

**Karl Crook
President and CEO
Crook and Crook Inc.
DBA Crook and Crook Fishing and Marine Supplies**

Testimony on "Access Denied: Turning Away Visitors to National Parks"

**Committee on Natural Resources
Subcommittee on National Parks, Forests and Public Lands
United States House of Representatives
April 27, 2012**

Good Morning, my name is Karl Crook and I am honored to have been asked to testify before the House Committee on Natural Resources Subcommittee on National Parks, Forests and Public Lands regarding the proposed General Management Plan for Biscayne National Park located in Miami-Dade County, Florida. I have been a resident of Miami Dade County since 1957 when my parents moved from New England to Miami. Having been born in 1956, I can say I have spent my entire life close to, or literally on, the waters of Biscayne National Park. My parents and I resided on a 34 foot boat at Dinner Key Marina when I was a child.

In 1958 my parents founded Crook and Crook Fishing and Marine Supplies in Coconut Grove Florida. I grew up in the business and took over full reign of Crook and Crook upon my mother's passing in 1985. I have run the business as a sole proprietor up to today.

I am currently an active member of the Dade County chapter of the Coastal Conservation Association and the American Sports fishing Association. I currently serve on the Board of Directors of the Bob Lewis Memorial Fishing Tournament and the University of Miami Hall of Fame Fishing Tournament. As a company, Crook and Crook sponsors and supports fishing tournaments and fishing related children charities in and around our community and abroad to promote and support recreational fishing.

Having been in business for 53 years, my company has learned that our business is directly tied to, and dependent on, the fisheries resources that our customers enjoy. In order to serve the anglers and boaters that shop in our stores and our online catalog, we must first support creating healthy and abundant fisheries for them to pursue. We also depend on them having access to our public waters, which is what brings me here today to talk about a major threat to fishing access in on of south Florida's prime fishing areas – Biscayne National Park.

Biscayne National Park is a regional treasure. It deserves the proper attention and controlled use to sustain and protect the natural beauty and resources contained within the park. Through 35 years of involvement with the marine and fishing community, I am very familiar with the uses of

the surrounding waters and fisheries with respect to recreational fishing, tourism and to somewhat of a lesser degree, commercial fishing.

Anglers are willing to make sacrifices for the betterment of the resource, as long as they are confident that these sacrifices are based on strong science and a true desire to improve the health of the fisheries we enjoy. However, the closures being proposed in Biscayne National Park – specifically the 10,522 acre marine reserve in the draft General Management Plan preferred alternative – are not based on solid fisheries management and seem to place undue blame for any and all problems in the park on anglers and boaters.

The National Park Service will tell you that their proposed marine reserve is small – only 7 percent of the park – but I can assure you that the word “small” does not come close to describing the area at stake. This 16 square mile closure covers some of the park’s most popular and productive fishing areas. The tremendous loss of fishing opportunity is much more significant than the simple “7 percent of the park” figure might lead one to believe.

The National Park Service will also tell you that they are proposing this closure for reasons other than fisheries management, but once you look a little deeper, that is clearly false. The National Park Service claims in their draft General Management Plan that the proposed marine reserve is intended to “provide snorkelers and divers with the opportunity to experience a healthy, natural coral reef, with larger and more numerous tropical reef fish and an ecologically intact reef system.” However, restricting or prohibiting fishing in order to protect fish habitat and rebuild fish stocks is inherently fisheries management. Management of the park’s fisheries resources is defined by a Memorandum of Understanding (MOU) to facilitate cooperative management between the National Park Service and the Florida Fish and Wildlife Conservation Commission (FWC). Over the last several decades, the FWC has established itself as a leader in state fish and wildlife management, particularly saltwater fisheries management, as evidenced by its efforts to help bring back species such as snook, redfish, and sailfish to their current sustainable levels. In the MOU, the FWC states its position that “marine reserves (no-take areas) are overly restrictive and that less-restrictive management measures should be implemented during the duration of this MOU.” The FWC has stated numerous times its believe that other, less restrictive management measures than a marine reserve can and should be implemented in the park to help rebuild the park’s fisheries resources.

This conclusion was also reached by the park’s Fishery Management Plan Stakeholder Working group, which was formed by the park in 2004 to develop recommendations on goals and actions the park’s Fishery Management Plan, and to comment and make recommendations on portions of BNP's General Management Plan that are pertinent to fisheries. After six months of meetings, the group, which consisted of commercial and recreational fishers, divers, scientists and representatives of environmental groups, produced recommendations included more restrictive fishing regulations for certain species, species-specific spawning closures and a mechanism to pay for improved enforcement and education of park rules and regulations. Importantly the group

concluded that a marine reserve should only be established as measure of last resort and only after all else had failed.

