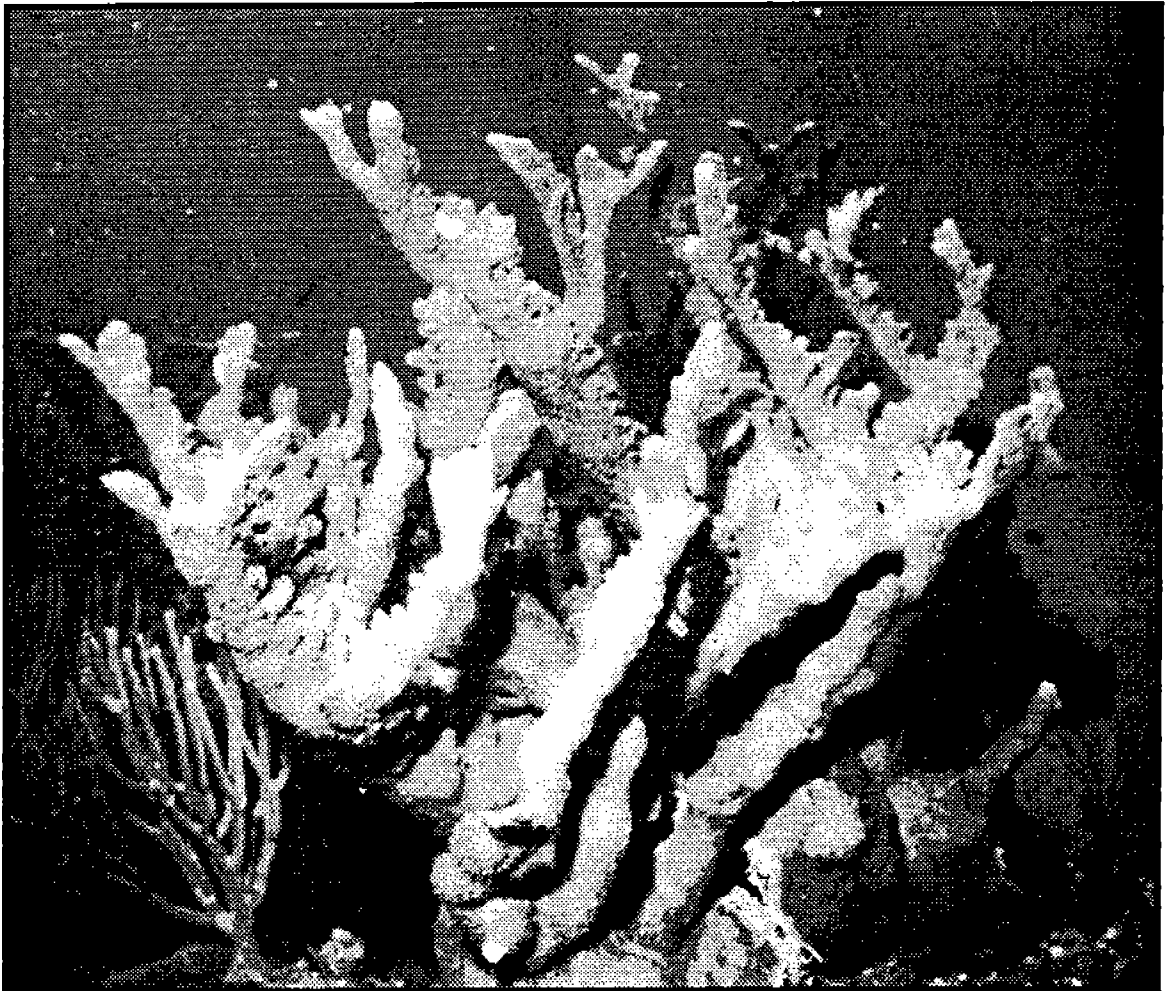


Conserving Our Marine Resources:

STRATEGY FOR STEWARDSHIP



FLORIDA KEYS NATIONAL MARINE SANCTUARY
FINAL MANAGEMENT PLAN: AN OVERVIEW

Dear Friends of the Coral Reef:

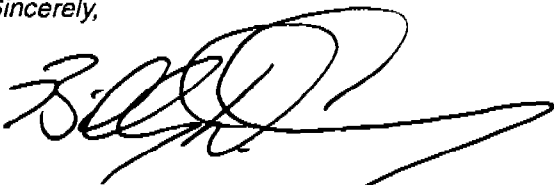
It is with great pleasure that I announce the completion of the Final Management Plan and Environmental Impact Statement (FMP/EIS) for the Florida Keys National Marine Sanctuary. This final plan represents our nation's most comprehensive attempt to protect a discrete marine environment. It is a result of years of planning for the protection of America's coral reef, its associated marine communities, and the quality of water that surrounds them. I want to take this opportunity to reflect on the significance of this important milestone and to thank all of those who have assisted us.

The Florida Keys comprises one of this nation's most biologically diverse environments, surrounded by one of this country's most diverse socio-economic settings. As simple as the lure of the living coral reef and its rich marine life may seem, it is the complexity of this unique marine environment and the activities of its many users that has challenged managers to strike a balance between protection and continued use. The path to striking a balance between environmental protection and economic utilization of marine resources is a long and difficult one to travel. However, a community as closely linked to the environment as the Keys cannot afford to hesitate taking this sometimes controversial journey. The completion of the final management plan for the Sanctuary has been no different. At times the debate was long and intense, but solutions were found and compromises were made. Fortunately, many citizens and leaders in the Keys community chose to join us in the development of the management plan, and through these individuals a common sense approach has been applied to the development of this final plan.

There has never been a more public process in the development of a management plan in the history of National Marine Sanctuaries. Literally thousands of individuals and organizations have contributed and commented on various aspects of this plan. In a bottoms-up planning process, a Sanctuary Advisory Council consisting of 22 stakeholders, agency representatives, and citizens worked diligently with Sanctuary staff and an Interagency Core Group to develop this final plan. The process took thousands of people hours to complete and is unparalleled in scope regarding public participation at the State and local level.

I want to express my most sincere thanks to those who assisted in the development of this plan through their review and comments, both for and against an issue. Without a variety of opinions and positions, balance could have never been gained. I am confident that this final management plan will help strike that balance and will carry us forward, well into the 21st Century with the tools necessary to protect and preserve the fragile coral reefs of the Florida Keys for the use and enjoyment of future generations.

Sincerely,

A handwritten signature in black ink, appearing to be "B. J. ...", written over a horizontal line.

Superintendent, Florida Keys National Marine Sanctuary

Table of Contents

Section I -	Protecting the Living Coral Reef.....	4
Section II -	Changes You Will See By Action Plan.....	10
Section III -	Summary of the Final Regulations for the Sanctuary.....	18
	Questions and Answers about the Sanctuary.....	23
	Marine Zoning Map	24

About this Overview

It is with great pride that we provide this overview of the Final Management Plan and Environmental Impact Statement for the Florida Keys National Marine Sanctuary which will direct our management efforts for this significant national resource into the 21st century.

The complete management plan and impact statement for the Sanctuary is a three-volume document which is available at our offices in Key Largo, Marathon and Key West. However, we have developed this Overview to give you a concise summary of our management tools and programs.

***Section I** of the Overview presents background information about the need for the Florida Keys National Marine Sanctuary and the tools that have been developed for its management.*

***Section II** is a summary of the changes that we made as a result of public review of the draft plan, and building on decades of experience that we have had managing the Looe Key and Key Largo National Marine Sanctuaries.*

***Section III** is a summary of the final regulations for the Sanctuary.*

Finally, we have developed questions and answers to help you understand how the Sanctuary will protect our marine resources and maintain the quality of life here in the Florida Keys.

Section I: PROTECTING THE LIVING CORAL REEF

This Overview highlights the ways that the Management Plan for the Florida Keys National Marine Sanctuary addresses the issues that you told us were the most important.

NATIONAL MARINE SANCTUARIES

The Florida Keys National Marine Sanctuary is part of a national system of marine sanctuaries around the United States. There are fourteen National Marine Sanctuaries established in areas where the natural or cultural resources are so significant that they warrant special status and protection. The Florida Keys coral reef system is just such an area. Marine Sanctuaries are not new to the Florida Keys; the National Oceanic and Atmospheric Administration (NOAA) has a successful history here in the Keys. The Key Largo National Marine Sanctuary, located in the upper Keys, was designated in 1975 and just celebrated its 20th anniversary. The Looe Key National Marine Sanctuary in the middle Keys was designated in 1981, and just celebrated 15 years of protecting and managing the coral reef.

