

Date: January 6, 2014

TO: Florida Keys National Marine Sanctuary Advisory Council

From: Jim Teague

Subject: Marine Zoning-Ecological Reserves (recommendations)

General Public: Please READ and then get INVOLVED, be HEARD!!
Please pass on to anyone you know.

This document is being written by me, but is intended to reflect the views and opinions of other recreational fisherman I have met with, and those who have attended some of the Sanctuary meetings. I feel certain that these comments are also a true reflection of others in the community whether they are fisherman or not. If I assert any misinformation, I welcome corrections from anyone.

While preparing this document, I have reviewed all of the Oral, Written, and emailed Public Comments from the public hearings, as well as the Working Group Summary. I am urging all Advisory Council members to also review all of those public comments. This document hopefully will condense most if not all of those public comments. I think it is important to note, that almost 100% of the comments did not support, or had suggestions to modify the recommendations put forward for zone closures. The following link will provide you with the maps for the proposed zone closures.

<http://floridakeys.noaa.gov/review/documents/20130716draftmapsconcensusballot.pdf>

These maps are basically those of the Ecological Reserve Working Group. There are dozens of other proposed zone closures from the Shallow Water Working Group and the Coral Restoration Working Group. It was stated at a FKNMS meeting that the various groups did not share recommendations so that they might be combined. If that is true, then these maps may not reflect the true closure recommendations. To learn more and get involved, you can go to the following link. <http://floridakeys.noaa.gov/> If you go to the Advisory Council tab, then Announcements and Actions, then 2013, you can review many documents created by the various Working Groups. You can also choose the Working Groups Tab and look at the Notes, or Recommendations. This writer is not familiar with shallow water, so most of the following comments relate to the Ecological Reserve Recommendations.

I think it is also important to point out that there were about 66 emails representing over 70 people just from Key Colony Beach. Many were pointing out that the Council and the Zoning Working Group have only 1 representative of Recreational Fishermen. It was a person from the Upper Keys who is now replaced by someone else from the Upper Keys. I mean no disrespect for those people, BUT the Middle Keys and Lower Keys have no representation from Recreational Fishermen. By that I mean those who make no money from using the resources. No exploitation and profit motives. While Upper Keys people might have a good perspective in general, they may not have specific knowledge of the waters of the Middle and Lower Keys. I am speaking of fisherman who own small boats and fish from shore to the reef. Many do not have the wherewithal to travel long distances to get offshore or move to some area that is not zoned out. The current proposals seem

to discriminate against this group as the proposed zones close everything from shore to the 30 meter (98.4 foot) depth.

The person just appointed to the Advisor Council is Mr. Jack Curlett. I have never met Mr. Curlett or discussed these issues with him, but some research raises questions. I am sure Mr. Curlett is a great conservationist, but comments taken from his testimony on the record demonstrates that he has already made up his mind to some extent on the zoning issue even though it is supposed to still be in the discussion stage.

Jack Curlett testimony on 4/27/12 to the U.S. House Subcommittee on National Parks, Forests and Public Lands.

My experience fishing in, and providing advice to the Florida Keys National Marine Sanctuary, leaves me with the recommendation that a marine reserve is the right tool to use in Biscayne National Park. In fact, I keep hearing from the Keys community that they are encouraging NOAA to increase the number and the size of these same type sites throughout the sanctuary.

The above statement is troubling in the context that of all of the public comments that were submitted last fall from (the Keys Community) there were practically NONE in favor of encouraging NOAA to increase the number and size of reserves. One might ask just who in the Keys Community is asking for more closures?

