

Boundaries and Regulations Summary

Restoration Blueprint

3.1 Boundaries:

3.1.1: Modifications to Sanctuary Boundary.

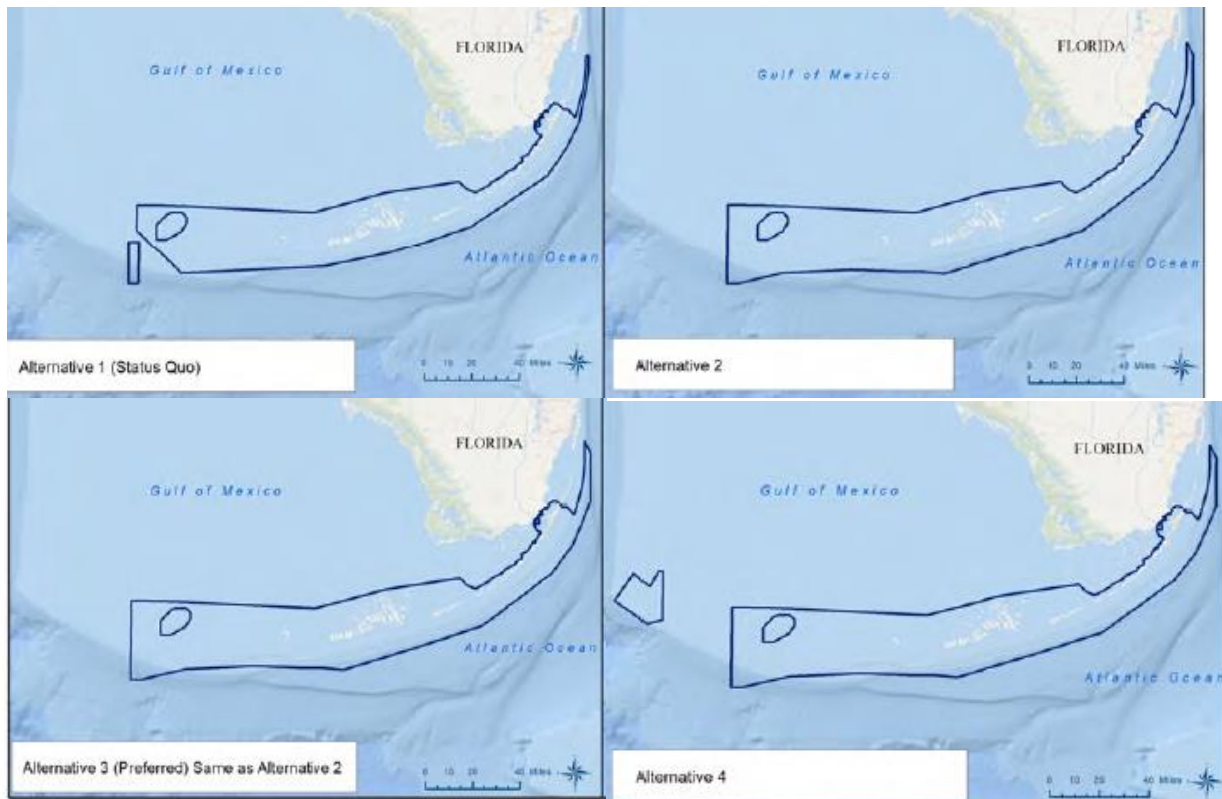
Alt1: 3,800 square miles. No change.

Alt2: A) Extends Sanctuary Boundary to existing Coast Guard “Area To Be Avoided” on Charts (+472 sq miles). ABTA is for tank vessels or vessels greater than 50 meters. Will enhance enforcement and compliance.

B) Also adds Tortugas Corridor (+272 sq miles) connecting existing boundary to Tortugas South ER. Protects habitats and spawning areas. Aligns with 2002 International Maritime Organization’s “Particularly Sensitive Sea Area” meant to protect areas of special ecological, socioeconomic or scientific reasons that are vulnerable to damage by international maritime activities.

Alt3: Same as 2.

