community,
14 because -- I don't think I emphasized it enough, but what I
15 presented to you, and what is in this draft rule, absolutely
16 reflects what we heard from the community and from bodies like
17 yours, and so we really, really value that input and appreciate
18 it, and, with that, I believe I am finished, and so, if there
19 are questions, Beth is happy to take them.

20
21 **MR. DALE DIAZ:** Ms. Boggs.

22
23 **MS. SUSAN BOGGS:** On Slide 13, you were talking about
24 traditional fishing and the meaning of traditional fishing, and
25 that it needs to be updated. However, I caution, or would
26 request, that we look at the traditional fishing in that area.
27 I mean, you maybe can update it, but let's -- The history of
28 what has happened in those areas I think is important to
29 maintain when you define "traditional fishing". Thank you.

30
31 **MR. DIAZ:** Any other questions for Ms. Fangman? Mr. Anson.

32
33 **MR. KEVIN ANSON:** Thank you for being here and providing the
34 information. I had a question on a slide in the presentation,
35 and I believe it's -- Well, it's the one that you were talking
36 about the sanctuary preservation areas, when you talked about
37 two of them being eliminated. You talked about the conservation
38 areas, and those being eliminated, and you provided an example
39 of the research not being conducted, and I don't recall you
40 saying why you considered, or are considering, elimination of
41 the two sanctuary preservation areas, and can you describe those
42 a little bit?

43
44 **MS. FANGMAN:** Good catch. I didn't, but I would be happy to
45 elaborate on that, and so, yes, we are proposing to eliminate
46 two current sanctuary preservation areas, one French Reef in the
47 Upper Keys, and that is an area that was established to protect
48 elkhorn coral, and, unfortunately, due to a lot of the problems

1 that corals have been having over decades, what we are
2 protecting is no longer there, and so that is the reason for not
3 providing the restrictions anymore. The restrictions to protect
4 something that isn't there anymore are not necessary.
5

6 In the Lower Keys, we also have a proposed zone that we are
7 suggesting that can be removed, and it is in the vicinity of two
8 other sanctuary preservation areas, one that is an area that is
9 a part of a massive restoration effort that we are doing called
10 Mission Iconic Reefs, where are doing extensive coral
11 restoration, and so there's three SPAs in the vicinity of one
12 another, one that is getting a lot of restoration, one that is
13 in the same vicinity but is not having restoration, and then, by
14 having a third area in that vicinity, with similar habitats, we
15 can compare the different activities and access, so that we can
16 understand what levels of protection are necessary and benefit
17 what resources and how. Am I making sense?
18

19 **MR. ANSON:** Thank you.
20

21 **MR. DIAZ:** Any other questions or comments? Seeing none, thank
22 you, Ms. Fangman. We appreciate it. Dr. Frazer, did you have
23 anything for Ms. Fangman?
24

25 **CHAIRMAN FRAZER:** No, and I just wanted to say, Sarah, thanks
26 for the presentation and the update and for addressing many of
27 the comments that the council provided back in 2020, and so I
28 know it's a lot of work, and I thought, again, that the
29 presentation was well put together and very informative, and so
30 I'm sure you'll be working with folks again here in the near
31 future, and so I look forward to working with you on that. I
32 think the next item on the agenda is the -- I guess a preview of
33 the comments from the FWC on the proposed rule, and so, Dr.
34 Sweetman, are you available to provide that update?
35

36 **FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION (FWC) COMMENTS**
37 **ON FKNMS PROPOSED RULE**
38

39 **DR. SWEETMAN:** Yes, Dr. Frazer. Thanks, and I appreciate the
40 presentation from Sarah and the sanctuary staff there. I
41 figured I would just take some time here today to kind of
42 discuss the FWC process, in terms of how we will be evaluating
43 this plan.
44

45 As during the draft environmental impact statement, FWC will be
46 comprehensively evaluating and commenting on the entirety of the
47 draft rule in the management plan, and I think our last comment
48 letter was somewhere around sixty-seven pages. FWC staff -- We

1 have already started meeting with a diverse group of
2 stakeholders and organizations, to try and better understand
3 their thoughts on both the sanctuary draft rule, as well as the
4 management plan, and we certainly have more meetings planned.

5
6 As we move through this process here, we'll continue to
7 coordinate with the councils and the sanctuary and some of our
8 other state and federal partners to update some of the
9 agreements that we have that goes along with the sanctuary,
10 including the cooperative protocol for fisheries management, as
11 well as informing the council and the sanctuary and other
12 partners about FWC comments as we move through the sanctuary
13 rulemaking process.

14
15 As far as commission meetings go, FWC plans to bring this to two
16 separate commission meetings. We've got one scheduled in
17 September, and another later in the year, and, in addition to
18 this, FWC formed several interdivisional teams here, consisting
19 of staff from Fisheries Management, the Division of Law
20 Enforcement, our Research Institute, FWRI, as well as some of
21 our wildlife and habitat scientists and others, and, in these
22 groups, as we did during the draft environmental impact
23 statement comment period, we plan to evaluate each of the
24 proposed actions and some of the data that FWC has collected, as
25 well as any other relevant data, in order to inform our comments
26 to the Florida Keys National Marine Sanctuary.

