

RECORD OF DECISION
for the
FINAL ENVIRONMENTAL IMPACT STATEMENT
on the
Implementation of the Florida Keys National Marine Sanctuary Restoration Blueprint

National Oceanic and Atmospheric Administration
Office of National Marine Sanctuaries

January 2025

I. Introduction

This document comprises the National Oceanic and Atmospheric Administration’s (NOAA’s) Record of Decision (ROD) for the final environmental impact statement (FEIS) published on December 13, 2024 for the Florida Keys National Marine Sanctuary’s Restoration Blueprint. This ROD includes a description of what the decision is, descriptions of all alternatives considered, a description of the environmentally preferable alternative, and a discussion of factors and considerations balanced by NOAA in making its decision.

This ROD is issued consistent with National Environmental Policy Act (NEPA; 42 U.S.C. 4321 et seq.), the Council on Environmental Quality (CEQ) NEPA regulations at 40 CFR Parts 1500-1508 (“CEQ regulations”), and NOAA’s procedures for implementing NEPA set forth in NOAA Administrative Order (NAO) 216-6A and the NOAA NEPA Companion Manual.

II. Decision

This ROD documents NOAA’s decision to expand the boundaries of the Florida Keys National Marine Sanctuary and to implement revised regulations and terms of designation for the sanctuary, collectively referred to as the “Restoration Blueprint.” NOAA is selecting the Final Preferred Alternative (see below) identified in the FEIS to expand the sanctuary’s boundary from 3,800 square miles to 4,539 square miles; to add 35 marine zones to facilitate comprehensive and coordinated protection and management throughout the sanctuary; and to update sanctuary-wide regulations to prohibit discharge from cruise ships and enhance the sanctuary’s ability to address the impacts of derelict vessels; among other components. This decision is based on the analyses in the published FEIS, as described below.

In making this decision, NOAA has considered all of the alternatives, information, analyses, comments, and objections submitted by state and local governments, federal agencies, and public commenters for consideration by NOAA in developing the FEIS. More information about the alternatives, which are summarized below, and the information submitted to and considered by NOAA is available in the FEIS.

III. Alternatives Considered

In the FEIS, NOAA considered 6 alternatives including a No Action Alternative and 5 action alternatives. Each action alternative included the following components: (1) sanctuary boundary, (2) sanctuary-wide regulations, (3) marine zone boundaries, (4) marine zone regulations, and (5) management plan. The final management plan’s action plans and field activities would be generally the same under each action alternative, but the FEIS explained that the final

management plan may be modified under each alternative to address only those issues within the sanctuary boundaries.

No Action Alternative

Under the No Action Alternative (Alternative 1), NOAA would not move forward with this action—the Florida Keys National Marine Sanctuary’s Restoration Blueprint (Figure 1 below, FEIS Figure 3.1a, and FEIS Section 3.6). NOAA would continue to manage the sanctuary under its existing regulations at 15 CFR 922 Subpart P and its 2007 management plan.