The Florida Keys are a unique national treasure of international notoriety. The natural and cultural resources and environmental setting of the area make it among the most diverse in North America. The special resources found in the waters of the Florida Keys that qualify the area for the status of a National Marine Sanctuary include: America's only living barrier coral reef; patch reefs; hardbottoms; vast seagrass meadows; mangrove fringed islands; and all of the rich marine life these marine communities support.

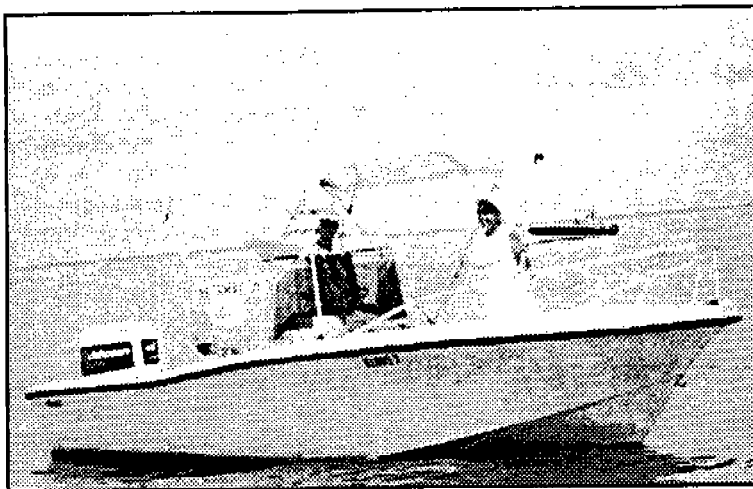
ABOUT THE FLORIDA KEYS -- ECONOMIC SIGNIFICANCE

The deterioration of the marine environment in the Keys is not a matter of debate. There is a decline of healthy corals, signaled by an increase of coral diseases, coral bleaching, and decreased living coral cover. Marine scientists have reported an invasion of algae into seagrass beds and onto the coral reefs. Fisheries scientists are reporting declines in some fish stocks, thus affecting certain fisheries. Additionally, Florida Bay has undergone changes during the past decade that have resulted in degradation of the ecosystem, in terms of the productivity, health, and stability of its living marine resources. Reduced freshwater flow in Florida Bay is one of the factors that has resulted in an increase in plankton blooms, sponge and seagrass die-offs, and fish kills.

The very special marine resources of the Florida Keys that qualify the area as a National Marine Sanctuary contribute to the high quality of life in the Keys. Indisputably, without these unique marine resources the quality of life and the economy of the Keys would surely decline. The living coral reefs and seagrass meadows of the Florida Keys are not only aesthetically appealing, but they serve a more basic function by providing the shelter and source of food for the recreationally and commercially important species of fish, lobster, crabs, shrimp, and other marine life.

Millions of visitors come to the Keys because this is the only tropical environment within reach by automobile in the continental United States where a person can readily dive on the living coral reef or catch and release a bonefish on a seagrass flat. According to a recently completed visitor survey sponsored by the Monroe County Tourist Development Council, The Nature Conservancy, and NOAA titled *Linking the Economy and Environment of Florida Keys/Florida Bay*, there were 6,005,723 visitors to the Florida Keys between June 1995 and May 1996. Among those visitors, 4,761,253 came to recreate in the Keys, of which 1,596,470 were snorkelers and scuba divers, 1,086,373 were recreational fishers, and 1,456,303 came to view the wildlife and study nature. Probably what is more important, is that 94.4% of the visitors to the Keys are concerned about the protection of the environment and nearly 38% place a very high priority on protection of the environment.

Clearly, protecting the marine resources of the Sanctuary is not only good for the environment of the Florida Keys, but it is also good for the economy. The total annual spending by recreating visitors to the Florida Keys and Key West is about \$2.1 billion dollars, according to the results of the survey. The economy of the Keys cannot afford to lose the living resources of the Sanctuary; nor can those who simply appreciate the experience that the Keys brings, afford to see the environment decline.



FLORIDA KEYS NATIONAL MARINE SANCTUARY

Team O.C.E.A.N. (Ocean Conservation Education Action Network) volunteers distribute information packets at the coral reef.

In 1989, mounting threats to the health and ecological future of the coral reef ecosystem in the Florida Keys prompted Congress to take action to protect this fragile natural resource. The threat of oil drilling in the mid to late 1980's off the Florida Keys, combined with reports of deteriorating water quality throughout the region, occurred at the same time scientists were assessing the adverse affects of coral bleaching, the die-off of the long-spined urchin, loss of living coral cover on reefs, a major seagrass die-off, declines in reef fish populations, and the spread of coral diseases. These were topics of major scientific concern, and the focus of several scientific workshops, when three large ships ran aground on the coral reef tract within a brief 18 day period in the fall of 1989. Coincidental as it may seem, it was this final physical insult to the reef that prompted Congress to take action to protect the coral reef ecosystem of the Florida Keys. Although most remember the ship groundings as having triggered Congressional action, it was in fact the cumulative events of environmental degradation, in conjunction with the physical impacts that prompted Congress to designate the 2800 square nautical mile Florida Keys National Marine Sanctuary and called for the development of a comprehensive management plan.

PUBLIC CONCERN IN THE FLORIDA KEYS

During the development of the Final Management Plan and Environmental Impact Statement for the Sanctuary, those responsible for writing the plan had the benefit of considerable public input. It was apparent that the public was concerned about issues that affect the quality of the marine resources in the Florida Keys and the quality of life for those who live, work, and recreate in the Keys. There was an enormous amount of consistency in the opinions and concerns expressed by the public at preliminary meetings in 1991 and at public hearings on the draft management plan in 1995. Written comments on the draft plan largely reiterated the views voiced at the public hearings.

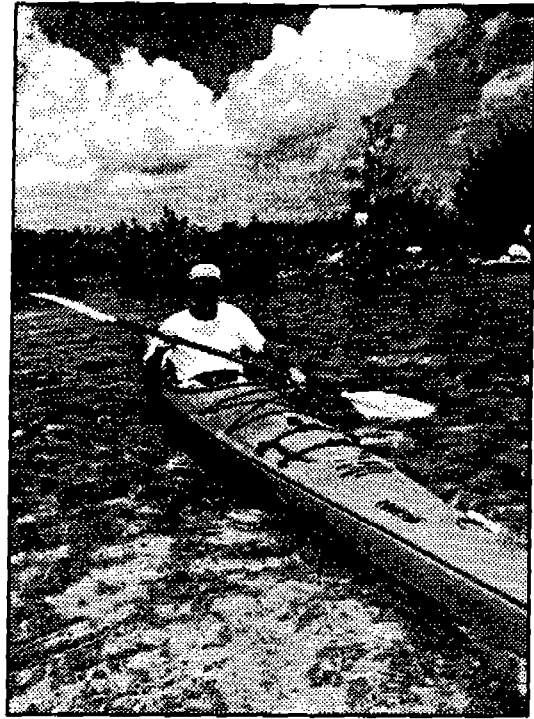
During those meetings, the public told Sanctuary planners that their main concerns were: declining water quality; protecting America's only living coral reef; increased pressures on declining resources; increased boating activity, affecting the quality of life and personal safety on Keys waters; lack of enforcement; and finding ways to keep the precious marine resources of the Keys healthy for future generations.

There was more agreement on some issues than others. Most expressed concern over declining water quality. Although there was not agreement on the cause of the declining water quality, most recognized it was the major factor affecting the health of the living coral reef, the seagrasses, and fisheries stocks in the Florida Keys. While nearly everyone agreed that America's living coral reef had to be protected and preserved for the use and enjoyment of future generations, there was not always agreement on the methods. Much of the public recognized the importance of the links between a healthy environment and a healthy economy. The majority of the public expressed concern over continued decline of marine resources in the Keys, including declines relating to overuse and overharvest.

