

Biscayne National Park Update



June 2024



Florida Fish and Wildlife Conservation Commission

Version 1

Current Situation



- Federal judge issued ruling in a lawsuit filed against the U.S. Department of the Interior (DOI)
 - Ordered publication of regulation to implement a no-take area in Biscayne National Park (BNP) as soon as practicable
 - No-take area referred to as Marine Reserve Zone (MRZ)
- This would impact areas where SAMFC has management authority
- FWC historically has opposed the MRZ, but has supported BNP's other efforts to protect the park's marine resources



Photo courtesy of Biscayne National Park

Biscayne National Park (BNP)



- Part of the Dept. of Interior's (DOI) National Park Service (NPS)
- Largest saltwater park in the nation
- Located near the southern end of Miami-Dade County
- 272 square miles
 - 95% covered by saltwater
- Rich in natural and cultural resources
- Attracts 500,000+ visitors each year
- Management and environmental challenges:
 - Proximity to urban areas
 - Reduced water quality
 - Easily accessed



Photo courtesy of Steven Lamp

BNP: Diverse User Groups



Recreational

- Fishing: flats, reef, pelagic, lobstering, crabbing, spearfishing
- Diving: reefs and historic wrecks
- Boating and kayaking
- Birding and wildlife viewing



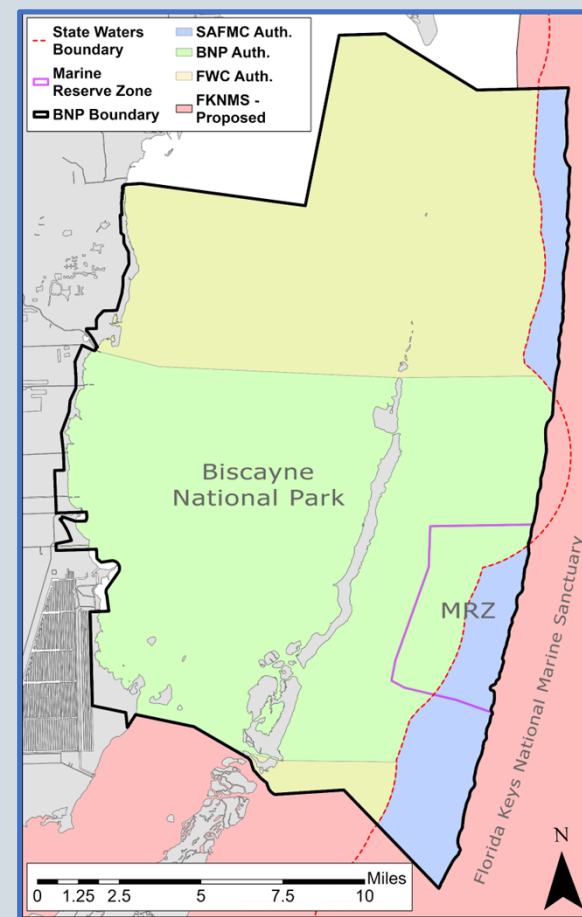
Commercial

- Shrimping
- Trapping (lobster and crab)
- Ballyhoo
- Hook-and-line (reef fish)



BNP Fisheries Management Authorities

- **1968:** National monument established
- **1980:** Designated as a national park & expanded in size
- FWC, BNP and SAFMC have authorities
 - FWC fishery regulations apply throughout
 - NPS must consult with Florida re: changing fishery regulations
 - FWC retains sole authority for fishery regulations in donated areas
 - SAFMC has authority for federally managed species in federal waters
 - Traditionally defers regulations to FWC & BNP



NPS & FWC Memoranda of Understanding (MOUs)

- Specific to the Fishery Management Plan (FMP)
- First signed by the Park and FWC in October 2002
 - Renewed 3 times during development of FMP
 - Most recent MOU signed in 2020 and will expire in 2025
- Outlines management philosophies and goals
 - Agreement to coordinate and regulate fishing activities
 - Seek least restrictive management actions to achieve goals
- Key elements:
 - FWC does not intend to implement a no-take area in the park unless both parties agree it is absolutely necessary
 - Recognizes the park might consider a no-take area for purposes other than sound fisheries management



FWC and BNP Collaboration

Development of FMP and GMP (2000–2018)

- Multiple FWC Executive Directors and BNP Superintendents
- Brought to the FWC Commissioners for updates throughout process
 - Commissioners expressed concerns about the MRZ
 - Reiterated FWC's position to pursue other protections in lieu of MRZ
- Two Congressional hearings because of concerns with MRZ
- Congressional law directing BNP and FWC re-establish MOU trying less restrictive actions