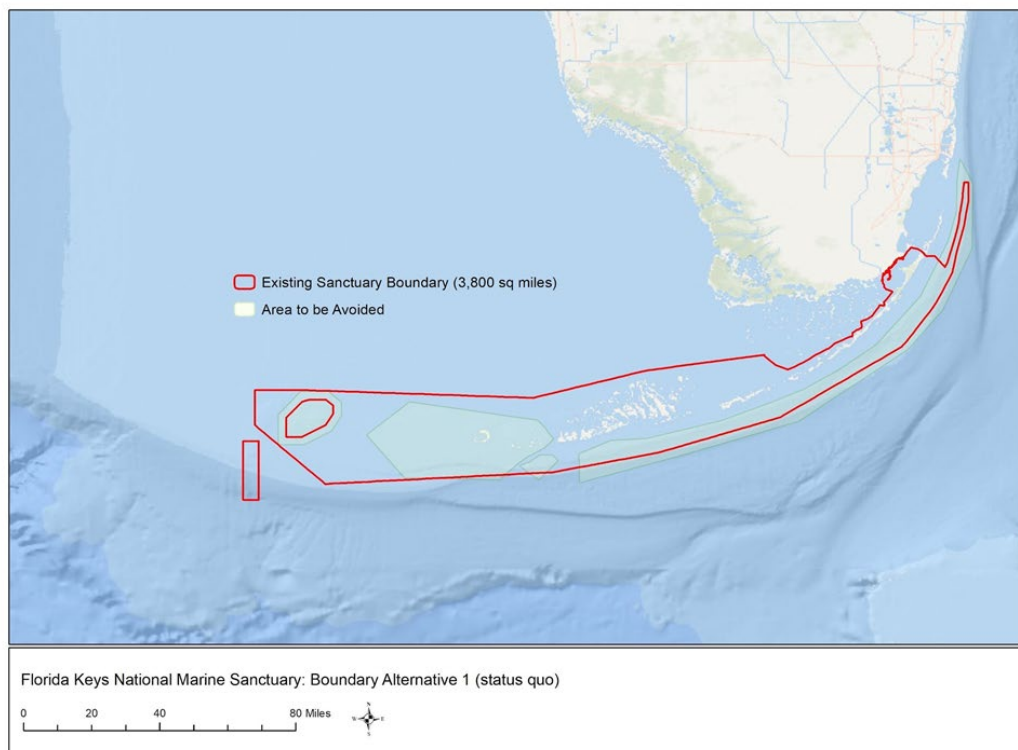


Figure 1. Map of Alternative 1 (status quo) sanctuary boundary. Image: NOAA

Action Alternatives

Under Alternative 2, NOAA would reduce stressors and impacts to sanctuary and national wildlife refuge resources. This alternative differs from the No Action Alternative in that NOAA would expand the sanctuary boundary, update and add new sanctuary-wide regulations, modify existing marine zones, add new marine zones with regulations to increase protections, and update the management plan. Specifically, Alternative 2 would expand the boundary to 4,541 square miles to include the area to be avoided (ATBA) and encompass the area in the Tortugas region between the existing sanctuary boundary and the Tortugas South Ecological Reserve (Figure 2 below, FEIS Figure 3.1b, and FEIS Section 3.6). Alternative 2 would modify three existing sanctuary-wide regulations and add three new regulations. Alternative 2 would add 31 Wildlife Management Areas (WMA), six Sanctuary Preservation Areas (SPA), and two areas as Conservation Areas (CA) for a total of eight CAs. In all action alternatives, CA zone type would replace Special Use Areas (SUA) and Ecological Reserves (ER) zone types.

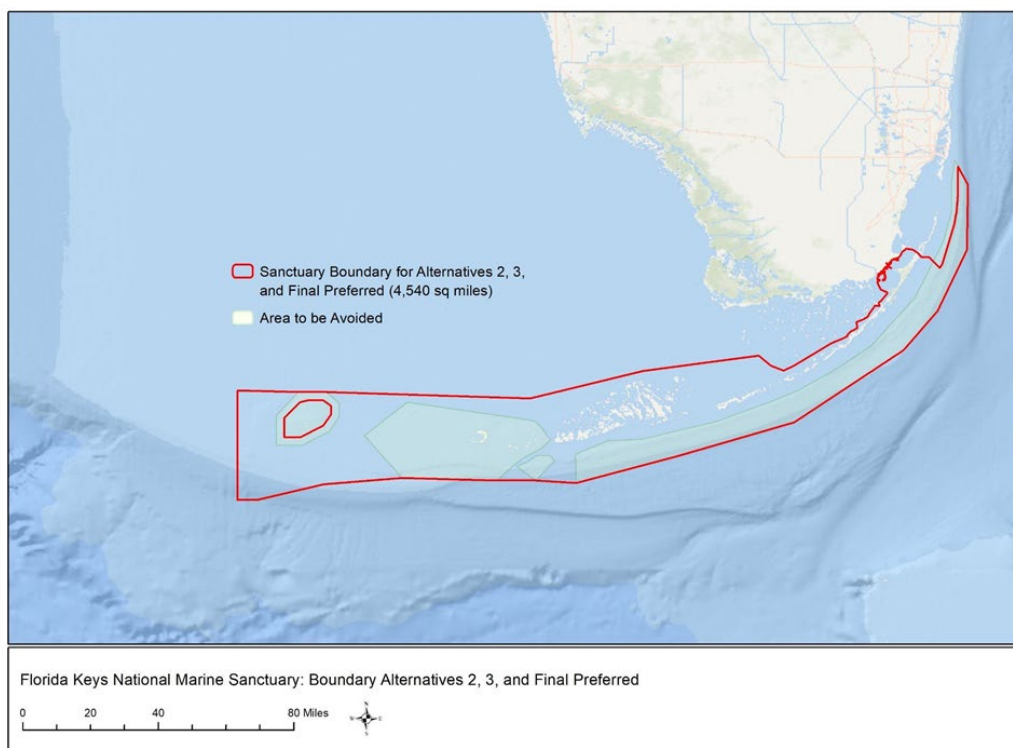


Figure 2. Map of Alternatives 2, 3, and the Final Preferred Alternative sanctuary boundary. Image: NOAA