It is also somewhat distressing and confusing as to why Recreational Fishermen who far outnumber those of other user groups are not better represented. Maybe it is because the people who earn a profit from the Resources put here for **EVERYONE** are members of organizations, have big signs in front of their businesses and boats, and can be found in the yellow pages. Recreational Fishermen simply park a boat at their dock, or on a trailer, and try to catch a few fish for dinner. A good example of this is the FWC admission that the surveys they do and call "Recreational" are really surveys of Charter Fisherman because they can find the Charter Boats, but don't seem to know how to find individual Recreational Fishermen. Since other User Groups are represented by organizations, why aren't there members on the Advisory Council or Working Groups from such organizations as the CCA or RFA?

Full disclosure: I am a member of the Key Colony Beach Fishing and Boating Club. Our club has over 220 members. Not all members fish regularly, but are members of the community and have an interest in the recreational opportunities and property values of the Keys. Many of our members are also members of the RFA and CCA. As further recommendations are put forth by the Advisory Council, rest assured we will be requesting the full support of those organizations to help ensure any further closures are based on good science and are reasonable and acceptable.

Be assured, as fishermen, we are all interested in GOOD conservation. This means well thought-out, scientifically based reasoning, as well as Economic Impact Studies. I have attended one community meeting here in Key Colony, and the December meeting of the Advisory Council. Several people presented comments, and as explained at the meeting, there was no time for the council members to ask questions of the public or provide answers or comments. I can understand the reasoning, but such procedure makes us all wonder if anyone is listening, and if we seem to be making sense with our comments. It was also suggested that we put comments into writing so that the entire council could study our comments. That is the intent of this document.

When will there be a meeting at which time the Public can hear from the Advisory Council or Working Groups as to the answers to our questions? We are really tired of one way

communications. We talk, we write, we then hear no responses!!! The perception is that no matter what we say, we will never hear an explanation, but new rules will be dictated at the whim of the Sanctuary Management.

I will try to highlight comments that many of us have. Some will be questions; some will be arguments relative to what we see in the proposed recommendations. We would like to think that all members of the Council and Advisory group have already asked themselves these very questions, but the PERCEPTION is that IF these comments and questions have been considered, then how can the recommendations be presented the way they are? Some of these comments or questions might seem silly or sarcastic. They are not meant to be that, but some of the concerns are valid when you take a realistic look at what is now recommended.

Where is the Science: In reading all of the justifications for the recommended Ecological Reserves (closed zones-hereinafter referred to as zones), I cannot recall reading of any scientific evidence being presented. I do retract that statement, there were a few where spawning was mentioned, and that is probably one justification that fishermen can understand. There were justifications such as “there are no ecological reserves in the Middle Keys, blah blah”. Well, we would ask, So What?? Is there a scientific reason that some area is in danger, or is in a bad way??? Or “Need to separate user groups”, or simply “No Justification listed”??? This question of **“Where is the Science”** is probably the most important concern of anyone reviewing the recommendations of the Council. If you come to public meetings next year and do not have good answers to that question, then I am certain the public will not buy in to any recommendations and strong lobbying efforts will come forth to fight any plans you might put forth. This concern was mentioned in a huge number of the public comments.

There have been reports of Coral dying because of warm water, cold water, polluted water, acid rain, the disappearance of sea urchins, fertilizer runoff, sewage leakage etc etc. While all of that might be true, how does closing fishing to a guy who wants to catch dinner going to solve those problems.

Creating Animosity of User Groups: The perception is that many if not most of the people who make recommendations are divers. OR The dive industry has some special clout with the Advisory Council. You see, I don't know of any fishermen who have a grudge against divers in general. I can personally tell you that on more than one occasion I have had commercial dive operators pull up within a boat's length of where I was anchored or fishing, drop their anchor and put divers over, BUT I have never interfered with a diver. I simply hold those operators as unethical, not the entire dive industry. BUT the way the zones are recommended, it seems that every major reef area is to be zoned out from fishing, but not diving. If any area is in need of ecological protection from humans, then it should be zoned out for ALL HUMANS, and that includes divers. As far as I know, a diver dropping an anchor does just as much damage as a fisherman who drops an anchor, AND fisherman do not go down and mess with the fish, take souvenirs from the reef, accidentally break off any coral or such activities as divers.

