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Sarah Fangman
Superintendent
Florida Keys National Marine Sanctuary
33 East Quay Road
Key West, FL 33040

Re: Restoration Blueprint Draft Rule and Management Plan

Dear Superintendent Fangman:

The Bonefish & Tarpon Trust (BTT) appreciates the engagement efforts of the Florida Keys National Marine Sanctuary (FKNMS) on the Restoration Blueprint draft rule and Revised Draft Management Plan. The process has been thoughtful and transparent, allowing for public education, participation, and input at multiple steps along the way. BTT has worked collaboratively with many groups, including fishing guides and the broader fishing and environmental community to develop common goals and recommendations for the Sanctuary. However, this letter summarizes BTT's own comments on the Florida Keys National Marine Sanctuary Restoration Blueprint draft rule and Management Plan (MP).

BTT is a science-based organization working to conserve bonefish, tarpon, and permit – the species, their habitats, and the larger fisheries they comprise throughout the U.S., Gulf of Mexico, and Caribbean. In Florida, these iconic species are an important component of the state's \$13.8 billion recreational fishery and are important tourism drivers. Our members include many anglers and guides who pursue flats species and other fish within the Sanctuary. Their interests in the fishery, and angling, are statutorily recognized and protected in specific instances. If Florida is the Fishing Capital of the World, the Florida Keys is the epicenter for these species that comprise the shallow water flats fishery, which is both culturally and economically important to the state. The Keys flats fishery generates almost a half billion dollars in annual economic impacts alone. However, because of its proximity to development and impacts from increasing use, habitat degradation, and water quality concerns, the Keys' flats fishery is threatened and requires additional management action and protections to ensure its vibrancy for future generations of anglers. The FKNMS will continue to face management challenges due to increasing use and population pressures as well as environmental degradation and climate change. With these factors in mind, BTT recognizes the positive elements in the Restoration Blueprint Draft Rule and Management Plan but maintains that the proposal falls well short of the current and future needs of the resource.

Revised Draft Management Plan

BTT supports the importance of habitat, water quality, and enforcement as over-arching themes in the MP and the use of adaptive management to address emerging concerns in a more timely manner. With those themes in mind, we support reprioritizing the MP goals in the following order (3) reduce threats and manage human uses, (2) improve conditions and restore resources, (5) collaborative and coordinated management, (1) improve understanding of resources and ecosystem services, and (4) increase awareness and support for resources) to reflect the most pressing and immediate needs of the FKNMS.

Habitat protections and restoration are equally critical for ensuring a vibrant flats fishery. We will discuss specific zoning modifications later in our comments but want to emphasize here how key those will be in reducing future impacts to sensitive habitats, as is adequate enforcement to ensure compliance with zoning requirements. Additionally, restoration of degraded and damaged seagrass habitats is necessary to address already impacted areas and must be coupled with boater education, zoning, and effective marking of channels and zones. BTT suggests marked running lanes, especially throughout the backcountry, using similar style and placement to those in Everglades National Park

Increasing boating activity, particularly by those who are inexperienced in the complicated navigation found in the FKNMS, has had dramatic adverse impacts on seagrass habitat health and fish behavior. BTT strongly supports the *development of a boater education program* within the Sanctuary, like the one in place in Everglades National Park, that is comprehensive, mandatory and accessible to reduce negative interactions between boaters and natural resources. BTT also supports further evaluation, management, and enforcement for non-angling boating activities by thrill craft (jet skis, air boats, and parasails) within the Florida Keys National Wildlife Refuge, where angling is a statutorily designated “priority public use” and is being negatively impacted in specific areas by certain non-angling activities. We specifically recommend that the FKNMS enforce the prohibition of thrill craft within the National Wildlife Refuges and evaluate their impacts, both noise pollution and habitat, on near shore areas especially where large numbers of jet skis are operating. We also suggest immediately revising licensing requirements for jet ski tour operators to ensure that such commercial operations do not continue to adversely impact fisheries, habitats, and angling.

Water quality is foundational for healthy and vibrant natural resources within the FKNMS. Restoring clean water inflows to Florida Bay through Everglades restoration and ensuring appropriate treatment for wastewater and stormwater entering Sanctuary waters is critical. In fact, recent BTT-funded research by Florida International University indicates that more needs to be done to address wastewater, including pharmaceuticals, which were found in quantities and concentrations high enough to impact bonefish behavior in multiple locations sampled from Biscayne Bay to the Dry Tortugas. Further consideration should also be given to the impacts of turbidity on the overall ecological health of the system, particularly in the lower Keys region as this is an important biological corridor and pre-spawning aggregation area for tarpon.