Alternative 3 was NOAA’s preferred alternative presented in the 2019 draft EIS (84 Fed. Reg. 45728,). NOAA designed Alternative 3 to create a balance between resource protection and sustainable use, with a greater emphasis on resource protection than in Alternative 2. As with Alternative 2, Alternative 3 would expand the boundary to 4,541 square miles to include the ATBA and encompass the area in the Tortugas region between the existing sanctuary boundary and the Tortugas South Ecological Reserve (Figure 2 above, FEIS Figure 3.1b, and FEIS Section 3.6). Alternative 3 would modify the same three sanctuary-wide regulations as in Alternative 2 and add one new regulation that is not included in Alternative 2. This alternative would add 32 WMAs, seven SPAs, and two CAs to the existing sanctuary.

Alternative 4 was primarily designed to protect large contiguous habitats and includes the most protective regulations within individual marine zones. Specifically, Alternative 4 would expand the boundary to include a distinct unit at Pulley Ridge for a total of 4,800 square miles and would add 31 WMAs, three SPAs, and seven CAs (Figure 3 below, FEIS Figure 3.1c, and FEIS Section 3.6). Alternative 4 includes the same sanctuary-wide regulation changes as alternatives 2 and 3. In addition, Alternative 4 would update two additional existing regulations: one designed to provide additional protection to all shorelines in the sanctuary, and one to provide Florida Keys National Marine Sanctuary with additional permitting authority over live rock aquaculture activities to manage potential impacts to sanctuary resources. Alternative 4 strives to meet a balance between protection of targeted site-specific locations where resource damage is evident, while also providing protection of the largest area of contiguous habitats compared to the other alternatives. The marine zone-specific regulations and access restrictions would be more protective in Alternative 4 than in any of the other proposed alternatives.

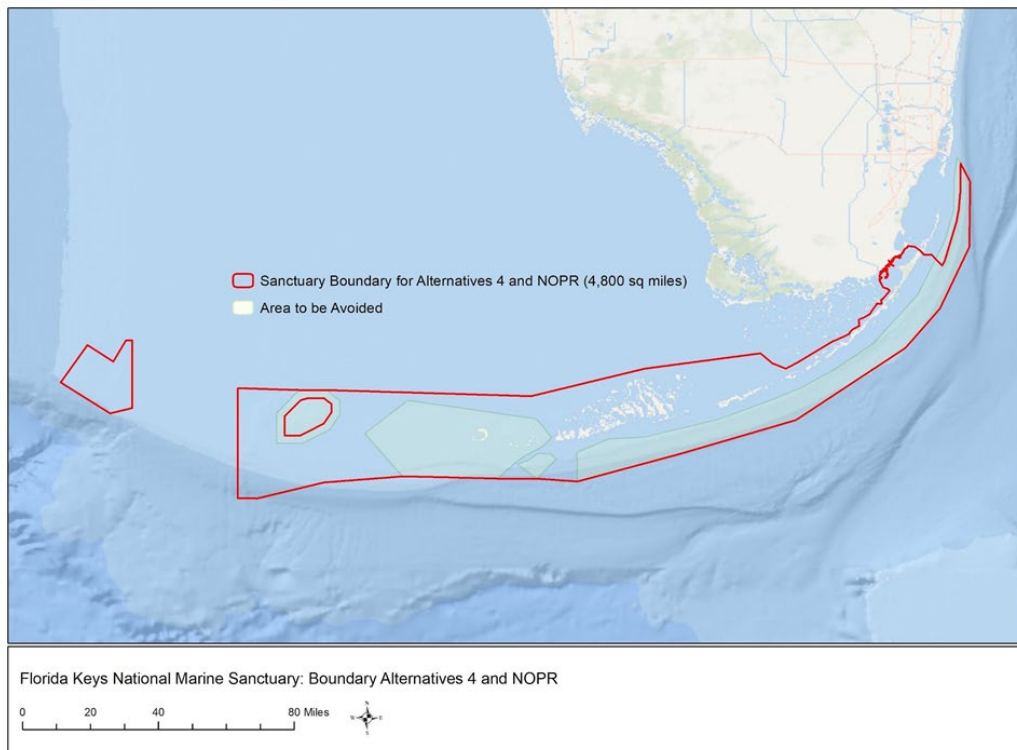


Figure 3. Map of Alternative 4 and the 2022 NOPR Alternative sanctuary boundary.
Image: NOAA