The point is: There is a perception that the people making recommendations are trying to create animosity between user groups where maybe none exists today. Zone out Fisherman the way the recommendations now read, and you just might start turf wars.

More on User Groups: One thing to point out is that Fishermen MUST have a license to fish. Some of that money goes to support the very challenges that the Sanctuary faces. Protect the fish,

pay for enforcement etc etc. What does a diver pay??? In the public comments it was mentioned a few times that Divers should have to buy some kind of permit or license in order to dive.

More on User Groups: There are many other factors to consider as to user groups. The recommendations from the Sanctuary Officials seem to dwell mostly on conflicts between ALL Fishermen and Divers, BUT there are already great conflicts between various types of Fisherman. That divide is between Commercial and Recreational, and further between For Hire (Charter Operators) and individual Recreational Fishermen. While the Sanctuary decisions might make some of those conflicts worse, it is really the challenge of the various Fishery Commissions to give the Average (not for hire) Recreational Fishermen a fair break, which is not the current situation. The Sanctuary Decision Makers need to ensure they do not make things worse for the individual recreational fishermen. There may very well be areas that are overfished by people who make money from the Resources that God gave all of us, but if that is so, those areas might not be abused by individual recreational fishermen. In other words, IF there are zones where commercial fishing or for hire fishing is endangering the ecosystem, don't shut out the guy who simply wants a couple fish for dinner. If dropping traps on Coral is a problem, don't lock out the hook and line fisherman. IF Commercial Fishing or Charters that take multiple limits each and every day is a problem, don't lock out the guy who wants to catch a meal for his family.

Related to that comment might be restricting the placement of traps in certain zones where the traps are damaging coral, and the traps are wiping out some type of wildlife. BUT if the traps are doing damage, why zone out a guy with a hook and line trying to catch dinner. It is very easy to zone out traps, as they require buoys to show where they are.

Fisheries Rules and Enforcement: For some of the zones, the justifications listed reasons connected to the need to support fish stocks and such. We already have too many different agencies making those rules. Hopefully the new attempt to consolidate that rule making will help, BUT the question here is WHY the Sanctuary is trying to write Fishing regulations by zoning. Where is the science to support that? If there is some science that demonstrates a need to restrict fishing in some area, or change limits or sizes, that information should be forwarded to the correct Fishery Agency. One reason is that it seems once zones are proclaimed, they never change. It is hard enough to get the fishery agencies to adjust even with good science, but it is even harder to get something like the Sanctuary to modify any of its rules in a reasonable amount of time.

Economy: When it comes to the economy of the Keys, which user group spends more money in the Keys? Yes, diving is very important, and certainly contributes a lot to the economy, but RECREATIONAL fishing contributes a lot more in terms of Home Owners, Renters, Hotels, Charters, Bait & Tackle shops, etc etc. I don't mean to demean the diving industry, but I am pointing out that the recommendations put forth seem to promote the ease of divers to use the resources, but restrict fisherman.

Concentrating Users: It might not be obvious at first glance, but theoretically IF every fisherman continues to fish, and you close off the huge amount of territory that is now recommended, then that will concentrate fisherman into the open areas, which can really decimate the environment in those areas. Right now, fishermen are spread out over the entire length of the keys. Jamb them together and see what you get. Of course, IF you then prohibit divers except in the zones you prohibit fishermen, maybe fisherman would have more room to operate. (note:tongue in cheek comment)

Perception of Recreational Fisherman: Based on the recommendations, it is perceived that the Advisory Council would like to see all fishermen sell our boats or move somewhere else so the environmentalists can watch the coral and seagrass grow. How else can it be perceived when every zone is intended to restrict fishermen. We already have to follow the rules set down by all of the Fishery legal authorities. IF there is some challenge to the fish population, then those bodies should be setting the rules. Along with their rules, now the Sanctuary comes along and zones out fishermen. Once again I say: If the intent is to restrict human interaction with the environment in some area, then it should be restricted to all Human Interaction.

