

**Coral Committee Report
January 30, 2023
Dr. Frazer – Chair**

The Committee adopted the agenda (**Tab N, No. 1**) and approved the minutes (**Tab N, No. 2**) of the August 2022 meeting as written.

Florida Keys National Marine Sanctuary (FKNMS) Proposed Rule (Tab N, No. 4)

Staff presented the recommendations provided by the Coral, Shrimp, Reef Fish, Spiny Lobster, and Coastal Migratory Pelagic (CMP) Advisory Panels (AP) regarding the FKNMS proposed rule. The Council will submit the letter to FKNMS by February 17, 2023.

A Committee member asked if the Reef Fish AP had any comments or recommendations about the FKNMS expansion to include Pulley Ridge. The Reef Fish AP Chair noted that the AP did not make any comments specific to that region because no additional fishing regulations were proposed in the FKNMS proposed rule. Regarding the no-anchor regulation for Pulley Ridge, the Committee Chair asked if the current designation of the area as a Habitat Area of Particular Concern (HAPC) and the associated anchoring prohibition would be extended to all vessels, and not just fishing vessels. NOAA General Counsel (GC) responded that an HAPC designation for essential fish habitat would trigger a consultation to protect the habitat, but not automatically extend a no-anchor regulation to all vessels. NMFS and the Council solely have the authority to regulate fishing and fishing vessels only; another agency would have to enforce any no anchor regulation for all vessels.

A Committee member asked if Council staff had consulted with the Florida Fish and Wildlife Conservation Commission (FWC) regarding the recommendations to be provided to the FKNMS. Staff affirmed open communication with FWC, and noted that Dr. Sweetman has been the Council liaison at various AP meetings where the draft rule was discussed.

A Committee member recommended that the Council's letter include comments on the definition of a no anchor regulation, and to remove push poles and power poles from the definition, as these do not generally pose a physical threat to coral habitat. The Committee member also recommended clarified language in the letter regarding increasing resources to enhance law enforcement presence in the FKNMS, as the funds dedicated to FWC law enforcement have been substantially reduced.

The AP chairs addressed the Committee and conveyed key discussion items from their meetings. The Shrimp AP Chair highlighted the enforcement implications associated with the proposed sanctuary expansion and commented that the data utilized for the economic impact analysis should be updated with more recent information. The Shrimp AP Chair also mentioned that the AP did not find the rationale for the boundary expansion to be particularly compelling; therefore, the group reiterated the motions expressed in response to the 2019 Draft Environmental Impact Statement (DEIS) opposing the proposed sanctuary expansion. The Reef Fish AP Chair commented that the AP was pleased to see the FKNMS working to pursue its conservation goals while also listening to stakeholders' concerns regarding proposed area closures. The CMP AP

Chair recognized the importance of coral protection efforts, but suggested that the FKNMS address broad-scale water quality issues before moving forward with the proposed sanctuary expansion. The CMP AP Chair also relayed the AP's opposition to incorporating the Pulley Ridge HAPC into the FKNMS, given the concern that it would diminish or interfere with the Council's authority to develop fishing regulations specific to this area.

Ms. Dieveney (FKNMS staff) presented the expected timeline in which the Protocol for Cooperative Fisheries Management and the Final EIS (FEIS) are expected to be finalized (**Tab N, No. 4(c)**). The current plan is to include the definition of traditional fishing in the protocol and finalize the interagency agreement before the FEIS is published. In the instance where all parties do not agree on the protocol, Ms. Dieveney commented that the FKNMS would have to determine next steps that would honor the partnerships with the agencies involved as well as the public requests.

A Committee member asked if the Council would be able to provide comment on the definition of traditional fishing. Ms. Dieveney responded that the plan is to present a draft to the Council for comment, that stakeholders can provide comments during public testimony, and that all agencies have to agree and sign the protocol for it to take effect.

NOAA GC reminded the Committee that under the National Marine Sanctuaries Act, the FKNMS is required to consult with the Councils to review and draft fishing regulations that meet the sanctuary's goals, and that the authority to implement fishing regulations rests with the Secretary of Commerce. As part of this consultation process, the Council can comment on the proposed definition of traditional fishing as expressed in the draft rule, and does not need to wait until a draft of the updated protocol is presented. Staff reminded the Committee that the draft letter included in the briefing book states the Council's opposition to the definition of traditional fishing in the draft rule and that the Council looks forward to working with the partner agencies on this matter.

Based on feedback provided by the Committee, staff will modify the draft letter and present it for approval during Full Council.

Coral Reef Conservation Program Update (Tab N, No. 5)

Staff provided an update on the products produced and services provided under the most recent NOAA Coral Reef Conservation Program grant cycle (2020 – 2022), noting that many of these products and services are potentially useful in decision-making processes. Due to time constraints, staff asked Council members to provide any comments or feedback on the products directly to staff.

Mr. Chair, this concludes my report.