The 2022 notice of proposed rule making (NOPR) Alternative consists of updated regulations developed based on public and agency comment on the four alternatives presented in the 2019 draft EIS, which was published in the Federal Register. The 2022 NOPR Alternative combined individual aspects of each of the four alternatives presented in the 2019 draft EIS. Specifically, the 2022 NOPR Alternative would expand the boundary to 4,800 square miles to include the ATBA, encompass the area in the Tortugas region between the existing sanctuary boundary and the Tortugas South Ecological Reserve, and include a distinct unit at Pulley Ridge (same as Alternative 4; Figure 3 above, FEIS Figure 3.1c, and FEIS Section 3.6). The 2022 NOPR Alternative would modify three existing sanctuary-wide regulations and add three new regulations (same as Alternative 2). This alternative would add 19 WMAs, two new SPAs, and 11 restoration areas to the existing sanctuary. This alternative would also eliminate existing marine zones including two WMAs, two SPAs, and one SUA.

The Final Preferred Alternative, which makes minor modifications to the 2022 NOPR Alternative based on public and agency comments received on the 2022 NOPR and the draft EIS. Like the 2022 NOPR Alternative, NOAA's Final Preferred Alternative combined individual aspects of each of the four alternatives presented in the 2019 draft EIS (Table 1 below). The Final Preferred Alternative expands the sanctuary boundary to 4,539 square miles to include the ATBA and encompass the area in the Tortugas region between the existing sanctuary boundary and the Tortugas South Ecological Reserve (Figure 2 above, FEIS Figure 3.1b, and FEIS Section 3.6). The ATBA includes four existing areas—some portions of which fall within the current sanctuary boundary and some that extend beyond the existing sanctuary boundary—where

operating a tank vessel or a vessel greater than 50 meters in registered length is prohibited. The Final Preferred Alternative does not include a distinct unit at Pulley Ridge.

The Final Preferred Alternative includes the same sanctuary-wide regulation changes as Alternative 2, including an updated emergency regulation, an updated historical resources permit category, an updated discharge regulation, and a new regulation to address the threat posed by grounded, deserted, and derelict vessels. In summary, the Final Preferred Alternative further clarifies the updates presented in Alternative 2, including changing the title to “Temporary Regulation for Emergency and Adaptive Management,” explicitly identifies three categories of activities where this regulation could be applied, and sets out the procedure by which a temporary regulation will be promulgated. Additionally, the Final Preferred Alternative updates the historical resources permitting process to align with those of the Florida Department of State Division of Historical Resources which will improve the quality and reporting of historical research projects undertaken in the sanctuary. The Final Preferred Alternative also prohibits discharges of any material or other matter from a cruise ship, except cooling water. Further, this alternative revises regulations to address the threat of deserted and derelict vessels, which will help reduce or avoid harm to sanctuary resources from derelict vessels as a result of direct impacts from a vessel settling on or colliding with the seabed and damaging important habitats, or potential leakage of hazardous or harmful matter from a vessel. For more details, see FEIS Chapter 3.

The Final Preferred Alternative includes WMAs, SPAs, CAs (which replace the existing ER and SUA zone names), Management Areas (MA; which replace the current Existing Management Area (EMA) zone name), and a new zone type called Restoration Areas (RA). The Final Preferred Alternative includes 44 WMAs, 17 SPAs, 15 RAs, six CAs, two MAs, and two national wildlife refuges where sanctuary regulations apply for a total of 86 marine zones.

