



FKNMS Proposed Rule

Recommendations from the Council's Advisory Panels

Tab N, No. 4(b)
January 2023

Outline

- Total of six Advisory Panel (AP) meetings. Motions included in Tab N, No. 4a (Coral, Shrimp, Reef Fish, Spiny Lobster, and CMP)
- Reef Fish AP commended the FKNMS for increasing stakeholder engagement and including recommendations into proposed rule.
- Draft rule can be found at:
<https://www.govinfo.gov/content/pkg/FR-2022-07-18/pdf/2022-14554.pdf>



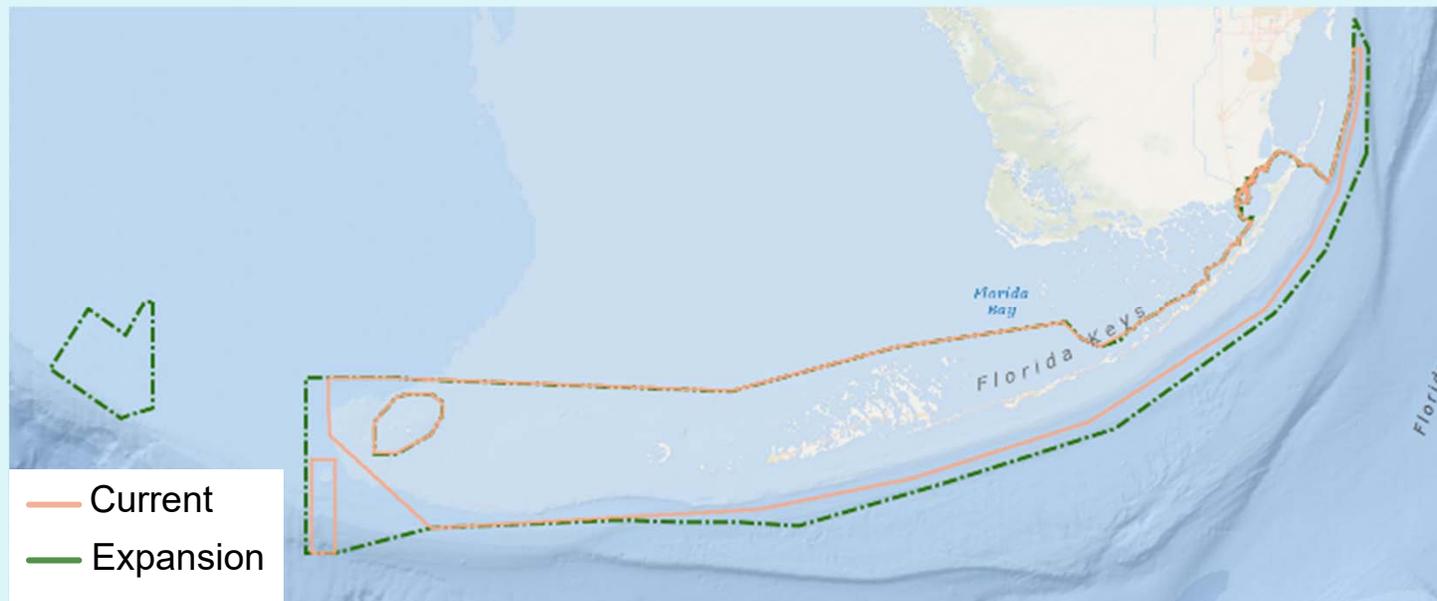
Outline

- Topics raised during the meetings:
 - Sanctuary boundary expansion
 - Pulley Ridge
 - Sanctuary Protection Areas (SPA) expansion and phase-out of bait fishing permits
 - Restoration areas
 - Western Dry Rocks Wildlife Management Area (WMA)
 - Emergency rulemaking procedures
 - Definition of traditional fishing
 - Protocol for cooperative fisheries management
 - Other concerns (e.g., extra-agency issues [water quality])