The development of the Final Management Plan has not been without controversy. Some were concerned about the administration of the Sanctuary being an additional agency to oversee activities in the Keys. Some expressed concern about the cost of managing the Sanctuary, while others were simply against federal involvement in the management of the resources in the Keys. Like all the public comments received on the draft plan, these comments were considered by Sanctuary staff in the development of the Final Management Plan.

THE TOOLS TO SUSTAIN AMERICA'S CORAL REEF

The Final Management Plan for the Florida Keys National Marine Sanctuary contains some of the most innovative tools available for protecting America's coral reef and its surrounding marine communities for the use and enjoyment of future generations. Sanctuary planners are confident that they have achieved the best balanced approach to protecting Sanctuary resources through a management plan based on common sense and practical solutions. The final plan represents the most comprehensive approach ever attempted at protecting a marine community as diverse as that in the Florida Keys and in a socio-economic setting as complex as that in the Keys.



Each year over 1.4 million visitors come to the Keys to view the wildlife and study nature.

The Sanctuary's final management plan was compiled using the best available science and most current management planning techniques available in this country. Dozens of experts in managing marine resources were consulted in the development of the Sanctuary plan. The final plan provides management tools to solve major problems occurring in the marine environment of the Keys that were identified during the planning process. Those problems are separated into the following major categories: deteriorating water quality; declining health of the living coral reefs; physical damage to coral reefs and seagrass communities; user conflicts, visitor safety, and quality of life issues; and declining marine resources.

The final management plan contains both innovative and practical solutions to solving the problems in the marine environment of the Sanctuary that were identified during the planning process. Most of the solutions in the Sanctuary plan are non-regulatory in nature and serve to provide resource protection through simple management actions. Those solutions are found in the following broad management categories: improvement of water quality; coral reef and seagrass protection; resource enhancement; education and outreach; research and monitoring; volunteerism; and quality of life issues. These issues are addressed in the following ten action plans: Channel/Reef Marking, Education/Outreach, Enforcement, Mooring Buoys, Regulatory, Research and Monitoring, Submerged Cultural Resources, Water Quality, Volunteer, and Zoning.

Improvement of Water Quality. The decline in the nearshore water quality of the Florida Keys was recognized by Congress when they designated the Sanctuary and directed the EPA to work with the State and NOAA to develop a Water Quality Protection Program (WQPP). The final plan contains a Water Quality Action Plan that has specific solutions for addressing water quality problems and establishes corrective actions to solve water quality problems. The purpose of the WQPP is to recommend priority corrective actions and compliance schedules addressing point and non-point sources of pollution to restore and maintain the living coral reefs and other critical marine life in the Sanctuary. The WQPP addresses these issues through: 1) corrective actions that reduce water pollution directly by using engineering methods, prohibiting or restricting certain activities, tightening existing regulations, and/or increasing enforcement; 2) a comprehensive, long-term water quality monitoring program designed to provide information about the status and trends of water quality and biological resources in the Sanctuary; 3) research/special studies designed to identify and understand cause and effect relationships

involving pollutants, transport pathways, and biological communities of the Sanctuary; and 4) public education and outreach programs designed to increase public awareness of the Sanctuary, the WQPP, and pollution sources and impacts on Sanctuary resources.

The final plan also addresses water quality problems ranging from Florida Bay to the nearshore waters of the Keys. The Sanctuary brings National, as well as State interests and resources to resolving the water quality problems in the Keys. The final plan provides tools for improving water quality within the Sanctuary and identifies specific projects to determine sources of water quality problems. The plan uses demonstration projects to assess the best available technology for treating waste water and provides for monitoring to determine what is or is not working. The Water Quality Action Plan outlines research and monitoring programs that will provide the best scientific data for basing management decisions.

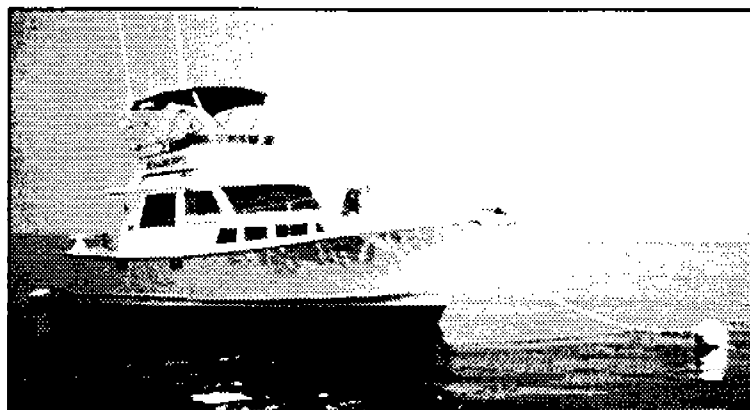
The final management plan integrates the Sanctuary into the South Florida ecosystem restoration effort as a major ecological component of the ecosystem. The plan integrates the Sanctuary's water quality protection program with local, State, and other Federal programs that address water quality in the Sanctuary. The National significance of the Sanctuary resources has attracted other Federal and State agency interests in restoring the water quality of the Sanctuary.

When the planning process began in 1991 there was little attention given to the degradation of water quality in Florida Bay. During Sanctuary Advisory Council meetings, beginning in 1992, fishermen familiar with Florida Bay testified that the deterioration of the water quality in Florida Bay was critical. They warned that the deteriorating water quality was affecting both the environment and economy of the area. Sanctuary planners have subsequently worked with other agency representatives in South Florida to address water quality problems on an ecosystem basis.

Undoubtedly, if the water quality of the Keys is not restored, the decline in the health of the living coral reef resources will continue. Without these resources the economy of the Keys will decline and the quality of life for those who live here will be affected. Income and property values in the Keys will decline if the natural resources are lost.

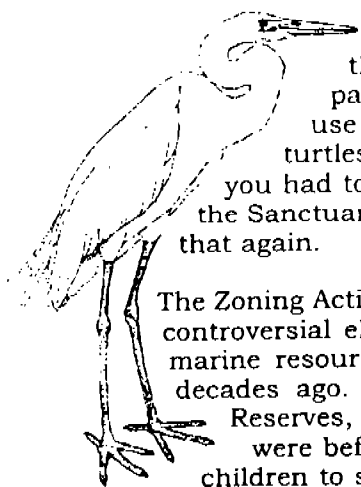
Coral Reef and Seagrass Protection. The final management plan contains a wide range of common sense approaches to protecting America's coral reef and the seagrasses of the Florida Keys. The channel and reef marking plan uses Federal, State, and local funds to mark channels and shallow reef areas. This will help prevent damage to these important marine communities from boat groundings and prop-scarring. Sanctuary planners and partners will select the most important channels and reefs to mark by working with the public.

The Mooring Buoy Action Plan is one of the most simple and effective management tools used to protect Sanctuary resources, and it is one of the most effective. The Sanctuary staff invent-



Sanctuary staff first invented the mooring buoy system in Key Largo in 1981. The system is now used in the Keys and internationally to protect coral reefs from anchor damage

ed the reef mooring buoy system used on coral reefs throughout the Keys in 1981. Today, this mooring buoy system is used all over the world to protect coral reefs from anchor damage. Sanctuary staff have trained others, such as volunteers with *Reef Relief*, on the techniques of mooring buoy installation. Today, *Reef Relief* maintains about one-third of the mooring buoys in the Sanctuary and we encourage them to continue and for others to support such efforts. There are many opportunities for the citizens to be involved in projects like this and we encourage as much of this public support as possible. The Sanctuary is a place where these opportunities can occur.



Resource Enhancement. The coral reefs of the Florida Keys have been the focus of harvesting activities since before the invention of SCUBA in the 1940's. Naturally, these activities have increased in intensity over the past few decades and today many Keys residents simply talk about what it use to be like in the "old days." Stories of beds of Queen Conch, rafts of sea turtles, huge schools of tropical fish, grouper, snapper and so many lobster all you had to do was wade out from shore for them are common. The final plan for the Sanctuary has included a tool that will make it possible for the coral reef to be like that again.

The Zoning Action Plan contained in the final management plan has been one of the most controversial elements of the planning process, yet it provides the opportunity for the marine resources, in some areas, to be like they were when they were undisturbed, decades ago. By setting aside portions of the coral reef community as Ecological Reserves, the coral reefs and other marine communities can return to what they were before man started harvesting them. What a gift it would be for our grandchildren to see walls of colorful tropical fish and marinelife the way they used to be. Compared to the overall size of the Sanctuary the areas in the final plan are small, but necessary to accomplish the goals of the Sanctuary.

