

## APPENDIX B

### MINOR OR TECHNICAL REVISIONS AND UPDATES

#### Introduction

This appendix identifies minor or technical revisions and updates to regulatory definitions, terms, and provisions that FKNMS is proposing to update. The proposed updates would not result in direct, indirect, or cumulative impacts on any sanctuary resources in the existing sanctuary or proposed expansion area. Therefore, these proposed regulatory changes are not discussed in Chapter 5, Environmental consequences. The proposed changes described below would be implemented for all of the alternatives considered in this DEIS, except for the No Action alternative.

#### Definitions and terms

The following existing definitions and terms would be updated for greater consistency with the state of Florida Administrative Code (F.A.C.), National Marine Sanctuary System-wide regulations, other sanctuary-specific regulations, and the updated FKNMS management plan.

#### Definitions:

1. *Idle speed only/no wake* would be updated to be consistent with state law at 68D-23.103(3)(b), (d)-(f), F.A.C., for boating restricted areas. All other references to *idle speed only/no wake* in FKNMS regulations would be updated (e.g., officially marked channel).
2. *Idle speed only/no-wake zone* would be updated to be consistent with state law at 68D-23.103(3)(b), (d)-(f), F.A.C., for boating restricted areas. All other references to this zone type in FKNMS regulations would be updated.
3. *Marine life species* would be updated to correct the state code citation.
4. *No-access buffer zone* would be replaced with the term “*No vessel zone*,” and the definition would be updated to be consistent with state law at 68D-23.103(3)(b), (d)-(f), F.A.C., for boating restricted areas. All other references to this zone type in the FKNMS regulations would be updated to reflect the new term.
5. *Tropical fish* would be updated to correct the state code citation.

#### Terms:

1. All references to the term *seabed* would be replaced by the term *submerged lands*.
2. Terms used to describe the types of activities and projects that are exempt from the *alteration of, or construction on, the seabed* regulation would be updated. The updated terms would expressly exempt a number of small-scale construction projects that are minor in scope and would not result in adverse impacts to sanctuary resources. In addition, the term “breakwater” would be removed from the list of currently exempt activities, as breakwaters are not commonly built in the Florida Keys and tend to require more extensive review and coordination with other local, state, and federal agencies.
3. The term *littering* would be added to the discharge or deposit of material or other matter regulation.

## Regulations

The following regulations would be updated for greater consistency with the state of Florida F.A.C., National Marine Sanctuary System-wide regulations, other sanctuary-specific regulations, and the updated FKNMS management plan.

1. *Boundary coordinates* would be added to more clearly delineate the existing sanctuary boundary for the areas adjacent to Everglades National Park and Card Sound.
2. *Vessel operations around divers down flags* would be changed to incorporate the updated definition for idle speed no wake areas as noted above and would be updated to be consistent with Chapter 327.331, Florida Statutes.
3. *Conduct of diving/snorkeling without a flag* would be updated to be consistent with Chapter 327.331, Florida Statutes, which addresses both vessel behavior around divers and diver behavior.
4. *Take or possession of protected wildlife* would be updated to more accurately capture the listed wildlife species present in sanctuary waters (e.g., in addition to marine mammals and turtles, this updated terminology would include corals and crocodiles), and a definition for *protected wildlife* would be added. The species that would be added are already protected by existing state or federal laws, such as stony corals listed under the Endangered Species Act.
5. *Exemptions for law enforcement* would be updated and consolidated to more accurately reflect the types of prohibited activities that officers may need to undertake during routine operations.
6. Prohibitions on permits for mineral or hydrocarbon development, disposal of dredged spoil, or discharge of sewage would be updated to correct regulatory citations and provide clearer language.
7. *Great White Heron and Key West National Wildlife Refuge Management Areas* would be updated with geographic coordinates versus township information to explain 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 that may be issued by the director to further restoration of natural resources and advance sanctuary management goals. These types of activities are currently addressed through the general permit category, “Further the natural or historical resource value of the sanctuary.” Adding a restoration permit category would more accurately describe the activities currently being permitted and help facilitate tracking of such projects.
9. *Certification of pre-existing leases, permits, approvals, other authorizations, or rights to conduct a prohibited activity* would be added to address any pre-existing activity conducted in a sanctuary expansion area pursuant to a valid federal, state, or local lease, permit, license, approval, or other authorization in existence prior to the effective date of sanctuary expansion. A similar provision was included in the original FKNMS regulations for activities that pre-dated sanctuary designation, but was later removed because it was no longer applicable.