



Everglades Law Center, Inc.

Defending Florida's Ecosystems and Communities

**Testimony of Julie Dick, Staff Attorney, Everglades Law Center on
behalf of Florida Keys Environmental Fund
Before the House Committee on Natural Resources and
the House Committee on Small Business
“Joint Oversight Hearing”**

August 3, 2015

Chairman Bishop, Chairman Chabot, Ranking Member Grijalva, Ranking Member Velazquez, and members of the committees – thank you for the opportunity to provide written testimony for the hearing titled, “Restricted Access at Biscayne National Park and Implications for Fishermen, Small Businesses, the Local Economy and Environment.”

I submit this written testimony on behalf of Florida Keys Environmental Fund in support of the Biscayne National Park Management Plan (BMP) and the marine reserve it establishes. Florida Keys Environmental Fund is a non-profit organization that has actively worked for the conservation of natural resources in South Florida since 1989.

The BMP was finalized after 15 years of public engagement, hearings, consideration of public comments and scientific analysis. Over three rounds of public comments and 43,000 public comments received, over 90% of comments supported a marine reserve. The overwhelming public support in favor of marine reserve is well founded. The resources of Biscayne National Park (BNP) are in severe decline and marine reserves are proven and effective in restoring and protecting marine resources.

The marine reserve does not significantly impact access to the Park. In fact, the marine reserve will allow for better access for diverse user groups. Snorkelers and divers will no longer be subject to competing with incompatible fishing uses within the marine reserve area, as the marine reserve will remain open to snorkeling and diving. The marine reserve accounts for only 6% of BNP’s waters. The rest of the Park will remain open to fishing.

Biscayne National Park is in decline

The management planning process for BNP began in 2000. In 1999 BNP commissioned an assessment of habitat and fish population in the Park. The

study published in 2001 found significant decline in fish stocks and size. For example, 77% of the 35 individual fish stocks analyzed are overfished under federal standards. The study concluded “inadequate enforcement ... and extremely poor status of reef fish resources ... signals imminent resource collapse.”¹ A 2007 study of reef fish in BNP found that for many key reef fish species most fish in the population are too young and small to reproduce.²

A 2008 draft environmental impact statement for the proposed Fishery Management Plan for BNP identified significant impacts to reefs from boating and fishing activities. “Boat groundings on patch reefs occur multiple times annually, resulting in severe and long-term damage at the grounding site. Anchors from recreational boats damage coral habitat. ... The reef is littered with fishing tackle from recreational and commercial fishing. Fishing line and lines from crab and lobster traps become entwined in the reef, resulting in damage to coral.”³

The reef track in Biscayne National Park is designated critical habitat for threatened elkhorn and staghorn corals. Yet, until a marine reserve is established in the Park, there is no place in the Park for visitors to experience unimpaired coral reefs in the Park. A 2002 NOAA report documented a 37% decline in live coral cover in just five years.

Marine reserves are proven effective

Marine reserves result in significant increases in biomass, species richness, species density and size.⁴ Marine reserves disproportionately contribute to fish-stocks. For example, reserves that make up only 28% of a 30 km square area contribute over 50% of the fish. Fish landings have been shown to increase by up to 90% after closing just part of a reef to fishing.⁵

The implementation of a marine reserve in Dry Tortugas resulted in an increase in abundance of exploited commercial fish stocks by over 50%.

¹ Jerald S. Ault, Steven G. Smith, Geoffrey A. Meester, Jiangang Luo, and James

² Jerald S. Ault, Steven G. Smith, James T. Tilmant, *Fishery Management Analysis for Reef Fish in Biscayne National Park: Bag and Size Limit Alternatives*, Final Report to the National Park Service, Biscayne National Park (April 2007).

³ Fishery Management Plan for Biscayne National Park, Draft Environmental Impact Statement, Biscayne National Park, November 2008, at p. 40.