The Zoning Action Plan provides a very common sense approach to focusing protection in small critical portions of sensitive habitats, while not restricting activities any more than necessary. For example, the 18 Sanctuary Preservation Areas that are in the final plan protect over 65% of the shallow, spur and groove reef habitat, while capturing approximately 80% of the year-round diving activity. These areas displace very few commercial and recreational fishermen and their "no harvest" status will lead to resource enhancement of the coral reefs. Today, those that harvest in these areas are not primarily the divers aboard commercial charter boats, but those in their recreational boats or rental boats. By making these areas "no harvest" areas the visiting divers will be directed to reef habitat where their activity will have less impact. Approximately 2 to 3 % of the Sanctuary is designated as "no harvest" in the final plan. In the remaining 97-98% of the Sanctuary the focus for management is on improving water quality and providing habitat protection.

Education and Outreach. The primary management tool used in National Marine Sanctuaries is education and outreach. The Education and Outreach Action Plan, compiled by some of the very best environmental educators and outreach experts in South Florida, provides ways that education efforts can directly enhance the various programs to protect the living coral reef. Public awareness and understanding through education are critical ways to achieve resource protection. This plan details how information gets from scientists to managers, and then to the educators. The educators and outreach specialists then prepare various tools to convey the information to the general public.

Research and Monitoring. Wise management decisions must be based on the best science available to managers. Although there has been a lot of research done in the Keys, nobody has ever been responsible for focusing the research on specific problems in order to assist managers in answering difficult questions about the natural environment. The Research and Monitoring Action Plan helps focus research addressing specific management problems. Some of the world's best coral reef scientists helped prepare or comment on this action plan. This action plan will help us prioritize research in the Sanctuary and focus agency scientists, academic scientists, industry scientists, and private researchers on Sanctuary problems. This has and will continue to help leverage funding from outside sources to be spent here in the Keys. At a time when budgets are lean, it is important that managers maximize research efforts to get direct answers to management problems.

The monitoring program contained in the final plan will enable scientists and managers to keep a pulse on the health of the living coral reef and related communities while the public continues to use and enjoy them. It is critical for managers to know when certain environmental changes are taking place and how those changes relate to management activities. Managers need to know when their actions are working, and if they are not working. This can only be answered through the well designed monitoring program which has been developed for the Sanctuary.

Volunteerism. One of the best ways to get people to understand the importance of protecting living resources such as the coral reef is to involve them in volunteer projects. The Volunteer Action Plan links with all of the other management programs in the Sanctuary. This action plan lays out all the various ways citizens can become involved in assisting managers in protecting the Sanctuary. The volunteer program became extremely successful even before the completion of the final plan, because of the desire of hundreds of citizens who want to help make a difference in protecting America's living coral reef. When budgets are lean and there is a volunteer work force out there waiting for a blueprint to follow, it makes sense that their interests and enthusiasm are used to benefit the Sanctuary.



Sanctuary volunteers participate in a variety of coral reef monitoring projects.

Quality of Life Issues. The depletion of natural resources or the disturbance of a trailing school of bonefish on a seagrass flat by a personal watercraft are issues that ultimately affect the quality of life in the Keys. Many people moved here to enjoy the bountiful natural resources of the Florida Keys and if those were to disappear it would surely affect their quality of life. People standing on and walking around on living coral reefs will affect the health of the living corals and will over time affect the quality of life of those who moved to the Keys to enjoy the living coral reefs. The Regulatory Action Plan contains some common sense regulations that will help managers protect the resources of the Sanctuary while having the least amount of impact on those who enjoy them. The regulations address important concerns that were raised by the public and apply restrictions in a way that will achieve resource protection without unduly restricting activities. This regulatory action plan will provide safety provisions to the residents and visitors to the Keys that were not previously available. The provisions aimed at boating activities will have a direct positive result of the quality of life of those who visit, work, and play in the Florida Keys.

The thrill of exploring for treasure is a way of life for some in the Keys, while protecting and preserving archaeological resources should be important to all. The Submerged Cultural Resources Action Plan balances both of these concerns with those of natural resource protection and preservation of the historic record.

In order to maximize on existing enforcement programs, the final plan contains an Enforcement Action Plan that serves to help focus enforcement on priority problems within the Sanctuary. As a means of saving money, the action plan lays out a blueprint for coordination of all the enforcement agencies in the Keys. By sharing resources and focusing on common concerns, the Sanctuary resources will receive the highest level of protection under current funding levels, thus protecting the quality of life for the citizens of the Florida Keys.

Improving our water quality, protecting our magnificent coral reef, providing for the safety and enjoyment of those who use the marine resources, and instilling a sense of stewardship to ensure that this fabulous ecosystem is here for future generations: this is why cooperative management of this precious resource is so important. The Sanctuary is a special place where people are an integral part of the equation. We must join together to make sure that this living coral reef continues to thrive.

Section II: CHANGES YOU'LL SEE BY ACTION PLAN

This Overview highlights the changes that were incorporated in the Final Management Plan as a result of the public comment period. It focuses on the substantive changes, rather than those places where a word or punctuation may have been corrected. We recommend referring to the Management Plan in its entirety for details.

Channel/Reef Marking Action Plan

The title of the Channel Marking Action Plan was changed to reflect that the plan addresses the marking of coral reefs and other shallow water habitats, as well as channels. In addition reviewers recommended the inclusion of a criteria for prioritizing channel/reef marking. The criteria establishes a process for identifying and prioritizing channels to be marked. Also, language was added to evaluate the effectiveness of channel/reef markers and to address the removal of markers that are found to have a detrimental effect on marine resources.



Education and Outreach Action Plan

Changes to this action plan included a name change: outreach was added. Reviewers recognized the importance of public outreach in an area where there is such heavy use of the resources by local residents and by vast numbers of tourists. Clearly, the education of the general public and user groups that must be reached in a very short time frame calls for the use of outreach strategies. In addition, a number of suggestions coming from the local education community have been integrated to better address learner outcome goals.

Some comments suggested that products developed through this plan be multi-lingual when necessary and appropriate. Other comments included increasing the priority of establishing a Sanctuary Advisory Board for education and outreach and the need to use the existing network of educators and environmental education organizations and institutions already in place. The Final Plan was revised the document to reflect these comments.

Enforcement Action Plan

Changes to the Enforcement Action Plan were made in response to comments received. The figure illustrating Law Enforcement Organization was deleted because it misrepresented the chain of command. Language was added to indicate that patrol priorities will be based on the protection of cultural and natural resources as opposed to user conflicts.

Mooring Buoy Action Plan

In response to numerous public comments the third of three mooring buoy strategies (R.5: carrying capacity) has been deleted from the Mooring Buoy Action Plan. Although many reviewers expressed concern that the Keys have exceeded their carrying capacity for a healthy environment, others felt that mooring buoys were not necessarily the mechanism for limiting impacts until further research is complete. Thus, the carrying capacity strategy has been moved into the Research and Monitoring Action Plan. In addition, an activity was added to establish a monitoring program to assess the effectiveness and influence of mooring buoys on coral reefs and other sensitive habitats. We responded to comments to establish a mooring buoy working group and encourage the use of volunteer assistance in mooring buoy maintenance by adding this language to the Action Plan.



Monroe County 8th graders participate each year in Coral Reef Classroom, one of many Sanctuary education programs.

We made every attempt to address the substantive concerns raised regarding the draft regulations. This section includes a description of the revisions to the draft regulations.

New definitions including those for coral, coral area, coral reefs, hardbottom, and residential shorelines were added to the final regulations based on public comments and to clarify the applicability of the regulations.

Allowed activities

All activities (e.g., fishing, boating, diving, research, education) may be conducted unless prohibited or otherwise regulated here or by any other Federal, State, or local authority of competent jurisdiction.



Prohibited activities - Sanctuary Wide

There were some revisions to the Sanctuary-wide draft regulations based on the public comment. These changes were made in the operation of vessels section of the Sanctuary-wide prohibited activities.