Alt4: Adds southernmost section of [Pulley Ridge](#) (+271 sq miles) to ABTA/Tortugas connection (Alt2). Pulley Ridge is a nationally significant mesophotic (some light dependent, some non light dependent) reef ecosystem with demonstrated biological connectivity to the Florida Keys. Section aligns with Gulf of Mexico Fishery Management Council’s 2005 “Habitat Area of Particular Concern”. Especially sensitive to bottom tending fishing gear and would ban bottom trawling, buoy gear, pots, or traps, and prohibit anchoring by fishing vessels.



Comparison of proposed sanctuary boundary alternatives

Table E-2. Boundary expansions in FKNMS by alternative (square miles)

Alternatives	Total area	Expansion area	ATBA expansion	Tortugas expansion	Pulley Ridge ¹
1 - no action	3,800	0	0	0	0
2	4,541	743	472	271	0
3 - preferred	4,541	743	472	271	0
4	4,800	1,002	472	271	259

3.2 Sanctuary Wide Regulations:

3.2 Updates Terms and Conditions and Definitions. Appendix B (Pg 399-400)

Definitions:

- 1) *Idle speed only / no wake* updated to match State law.
- 2) *Idle speed only / no wake zone* updated to match State law
- 3) *Marine life species* updated to cite the correct State code
- 4) *No-access buffer zone* replaced with *no vessel zone* and updated to reflect State law.
- 5) *Tropical Fish* updated to cite the correct State code.

Terms

- 1) *Seabed* replaced with *submerged lands*
- 2) Update terms for *seabed construction projects* to expressly exempt a number of small-scale, minor scope, non-adverse impact projects. “Breakwater” would be removed from the list of exempt activities.
- 3) Littering would be added to the regulation for discharge or deposit of material.

Regulations:

1. *Boundary coordinates* would delineate the sanctuary boundary adjacent to Everglades National Park and Card Sound.
2. *Vessel operations around divers down flags* would incorporate the updated definition for idle speed no wake areas and match State Statutes.
3. *Conduct of diving/snorkeling without a flag* would match State Statutes, addressing vessel and diver behavior.
4. *Take or possession of protected wildlife* would include all state and federally protected species.
5. *Exemptions for law enforcement* will update the types of prohibited activities that officers undertake during routine operations.
6. Prohibitions on permits for mineral or hydrocarbon development, disposal of dredged spoil, or discharge of sewage would correct regulatory citations.
7. *Great White Heron and Key West National Wildlife Refuge Management Areas* would be updated with geographic coordinates to show where personal watercraft, waterskiing, or airboat use is allowed. The term *Management Areas* will be removed and *National Wildlife Refuge* will be defined.
8. *Restoration permit* would be added as a category of general permit to describe activities currently being permitted and facilitate project tracking.
9. *Certification of pre-existing leases, permits, approvals, other authorizations, or rights to conduct a prohibited activity* would address all valid pre-existing activity conducted in a sanctuary expansion area prior to the sanctuary expansion.

3.2.1 **Live Rock - Update** (Existing prohibits removal, injury, possession, harvesting except for state permitted aquaculture)

- Alt 2: No Action
- Alt3: MOU with State for better oversight of State permits within Sanctuary.
- Alt4: Require sanctuary authorization of existing/future live rock activities (in addition to State).

3.2.2: **Discharge Regulation Exceptions - Update** (Existing prohibits discharging or depositing materials except chumming/bait/fish parts, non-oily graywater, and vessel cooling water/exhaust).

In ER's, SPAs and SUA's: only exhaust and cooling water.

- Alt2: Prohibit cruise ships from discharging anything other than cooling water, exhaust gas, clean bilge water, or clean anchor water. Would not allow graywater, scrubber wash water, etc. Would become consistent with other Sanctuary sites.
- Alt3: Same as Alt 2.
- Alt4: Same as Alt 2.

3.2.3: **Shoreline Slow Speed - Update** (Existing prohibits more than 4 knots or wake within 100 yards of residential shorelines. Does not apply within officially marked navigation channels.)