By proposing a marine reserve, the National Park Service is ignoring the recommendations of the FWC and the stakeholder working group. In doing so, it is casting aside professional and local expertise of fisheries management and severing trust with the local sportfishing community.

The National Park Service claims that this area will provide a haven for snorkelers and divers, which will more than make up for the lost angler trips and associated economic impacts, but I challenge the National Park Service to explain how this will occur. According to Park Superintendent Mark Lewis, there are only 15-20 mooring buoys for boats to tie off on in the proposed marine reserve, where anchoring will not be allowed. So all of these supposed divers and snorkelers the park is counting on making up for lost fishing trips will only be able to access the reserve from these 15 or 20 spots. In actuality, not only will this area be closed to anglers, but the vast majority of it will also be inaccessible to anyone else.

As is the case with coral reefs the world over, the reefs in Biscayne National Park are facing numerous threats. However, the most significant of these threats – ocean warming, disease and acidification – cannot be addressed by simply closing areas to fishing. Where recreational fishing is having an impact on reefs, there are numerous less restrictive management approaches, like no-anchoring areas and stronger species-by-species fishing regulations, which can be put in place to mitigate fishing impacts.

The estimated impact of salt water fishing in the State of Florida is approximately \$15 billion annually. Closing local fisheries and access to fisheries will substantially impact hundreds of livelihoods, in our local economy and beyond. Given our current economy and the recent difficult times we have just endured, any additional impact on jobs would significantly affect our residents.

If the National Park Service's goal is to improve the park's fisheries and habitat, there are other, less restrictive options that could effectively rebuild and sustain the park's fisheries resources. The National Park Service should step back from the proposed marine reserve in the General Management Plan and instead work with the FWC and local stakeholders to address these issues in the Fishery Management Plan. By slowing this process down and reviewing the variety of other tools available, I am confident that a plan can be reached that addresses the resource challenges in the park while still allowing the public to access the park's waters.

I thank you for the opportunity to speak before you this morning and respectfully hope the voice of the people will be heard in protecting livelihoods while working together to protect our beautiful resources.

* Memorandum of Understanding MOU

between

the State of Florida, Fish and Wildlife Conservation Commission

and

the National Park Service, Biscayne National Park

ARTICLE I - BACKGROUND AND OBJECTIVES

WHEREAS, The purpose of this Memorandum of Agreement (MOU) is to facilitate the management, protection and scientific study of fish and aquatic resources within the National Park Service, Biscayne National Park (hereinafter referred to as the Park) by improving communication, cooperation and coordination between the Florida Fish and Wildlife Conservation Commission, (hereinafter referred to as the FWC) and the Park; and

WHEREAS, Biscayne National Monument was established by Congress in 1968 "in order to preserve and protect for the education, inspiration, recreation, and enjoyment of present and future generations a rare combination of terrestrial, marine, and amphibious life in a tropical setting of great natural beauty" (PL 90-606). The Monument was later expanded in 1974 (PL 93-477), and again in 1980 (PL 96-287), to its current size of 173,000 acres (270 square miles), when it was also redesignated as the Park, where excellent opportunities are provided for fishing, snorkeling, scuba diving, boating, canoeing, kayaking, windsurfing and swimming; and

WHEREAS, the State of Florida conveyed sovereign submerged lands to the United States in 1970 to become part of Biscayne National Monument; and

WHEREAS, the Park is made up predominantly of submerged lands (95 percent), and may be divided generally into three major environments: coral reef, estuarine and terrestrial. The boundaries of the Park begin at the west mangrove shoreline, extend east to Biscayne Bay (including seagrass communities and shoals), the keys (including hardwood hammocks, mangrove wetlands, sandy beaches and rocky inter-tidal areas), the reef, and continue to their easternmost extent at a contiguous 60-foot depth contour. The northern boundary of the Park is near the southern extent of Key Biscayne, while the southern boundary is near the northern extent of Key Largo, adjacent to the Barnes Sound and Card Sound areas; and

Director FWC new Director Nick Wiley

Former Director ~~Ken~~ Haddock (Ken)

Superintendent Biscayne Mark Luis -
Bay National Park

Ken has commented
the Mark Luis
was of the most
difficult persons he has
ever dealt with
in his career

WHEREAS, Biscayne Bay has also been designated by the State of Florida as an Aquatic Preserve, Outstanding Florida Water, Outstanding National Resource Water (pending ratification of State water quality standards) and lobster sanctuary under Florida Law, and by Dade County as an aquatic park and conservation area; and

WHEREAS, both FWC and the Park have responsibilities under Federal and State laws and regulations that affect fish and other aquatic resources within the Park; and

