


MICHAEL KENNEDY



February 29, 2016

Our Florida Reefs
c/o Francisco Pagan, Ph.D
FDEP Coral Reef Conservation Program
Florida Coastal Office



Dear Dr. Pagan:

I am writing to you to provide my detailed comments on the recommended management actions proposed by the Our Florida Reefs working group. Please note that I respect the time, effort and expense that has gone into preparing the Recommended Management Actions ("RMAs"). I support many of the RMAs, that said, I do respectfully oppose a number of the RMA's.

By way of introduction, you should know that I have been active in fisheries and resource issues for the better part of my adult life. I have been involved in several groups most of which relate to recreational fishing. I am a longtime member of the Coastal Conservation Association and presently one of its principal national officers; however I am writing on my own behalf and not as a representative of any group. I also was a member of the MAFAC Recreational Fishing Work Group. I have been a three term member of the law-enforcement advisory panel for the South Atlantic Fishery Management Council, although my term expires this year. I am a Board member of Wildlife Alert Foundation, a crime stoppers type tip line for wildlife, fisheries and resource violations.

First, I oppose RMA S – 65, a proposal for the creation of a National Marine Sanctuary for our reef tract. Over 90% of the reefs involved are in state waters and there is no need to cede responsibility for their management to a federal agency. Virtually every recreational angler I have spoken with believes that the National Marine Sanctuary process in the Keys is broken and is an unnecessary level of federal bureaucracy. Presently the South Atlantic Fisheries Management Council is reviewing several MPA's off the coast of the southeastern United States. This process involves recognized fisheries managers and is the best process for considering such marine protected areas. On the other hand, the FKNMS really lacks an effective law enforcement agency and relies on the FWC; so why bifurcate the efforts and responsibility, keep management of these areas under the auspices of the State of Florida.

Similarly, I strongly oppose RMA N-146! The implementation of no take zones (NTZ) is not a preferred fisheries management method. NTZ are exclusionary! If no take zones are established for 30% of the coral reefs in our region that will only result in a significant amount of "transferred effort". While one of the documents glibly suggests there are substantial other areas for anglers, the fact is those anglers who will be displaced from the reefs in question will simply move to another reef area. Those areas and especially those along the margins of the proposed NTZs, will have a significant increase in effort. These zones will be difficult to enforce and the FWC budget will not be able to provide for this additional expense. Additionally the supporting documentation on its face states that No Take Zones in the Keys have not benefited corals. If these are not favored fishery management tools and are of doubtful benefit for the coral, one must believe that are designed to deal with user conflicts or pander to a specific group of users. Before no take zones are established, traditional fisheries management efforts should be employed. Further, the "spill over" effect has not been conclusively shown to benefit reef fisheries. These no take or no extractive effort zones are exclusionary to anglers and spearfishers. Instead, I would urge the panel to abandon NTZ and amend the RMA to consider closure of a defined spawning aggregation areas for specific/limited time and area to protect the brood stock. In fact FWC has just taken comment on this concept. I also oppose the linked actions, S – 3, S – 107, N-134 and N – 137.

Several of the Enforcement RMAs are meaningful. However, N-7 appears to be counterproductive. I will address those that I feel most objectionable. N-7 will reduce funding to the FWC and makes the online class a mandate for those who are not required to have a saltwater fishing license. On the other hand N – 27, N – 44, S – 95, and S-99 are acceptable.

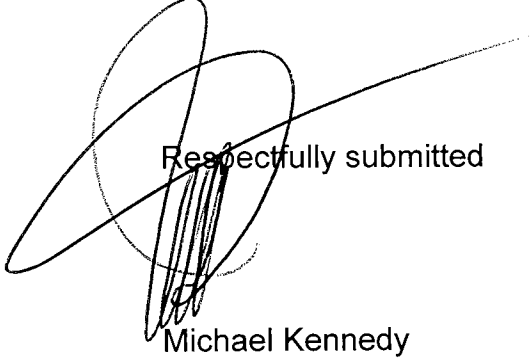
With regard to N-37, I am a board member of the Wild Life Alert Foundation and we are involved in providing cash rewards for tips. I would welcome any improvement to the hotline and including the development of an app for reporting marine incidents. (S – 91)

Generally, I find the RMA's list under land-based sources of pollution to be acceptable. But again many of these are already in existence. For example N– 75 relates to pump out stations, most publicly accessible marinas allow for a pump outs. I strongly support S –28.

In order to be brief I will provide you with several other RMA that I oppose N -59, N-64,N-137, S-54,S-87,S-97, N-113,S-97 and S-125. Many of these have either already been considered by the authority with jurisdiction over the use or are part of ongoing regulations.

Lastly as you've heard from many, the OFR process is not user-friendly. Most of the working group meetings are held during the time that most users are working. Thus the meetings are only convenient for government employees academia attending as part of their "job", employees of NGOs or those representing industries with a financial stake in

the RMAs. I sat on the Coastal Ocean Task Force and found the same problem existed there even though the meetings were in the afternoon. The RMAs are great in number and some, such as N-7 lack proper vetting. Additionally if someone were to go through the 60 some odd recommendations online and read each one, the back up and then fill in the comment page, they would spend many hours sitting at their keypad. That is an ordeal that not many would endure. For the record, I did take the time to electronically provide some comments to the most objectionable or egregious of the RMA's as well as those that I strongly support. But I spent at least three hours over the past three week just reading the RMAs and an hour today providing comments. These should have been done in small doses or incrementally. I believe that the effort to comment on these issues is an important part of the process; however, the process is not user-friendly.

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right. The signature is positioned above the text "Respectfully submitted" and "Michael Kennedy".

Respectfully submitted

Michael Kennedy