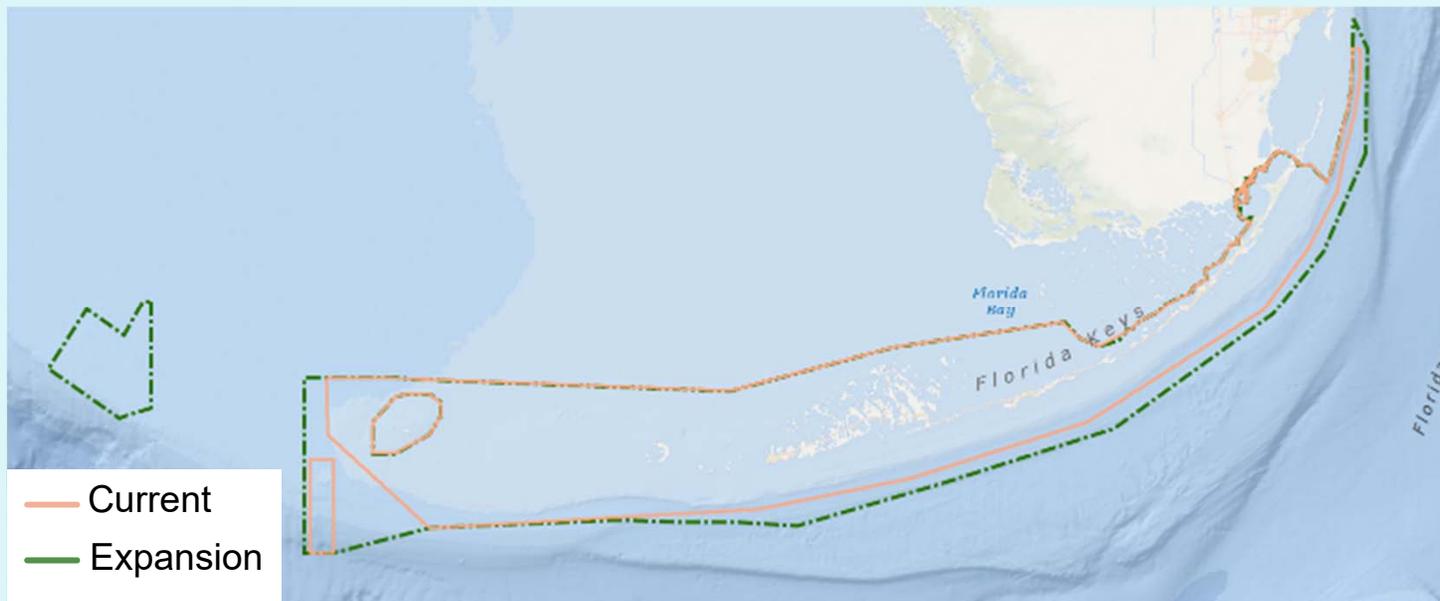
Sanctuary Boundary Expansion

- Coral AP: in support
 - For the protection of coral habitat
- CMP AP: against
 - Sanctuary resources continue to be impacted even under management