Real Estate Values: I am not sure how many of the Sanctuary Advisors or Committee people own property in the Keys, but I would think some consideration should be given to what will happen to property values IF it becomes too darned complicated to go fishing in the Keys. As people stop visiting, buying fishing licenses and spending money, it will affect the economy. As fishing becomes too complicated to do, people will sell their homes and second homes and people who might come here for fishing will buy property somewhere else. Ask any realtor what will happen to property values IF recreational fishing in the Keys becomes too restrictive and complicated. When property values decrease the property tax base decreases. The FKNMS can destroy property values and the tax base if not careful.

Navigation: There are multiple issues here. The first obvious question is HOW is anyone going to know where these zones are. Can you get them on to charts before the time you want to enforce them? Most fishermen now use GPS Chartplotters. Until every company updates their chart software, fisherman will not see the zones on their chartplotters!!!

Another issue of the navigation is the way some of the zones are laid out. Being from the middle keys, I refer to the 3 zones from Grassy Key to Long Key. Going West to East, first there is an extension of the Coffins Patch which would take up a mile of reef, then a 2.5 mile zone, then a legal area 2.5 miles wide, then a 1 mile closed zone, and then at Long Key another 2 mile closed zone. What a patchwork of closed zones???

Another issue of concern and a question is: Why go out to the 30 meter (98.4 foot depth). First of all, if you want fisherman to comply, then you need to use measurements that we are familiar with which are feet and fathoms, and in this shallow water certainly feet. Using metric simply implies some academic with no real experience and exposure to average people is making the rules. A related topic is: Why forbid trolling through these zones. Trolling does not impact seagrass or coral. As for Navigation, many fisherman troll along the reef. Very often they troll in depths of 80 to 100 feet (and of course deeper from there). Imagine as you troll, you can come within 100 feet for a ways, then for 2.5 miles you cannot, then for 2 miles you can, then for 1 mile you can't, etc etc. My point is: Has anyone really discussed the fishing methods used by recreational fisherman in order to make educated decisions as to what might be good or bad for the environment, and which rules might make sense even for those trying to comply?

Enforcement: Based on the above, what a windfall for Fines and Fees. A fisherman drifts over a boundary, and BAMM there is some authority waiting to give them a ticket. BUT who is going to pay for those enforcement people???. Well, right now fisherman are paying for part of their expenses, so the people paying the bills will have to cough up more money in the form of fines in order to hire more people to levy more fines. BUT you notice, NO PROBLEM FOR DIVERS!!!

Imagine you are used to coming to the Keys for two weeks each year for the last 5 to 20 years, and all of a sudden a whole bunch of new zones pop up, and you either are not sure of the new zones, or stray across and get fined. Why come to the Keys when you can go elsewhere to fish???

As I mentioned above. Someone trolling the 100 foot depth curve happens to come in to 98 feet. Will there be an official waiting there to give them a ticket. How do you prove that someone trolling wandered in to less than 98.4 feet?

Funding: The above section on enforcement is certainly one way of getting funded, but it counts on people violating. If nobody violates, where does funding come from. I heard someone mention maybe some kind of fee at boat ramps???. Well, that certainly sounds like the Council is already considering additional fees just for the privilege of being in the Sanctuary. OK, if some have boats that do not use boat ramps, what does that mean. OH< maybe a new permit sticker that we have to get. SO, now we would have our fishing license, our boat license, and then maybe a new fee?? That idea is somewhat rhetorical, but once I heard it mentioned at the December meeting, it has become more realistic. If that idea is put forth to the public, I think there will be a real backlash.

You had your own discussions concerning funding, and I think it was obvious that IF you intend to get funding from Washington, it will be time consuming, difficult, and may take many years. If you institute all of the recommendations it is scary to think that you will have to find some way to get that money from the very people who are already buying fishing licenses, boat licenses, and pay taxes. It certainly adds to the smell of another USER FEE.