Table 1. Summary of the management components within each alternative (areas are approximate)

Components	Alternative 1 (no action)	Alternative 2	Alternative 3 (draft EIS preferred)	Alternative 4	NOPR Alternative	Final Preferred Alternative
Sanctuary boundary (FEIS Section 3.1)	Alt. 1 (no action) 3,800 sq miles	Existing boundary ATBA Tortugas Region 4,539 sq miles	Existing boundary ATBA Tortugas Region 4,539 sq miles	Existing boundary ATBA Tortugas Region Pulley Ridge 4,800 sq miles	Same as Alternative 4	Same as Alternatives 2 and 3 (draft EIS preferred)

Sanctuary-wide regulations (FEIS Section 3.2)	Alt. 1 (no action)	Update 3 existing Propose 4 new	Update 4 existing Propose 4 new	Update 5 existing Propose 4 new	Update 3 existing Propose 3 new	Same as NOPR Alternative
Marine zone boundaries ¹ (FEIS Section 3.3)	Alt. 1 (no action) 57 total zones 1033 sq miles	96 total zones 1131 sq miles	98 total zones 1144 sq miles	97 total zones 1168 sq miles	87 zones 1080 sq miles	86 zones 1081 sq miles
Additional marine zone regulations (FEIS Section 3.4)	Alt. 1 (no action)	Eliminate 2 exceptions Update 2 existing regulations. Marine zones: Apply more protective regulations than Alternative 1	Eliminate 2 exceptions Update 2 existing regulations. Marine zones: Apply more protective regulations than Alternative 2 (e.g., greater number of no entry areas)	Eliminate 2 exceptions Update 2 existing regulations. Marine zones: Apply larger zones and more protective regulations than Alternative 3 (e.g., greater number of transit only areas)	Eliminate 2 exceptions Update 2 existing regulations. Marine zones are similar to Alternative 2 for areas included in zones and Alternative 3 for regulations applied.	Eliminate 2 exceptions. Update 2 existing regulations. Marine zones are modified slightly from the NOPR Alternative to be more targeted and provide greater access.
Management plan (FEIS Section 3.5 and Appendix A)	Alt. 1 (no action)	New proposed management plan	Same as Alternative 2	Same as Alternative 2	Same as Alternative 2 with edits to include priorities and other minor edits	Same as NOPR Alternative with minor edits

¹ Marine zone numbers and area calculations include Great White Heron and Key West National Wildlife Refuges.

Alternatives Considered, but not Carried Forward

NOAA also considered, but did not carry forward for analysis, alternatives that were suggested during the scoping process and public comment period on the draft EIS and NOPR. Many boundary, marine zone, and regulatory alternatives were suggested, and a range of alternatives were considered. These alternatives were considered but eliminated from detailed study because they did not meet the purpose and need for the proposed action. A detailed description of alternatives considered but eliminated from detailed study is provided in the FEIS.

IV. Environmentally Preferable Alternative(s)

NOAA's analysis finds that Alternative 4 is the environmentally preferable alternative because its boundary would protect the largest marine area and include the most environmentally protective regulations.

Alternative 4 is designed to have the most environmental and ecological protections of all the alternatives analyzed in the FEIS, and Alternative 4 would have the most protective access restrictions within the marine zone-specific regulations. Therefore, Alternative 4 is the environmentally preferable alternative (see further discussion in FEIS Section 5.8.1). Overall, Alternative 4 would include a total of 1,168 square miles of zoned area, 135 square miles more than Alternative 1-status quo (FEIS Table 5.8). Alternative 4 strives to meet a balance between protection of targeted site-specific locations where resource damage is evident while also providing protection of the largest area of contiguous habitats compared to the other alternatives. To do this, larger marine zones would be included in each of the five geographic regions (Upper Keys, Middle Keys, Lower Keys, Marquesas, and Tortugas). This approach aims to more fully meet Goal 2 of the Advisory Council Regulatory and Zoning Alternatives Development Workplan: "Protect large, contiguous, diverse, and interconnected habitats that provide natural spawning, nursery, and permanent residence areas for the replenishment and genetic protection of marine life and protect and preserve all habitats and species." In addition, Alternative 4 includes protections for a new habitat type—mesophotic coral reefs—through a sanctuary boundary expansion that would include Pulley Ridge. This boundary expansion is aligned with an existing Gulf of Mexico Fishery Management Council Habitat Area of Particular Concern (HAPC), and would provide additional protections to unique mesophotic coral reefs and other endemic species found only in this region.