⁴ Lester, S. E., Halpern, B. S., Grorud-Colvert, K., Lubchenco, J., Ruttenberg, B. I., Gaines, S. D., ... Warner, R. R. (2009). Biological effects within no-take marine reserves: A global synthesis. *Marine Ecology Progress Series*, 384, 33–46. doi:10.3354/meps08029

⁵ Bohnsack, J. *New Evidence that No-Take Marine Reserves Benefit Fisheries*, “Coastlines: information about Estuaries and Near Coastal Waters, 12.2 (2002)

Protection for juvenile and adult spawning grounds made the Dry Tortugas the principle source of most reef fish in the Keys.⁶

The marine reserve in the BMP is critical not only for declining fish species, but for coral as well. A recent study found “that sites located within reserves had four-fold reductions in coral disease prevalence compared to non-reserve sites (80,466 corals surveyed).”⁷ The marine reserve will give the coral in BNP increased resilience and a chance to rebound in the face of multiple adverse impacts.

Marine reserves result in positive economic benefits

Marine reserves benefit the economy. Studies show that “fishing revenue increases after the creation of a reserve, and also that tourism revenue surpasses the revenues from fishing. It is worth noting that the total value of the reserve is larger than the pre-reserve value within only five years of protection.”⁸ For South Florida’s local economy the increase in value from the marine reserve could be significant. In 2006 Biscayne National Park accounted for “\$19million in annual recreational benefits,... and \$24 million in annual visitor spending, supporting 425 local jobs (not including park staff).”⁹ National Park Service’s action to establish a marine reserve will not only protect and enhance the economic benefit the Park provides, but will help prevent negative economic consequences that have been shown to result from failing to adequately protect the resources. “One study indicates that 300,000 jobs and \$8 billion in annual revenues have been lost because of overly aggressive fishing practices alone.”¹⁰

Park has authority and obligation to implement a marine reserve

Park managers have the discretionary authority to allow and manage uses, “provided that the use will not cause impairment or unacceptable impacts”.¹¹

⁶ Ault, J. S., Smith, S. G., Bohnsack, J. a, Luo, J., Zurcher, N., McClellan, D. B., ... Causey, B. (n.d.). Author ’ s personal copy Assessing coral reef fish population and community changes in response to marine reserves in the Dry Tortugas , Florida , USA

⁷ Joleah B. Lam, David H. Williamson, and Bette L. Willis, *Protected areas mitigate diseases of reef-building corals by reducing damage from fishing*, Ecological Society of America, (April 2015) at p. 2.
http://www.researchgate.net/profile/Joleah_Lamb/publication/274568707_Protected_areas_mitigate_diseases_of_reef-building_corals_by_reducing_damage_from_fishing/links/5540118e0cf2320416ecec8c.pdf

⁸ Sala E, Costello C, Dougherty D, Heal G, Kelleher K, et al. (2013) A General Business Model for Marine Reserves. PLoS ONE 8(4): e58799. doi:10.1371/ journal.pone.0058799, at p. 6.

⁹ Jared Hardner and Bruce McKenney, Hardner & Gullison, *The US National Park System: An Economic Asset at Risk* (May 2006) at p. 29

¹⁰ Robin Kundis Craig, “Taking Steps Toward Marine Wilderness Protection? Fishing and Coral Reef Marine Reserves in Florida and Hawaii, (2003) at p. 162.

¹¹ 2006 NPS Management Policies at § 1.4.3.1.

The NPS Management Policies further provide that where harvesting of resources is allowed, it shall be allowed “only when... the Service has determined that the harvesting will not unacceptably impact park resources or natural processes, including the natural distributions, densities, age-class distributions, and behavior of harvested species...”.¹² The Organic Act specifically provides that “the authorization of activities shall be construed and the protection, management and administration of these areas, shall be conducted in light of the high public value and integrity of the National Park System and shall not be exercised in derogation of the values and purposes for which these areas have been established....”¹³

The clear impacts to the Park from overfishing establish an obligation on the part of the Park Service to use its authority to manage activities to prevent the “derogation of the values and purposes for which” BNP has been established. Creation of the marine reserve does just that, it prevents derogation of the values and purposes for which BNP has been established. The Park’s own policies call for the Park Service to manage uses to prevent impairment and unacceptable impacts. The creation of a marine reserve will do that.

In conclusion, we commend BNP for taking the necessary step of creating a marine reserve in BNP to protect the resources for the enjoyment of future generations. It is imperative that BNP take this step to ensure that this great national park continues to contain the fish and coral resources that make it a unique and special natural resource for the region.

Again, thank you for the opportunity to provide this written testimony.

¹² Id. at § 1.4.7.1.

¹³ 16 U.S.C. § 1a-1.