Anchoring on corals is a threat to the health of coral reefs in the Florida Keys. Anchoring a vessel on coral in depths less than 40 feet of water when visibility is such that corals on the seabed can be seen is restricted. This prohibition does not apply to anchoring on hardbottom. The Sanctuary Advisory Council (SAC) recommended this regulation in their comments, while some groups requested the prohibition apply throughout the Sanctuary, and others wanted no prohibition at all.

Based on public comments and SAC recommendations, we established a series of regulations that address the operation of all vessels, including personal watercraft.

The final regulation prohibits operating a vessel at a speed greater than idle speed only/no-wake, except in marked channels and other less restrictive marked areas:

- in areas designated idle speed only/no wake zones;
- within 100 yards of navigational aides indicating emergent or shallow reefs (international diamond warning symbol);
- within 100 feet of the red and white "divers down" flag (or the blue and white "alpha" flag in Federal waters);
- within 100 yards of residential shorelines; or
- within 100 yards of stationary vessels.

Additional regulations on the operation of vessels will include: (1) a prohibition on operating a vessel in such a manner as to injure, take or cause disturbance to wading, roosting, or nesting birds, or marine mammals; and (2) operating a vessel in a manner which unreasonably or unnecessarily endangers life, limb, marine resources, or property, including but not limited to, weaving through congested vessel traffic, jumping the wake of another vessel unreasonably or

unnecessarily close to such other vessel or when visibility around such other vessel is obstructed, or waiting until the last possible moment to avoid a collision.

In addition to regulations that apply to all vessels, we will work with the Personal Watercraft (PWC) Industry to develop effective strategies for PWC management. The PWC industry has indicated it is seriously committed to "self regulation" and is willing to work with us to develop successful educational efforts geared toward changing user behavior. In particular, the PWC industry agreed to work with Sanctuary staff to establish criteria for the management of commercial PWC rental operations. The final component of our approach to PWC's is a modification of the SAC's recommendations. If initial efforts are not successful at significantly reducing or eliminating the nuisance and safety problems, we will consider establishing broad zoning restrictions consistent with SAC recommendations.



Additional Activity Regulations by Sanctuary area

The regulations in the Final Management Plan for the zones primarily changed in geographical extent and number of specific zones, as opposed to the specific regulations within the different zones. Those changes are described in the Zoning Action Plan.

In the Final Management Plan the following regulated activities are those that were revised for the Ecological Reserves (ER) and the Sanctuary Preservation Areas (SPA) as a result of public comment, including comments from the SAC:

Possessing, moving, harvesting, removing, taking, damaging, disturbing, breaking, cutting, spearing, or otherwise injuring any coral, marine invertebrate, fish, bottom formation, algae, seagrass or other living or dead organism, including shells, or attempting any of these activities. However, fish, invertebrate, and marine plants may be possessed aboard a vessel in an ER or SPA, provided such resources can be shown not to have been harvested within, removed from, or taken within, the ER or SPA, as applicable, by being stowed in a cabin, locker, or similar storage area prior to entering and during transit through such reserves or areas.

Except for catch and release fishing by trolling in the Conch Reef, Alligator Reef, Sombrero Reef, and Sand Key SPAs, fishing by any means. However, gear capable of harvesting fish may be aboard a vessel in an ER or SPA, provided such gear is not available for immediate use when entering and during transit through such ER or SPA and no presumption of fishing activity shall be drawn therefrom.

Emergency Regulations

There was some public concern about the ability of the Director or his designee to establish emergency regulations which could affect access or activities. In public comments, there was a general request to establish some kind of time limit or process to close areas to public access for emergency reasons. We have revised the regulation to read as follows:

Any such temporary [emergency] regulation may be in effect for up to 60 days, with one 60-day extension. Additional or extended action will require public notice and comment, notice in local newspapers, Notice to Mariners, and press releases.

National Marine Sanctuary Permits - Application Procedures and Issuance Criteria

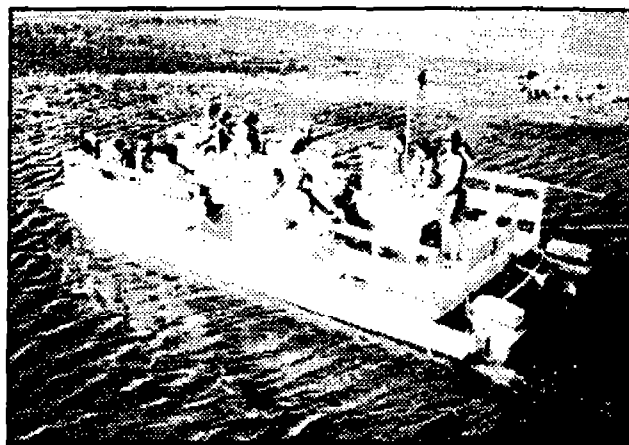
Permits are required in National Marine Sanctuaries for conducting activities that are prohibited by Sanctuary regulations. In addition to permits for research, education, salvage and recovery operations, and management, a Sanctuary general permit may now be issued for an activity that otherwise furthers Sanctuary purposes, including facilitating multiples use of the Sanctuary, to the extent compatible with the primary objective of resource protection.

Sanctuary Historical Resources permits and Special-use permits, respectively, have been incorporated into this section so there is only one permit section addressing all types of Sanctuary permits. The deaccession/transfer of public historical resources to private permittees will be

done through a Special-use permit.

Historical Resource Permits - Application Procedures and Issuance Criteria

In response to comments, this section was revised to make the permit management system more pragmatic from the perspective of the commercial salvors without compromising the primary objectives of protecting the submerged cultural resources.



Responsible boating is one way we can enhance the quality of life in the Keys.

After consultation with the State of Florida, we deleted the regulatory provisions requiring a performance bond for all applicants. We have also modified the regulations to clarify that other security instruments may be utilized in lieu of insurance policies. Additionally, we modified regulatory language to clarify that the scope of coverage required is for "potential claims for damages to Sanctuary resources arising out of permitted activities" and to clarify that the amount of insurance or security should be reasonably equivalent with an estimated value of the Sanctuary resources in the vicinity of the permitted area and activities.

Sanctuary Registry - Research Notice (Deleted)

This section was removed from the final regulations because the Sanctuary registry is voluntary and no regulation is necessary for its establishment.

Research and Monitoring Action Plan

In response to public comments, minor changes were made to the Research and Monitoring Action Plan. Most public comments on the plan called for monitoring the no-take zones to determine their effectiveness. Research and monitoring of the zones was emphasized in the plan to accommodate this comment. The Sanctuary Advisory Council requested that the carrying capacity strategy be added to the plan which has been done. One State agency commented on the Strategy F.3 (moratorium on stocking) stating that it would curtail the State's ongoing queen conch stocking program. In response, the strategy was changed to call for permitting of all stocking programs.

The revised Research and Monitoring Action Plan will provide better scientific information in a more timely manner than was called for in the Draft Plan. Therefore, resource protection will be enhanced through better informed resource managers. Resource protection will be further enhanced by the permitting of research activities and the research on carrying capacity.

Submerged Cultural Resources Action Plan

As a result of consultation with the State of Florida, we deleted the regulatory provisions requiring a performance bond for all applicants. While the removal of this regulatory requirement should reduce the costs for meeting the permit criteria for most applicants, such performance bond may still be reasonable and appropriate in certain cases where applicants have not finished projects or have difficulty demonstrating their financial ability to complete the proposed project.

The general liability insurance is a statutory requirement under Section 310 of the NMSA. However, reviewers indicated that insurance companies were not providing policies for such coverage. We modified the regulatory provision in the final regulations to clarify that other security instruments may be utilized in lieu of an insurance policy so the requirement is more flexible. In addition, we modified regulatory language to clarify that the scope of coverage required

is for "potential claims for destruction, loss, or injury to Sanctuary resources arising out of permitted activities" and to clarify that the amount of insurance or security should be reasonably equivalent with an estimated value of the Sanctuary resources in the vicinity of the permitted area and activities.

With regard to the requirement that SCRs be publicly displayed, we did not intend to require that all SCRs be publicly displayed for all time. Instead, it was expected that this would be addressed in the curation agreements and that standard museum practices would be followed, consistent with the Federal Archaeological Program (FAP). The regulations have therefore been modified to indicate that permittees must provide public access and "periodic" public display. The regulations also provide for a permit to deaccession certain SCRs.