WHEREAS, FWC and the Park agree that "when possible and practicable, stocks of fish shall be managed as a biological unit" (Chapter 370.025(d) Florida Statutes). This statement is intended to recognize that measures to end overfishing and rebuild stocks are most effective when implemented over the range of the biological stock; however, it is not intended to preclude implementation of additional or more restrictive management measures within the Park than in adjacent State waters as a means of achieving mutual objectives; and

WHEREAS, FWC and the Park agree that properly regulated commercial and recreational fishing will be continued within the boundaries of the Park. FWC and the Park recognize and acknowledge that commercial and recreational fishing constitutes activities of statewide importance that benefit the health and welfare of the people of the State of Florida. The parties also recognize and acknowledge that preserving the nationally significant resources of the Park to a high conservation and protection standard to be agreed upon by both parties in the fishery management plan for all citizens to enjoy is of statewide as well as national importance, and as such, will also benefit the health and welfare of the people of the State of Florida; and

WHEREAS, FWC and the Park agree to seek the least restrictive management actions necessary to fully achieve mutual management goals for the fishery resources of the Park and adjoining areas. Furthermore, both parties recognize the FWC's belief that marine reserves (no-take areas) are overly restrictive and that less-restrictive management measures should be implemented during the duration of this MOU. Consequently, the FWC does not intend to implement a marine reserve (no-take area) in the waters of the Park during the duration of this MOU, unless both parties agree it is absolutely necessary. Furthermore, the FWC and the Park recognize that the Park intends to consider the establishment of one or more marine reserves (no-take areas) under its General Management Planning process for purposes other than sound fisheries management in accordance with Federal authorities, management policies, directives and executive orders; and

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NOTE: OUR ADVISORY COMMITTEE WAS DIRECTED TO FOCUS ONLY ON THE FISHERIES MANAGEMENT SEGMENT OF THE PROPOSED GENERAL MANAGEMENT PLAN

WHEREAS, both parties wish this MOU to reflect their common goals and intended cooperation and coordination to achieve those goals.

ARTICLE II - AUTHORITY

In the Organic Act of 1916, U.S.C. § 1, Congress created the National Park Service (NPS) to promote and regulate the National Park System for "the purpose of conserving the scenery and the natural and historic objects and wildlife therein and to provide for the enjoyment of the same in such manner and by such means as would leave them unimpaired for the enjoyment of future generations." Congress further determined, in 16 U.S.C. § 1a-1, that the authorization of activities within units of the National Park System be construed, and the protection, management and administration of national parks be conducted, in the light of high public value and integrity of the National Park System.

The legislation establishing the Park states that the "Secretary shall preserve and administer the park in accordance with the provisions of sections 1 and 2 to 4 of this title, as amended and supplemented. The waters within the park shall continue to be open to fishing in conformity with the laws of the State of Florida except as the Secretary, after consultation with appropriate officials of said State, designates species for which, areas and times within which, and methods by which fishing is prohibited, limited, or otherwise regulated in the interest of sound conservation to achieve the purposes for which the park is established; Provided, that with respect to lands donated by the State after the effective date of this Act, fishing shall be in conformance with State law" PL 96-287, § 103(a), codified at 16 U.S.C. § 410gg-2(a).

As a unit of the National Park System, the Park is authorized under 16 U.S.C. §§ 1-6 to participate in memoranda of understanding that document mutually agreed upon policies, procedures and relationships that do not involve funding.

The FWC was created by Article IV, § 9 of the Florida Constitution and is vested with the state's executive and regulatory authority with respect to freshwater aquatic life, wild animal life and marine life. This authority, directly derived from the Constitution, provides the FWC with autonomy to regulate and manage wild animal life, freshwater aquatic life and marine life within the State of Florida, which includes the areas encompassed by the Park.

The FWC is authorized under Chapter 370.103, Florida Statutes, to enter into cooperative agreements with the Federal Government or agencies thereof for the purpose of preserving saltwater fisheries within and without state waters and for the purpose of protecting against overfishing, waste, depletion, or any

abuse whatsoever. Such authority includes authority to enter into cooperative agreements whereby officers of the FWC are empowered to enforce federal statutes and rules pertaining to fisheries management.