Just looking at what is happening in Biscayne Bay, we can see additional user fees coming for the Keys???

In the Public Comments, there were a few suggestions that some funding could be accomplished by creating a license of permit for divers. Certainly this could be done similar to fishing licenses. They could be sold in the same manner as fishing licenses, and could differentiate resident and non-resident, even Keys Residents separately. For the Dive Industry, they could charge a small fee for each person on board each dive. I am sure they have to keep records of who and how many people are on each dive excursion, so it would be very easy to submit a dollar or two for each passenger to the Sanctuary. I know Recreational Fisherman are paying boating fees and fishing fees to support the environment, the fishery, and the Law Enforcement. Why shouldn't divers pay something??

Education: We did hear some of the members have a discussion concerning education. There did not seem to be any decision as to how to educate the public, but it is a valid concern. That goes back to the concerns first to Educate the public as to WHY there needs to be closed zones. Without that kind of education, getting the public to understand and comply will be difficult if not impossible. Also, it will be necessary and time consuming to educate the public as to just what can and cannot be done and WHERE.

Public Notice: At both meetings I have attended, the general response from the Advisory Group has been that we the public have been derelict in not attending meetings or knowing what is going on. I am sure there is some truth to that, but I for one happen to read every newspaper printed in the Keys every day. I am signed up for all FWC emails, alerts and newsletters. NOW at the last meeting I was advised that I can sign up for emails from the Sanctuary Group, and I look forward to receiving them. That does not however explain how it is necessary for your groups to better notify the public. I certainly cannot claim to know about every meeting, but I do know that sometimes the

newspaper announces a meeting the same day or the day before the meeting is held. That does not really offer people time to plan. Also, the notice of meetings does not really explain just what is going to be discussed or decided. I can speak for everyone I have talked to, and nobody knew that previous to the Community Meetings last fall, that meetings were being held with the purpose of drawing up recommendations for closing zones to fishing. I guarantee you that if any meeting notice was provided with that as the agenda, with a few days notice, some of us fisherman would have been there. Now it is our fault???

Communications Between Study Groups: I think we were all somewhat shocked to hear that the various study groups have not communicated. The Coral Restoration Group has evidently noted areas of concern. The Shallow Water Group has come to some type of decision on recommendations. It would certainly seem that IF GOOD SCIENCE was used to create the recommendations of those two groups, that that information just might have been used when decisions were being made on recommendations for Zone Closures. Since none of us know just what the findings of those two groups are, it is hard to make any intelligent comments. It would seem now that maybe the Group deciding on Zone Closures might want to research IF they are even considering protecting the areas those two groups want to protect. OR Are we going to face not only the currently recommended Zone Closures, but some additional rules and regulations recommended by those two groups.

Water Quality: Many of us want to point out that water quality is probably more destructive to the environment than recreational fisherman. We applaud the Advisory Council on the resolution that they passed. (see below). It would seem that unless and until the water quality is improved, stopping fishing will not help coral be restored. There has been a lot of science that indicates how water quality, water temperature, and many other environmental issues harm coral. What science proves a fisherman has destroyed the reef?

Resolution of the Florida Keys National Marine Sanctuary Advisory Council in support of RESTORE Act and other funding for the proposal, “Restoring Threatened Corals to Enhance Reef Functions, Fisheries Habitat and Tourism Opportunities in the Florida Keys.”

July 9, 2013

Until and Unless the Sanctuary Officials can get various government entities to PAY for and REQUIRE clean water, zoning out fisherman, or charging fisherman to fish will NOT restore the quality of the reef.

Who Has Been Supporting the Input: The following information really sets the stage for what organizations have been involved and since everything seems to relate to Coral Restoration, there is really no advocates for Recreational Fisherman. I think it is fair to say that the listed organizations are basically slanted towards restricting or prohibiting fishing.