V. Rationale for Selection of the Final Preferred Alternative

NOAA's final preferred alternative includes the following components: (1) changes to the sanctuary boundary, (2) updating sanctuary-wide regulations, (3) modifying existing marine zones and creating new ones, (4) updating marine zone-specific regulations, and (5) updating the sanctuary management plan. In summary, NOAA has selected the final preferred alternative for the following reasons. The Final Preferred Alternative provides additional management and protection of sanctuary resources from the status quo, and aims to create a balance between resource protection and sustainable use. As compared to the other alternatives presented here, like the NOPR Alternative, the final preferred alternative is the middle path between resource protection and user access. The final preferred alternative was also selected after extensive consultation with, and in a manner that acknowledges the multiple overlapping jurisdictions and authorities of, the State of Florida, Monroe County, and other federal agencies. In addition, in light of the increasing stressors sanctuary resources are experiencing, the final preferred

alternative considered action that would support and facilitate resilience and recovery of habitats and species throughout the sanctuary and within or moving through the individual marine marine zones. Specific rationale for selecting the final preferred alternative in each of the alternative components is summarized below.

NOAA anticipates that the final preferred alternative will have overall beneficial impacts due to increased protection and management of this biologically, culturally, and socioeconomically important region (FEIS Table 5.3). For example, restricting anchoring on live coral would have direct, beneficial impacts to coral habitat resources in the expansion areas. The final preferred alternative would have no significant adverse impacts on any of the resource areas analyzed in the FEIS. The socioeconomic benefits across the action alternatives are expected to be positive due to an increase in non-consumptive recreational activities. These include an increase in the number of person days engaged in non-consumptive recreation activities. In the short term, there may be some financial losses due to the closure of new areas to fishing and anchoring, but these impacts would be less than significant.

For the sanctuary boundary, the final preferred alternative includes: (1) the Tortugas region and (2) expansion to encompass the ATBA. The expansion in the Tortugas region aligns with the existing Particularly Sensitive Sea Area, encompasses the existing Tortugas South ER, and extends to the west of the existing Tortugas South ER by one mile. This expansion provides additional protections for important ecological resources and the ecological connectivity in the region, particularly between Tortugas North and South ERs and Tortugas Bank. The ATBA boundary expansion aligns the geographic boundary of the sanctuary with the existing ATBA boundaries. This boundary expansion clarifies NOAA's area of responsibility and enhances compliance and enforcement. The final preferred alternative does not include a distinct unit at Pulley Ridge. Concurrent with considering boundary expansion to include Pulley Ridge the United States proposed the International Maritime Organization (IMO) designate a No Anchoring Area in the southern portion of Pulley Ridge, which was approved and implemented starting June 1, 2023 (IMO SN.1/Circ.342).¹ Given that this area of Pulley Ridge is managed as a Habitat Area of Particular Concern with associated fishing regulations under the Magnuson-Stevens Fisheries Conservation and Management Act, through this IMO designation, the final preferred alternative reflects the fact that the resource protection goals sought through adding Pulley Ridge to the sanctuary have been achieved.

For sanctuary-wide regulation updates, the final preferred alternative updates three existing sanctuary-wide regulations and adds three new sanctuary-wide regulations. These updates and new regulations provide NOAA additional authority to protect sanctuary resources, more rapidly respond to impacts to sanctuary resources, and in some cases, create consistency with other sanctuary and state regulations.

For marine zone boundaries and associated regulations, the final preferred alternative maintains many of the marine zones in the No Action Alternative (Alternative 1) and adds new marine zones to provide additional site-specific protection where resource damage is evident. The final

¹See also: <https://www.imo.org/en/MediaCentre/MeetingSummaries/Pages/NCSR-9th-session.aspx>

preferred alternative places greater emphasis on resource protection as compared to the level of use. The final preferred alternative aims to balance conservation protection measures and access to sensitive areas by applying access recommendations that are more restrictive than the no action alternative and Alternative 2, and less restrictive than Alternative 4. The final preferred alternative also establishes a new restoration area zone type to facilitate active habitat restoration activities within the sanctuary.

The management plan component of the final preferred alternative includes an updated management plan with a vision, mission, goals, objectives, and activities designed to facilitate understanding of sanctuary resource condition and value. This understanding will be applied to target management action, reduce impacts to resources, and enhance stewardship and collaboration. This updated management plan allows for a more coordinated and priority-driven effort. As a result, it supports more effective management, strategic partnerships, and conservation-based outcomes.

The FEIS did not identify any specific mitigation measures for this action, and a mitigation monitoring plan is not required. Information regarding additional regulatory consultations is included in the FEIS and final rule for the Florida Keys National Marine Sanctuary Restoration Blueprint.

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Date