The regulatory responsibility of the State of Florida with respect to fishing on the original Park lands is set forth in section 103(a) of PL 96-287 (see above). The regulatory responsibility of the State of Florida with respect to fishing on additional lands conveyed to the Park after the effective date of PL 96-287 is set forth in a Board of Trustees of the Internal Improvement Trust Fund Dedication dated December 13, 1985, which contains the following special reservation: "All rights to fish on the waters shall be retained and not transferred to the United States and fishing on the waters shall be subject to the laws of the State of Florida." ←

NOW THEREFORE, both parties agree as follows:

ARTICLE III – STATEMENT OF WORK

A. FWC and the Park agree to:

1. Seek concurrence in meeting their management goals and strive to identify means, measures and other interagency actions for the mutual benefit of the aquatic resources within Biscayne Bay and the Park.
2. Acknowledge that the FWC will play a crucial role in implementing and promulgating new regulations as may be deemed appropriate, as well as take other management actions to achieve the mutual objectives for the management of fisheries within the boundaries of the Park for the term of this MOU. However, the agencies agree to consult with each other on any actions that they may propose to be taken to conserve or protect fish populations and other aquatic resources within Park boundaries or to further regulate the fisheries.
3. Provide for recreational and commercial fishing and opportunities for the angling public and other Park visitors to enjoy the natural aquatic environment.
4. Manage fisheries within the Park and Biscayne Bay according to applicable Federal and State laws, and in a manner that promotes healthy, self-sustaining fish populations and recognizes the biological characteristics and reproductive potential of individual species. Desired future conditions for fisheries and visitor

experiences within the Park will be established cooperatively to further guide fisheries management.

5. Consult with each other and jointly evaluate the commercial and recreational harvest of fishery resources within the Park. Such consultation and evaluation, as set forth in the enabling legislation establishing the Park, should include a full review of all commercial and recreational fishery practices, harvest data, permitting requirements, techniques and other pertinent information for the purposes of determining to what extent mutually agreed upon fishery management goals are being met within the Park and to determine what additional management actions, if any, are necessary to achieve stated management goals.
6. Collaborate on the review and approval of proposals for fisheries stock assessment, site characterization, maintenance or restoration, including scientifically based harvest management, species reestablishment, stocking, habitat protection, and habitat restoration or rehabilitation.
7. Notify each other, as early as possible, of the release of information pertaining to the development of agency policies, management plans, statutes, rules and regulations that may affect fisheries and aquatic resource management within the Park boundary.
8. Share scientific information, field data and observations on Park fishery resources and activities affecting those resources, except in situations where the exchange of such data would violate State or Federal laws or regulations (e.g. law enforcement investigations and confidential landings statistics). The parties will provide each other with copies of reports that include results of work conducted within the Park or Biscayne Bay.
9. Jointly consider proposals for the management and control of exotic (non-indigenous) species, if found to occur within the Park or in adjacent areas, that may pose a threat to the integrity of Park resources. Exotic species are those that occur in a given place as a result of direct or indirect, deliberate or accidental actions by humans.
10. Review and coordinate, on an annual basis, proposals for fisheries and aquatic resources management, research, inventory and monitoring within the Park and Biscayne Bay. Each party will provide prospective researchers with legal notice of agency-

specific permitting requirements. Additionally, as a courtesy, and to encourage information sharing, the FWC and the Park will provide each other with annual summaries of marine and terrestrial research, inventory and monitoring activities conducted within and in close proximity to the Park.

11. Meet at least once annually and otherwise as needed to coordinate management and research activities and exchange information on fish and aquatic resources within the Park and Biscayne Bay.
12. Recognize that there may be times when the missions of the FWC and the Park may differ, and that while efforts will be made to the maximum extent possible to cooperate fully and jointly manage fishing within the Park as intended by Congress when the Park was established, there may be occasion when the two agencies choose to disagree. Such occasions will not be construed, as impasses and every attempt will made to avoid communication barriers and to not jeopardize future working relationships.
13. Develop a comprehensive fisheries management plan (hereinafter referred to as the Plan) for the long-term management of fish and aquatic resources within the Park. The Plan will summarize existing information and ongoing activities, clarify agency jurisdiction, roles and responsibilities, identify additional opportunities for cooperative management, list key issues, establish management goals and objectives, describe desired future conditions, indicators, performance measures and management triggers, and develop a list of prioritized project statements. Specifically, with respect to developing the Plan, the two agencies agree as follows:

B. The FWC agrees to:

1. Assist the Park, and play a collaborative role in coordinating with the Park and its cooperators, in the development and ongoing review of the Plan.
2. Provide representation to a technical committee formed to guide interagency fisheries management within Biscayne Bay, including the Park, and participate in monthly teleconference calls and meetings as may be scheduled for purposes of steering fisheries management planning project.
3. Assign staff, including those from the Florida Marine Research Institute, as deemed appropriate to assist the Park and its



cooperators in developing credible project statements or preliminary research proposals. The emphasis of such proposals will be to design and prioritize projects intended to meet known fisheries data gaps or resource knowledge deficiencies to facilitate scientifically based and informed fisheries management decision- and rule-making.