The requirement that a professional archaeologist be in charge of the archaeological research and recovery, that requirement has not been changed. It is imperative for environmental and socioeconomic reasons that a professional archaeologist supervise the recovery operations to ensure preservation standards are met. That is not to say that, as supervisor, the archaeologist needs to be on site at all times in every permit. However, the archaeologist needs to oversee the operations.

With regard to the requirement of a professional nautical conservator, the plan has been modified to delete "professional" and insert "authorized" as suggested in comments in order to provide more flexibility in the permit system and allow for the consideration of field experience.

In response to comments, additional changes were made in the final regulations and plan in an effort to make the permit management system more pragmatic from the perspective of the commercial salvors without compromising the primary objectives of protecting significant natural and historic Sanctuary resources. The permit conditions may be more rigorous than the requirements of the Admiralty court or the State contract system, and thus may involve additional costs, for permittees to continue working their sites.

The regulations indicate that permits may provide for limited manual alteration of the seabed, including handfanning, provided there is no adverse effect on Sanctuary resources. Such activity will continue to be considered on a case-by-case basis.

Reviewers suggested exclusive rights for a survey-inventory permit but also suggested that remote sensing not require a permit. The final plan clarifies that non-intrusive remote sensing is not prohibited. The regulations expressly state that non-intrusive remote sensing does not require a permit. However, NOAA and the State are cognizant of the underlying economic concerns of applicants and permittees in investing and expending financial resources. The regulations have been modified to indicate that we will not grant survey and inventory permits or research and recovery permits for areas covered by existing permits, unless authorized by such permittee. There is no entitlement to these and other permits, rather it involves the discretionary authority of NOAA and the State in granting a privilege which is determined to be in the public's interest.

Volunteer Action Plan

While all comments on the Volunteer Action Plan were positive, some specific comments were made requesting modifications to the plan. The goals of the Volunteer Plan were updated to include the future development of a strategy to target volunteer recruitment and strategy B.8: User Fees was deleted in response to comments.

Water Quality Action Plan

Public comment precipitated changes to both the WQPP document and the Water Quality Action Plan. Changes were also needed to update the information in the action plan and to make it more consistent with the actual programs which are now underway. Some strategies were

renamed, some activities were moved between strategies, and a few new activities were added. Also, existing programs and activities that have already been completed were noted.

Specifically, strategies to address the management of domestic wastewater were reworded to emphasize innovative technologies and pilot projects. Also, rewritten was the process by which illegal cesspits and legal but inefficient septic systems would eventually be replaced or upgraded. The strategy for stormwater management was reworded to emphasize that a public education program would be included.

The strategy addressing pollution discharges now emphasizes implementing the 1994 Florida Clean Vessel Act and educating the boating public about discharge regulations. New activities were added to the strategy for special-use areas to evaluate the feasibility of mooring fields and establish criteria for setting them up. Under marina operations, new activities were added that would encourage marina owners to participate in environmentally-oriented organizations such as the International Marina Institute. They would also be encouraged to provide a user manual with local environmental information such as locations of pumpout facilities and trash receptacles.

Mosquito spraying was changed to include a field survey of the full suite of pesticides, herbicides, fungicides, etc. used in the Sanctuary. Several new activities were added to address canal water quality, including a pilot project and a community education and involvement program. The revised strategy better describes the detailed process that would be used to improve canal water quality.

Zoning Action Plan

There were five zone types proposed in the draft plan that was reviewed by the public. Those zone types were: Wildlife Management Areas; Replenishment Reserves (renamed to Ecological Reserves); Sanctuary Preservation Areas; Existing Management Areas; and Special-use Areas. All of these zone types remain in the Final Management Plan to be implemented in the Sanctuary.

Wildlife Management Areas (WMA). There are 27 WMA's established in the Final Plan. The majority of these areas (20) fall under the jurisdiction of the U.S. Fish and Wildlife Service (USFWS) and Sanctuary regulations have been established to complement the USFWS criminal sanctions with Sanctuary civil penalties. Public access restrictions in these areas include idle speed only/no wake, no access buffer, no motor, and closed. Only a few minor changes were made to the WMA's based on public comment. As a result, consistent with existing USFWS regulations, access to Jewfish Creek and Steamboat Creek in the Crocodile Lake Wildlife Management Area is not restricted, as appropriate.

Also, the Final Plan includes one additional area over what was proposed in the Draft Management Plan. An idle speed only/no wake zone has been established in the area of Lake Surprise east of the highway US 1. This zone was established to protect the endangered American Crocodiles and West Indian Manatees that inhabit the area.

Ecological Reserves (ER, formerly Replenishment Reserves). In the Draft Preferred Alternative this zone type was called Replenishment Reserves. NOAA has changed the name to reflect public concerns over the purpose of these areas. NOAA has redrawn the zoning boundaries to minimize costs to fishing industry (i.e. deleted Key Largo ER and delayed Dry Tortugas ER).

All activities that do not result in removal of marine life or damage to the resources will be allowed in these areas. Spearfishing, shell collecting, tropical fish collecting, and other activities that result in the harvest of marine life by divers and snorkelers, and fishing activities will be prohibited in this zone type. In addition, direct physical impact to corals in these areas will be restricted.



This zone type has received the most revisions from the Draft to the Final Management Plan as compared to other zone types. Three Ecological Reserves were proposed in the draft plan. NOAA has eliminated one of these proposed reserves, maintained the proposed boundaries of another, and delayed action on the third for two years after the final plan is implemented in order to minimize the socioeconomic impact on fishermen.

We have eliminated the Key Largo Reserve from the final plan and regulations. The resource protection provided by the existing protected areas, John Pennekamp Coral Reef State Park and the Key Largo National Marine Sanctuary contributed to this decision. Many prohibitions already exist in these areas, on activities such as spearfishing, tropical fish collecting, shell collecting, wire fish trapping, trawling, and the removal of any marine life by divers except for spiny lobster. Establishing an Ecological Reserve in these areas would have resulted in few additional environmental benefits. The full environmental benefit of the protection provided by Ecological Reserves will best be monitored and observed in areas where these harvesting activities are currently conducted.

We have maintained the boundary that was proposed in the Draft for the Western Sambos Ecological Reserve. High environmental benefits will be gained by protecting this important portion of the coral reef environment. This Ecological Reserve is located adjacent to public property (Boca Chica Naval Airstation) and contains all the habitats that are typically found in an onshore/offshore cross-section of the Keys coral reef environment.

We did not finalize the implementation of the Dry Tortugas ER in the regulations. Instead, we will postpone final implementation of the boundary and regulations of the Dry Tortugas ER until it undertakes a process, in coordination with the National Park Service, to identify an appropriate final boundary for the Reserve, which will include portions of the Dry Tortugas National Park. To identify the final boundary, NOAA and the National Park Service will use the information gathered as part of the public review of the draft management plan, and hold workshops with users, agency representatives, environmental organizations and the public. Prior to making a final decision, the proposed final boundary of the Dry Tortugas Ecological Reserve will be published for public comment.

Sanctuary Preservation Areas (SPA). All activities that do not result in removal of marine life or damage to the resources will be allowed in these areas. Activities that will be prohibited in the Sanctuary Preservation Areas include spearfishing, shell collecting, tropical fish collecting, fishing and other activities that result in the harvest of marine life by divers, snorkelers, and fishermen. In addition, direct physical impact to corals in these areas will be restricted.

We are implementing all of the SPAs that were proposed in the Draft Plan (19) with the exception of the one for Western Sambos Reef. Since that reef is designated an Ecological Reserve, which has the same restrictions as the SPA's, NOAA has eliminated this duplicate protection. Therefore, a total of 18 SPAs are contained in the Final Plan. Since we have removed the Key Largo Ecological Reserve from the final plan, the SPA around Carysfort has been enlarged to encompass more of the coral reef community, including patch reefs, coral rubble areas, and intermediate reef habitat, the site of a known grouper spawning aggregation. The size of the SPA will only be expanded by one-half (1/2) of a square nautical mile over the proposed SPA.



We received considerable public comment on the draft plan regarding baitfishing activities in the shallow reef habitat. NOAA has revised the management plan and regulations to allow limited baitfishing in the SPA's rather than reduce the number of SPA's. We will give permits for the netting of ballyhoo for bait in these areas and does not feel this activity will compromise the overall objective of the SPA's.