27
28 To this point, similar to the council, FWC has requested, and
29 received, an extension to provide comments in February of 2023,
30 and so that is the timeline that we are operating under.

31
32 In order to address how FWC is going to be evaluating this plan,
33 I figured I would kind of just lay out some kind of key
34 overarching principles that we used to evaluate it in the last
35 round, and we will continue to do so in this draft rule process
36 here.

37
38 First, one of the main things that we're focusing on is
39 addressing ecosystem-level change, and that's certainly a high
40 priority for FWC. As everyone knows, the Florida Keys ecosystem
41 really has been impacted by significant issues, ranging from
42 water quality, and I think Sarah addressed some of those on her
43 slides, water quality issues that have led to some of the large-
44 scale sponge and seagrass die-offs.

45
46 We've got coral loss by disease bleaching and other natural
47 disasters, and, obviously, the Florida Keys National Marine
48 Sanctuary is a very important partner, in terms of trying to

1 address some of these continuing and emerging threats to the
2 Florida Keys system, and we look forward to working with them a
3 little bit further on this as we try to address these issues.

4
5 Secondly, fisheries management is reserved for FWC in state
6 waters. As the agency that promulgates some of the fisheries
7 regulations in Florida, in state waters, FWC does work closely
8 with the sanctuary, as well as the councils, in order to ensure
9 that our marine resources are around for future generations to
10 enjoy at sustainable harvest levels.

11
12 Third, FWC will consider closures and access restrictions on a
13 case-by-case basis. Fourth, each proposed action must have a
14 clearly-defined rationale. Some of this includes, you know,
15 what issue is actually being addressed here, what have some of
16 the past experiences taught us, from some of the current marine
17 zoning and regulations schemes, what are some of the potential
18 likely outcomes, and trying to evaluate all of this under
19 expected stakeholder impacts. That kind of falls down to our
20 last kind of guiding principle here, is that the regulations
21 must be fair to all stakeholders.

22
23 FWC is currently evaluating the draft rule and the management
24 plan, and we definitely plan to come back, at our next council
25 meeting, with more specific comments. However, as Sarah kind of
26 highlighted, there are some relevant topics for the council to
27 consider, and we've already talked about traditional fishing,
28 and I know that there are some concerns relative to the Florida
29 Keys National Marine Sanctuary expansion, looking at some of the
30 Tortugas expansion that we've talked about, as well as the
31 Pulley Ridge incorporation.

32
33 I will point out that the sanctuary certainly has been listening
34 to the public comments that they received from both the council
35 and the FWC and the general public.

36
37 I think the council commented on some of large contiguous
38 habitat approaches, such as at the Tortugas corridor, as well as
39 some other ones, and, as you can tell, if you look at the plan,
40 these are no longer included in the draft rule, and so, overall,
41 FWC is going to continue to evaluate this and work with the
42 councils to move forward, as well as the sanctuary, but I just
43 wanted to kind of lay out the process that FWC will be using,
44 and we will certainly come back at our next council meeting, in
45 order to discuss some of the more specifics, and I will be happy
46 to take any questions, if there are any.

47
48 **CHAIRMAN FRAZER:** Thank you, Dr. Sweetman. Dale, I will let you

1 navigate the questions.

2
3 **MR. DIAZ:** Thank you, Tom. Any questions for Dr. Sweetman?
4 Seeing none, thank you, Dr. Sweetman. Back over to you, Dr.
5 Frazer.

6
7 **CHAIRMAN FRAZER:** Thank you, Dale. I think, again, C.J., I
8 really appreciate the update, and, you know, it parallels, I
9 think, what we have in mind for our own process here at the
10 council, and it might be a good time, actually, for Natasha to
11 just, again, provide a similar overview of the timeline and how
12 we're going to acquire, or consider, comments and how we will
13 kind of deliberate on those issues and how we want to inform any
14 comments that will be provided in February of 2023. Natasha, do
15 you want to give an overview of the timeline?

16
17 **DR. MENDEZ-FERRER:** Yes. Thank you, Mr. Chair. Right now, we
18 are in the process of scheduling meetings with our various APs,
19 similar to what we did in 2019, and so we have a special meeting
20 on September 12 with the Spiny Lobster AP, the Shrimp AP, and
21 the Coral AP.

22
23 We also have the Reef Fish AP scheduled to see the expansion at
24 their October meeting, and we're still trying to pin down the
25 CMP, but we're hoping to have their meeting sometime in late
26 November or early December, and so, once we have compiled all
27 the comments and concerns from our APs, we will draft a letter
28 and present a summary of their comments to the council, so that
29 we can go through the same exercise and come to a consensus of
30 what we want to include in that final letter to the sanctuary.

31
32 If there are any concerns, or any specific questions that you
33 want to bring up, or for us to bring up, to the APs, it would be
34 good to discuss that, either right now or during Full Council,
35 so that we can prepare and come up with all the appropriate
36 background materials.