Implementation of the FMP and GMP (2018–Present)

- Close coordination between DMFM and BNP to develop fisheries regulations for FMP
 - BNP preference for FWC to promulgate fishery regulations



BNP Management Plans



Fishery Management Plan (FMP)

- Jointly developed plan to balance resource protection and fishing activities
- Intended to guide fisheries management within the park for 5–10 years
- Goal: Increase abundance and average size of targeted species by at least 20%

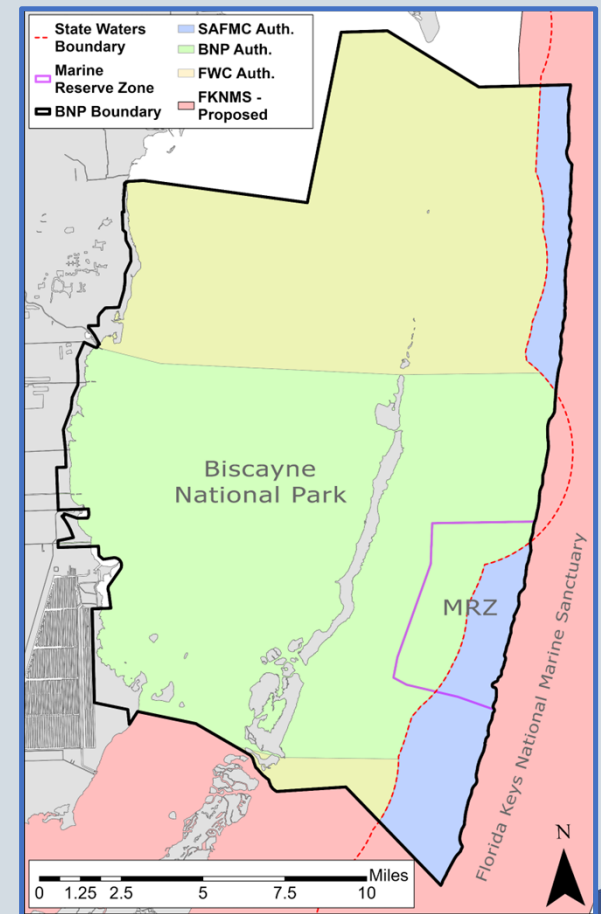
General Management Plan (GMP)

- Establishes long-term management philosophy
- Defines visitor use and activities in the park
- Preferred alternative includes multiple zones with different levels of protection
 - Primary goal is habitat protection
 - Includes no-take Marine Reserve Zone (MRZ)
 - This has not been implemented by NPS while they pursued other less-restrictive actions



Marine Reserve Zone (MRZ)

- Selected in preferred alternative for BNP General Management Plan (GMP)
- Would encompass approximately 10,512 acres
 - 37% of BNP's best habitat for reef fish
- MRZ specifics:
 - Prohibits recreational and commercial fishing
 - Allows spearfishing for lionfish
 - Allows snorkeling and diving
 - Anchoring allowed until all mooring sites installed
- Stakeholder feedback
 - Strong opposition from local fishing community
 - Strong support from environmental groups



FMP Implementation: FWC Fishing Regulations

Suite of Regulations

- Size limits
- Recreational aggregate bag limit
- Coral Reef Protection Areas (CRPAs)
- Trap-free zone at park headquarters
- Large no-trawl zones

Stakeholder Feedback

- Regulations generally supported
- Requests for additional enforcement

GMP's MRZ Not Implemented by Park

- At request of FWC and Congress
- Instead choose other coral protections first
 - Mooring buoys, CRPAs, etc.



***NPCA lawsuit filed
following approval of regulations***

Photo courtesy of NPS

BNP Lawsuit

National Parks Conservation Association v. U.S. DOI

- Filed December 2020 following the FWC final rule hearing on BNP regulations
- Argues that the NPS abandoned the decision to pursue:
 - Marine Reserve Zone (no-take)
 - Commercial fishing phase-out

Judges Ruling

- NPS impermissibly delayed implementing the MRZ
- NPS not bound to implement a commercial fishing phase-out
- Ordered NPS to “publish a proposed special regulation to designate the Marine Reserve Zone as soon as practicable”



Next Steps for FWC

- BNP interim report and update at the September FWC Commission meeting
 - Report on monitoring that track goals of FMP
- Continued monitoring of fish resources inside park
- Regular meetings between FWC and NPS
- Engagement with the SAFMC
- Engagement with recreational and commercial fishers

