



# **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>



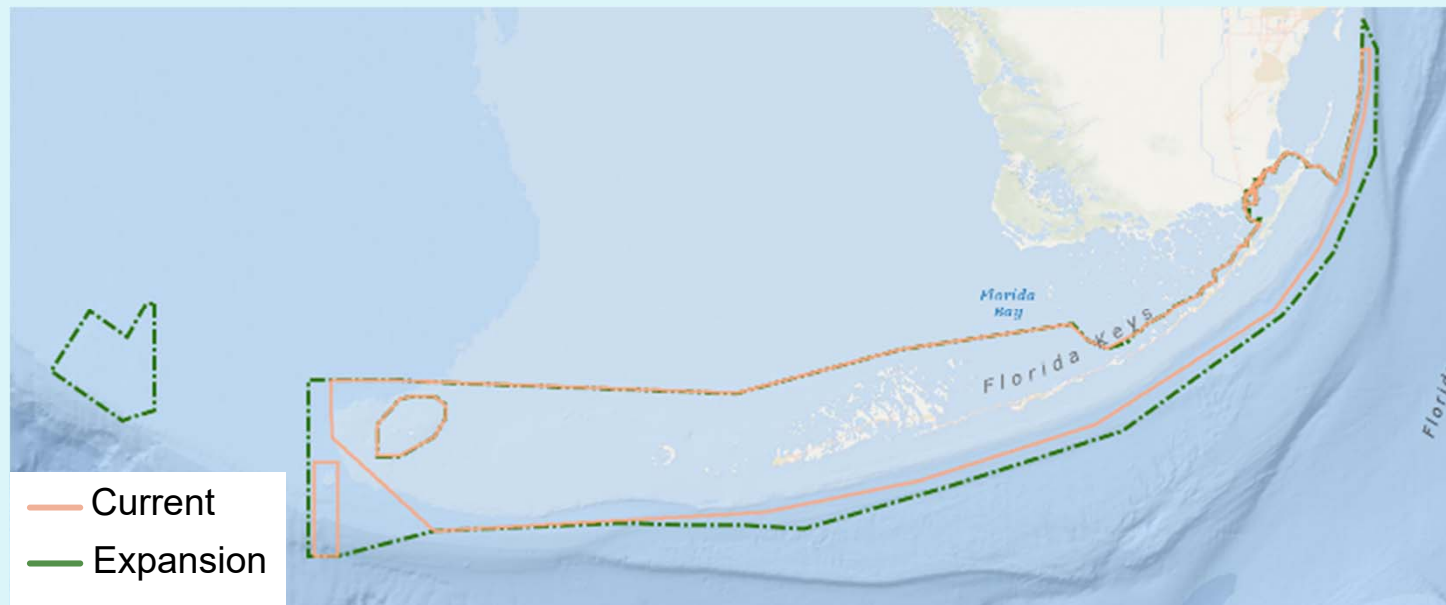
# Outline

- 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])