4. Provide representation to and support for forming the Scientific Advisory Panel for the purposes described in C.4 below.
5. Provide access to and support for requests by the Park to existing data and information as may be applicable to Biscayne Bay fisheries and aquatic resources, jurisdictions and other pertinent aspects to developing the Plan.
6. Review and comment upon drafts of the Plan and participate in joint meetings that will be arranged to solicit public opinion and comment concerning proposed fisheries management actions and/or alternatives as may be described within the draft Plan; and to review and comment upon any fisheries and aquatic resources issues and alternatives as may be identified within the Park's General Management Plan, also being developed in 2001-2002.
7. Facilitate information exchange and otherwise provide briefings to FWC Commissioners as necessary and deemed appropriate by the FWC.
8. Facilitate information exchange and otherwise provide briefings as may be deemed appropriate to the South Atlantic Fishery Management Council, of which FWC's Director of the Division of Marine Fisheries is a member.
9. Work with the Park to promulgate or revise existing State and Federal rules/regulations as may be jointly identified and recommended within the Plan.
10. As may be provided under State law and FWC policies, and upon full review, comment, revision and concurrence by the FWC, co-sign and endorse the Plan.

C. The Park agrees to:

1. Subject to the availability of funds, provide project funding support to cooperators, under contractual requirements separate from this

MOU and described within an approved study plan prepared by NPS, to complete the Plan.

2. Secure contractors and cooperation from other fisheries experts to develop and/or assist the Park in developing the Plan. These cooperators may include, but are not limited to, research fishery biologists, aquatic ecologists and fisheries program managers from the FWC, Tennessee Valley Authority, Everglades National Park, National Marine Fisheries Service, Southeast Fisheries Science Center, and the University of Miami--Rosenstiel School of Marine and Atmospheric Science.
3. Form a technical steering committee comprised of Park personnel as well as those cited in C.2 above, and arrange and coordinate monthly teleconference calls and periodic other meetings of this committee as necessary to develop the Plan.
4. Arrange and coordinate a Scientific Advisory Panel to review the findings and recommendations contained in the 2001 report entitled "Site Characterization for Biscayne National Park: Assessment of Fisheries Resources and Habitats," prepared under contract for the Park by Dr. Jerald S. Ault, et al.
5. Work with the FWC to promulgate or revise existing State and Federal rules/regulations as may be jointly identified and recommended within the Plan.
6. Pursuant to the National Environmental Policy Act, arrange and coordinate public meetings, Federal Register Notices, and other requirements associated with preparing an Environmental Impact Statement in conjunction with the Plan.
7. Under contractual arrangements separate from this MOU, finance, print, and distribute a reasonable and sufficient number of draft and final copies of the Plan to all cooperators and other entities with an expressed or vested interest.
8.  As requested by the FWC, help conduct or simply attend briefings, presentations or other forums concerning fisheries/wildlife management within Biscayne Bay, including the Park. 
9. Facilitate and encourage the joint publication of press releases and the interchange between parties of all pertinent agency policies and objectives, statutes, rules and regulations, and other

information required for the wise use and perpetuation of the fisheries resources of the Park.

- 10. Facilitate research permitting to state entities for activities needed to accomplish goals identified in the Plan.

ARTICLE IV – TERMS OF AGREEMENT

This MOU shall become effective upon signature by all parties hereto, and is executed as of the date of the last of those signatures and shall remain in effect for a term of five (5) years unless rescinded as provided in Article IX. It may be reaffirmed and extended for an additional five years. = 2014

expired

This MOU in no way restricts the FWC or the Park from participating in similar activities with other public or private agencies, organizations, and individuals.

This MOU is neither a fiscal nor a funds obligation document. Any endeavor involving reimbursement or contribution of funds between the Park and the FWC will be handled in accordance with applicable laws, regulations, and procedures. Such endeavors will be set forth in separate written agreements executed by the parties and shall be independently authorized by appropriate statutory authority.

ARTICLE V – KEY OFFICIALS

A. For Biscayne National Park:

Superintendent
Biscayne National Park
9700 SW 328th Street
Homestead, FL 33033

Mark Lewis

B. For the Florida Fish and Wildlife Conservation Commission:

Executive Director
Florida Fish and Wildlife Conservation Commission
620 South Meridian Street
Tallahassee, FL 32399-1600