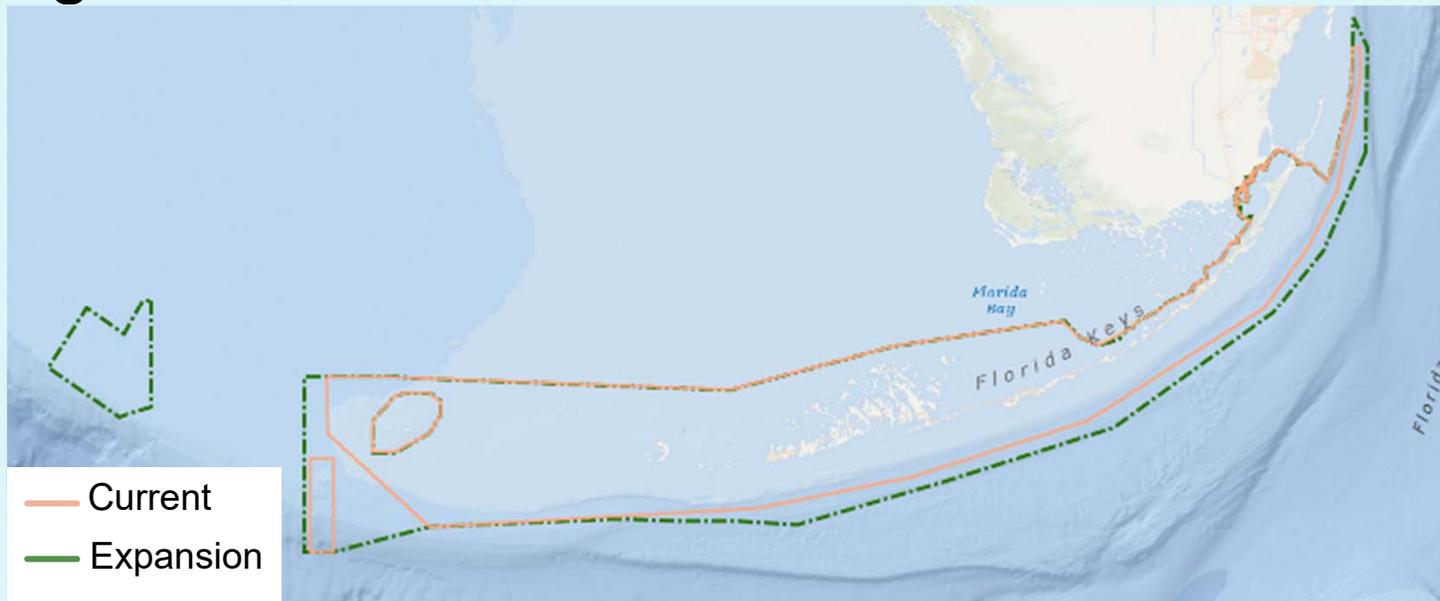
Sanctuary Boundary Expansion

- Shrimp and Spiny Lobster AP: against
 - Lack of justification
 - Out of concerns of future closures that would affect shrimping grounds



Pulley Ridge

- Coral AP: in support
 - Protection of mesophotic corals
- CMP AP: against
 - Would affect users outside of the Florida Keys region



SPAs expansion and bait fishing permits

- Coral AP:
 - in support of expanding the boundaries of the SPAs identified in the draft rule
- Spiny Lobster and Coral AP: against phase out of bait fishing in SPAs
 - Minimal impact on bottom habitat
 - Small number of permits



Designation of Restoration Areas (Nursery and Habitat)

- Coral AP: in support
 - In support of no fishing and no anchoring in these areas to reduce entanglement with the coral nursery structures, harming the bottom habitat, and protecting the divers working in the area.



Western Dry Rocks WMA

- Coral AP: in support
 - Seasonal fishing closure and no anchoring April 1 – July 31, to protect spawning aggregation



Temporary Regulation for Emergency and Adaptive Management

- Shrimp AP: against emergency management rulemaking for more than 6 months (180 days)
 - Define parameters for what constitutes an emergency
 - Concern about potential length of a fishery closure



Temporary Regulation for Emergency and Adaptive Management

- Coral AP: in support of the concept of adaptive management but recommend that the sanctuary create a process for adaptive management that is separate from emergency and temporary regulations.



Definition of Traditional Fishing

- Shrimp AP: include the definition in the rule instead of referencing another document
- Coral and CMP AP: concerns that it would limit the development of innovative gears and practices to reduce impacts on sanctuary resources
- Definition and activities to be further clarified in the Protocol for Cooperative Fisheries Management



Protocol for Cooperative Fisheries Management

- Describes the roles of NOS, FWC, NMFS, GMFMC, and SAFMC in the management of fishery resources in the FKNMS (1998)
- Working draft
- AP concerns about the “hierarchy” between MSA and NMSA
- Coral AP: recommends allowing input from the public before it’s finalized

https://floridadep.gov/sites/default/files/Protocol_for_%20Coop_%20Fisheries_Management012898.pdf



Other Concerns

- Confusing new alternative
- Enforceability
 - Consistency in regulations
 - Too many “boxes”
 - Monitoring and managing recreational use (i.e., private vessels)
 - Offshore idle speed
- Water quality
- Comparisons to FGBNMS expansion



Questions?