- Alt2 and Alt3: No Action
- Alt4: Update: No extensive wake within 100 yards from any shorelines in boundary. Updated regulation would follow Florida Code defined “slow speed” as fully off plane and completely settled within the water. Still would not apply in navigation channels.

- 3.2.4: **Emergency Regulations - Update** (Existing allows temporary emergency regulations for 60 days with one 60-day extension. Additional extensions require notice and comment rulemaking. NOAA can also temporarily change access to WEA's, SPA's, ERs and SUA's). FKNMS has used emergency regulations 3 times since inception (pg 34).
- Alt2: Would lengthen initial emergency regulation for up to 180 days with one 186 day extension. Would eliminate the marine zone specific emergency regulations (WEA, SPA, ER and SUA) because they would become redundant.
 - Alt3 and Alt4: Same as Alt2.
- 3.2.5: **Historical Resources Permit - Update** (Existing has three Historical Resources permit types: Survey/Inventory, Research/Recovery, and Deaccession/Transfer). Since 1996, 61 projects have received permits for Survey/Inventory and/or Research/Recovery and zero have applied for Deaccession/Transfer.
- Alt2: Take all three categories and roll them into one "Archeological Research Permit" consistent with definitions, standards and procedures in Florida's Code for archeological research on State Lands.
 - Alt3 and Alt4: Same as Alt2.
- Separately, Appendix C (pg 401-410) is a draft programmatic agreement with the Florida Department of Historic Resources and the Advisory Council on Historic Preservation to help NOAA meet its legal obligations under Section 106 of the National Historic Preservation Act. Public comment on this is separate.
- 3.2.6 **Fish Feeding- New** (No existing regulation). Has been shown to affect fish behavior and resulted in human safety issues. Existing Florida rule at 68B-5.005 Florida Administrative Code prohibits: (1) divers from engaging in the practice of fish feeding, and (2) anyone from operating any vessel for hire for the purpose of carrying passengers to any site in the saltwaters of the state to engage in fish feeding or to allow such passengers to observe fish feeding. This state regulation does not currently extend into the federal waters of the sanctuary.
- Alt2: Bans feeding from vessels or while diving. Does not affect discharge of fish, fish parts, chumming materials or bait used in traditional fishing. Defines feeding as "offering, giving or attempting to give food" for any reason except fishing. Expands existing definitions of fish, vessel and traditional fishing. Traditional fishing does not include novel or new gear types, or outside of season.
 - Alt3 and Alt4: Same as Alt2.
- 3.2.7 **Vessel Groundings- New** (No existing regulation). Removal of grounded derelict or deserted vessels and any harmful matter aboard is not specifically required unless /until discharge occurs, the seabed is altered, or sanctuary resources are destroyed, altered or injured. There are no requirements to report a grounded vessel to the Sanctuary.
- Alt2: Prohibits anchoring, mooring or occupying a vessel at risk of becoming derelict, or deserting a vessel aground, at anchor or adrift in the Sanctuary. Matches Florida Statutes.
Consistent with other Sanctuaries. "deserting" means leaving an aground or adrift vessel without notifying the Sanctuary within 24 hours of discovery, when the owner/operator cannot be reasonably contacted within 24 hours of notification, when notified of risk the owner/operator fails to secure or create a salvage plan in a timely manner. Also prohibits leaving harmful matter (oil, gas, fishing nets, hooks, line, contaminants, etc) aboard a grounded/deserted vessel.
 - Alt3 and Alt4: Same as Alt2.
- 3.2.8 **Large Vessel Mooring Bouys- New** (No existing regulation)
- Alt2: Vessels over 65' use designated large vessel bouys. Vessels under 65' use designated small vessel bouys. Small boats can chain together if still smaller than 65'.
 - Alt3 and Alt4: Same as Alt2.
- 3.2.9 **Overnight Use of Mooring Bouys - New** (No existing regulation)
- Alt2: Prohibits overnight use of any FKNMS mooring bouys with the exception of vessels seeking safe harbor and research vessels permitted for such in the Tortugas North ER. Reduces commercial and nighttime exploitation of the resource.
 - Alt3 and Alt4: Same as Alt2.