Dick Wiley

ARTICLE VI – PRIOR APPROVAL

Not applicable



BISCAYNE NATIONAL PARK FISHERIES MANAGEMENT PLAN WORKING GROUP

2004 RECOMMENDATIONS

Introduction

The Biscayne National Park (BNP) Fisheries Management Plan Working Group was formed to make recommendations on goals and actions for BNP's Fishery Management Plan, and to comment and make recommendations on portions of BNP's General Management Plan that are pertinent to fisheries. The Working Group consists of diverse members of the stakeholder community, including commercial and recreational fishers, divers, scientists, and representatives of environmental groups (see Appendix 1 for full member list). The Working Group met five times from January to May 2004, with facilitation provided by Janice Fleischer of the South Florida Regional Planning Council's Institute for Community Collaboration, and planning / oversight by Chairman Jack Curlett and the Working Group Organizational Committee (Appendix 2). For the Fishery Management Plan, the Working Group set forth to develop Desired Future Conditions (DFCs) for fished species and fishery resources in BNP, and Action Steps to achieve the DFCs. The DFCs and Action Steps recommended by the Working Group are presented in the following document, categorized by overarching Issue Groups that the Working Group identified as general areas of concern. These issue groups are (1) populations of fish and shellfish impacted by fisheries activities, (2) law enforcement, education and coordination, (3) commercial fishing activity, (4) recreational fishing activity, (5) habitat conditions, and (6) recreational fishing experience.

For the Habitat Conditions Issue Group, Subcategory Direct Fishing Impacts, the Working Group decided that an additional meeting would be necessary to discuss and agree upon Action Steps, particularly regarding the consideration of Research Natural Areas (areas closed to extractive use). Planning for this meeting is underway, and a meeting date and location will be established as soon as possible. Recommendations agreed upon by the Working Group at this meeting will be added as an addendum to the recommendations presented in this document.

The Working Group will be asked to reconvene to review the BNP Fishery Management Plan and General Management Plan as they continue to be developed, and to generate additional comments and recommendations at those times.

ISSUE GROUP 1 – POPULATIONS OF FISH & SHELLFISH IMPACTED BY FISHERIES ACTIVITIES

DESIRED FUTURE CONDITION

1.1 - Abundance and size of key / indicator species are increased over a five-year period.

The following Action Steps should be undertaken to accomplish DFC 1.1:

| What should be done? | How? | Specifics |
|--|--|---|
| Define/examine previous record for key indicator species | Utilize scientific biological sampling, dockside surveys, species specific harvest data | Establish baseline Review historical data Annual summary Five year analysis Ten year assessment |
| Monitor the following key species: bonefish, permit, tarpon, shark, snapper, grouper, snook, lobster, shrimp, crabs (blue & stone), mullet (finger), bait species, seatrout, redfish | Same as above | Same as above |
| Implement restrictions by species | Establish local/stakeholder advisory panels (not standing committees) to develop and review management regulations (existing and proposed) for specific species. Consider species-specific spawning season closures. | Five year analysis |
| Implement additional restrictions in adjacent State & Federal waters | | |
| Distribute end-of-season sampling card to license holders to monitor populations | | |

ISSUE GROUP 2: LAW ENFORCEMENT, EDUCATION AND COORDINATION

DESIRED FUTURE CONDITIONS

"DFC"

2.1 - Park rules and regulations are enforced effectively and uniformly

2.2 - Increased funding for and number of law enforcement officers over current levels.

2.3 - Education and outreach efforts have fostered voluntary protection of Park resources by building support for rules and regulations and responsible behavior on the water. *Catch & Release - as an example*

Note: Education and enforcement are key components to making the entire plan work. To accomplish this, we need to establish a funding structure.

The following Action Steps should be undertaken to accomplish DFCs 2.1, 2.2 and 2.3:

1. Establish a permit system for fishing and other water-based activities within BNP.

Under the permit system:

- a. ✓ \$25.00 annual permit (by calendar year) for usage of Park per boat. The permit would be required for all vessels involved in recreational activities (e.g., fishing, diving, swimming, birding, etc.) or not underway (with exceptions for boat trouble). The permit would not be required for boaters navigating through, but not utilizing for recreation, the Park. Cost of the permit would be pro-rated depending *(RC)* on date of purchase.
- b. Can obtain more than one sticker per permit if can document owning multiple boats *for boat would reduce #s* *N/A*
- c. Permit would also be required for land-based fishing. ✓
- d. Differentiate between residents and visitors
- e. Coordinate efforts with Everglades National Park and (Florida Keys National Marine Sanctuary.)
- f. Funding generated by permit should be earmarked solely for enforcement and education. *yes*
- g. Funds should support additional NPS or Florida Fish and Wildlife Conservation Commission (FWC) law enforcement officers to increase enforcement of regulations pertaining to fish and other resources
- h. BNP should seek funding to develop an educational video on rules and regulations pertaining to fishing, boating and habitat within Park. Once developed, the video should be required viewing for first-time purchasers of the permit; viewing should occur within 12 months of purchase of permit, else permit will be revoked. *How do you enforce*

give a video & responsibility content in the video etc. understood -
The Working Group also recommends that the FWC create a \$2 stamp to be purchased with a state fishing license that would enable the license holder to fish in BNP. *OK*

re snook/cobster -

Fines & non permitted use?