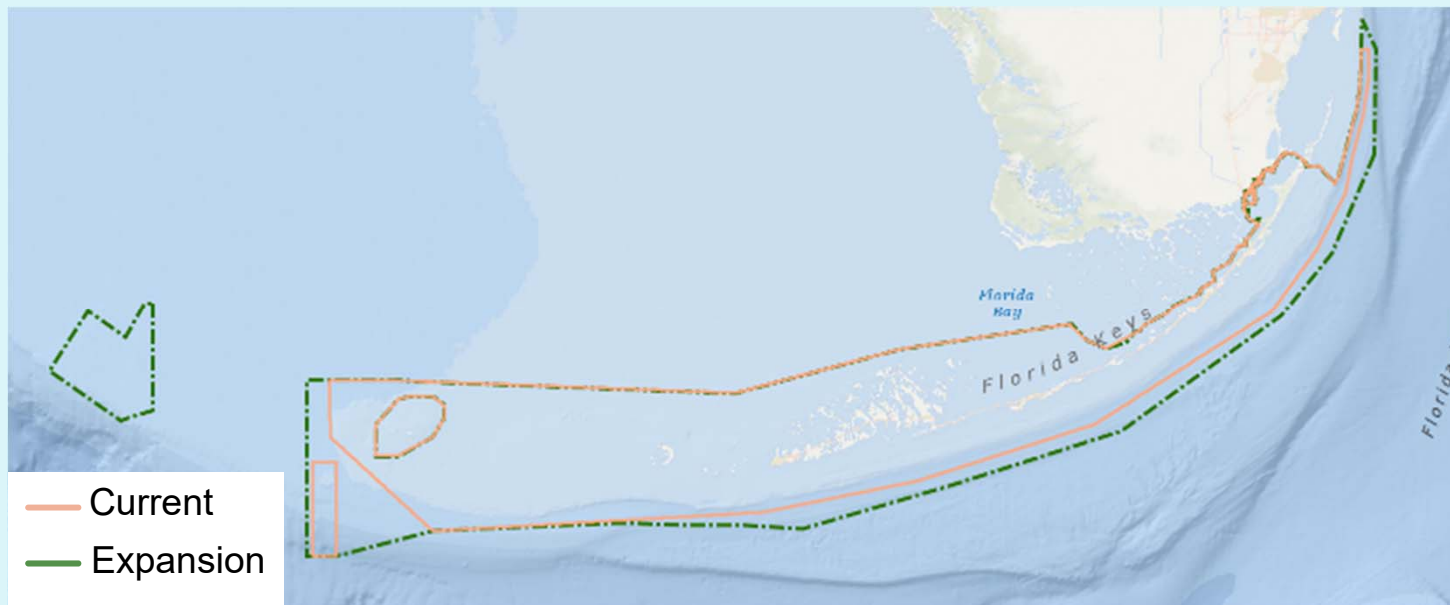
# Sanctuary Boundary Expansion

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



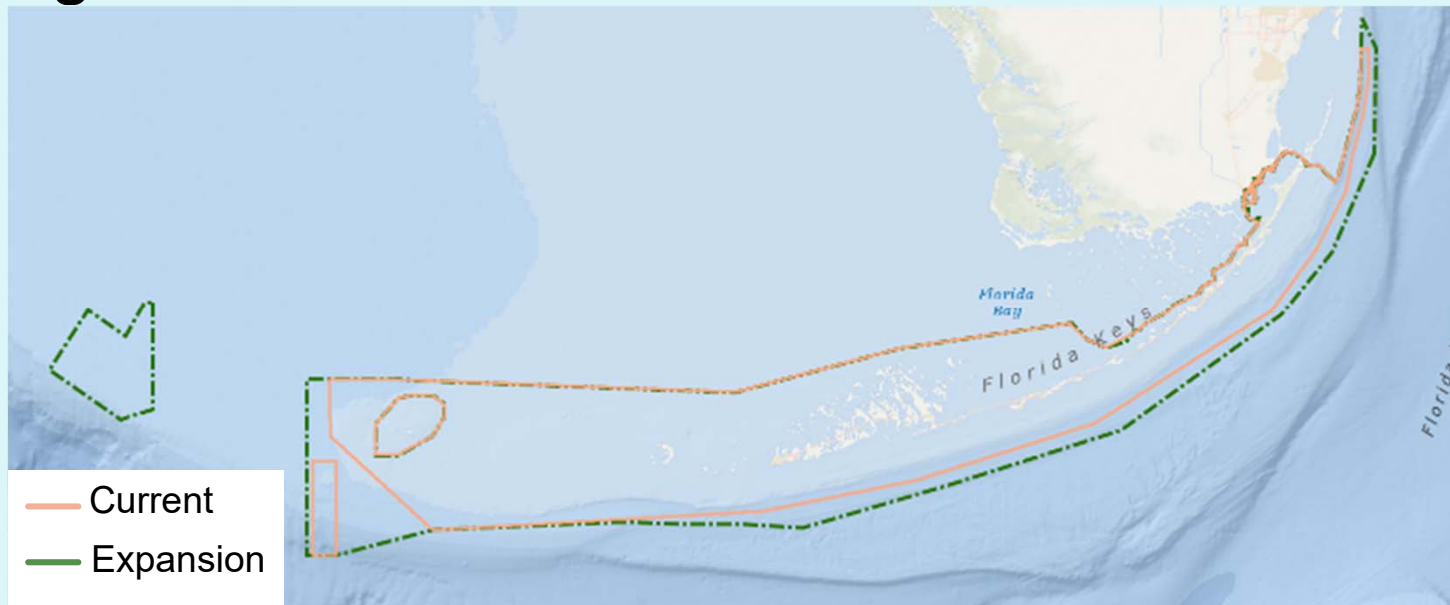
# Sanctuary Boundary Expansion

- 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](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?**