In another effort to reduce socioeconomic costs from the SPA's, we have modified the management plan and regulations to allow catch and release fishing by trolling in four of the Sanctuary

Preservation Areas: Conch Reef, Alligator Reef, Sombrero Key, and Sand Key. This should avoid or minimize the socioeconomic impacts on fishermen in these areas. This will also give us places to compare and contrast catch and release SPAs with those where no fishing takes place. These areas were selected on the basis of public comment and data from the aerial surveys. This will help us assess the environmental costs of allowing this activity and the socioeconomic impacts of prohibiting it in the other SPA's.



The areas outlined in the marine zoning action plan will be clearly marked.

Existing Management Areas (EMA). Out of the total 21 existing management zones, 15 are administered by the State of Florida Department of Environmental Protection, 4 by the U.S. Fish and Wildlife Service, and 2 by NOAA. Managing these areas within the Sanctuary may require additional regulations or restrictions to provide complete resource protection. These additional management needs will be developed in cooperation with the relevant agency and will be implemented with those agencies. No change occurred to EMA's as a result of public comment.

Special Use Areas (SUA). These zones address special use activities and concerns within the Sanctuary, and may be established for education, science, restoration, monitoring, or research. Activities in these areas will be conducted by permit only.

There are only four special use areas in the Final Management Plan: Conch Reef, Tennessee Reef, Looe Key (patch reef), and Eastern Sambos Reef. These are all designated as research-only areas. Due to the consideration of socioeconomic impact described by the public during the review process, we have eliminated the Pelican Shoal research-only Special-use Area and replaced it with the Eastern Sambos research-only Special-use Area suggested by the State in its comments on the DMP/EIS. This change will provide a better research and monitoring site, while simultaneously lessening the socioeconomic impact to the public that would have occurred by limiting access to the reef around Pelican Shoal. However, in order to complement the State's seasonal closure of the land area, we designated a no-access 50 yard buffer around the Pelican Shoal between April 1 and August 31. These dates coincide with those established by the Florida Game and Freshwater Fish Commission for this area.

Section III: OVERVIEW OF SANCTUARY REGULATIONS

Summary of the Final Regulations for the Florida Keys National Marine Sanctuary

This summary is prepared as an expanded outline.

Please refer to the text of the regulations for additional information.

Allowed activities

All activities (e.g., fishing, boating, diving, research, education) may be conducted unless prohibited or otherwise regulated here or by any other Federal, State, or local authority of competent jurisdiction.

Prohibited activities - Sanctuary-wide

(a) Except as specified in paragraph (b) through (e) of this section in the full set of regulations, the following activities are prohibited:

(1) Mineral and hydrocarbon exploration, development and production.

(2) Removal of, injury to, or possession of coral or live rock.

(3) Alteration of, or construction on, the seabed. Drilling into, dredging, or otherwise altering the seabed of the Sanctuary (including prop-dredging or abandoning any material on the seabed), except as an incidental result of:

(i) Anchoring vessels in a manner not otherwise prohibited;

(ii) Traditional fishing activities not otherwise prohibited;

(iii) Authorized installation and maintenance of navigational aids;

(iv) Harbor maintenance including dredging of entrance channels and repair, replacement, or rehabilitation of breakwaters or jetties;

(v) Authorized construction, repair, replacement, or rehabilitation of docks, seawalls, breakwaters, piers, or marinas with less than ten slips.

(4) Discharge or deposit of materials or other matter.

(i) Discharging or depositing, from within the boundary of the Sanctuary, any material or other matter, except:

(A) Fish, fish parts, chumming materials, or bait used or produced while conducting a traditional fishing activity;

(B) Biodegradable effluent incidental to vessel use and generated by a marine sanitation device approved in accordance with Section 312 of the Federal Water Pollution Control Act, as amended;

(C) Water generated by routine vessel operations (e.g., deck wash down and graywater), excluding oily wastes from bilge pumping; or

(D) Cooling water from vessels or engine exhaust;

(ii) Discharging or depositing, from beyond the boundary of the Sanctuary, any material or other matter that subsequently enters the Sanctuary and injures a Sanctuary resource, except those listed in paragraph (a)(4)(i)(A) through (D) above and those authorized under Monroe County land use permits.

(5) Operation of vessels.

(i) Operating a vessel in such a manner as to strike or otherwise injure coral, sea-grass, or any other immobile organism attached to the seabed.

(ii) Anchoring a vessel on coral other than hardbottom in water depths less than 40 feet when visibility is such that the seabed can be seen.

(iii) Except in officially marked channels, operating a vessel at a speed greater than 4 knots or in manner which creates a wake:

(A) within an area designated idle speed only/no wake;

(B) within 100 yards of navigational aids indicating emergent or shallow reefs (international diamond warning symbol);

(C) within 100 feet of the red and white "divers down" flag (or the blue and white "alpha" flag in Federal waters);

(D) within 100 yards of residential shorelines; or

(E) within 100 yards of stationary vessels.

(iv) Operating a vessel in such a manner as to injure, take or cause disturbance to wading, roosting, or nesting birds or marine mammals.

(v) Operating a vessel in a manner which unreasonably or unnecessarily endangers life, limb, marine resources, or property, including but not limited to, weaving through congested vessel traffic, jumping the wake of another vessel unreasonably or unnecessarily close to such other vessel or when visibility around such other vessel is obstructed, or waiting until the last possible moment to avoid a collision.

(6) Conduct of diving/snorkeling without flying a "divers down" flag.

(7) Release of exotic species of plant, invertebrate, fish, amphibian or mammals.

(8) Damage or removal of markers, buoys and scientific equipment.

(9) Movement of, removal of, injury to, or possession of Sanctuary historical resources.

(10) Take or possession of protected wildlife.

(11) Possession or use of explosives or electrical charges.

(12) Harvest or possession of marine life species as protected by State law.

(13) Interference with law enforcement.

Additional activity regulations by Sanctuary area

In addition to the prohibitions set forth in the previous section, which apply throughout the Sanctuary, the following regulations apply with respect to activities conducted within the Sanctuary areas.

(a) Areas To Be Avoided. Operating a tank vessel or a vessel greater than 50 meters in registered length is prohibited in all areas to be avoided (unless essential for national defense, law enforcement, or responses to emergencies).

(b) Existing Management Areas.

(1) Key Largo and Looe Key Management Areas. The following activities are prohibited within the Key Largo and Looe Key Management Areas (also known as the Key Largo and Looe Key National Marine Sanctuaries):

(i) Removing, taking, damaging, harmfully disturbing, breaking, cutting, spearing or similarly injuring any coral or other marine invertebrate, or any plant, soil, rock, or other material, except commercial taking of spiny lobster and stone crab by trap and recreational taking of spiny lobster by hand or by hand gear which is consistent with these regulations and the applicable regulations implementing the applicable Fishery Management Plan.

(ii) Taking any tropical fish.

(iii) Fishing with wire fish traps, bottom trawls, dredges, fish sleds, or similar vessel-towed or anchored bottom fishing gear or nets.

(iv) Fishing with, carrying or possessing, except while passing through without interruption or for law enforcement purposes: pole spears, air rifles, bows and arrows, slings, Hawaiian slings, rubber powered arbaletes, pneumatic and spring-loaded guns or similar devices known as spearguns.

(2) Great White Heron and Key West National Wildlife Refuge Management Areas. The following activities are prohibited within the marine portions of the Great White Heron and Key West National Wildlife Refuge Management Areas:

(i) Operating a personal watercraft, operating an airboat, or water skiing. (Refer to the full set of regulations for exceptions)

(ii) Discharging or depositing any material or other matter except cooling water or engine exhaust.

(c) Wildlife Management Areas.

Marine portions of the Wildlife Management Areas may be designated "idle speed only/no-wake," "no-motor" or "no-access buffer" zones or "closed". Signs shall be posted conspicuously and shall display the official logo of the Sanctuary.

(d) Ecological Reserves and Sanctuary Preservation Areas.

(1) The following activities are prohibited within the Ecological Reserves and Sanctuary Preservation Areas:

(i) Discharging or depositing any material or other matter except cooling water or engine exhaust.