2. Education [concerning both (1) rules and regulations and (2) the importance of being an ecologically responsible park user]
 - a. Place signage and materials in English/Spanish/Creole at all public access ramps and fuel docks leading to BNP explaining all fishing and general regulations pertaining to vessels using Park waters
 - b. Coordinate with appropriate media outlets to disseminate rules and regulations
 - c. Provide education to schools, clubs, vendors, etc.
 - d. Earmark 10% of permit-generated funds to community outreach programs to reach youth

3. Enforcement of Rules and Regulations
 - a. FWCC officers should continue to be cross-deputized to enforce federal and state regulations in BNP
 - b. Establish and enforce strict penalties for all violations, particularly for repeat offenders
 - c. Devise and utilize creative law enforcement approaches

Handwritten notes in red ink:
From the
8/1/78
5/1/78

Handwritten red checkmarks:
✓
✓

Faint handwritten text:
LAW ENFORCEMENT

ISSUE GROUP 3 – COMMERCIAL FISHING ACTIVITY

SUB CATEGORY 3.1 Commercial fishers within the Park

DESIRED FUTURE CONDITION

3.1.1: Reduce adverse impacts of commercial fishing

The following Action Steps should be undertaken to accomplish DFC 3.1.1:

| What should be done? | How? | Target Date |
|---|--|---|
| <p>Establish a limited, qualified non-transferable commercial permitting system for the next 5 years in BNP</p> <p>a. Show landings in reporting zones 744.4/744.5/744.8/744 within the last 3 years prior to the year of permit establishment</p> <p>b. Permits may not be transferred within the first five years of the program. Permits are lost if not used (no reported catch) or renewed annually.</p> <p>c. After 5 years, put a transferable permit system in place that:</p> <p>i. Includes fishermen with qualified landings in BISC in zones 744.4/744.5/744.8</p> <p>ii. As above, permits are lost if not used (no reported catch) or renewed annually.</p> <p>d. If future research indicates that the number of permits needs to be reduced above and beyond any reductions due to non-use or non-renewal, create a fair and equitable buyout program to reimburse permit-holders unable to transfer their licenses</p> | <p>By NPS</p> <ul style="list-style-type: none"> - Can only renew permits received in 1st year - Charge \$100 for permit when first offered and every subsequent year <p><i>inherited? due to death</i></p> | <p>Implement initial permits right away (when plan is implemented)</p> <ul style="list-style-type: none"> - Then after 5 years evaluate and implement transferable permit ASAP |
| Identify areas being trawled for shrimp to help later identify management actions and identify areas of user conflicts | NPS must work with commercial fishermen | ASAP |
| Restrict traps from hard bottom habitat; limit to sand and grass bottom | Make a new Rule | ASAP/upon implementation of FMP |
| Consider banning wing nets targeting food shrimp <i>in the park</i> | | |
| Consider establishing fishery-specific boat standards (see Action Steps for DFC 3.2.1) | Make a new Rule already inspected by Coast Guard so no need to put more duties on NPS | ASAP/upon implementation of FMP |

SUB CATEGORY 3.2 Bycatch amount and bycatch-related mortality associated with commercial fishing gear

DESIRED FUTURE CONDITION

3.2.1 - Minimize adverse effects of bycatch mortality

The following Action Steps should be undertaken to accomplish DFC 3.2.1:

| What should be done? | How? | Target Date |
|---|---|---|
| For shrimp trawlers, establish an inspection program to check for proper equipment/gear use. Have frequent visual inspection of roller-frame trawls | - At least semi-annual inspections by NPS/State - Issue certificates of passing inspection or decal | ASAP |
| Investigate new technologies that can reduce bycatch | Researchers work with shrimpers | ASAP |
| NPS should consider stricter gear standards on trawl equipment | Consult with trawlers/shrimp fishermen to identify gear that is damaging, place restrictions as appropriate | Put in place when FMP is implemented. Determine recommended restrictions during scoping/drafting period |
| Perform more public outreach/education to ensure commercial fishermen are aware of regulations and adverse effects (in English & Spanish) | | |

ISSUE GROUP 4 – RECREATIONAL FISHING ACTIVITY

SUB CATEGORY 4.1 Recreational fishers within the Park

DESIRED FUTURE CONDITION #4.1.1: Minimize the adverse impacts of recreational fishing to habitat and fish populations including bycatch mortality.