Because of the fluid nature of many of these issues, ever-increasing pressures, and the timing and political challenges in changing regulations, BTT supports the use of adaptive management and

the establishment of a federally appropriate mechanism to achieve that goal that extends beyond the proposed temporary regulations in the Restoration Blueprint. Adaptive management mechanisms should be explored further by the FKNMS and Office of National Marine Sanctuary staff in strong coordination with the Sanctuary Advisory Council (SAC) through the establishment of a dedicated SAC Working Group. The Restoration Blueprint should not be viewed as a static document but rather as a template upon which to build and updated on a regular basis. Adaptive management that looks at targeted areas and issues, while incorporating updated and relevant scientific information and appropriate stakeholder and public feedback is a necessity.

As a first step in that process, an ecosystem science symposium as outlined in Activity 1.1.1 will help set the baseline for future efforts. BTT stands ready to take a leading role in that effort to bring scientists, policymakers, and stakeholders together. We have extensive experience in hosting and coordinating these events as evidenced in our 7th International BTT Science Symposium and Flats Expo held in November 2022 with the theme of “Conservation Connections.” These types of forums can serve as the basis to assess scientific needs and update both science and management plans when held on a regular basis.

Restoration Blueprint – Sanctuary-wide Regulations

- A. Boundary Expansion: BTT supports the expansion of the FKNMS boundaries to include the Area to Be Avoided and the Tortugas South Conservation Area as contiguous boundaries and a non-contiguous area at Pulley Ridge. Incorporating these areas into the Sanctuary will allow for clarity for mariners and additional habitat protections. Underlying the effectiveness of this expansion will be the need for sufficient enforcement and public education – this is especially important given the remote nature of much of the expansion areas.
- B. Discharge Regulation: BTT supports the proposed regulation to prohibit discharges by cruise ships within the Sanctuary, with an exception only for cooling water. Recognizing water quality improvements as a primary goal within the FKNMS, and the potential relationship between ballast water and Stony Coral Tissue Loss Disease migration, this regulation is the minimum requirement. BTT encourages the Sanctuary to continually review this provision to see if technology advances warrant additional or modified discharge regulations.
- C. Temporary Regulation and Adaptive Management: BTT supports the proposed regulation to modify existing timelines for the duration of temporary regulations to better address emergency or unforeseen situations. As referenced earlier, we do think there is a need for mechanisms to address adaptive management needs on a regular basis. For example, there should be annual evaluations of bird activities at individual Wildlife Management Areas to determine the need for and/or effectiveness of the current zoning or the need to regularly review and update the Restoration Blueprint by geographic area and/or issue. As such, we support the creation of a SAC working group to review and provide a mechanism to allow for such a process.
- D. Fish Feeding: BTT supports the proposed regulation to prohibit the feeding and attracting of fish, including sharks, from any vessel or while diving and strongly encourages further consideration of extending this regulation to shore-based operations through the

acquisition of additional information on the science, scale, scope, and economic impacts to inform such a regulation. We support the Sanctuary ensuring that “the proposed new fish feeding regulation would not affect the existing regulatory exception that allows discharge of fish, fish parts, chumming materials, or bait that is used or generated while conducting traditional fishing in the sanctuary.”

- E. Derelict Vessels: BTT supports the proposed regulation and recommends that the Sanctuary work with its regulatory partners and other organizations to identify additional mechanisms and opportunities to address and prevent derelict vessels.
- F. Other Considerations: BTT recommends further clarification on the *definition of anchoring* related to the use of push poles and power poles. With the presumed goal of “no anchoring” provisions being the reduction of habitat disturbance and destruction and the minimal intrusion of these methods, BTT supports the exclusion of push poles and power poles from the anchoring definition.

Marine Zoning

BTT acknowledges the Sanctuary’s responsiveness to stakeholder input during the 2019 Draft Environmental Impact Statement comment period by removing zones like the Long Key Tennessee Reef closed area that would have eliminated sustainable flats fishing at a historically significant area. In general, we support the currently proposed reorganization of marine zone types with modifications as described below.

- A. Wildlife Management Areas: BTT worked collaboratively with the Florida Keys Fishing Guides Association (FKFGA) and the Lower Keys Guides Association (LKGA) to provide shallow water zoning recommendations. This group, referred to as the Flats Fishing Coalition (FFC), *supports 19 of the proposed Wildlife Management Areas (WMAs) with an overall recommendation that no entry zoning be adjusted to 300’ no motor buffers, with a 50’ no entry buffer that allows casting into it.* The FFC also requests modifications to 21 WMAs and recommends 7 additional WMAs be added to the Restoration Blueprint. Our recommendations would protect approximately twice the amount of seagrass habitat and 60% more hardbottom relative to the proposed WMA zoning, while maintaining responsible access to these areas. These additional protections would address one of the key stressors in the flats fishery – the physical damage that occurs to shallow water habitats by naïve or irresponsible marine use – and reduce impacts to fish behavior. Several of our zoning recommendations would afford additional conservation of key areas that are important for permit aggregation and migration. Please see the attached paper titled *Summary of Lower Keys Guides Association, Florida Keys Fishing Guides Association and Bonefish & Tarpon Trust Recommendations for the Florida Keys National Marine Sanctuary Blueprint* and the associated detailed maps for our full WMA boundary comments.
 - a. *Crocodile Lake, Pelican Key, and Whitmore Bight*: the FFC supports these WMAs as proposed
 - b. *Barnes-Card Sound*: the FFC recommends this WMA be rezoned from no motor to idle speed
 - c. *Dove and Rodriguez Keys and Tavernier Key*: the FFC recommends rezoning these WMAs as no motor and no anchor and expanding them to 8’ depth of water