June 29, 2012

To Whom It May Concern:

The Alex C. Walker Foundation, Georgia Aquarium, the Property and Environment Research Center (PERC), 19 endorsing organizations and 7 individuals thank you for this opportunity to comment on the Florida Keys National Marine Sanctuary (FKNMS) reevaluation of boundaries, regulations and zoning, as announced in the Federal Register on April 19, 2012. Our organizations are actively working with conservation groups and private groups in the Florida Keys and Florida more broadly with the objective of developing new models that could

provide sustainable long-term financial sources to support ecosystem level restoration of the marine environment. In February 2012, we hosted the workshop "Market Approaches to Coral Reef Restoration – Investigating the Viability" that brought together approximately 30 professionals from the conservation, business, scientific, and government communities to discuss the application of market-based conservation programs to marine resources such as coral reefs. The workshop was subsequently highlighted by Nature in the article "Conservation meets capitalism in Florida" (<http://www.nature.com/news/conservation-meets-capitalism-in-florida-1.10101>). We have also actively engaged the following organizations, among others, in exploring ways to develop new sources of capital for ecosystem restoration: Coral Restoration Foundation (CRF), Georgia Institute of Technology, Environmental Defense Fund, Florida Atlantic University Harbor Branch, Florida Keys Dive Center, Florida Fish and Wildlife Conservation Commission, Keys Association of Diving Operators, Mote Marine Laboratory, The Nature Conservancy (TNC), National Oceanic and Atmospheric Administration (NOAA), Nova Southeastern University, Restore Capital, Royal Caribbean Cruise Lines, University of Miami Rosenstiel School of Marine and Atmospheric Science and University of South Florida. We propose to develop markets for ecosystem restoration activities in the FKNMS to provide sustainable funding solutions that can endure beyond the current limited duration approaches, such as NOAA's TNC administered coral restoration partnership grant funded by the American Recovery and Reinvestment Act (ARRA). While we have great respect for the restoration strategies developed by the ARRA partnership non-governmental organizations (NGOs), unfortunately these grants are time-limited. To confront the challenge of inconsistent fund flows provided by grants and to support long-term coral restoration and ecosystem recovery, we believe that competitive markets for restoration in the marine environment are needed, using approaches that have generated environmental and economic returns for numerous terrestrial resources.

Cooperation with Fishery Managers: Several Public Comments mentioned that the FKNMS is trying to control the fishery rules by zoning. It is bad enough that we have at least 3 fishery regulators affecting Keys fishermen (although a move is underway to simplify this), and then the FKNMS gets into fishery control also. It would seem to many that IF the Council thinks there needs to be some closures or limits or seasons, the Council should forward that information and cooperate with the Fishery Management and let them create necessary rules.

Summary: *Let it be known, that us Individual Recreational (not for profit) Fisherman are just as much interested in conserving the resources as anyone else.* The appearance and perception is that the Individual Recreational Fisherman (not for profit) is in the bull's-eye of zone closures. It also seems that this user group is very poorly represented on the Advisory Council. Yet: Probably, this user group provides more tax base, and more jobs, and more income to the Keys, and is responsible for paying more property taxes than any other single user group. I think it would be found that there are also more individual people than any other user group. It is very important that each member of the Sanctuary Staff and Advisory Council, no matter which Working Group, give full consideration to the needs of the Recreational Fisherman, as well as the Unintended Consequences that would result from imposing the (currently) Recommended Zone Closures.

Respectfully Submitted,

Jim Teague
Key Colony Beach

CC: Senator Marco Rubio, Senator Bill Nelson, U.S. Representative Joe Garcia, State Representative Holly Raschein, State Senator Dwight Bullard, Monroe County Commissioners, Monroe County TDC, Coastal Conservation Association, Recreational Fishing Alliance, FKNMS Advisory Council and Working Groups, General Public