The following Action Steps should be undertaken to accomplish DFC 4.1.1:

| What should be done? | How? | By Whom? | Target Date |
|--|---|-------------------------------------|------------------------------|
| ✓ Initiate the permit system described under Action Step 1 for DFCs 2.1 – 2.3 | Via permit process | BNP ✓ \$2.00 state fishing stamp | As soon as Plan is approved |
| OK ✓ Eliminate lobster sport season (“mini-season”) in BNP | Park regulation State law | BNP | Same as above |
| ✓ Park permit | Via permit process Reduced entry by permit | BNP | As soon as Plan is approved |
| ✓ Education received at time of sticker issuance - Ensure recreational fishers know what “bycatch” is and how to handle bycatch | | | |
| ✓ Educate the public about park regulations | Add “Special Regulations Apply” to park signage | BNP | ASAP (contingent on funding) |
| ✓ Continue monitoring of recreational catch and effort | Creel surveys | BNP | Immediately |

loss of visitor revenue

SUB CATEGORY 4.2 Spearfishing impacts (Previously under HABITAT category)

DESIRED FUTURE CONDITION

4.2.1 - Minimize the adverse impacts of spearfishing to habitat and fish populations

The following Action Steps should be undertaken to accomplish DFC 4.2.1:

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| What should be done? | How? | By Whom? | Target Date |
|--|--|----------|-----------------------------|
| Eliminate use of any gear with a trigger mechanism | Change regulations and improve enforcement ✓ | BNP | As soon as Plan is complete |
| Eliminate air equipment for all spear fishing (prohibit the use of scuba gear by spearfishers) | <i>Yes</i> | | |

ISSUE GROUP 5: HABITAT CONDITIONS *Tough*

Sub Category 5.1: Marine Debris

DESIRED FUTURE CONDITION

5.1.1 - Minimize adverse impacts to habitat from monofilament, stainless hooks, sinkers, traps, nets, trash, ropes, anchors and lines

The following Action Steps should be undertaken to accomplish DFC 5.1.1:

| What should be done? | How? | Target Date |
|---|---|-------------|
| Partner with programs like Clean Marina program | | ASAP |
| Required education program before Park use | <ul style="list-style-type: none"> • Video (see Action Step #1f for DFCs 2.1 – 2.3) • In-school programs • Sticker to indicate completion or signed “contract” (like Three Sisters for manatees) | |
| Disseminate information re: debris via radio, television and distribution to hotels (including closed circuit hotel television) | <ul style="list-style-type: none"> • Work w/NGOs, local groups, networks, DJs, etc. • Hotels run on their in-house channel | |
| Monitoring program | <ul style="list-style-type: none"> • Partner with organizations that already have programs • Work with Park users | |
| Encourage use of biodegradable fishing | <ul style="list-style-type: none"> • Educational efforts | ASAP |

| | | | |
|---|---|------|--|
| materials | | | |
| Signage that educates re: marine debris | <ul style="list-style-type: none"> • School projects • Park “make a sign” contest • Work w/NGOs to sponsor signs • Apply for grants | ASAP | |
| Marine debris clean-ups (derelict trap clean-ups) | <ul style="list-style-type: none"> • Work with students, groups, etc. • Park organized activity • “treasure hunt” for key debris | | |
| Place discard receptacles (monofilament, etc.) | <ul style="list-style-type: none"> • Partner with existing programs • Create own receptacles • "Design a can" | | |

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 * The group also discussed and generally recommended implementing incentives (e.g., reduced fees) for “good behavior” on the water, but did not clarify the specifics of how this approach would work. The group also discussed in general terms implementing or increasing penalties for violations. *

Sub Category #5.2: Direct Fishing Impacts

DESIRED FUTURE CONDITION

5.2.1 - Minimize adverse impacts to habitat from: lobster divers, roller trawlers, prop damage, anchor damage, groundings, spearing and traps

Note: Portions of this DFC (specifically, damage from propellers, anchors and groundings) may be more pertinent to the Biscayne National Park General Management Plan, and should be considered in the development of that plan.

Action Steps:

The Working Group considered many Action Steps for DFC 5.2.1, including improved habitat mapping, marking sensitive habitat areas, additional research on habitat impacts associated with fishing and boating, the elimination of lobster sport season, stricter regulations on spearfishing, gear standards and inspections for roller frame trawls, and zoning (including the potential establishment of Research Natural Areas). Consensus was not reached on the Action Steps, and the Working Group requested an additional meeting to discuss and reach consensus on these issues, particularly with regard to Research Natural Areas. Planning for this meeting is underway, and a meeting date and location will be established as soon as possible.

ISSUE GROUP 6: RECREATIONAL FISHING EXPERIENCE

The Working Group recommends that the park collect baseline data on (1) what is required for a "quality" experience and (2) what proportion of fishers are having a quality experience. The Working Group also recommends that the park provide a feedback critique system for BNP anglers and spearfishers. The information collected should be used to guide management to optimize recreational fishing experience to the extent practicable. The working group recognized that these recommendations might be more applicable to the Biscayne National Park General Management Plan. Thus, these recommendations should also be considered for the GMP.