(ii) Possessing, moving, harvesting, removing, taking, damaging, disturbing, breaking, cutting, spearing, or otherwise injuring any coral, marine invertebrate, fish, bottom formation, algae, seagrass or other living or dead organism, including shells, or attempting any of these activities. However, fish, invertebrate, and marine plants may be possessed aboard a vessel in an Ecological Reserve or Sanctuary Preservation Area, provided such resources can be shown not to have been harvested within, removed from, or taken within, the Ecological Reserve or Sanctuary Preservation Area, as applicable, by being stowed in a cabin, locker, or similar storage area prior to entering and during transit through such reserves or areas.

(iii) Fishing by any means except for catch and release fishing by trolling in the Conch Reef, Alligator Reef, Sombrero Reef, and Sand Key SPAs. However, gear capable of harvesting fish may be aboard a vessel in an Ecological Reserve or Sanctuary Preservation Area, provided such gear is not available for immediate use when entering and during transit through such Ecological Reserve or Sanctuary

Preservation Area, and no presumption of fishing activity shall be drawn therefrom.

(iv) Touching living or dead coral, including but not limited to, standing on a living or dead coral formation.

(v) Placing any anchor (including the anchor, chain or rope) to touch living or dead coral, or any attached organism.

(vi) Anchoring instead of mooring when a mooring buoy is available or anchoring in other than a designated anchoring area when such areas have been designated and are available.

(vii) Violating a temporary access restriction imposed by the Director.

(2) The Director may temporarily restrict access to any portion of any Sanctuary Preservation Area or Ecological Reserve if it is determined that a concentration of use appears to be causing or contributing to significant degradation of the living resources. The Director will provide public notice of the restriction by publishing a notice in the Federal Register, and by such other means. The Director may only restrict access to an area for a period of 60 days, with one additional 60 day renewal. The Director may restrict access to an area for a longer period pursuant to a notice and opportunity for public comment. Such restrictions will be kept to the minimum amount of area necessary to achieve the purposes thereof.

(e) Special-use Areas.

(1) The Director may set aside discrete areas of the Sanctuary as Special-use Areas and impose access and use restrictions. The following types of Special-use Areas are allowed:

(i) "Recovery area" to provide for the recovery of Sanctuary resources from degradation or other injury attributable to human uses;

(ii) "Restoration area" to provide for restoration of degraded or otherwise injured Sanctuary resources;

(iii) "Research-only area" to provide for scientific research or education relating to protection and management; and

(iv) "Facilitated-use area" to provide for the prevention of use or user conflicts or the facilitation of access and use, or to promote public use and understanding of Sanctuary resources.

(2) A Special-use Area shall be no larger than the size that is reasonably necessary to accomplish the applicable objective.

(3) Except for passage without interruption through the area, no person may enter a Special-use Area except to conduct the activities for which the area was set aside.

(4) The Director may modify the number of, location of, or designations applicable to, Special-use Areas by publishing in the Federal Register, after notice and an opportunity for public comment.

Emergency regulations

Where necessary to prevent or minimize the destruction of, loss of, or injury to a Sanctuary resource or quality, or minimize the imminent risk of such destruction, loss, or injury, any and all activities are subject to immediate temporary regulation, including prohibition. Any

such temporary regulation may be in effect for up to 60 days, with one 60-day extension. Additional or extended action will require notice and comment rulemaking under the Administrative Procedure Act, notice in local newspapers, notice to Mariners, and press releases.

Penalties

(a) Each violation of the NMSA or FKNMSPA, any regulation in this part, or any permit issued pursuant thereto, is subject to a civil penalty of not more than \$100,000. Each day of a continuing violation constitutes a separate violation.

(b) Regulations setting forth the procedures governing administrative proceedings for assessment of civil penalties, permit sanctions, and denials for enforcement reasons, issuance and use of written warnings, and release or forfeiture of seized property appear at 15 CFR part 904.

Response costs and damages

Under section 312 of the Act, any person who destroys, causes the loss of, or injures any Sanctuary resource is liable to the United States for response costs and damages resulting from such destruction, loss or injury, and any vessel used to destroy, cause the loss of, or injure any Sanctuary resource is liable *in rem* to the United States for response costs and damages resulting from such destruction, loss or injury.

Permits - application procedures and issuance criteria

(a) National Marine Sanctuary General Permit. (Refer to the full set of regulations for application procedures and issuance criteria for permits)

(b) National Marine Sanctuary Survey/Inventory of Historical Resources Permit. (Refer to the full set of regulations for application procedures and issuance criteria for permits)

(c) National Marine Sanctuary Research/Recovery of Sanctuary Historical Resources Permit. (Refer to the full set of regulations for application procedures and issuance criteria for permits)

(d) National Marine Sanctuary Special-use Permit. (Refer to the full set of regulations for application procedures and issuance criteria for permits)

Certification of preexisting leases, licenses, permits, approvals, other authorizations, or rights to conduct a prohibited activity

A person may conduct a prohibited activity if such activity is specifically authorized by a valid Federal, State, or local lease, permit, license, approval, or other authorization in existence on the effective date of these regulations, or by any valid right of subsistence use or access in existence on the effective date of these regulations. (For details of restrictions please refer to the full set of regulations)

Notification and review of applications for leases, licenses, permits, approvals, or other authorizations to conduct a prohibited activity

A person may conduct a prohibited activity if such activity is specifically authorized by any valid Federal, State, or local lease, permit, license, approval, or other authorization issued after the effective date of these regulations. (For details of restrictions please refer to the full set of regulations)

Appeals of administrative action

An appeal under paragraph (a) of this section must be in writing, state the action(s) by the Director appealed and the reason(s) for the appeal, and be received within 30 days of receipt of notice of the action by the Director

Questions and Answers about the Florida Keys National Marine Sanctuary

Question #1: Can I SWIM, SNORKEL and SCUBA in the Sanctuary?

Answer: With the exception of four research only areas, swimming, snorkeling and scuba diving are encouraged throughout the Sanctuary. Designated Sanctuary Preservation Areas and the Sambo's Ecological Reserve are protected from most harvesting of marine life. These may be particularly attractive areas for those activities within the Sanctuary. The research areas total less than 1 square mile and require a scientific/monitoring research permit for access.

Question #2: Can I FISH in the Sanctuary?

Answer: Fishing is allowed in 98% of the Sanctuary, consistent with existing Federal and State fisheries regulations. Fishing is only restricted within specific zones.

Question #3: How will the Sanctuary affect LANDOWNERS in the Florida Keys?

Answer: Sanctuary regulations only apply in the marine environment, they do not apply to land-based activities.

Question #4: Will PERSONAL WATERCRAFT be regulated in the Sanctuary?

Answer: Reckless boating behavior that endangers the safety of swimmers and boaters will not be tolerated regardless of the vessel. Recognizing that personal watercraft have been a particular concern in some areas of the Florida Keys, new no wake and idle zone rules for personal watercraft and other boats will address public safety concerns along residential shorelines. The Personal Watercraft Industry has been advised that it must improve safety education among users and that there may be a need to consider additional regulatory action if safety problems persist.

Question #5: How will the Sanctuary Management Plan improve WATER QUALITY in the Florida Keys?

Answer: There is no higher priority for researchers and managers than improving water quality in the Florida Keys and Florida Bay. The management plan focuses on solutions for problems related to stormwater runoff, inadequate sewage treatment, marinas, live-aboards, landfills, hazardous spills, pesticides and herbicides.

Question #6: While these REGULATIONS appear to be reasonable, I am concerned that more restrictive regulations will be put in place in the future.

Answer: Sanctuary Managers have very limited authority to unilaterally establish regulations. Except for restricted access to a limited area in the event of an emergency, all changes to Sanctuary regulations will require much the same process as the development of this final plan including public notice and comment before a change can occur. Even emergency closures will require consultation with the Governor who will have the ability to appeal closures in state waters.

Question #7: WHAT CAN I DO TO HELP PROTECT THE SANCTUARY?

Answer: We can each make a difference in the effort to protect Sanctuary resources. Options available to us ranging from something as simple as making sure we use only bio-degradable products around the water to opportunities like joining one of our many volunteer efforts in the Sanctuary.

MARINE ZONING IN THE SANCTUARY