37
38 **CHAIRMAN FRAZER:** Great. Thank you, Natasha. Again, I think
39 folks should take some time to consider the request, and, if you
40 have any suggested input, maybe you could get with Natasha prior
41 to Full Council, or we can kind of recap at that point, and so,
42 Dale, I can't see hands. Are there any particular questions, or
43 specific questions, for Dr. Mendez-Ferrer?

44
45 **MR. DIAZ:** No, there is no hands at this time. I am positive
46 that we'll probably get comments from the APs about the
47 modifications to the Tortugas South, and probably all of them
48 will comment on that, and so no hands at this time, Tom.

1
2 **OTHER BUSINESS**
3

4 **CHAIRMAN FRAZER:** Okay. Well, the final agenda item is Other
5 Business, and I do have a question for Ms. Fangman, if she's
6 available. It might be a good idea, if she feels comfortable,
7 perhaps providing to the council an update on the diadema
8 mortality event that's ongoing in the broader Caribbean region,
9 including the sanctuary.

10
11 **MR. DIAZ:** We're trying to round her up, Tom. I think she
12 stepped out of the room, and so hold on for just a minute, and
13 we're going to see if she's right outside, and we'll get her
14 back here.

15
16 **CHAIRMAN FRAZER:** Okay.

17
18 **MR. DIAZ:** Here we go. Tom, As she comes in, I'm going to ask
19 you to repeat your question.

20
21 **CHAIRMAN FRAZER:** Okay.

22
23 **MR. DIAZ:** Hold tight for one second. Ms. Fangman, Dr. Frazer
24 has a question for you, and so thank you for coming back. Dr.
25 Frazer.

26
27 **CHAIRMAN FRAZER:** Sarah, thanks for coming back, and I just
28 wanted to go back, and it's not -- It's a little off-topic, but
29 it relates to a slide that you showed in your presentation on
30 the timeline, and, on that 2022, you had a picture of a diadema
31 on there, and I understand that there is some issues right now
32 with mortality of those sea urchins, and I was just wondering if
33 you might be able to provide the council with an update of
34 what's going on and how people are trying to respond to that
35 mortality event.

36
37 **MS. FANGMAN:** I apologize, and I was out in the hallway
38 answering questions. Yes, good catch, and I'm impressed that
39 you caught that diadema on the end of that timeline. For those
40 of you that are not familiar, diadema, sea urchins, have been
41 experiencing some die-offs in other parts of the Caribbean.

42
43 Fortunately, it doesn't appear that we're having a significant
44 event in the Keys. There have been -- Needless to say, there is
45 a lot of observations occurring, to make sure that, if something
46 starts happening in the Keys, we're aware of it, and can
47 respond, although, to be honest, we don't really know what that
48 means, as to how we could stop it. However, we want to know as

1 quickly as possible.

2
3 There have been a few reports of diadema that appear to have
4 died, for reasons we don't know, but it doesn't appear to be a
5 significant event in the Keys yet, knock wood and fingers
6 crossed and everything else, and so it's something we're keeping
7 a very careful eye on, along with our partners in the state, to
8 try to just make sure, if something does happen, that we can
9 start reacting as soon as possible, but, so far, we're in just
10 watch and see and hope mode, and I hope that answers your
11 question.

12
13 **CHAIRMAN FRAZER:** Sarah, I do appreciate the update, and the
14 reason I was asking, really, was I know that there's a number of
15 conservation activities that deal not only with corals, but with
16 diadema out-plants as well, and I just wanted to try to get a
17 better handle on whether or not that might be a good idea or a
18 bad idea, if there was a disease issue in the environment, and
19 that's a lot of effort, if it's not going to be successful, and
20 so, anyway, I will try to circle back with you, when I get some
21 time and I can see you in-person, but, again, I appreciate the
22 comments.

23
24 **MR. DIAZ:** Mr. Anson.

25
26 **MR. ANSON:** Thank you for recognizing me. I'm not on the
27 committee, but, even further off-topic I guess with this
28 question, but, since the diademas were brought up, did the Keys
29 experience a diadema die-off back in the 1990s? There was one?
30 That's what I recall. Okay. Thank you.

31
32 **MS. FANGMAN:** That, I think, is what Dr. Frazer is mentioning,
33 is that part of the restoration efforts underway in the Keys
34 include a strategy to try to do restoration with diadema as
35 well, because they have a very important grazer function that
36 they serve, and, as we try to restore our reefs, we need our
37 grazers, and so the question that he's raising is a very good
38 one, which is should we be out-planting more diademas, even in
39 an experimental situation, if there is a disease event looming,
40 and so we're very aware of that, and we have our challenges.

41
42 **CHAIRMAN FRAZER:** Dale, I am not seeing any hands on my end.

43
44 **MR. DIAZ:** None of this end either, Dr. Frazer.

45
46 **CHAIRMAN FRAZER:** Okay. Well, I would just, again, like to
47 thank Ms. Fangman, and also Dr. Sweetman, for their
48 presentations and updates, and, unless there is any other

1 business to come before this committee, we will consider it
2 adjourned.

3

4 (Whereupon, the meeting adjourned on August 22, 2022.)

5

6

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