to provide protection for the tarpon migration fishing lane from combustion engine boat traffic on the edge of the flat.

- d. *Ocean Reef and Plantation Key Colony*: the FFC proposes these two additional, new WMAs. Both WMAs would protect an important area of the larger Key Largo bonefish fishery, reduce marine stress for tarpon as they move through their migratory corridor, and address boating safety issues.
- e. *Channel Key Banks, Marathon Oceanside Shoreline, and Red Bay Bank*: the FFC supports these WMAs as proposed. Within the Channel Key Banks, we also suggest a 100' buffer zone around Channel Key to protect bird colonies.
- f. *Ashby Horseshoe Key, Cotton Key, and Snake Creek*: the FFC recommends that Ashby-Horseshoe Key be modified to a no motor zone to allow for bait collection, and that Cotton Key and Snake Creek be expanded to protect important bonefish, tarpon, and permit habitats
- g. *Tavernier Key*: the FFC recommends the expansion of this WMA as referenced in our attached paper, which would extend the boundary of this zone to 8' of water, and a zoning change to no motor
- h. *Tavernier Creek, Little Basin, and Wheel Ditch Channel*: the FFC recommends speed and/or vessel size restrictions for these areas for safety purposes.
- i. *Veterans Key, Upper Matecumbe Key/Cheeca Rocks Flat, Lower Matecumbe Key, Lignumvitae State Park*: the FFC supports the creation of four new WMAs in the middle Keys, of primarily no motor zones, to protect important flats fishing habitats from damage caused by increasing marine use
- j. *Bay Keys, East Bahia Honda Key, Northeast Tarpon Belly Keys, Sawyer Key, West Bahia Honda Key, Cayo Agua Keys, and Mud Keys*: the FFC supports these WMAs as proposed.
- k. *Easy Harbor Key, Happy Jack Key, Horseshoe Keys, Howe Keys, Little Pine Key Mangrove, Snipe Keys, Torch Keys, and Water Key Mangroves*: the FFC recommends re-zoning these WMAs to no motor.
- l. *Crane Key, Barracuda Keys, and East Content and Upper Harbor Key*: the FFC recommends rezoning Crane Key to idle speed (west side) and no motor (remainder), and the expansion of Barracuda and East Content and Upper Harbor Keys WMAs to protect bonefish habitat and tarpon from vessels traveling on plane
- m. *Marquesas Keys Turtle and Archer Key*: the FFC supports these WMAs as proposed
- n. *Ballast and Man Key Flats*: the FFC supports this WMA with zoning modification to idle speed and expansion to protect permit spawning migration connections to Western Dry Rocks
- o. *Western Dry Rocks*: BTT strongly supports the proposed rule to establish WDR as a WMA and mirror the Florida Fish and Wildlife Conservation Commission's seasonal fishing closure with the addition of no anchoring regulations during the same period. This seasonal closure is critical for the protection of multiple spawning aggregations and the overlapping no anchoring provision will further strengthen the enforceability of that provision. We urge the Sanctuary to consider protections for more spawning aggregations throughout the Keys.

- p. *Marquesas Keys*: the FFC proposes a new WMA here, encompassing the entire Marquesas atoll, that would be zoned idle speed only with six access channels. This WMA would reduce vessel impacts to important permit and bonefish flats and would reduce acoustic stress on tarpon.
 - q. *Boca Grande/Woman Key, Horseshoe Key (in the lower Keys management area), Pigeon Key, NW Channel (new proposed zone)*: BTT supports the comments submitted on these zones by the LKGA and FKFGA.
- B. Sanctuary Protection Areas: BTT recommends that bait fish permits continue to be issued for the sanctuary preservation areas (SPAs), and that catch and release activities be allowed to continue in the SPAs. BTT supports the comments submitted by the LKGA and FKFGA on Alligator, Sambo, Sombrero, and Tennessee Reefs and Cheeca Rocks.

Thank you for your thoughtful consideration of our comments and recommendations. The Florida Keys ecosystem urgently needs progressive and aggressive management to maintain and restore the natural resources that are key to the region's economy and cultural fabric.

Sincerely,



Kellie Ralston
Vice President for Conservation and Public Policy