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February 10, 2003

Gerald Tourgee
NASCA Secretariat
c/o David Ross Group
127 Main Street
Chatham, NJ 07928

RE: Florida Department of Environmental Protection proposed rulemaking

Dear Mr. Tourgee:

As requested, I have reviewed the proposed definition of a cable prohibition zone in the changes proposed to the Sovereignty Submerged Lands Management Rule, 18-21, Florida Administrative Code, by the Florida Department of Environmental Protection. The new language proposed for section 18-21.004 (2)(1)4 states:

Installations shall be prohibited south of Sunny Isles in Miami-Dade County and in all of Monroe County.

I do not know of any scientific basis for drawing such a line at that location. There would be a scientific basis for drawing such a line instead at the southern tip of Key Biscayne, at the northern boundary of the Florida Keys National Marine Sanctuary. (The sanctuary has the same northern boundary as, extending slightly eastward of [i.e., encompassing more seaward area], that of Biscayne National Park.) South of that line is the Florida Keys reef tract, which is qualitatively and quantitatively a different reef environment than the fringing reefs to the north. The Florida Keys reef tract is still considered a growing reef in that the growing hard corals are creating the structure of the reef. Although this area is already protected by National Park and National Marine Sanctuary status, at least there is an ecological basis for differentiating it from the fringing reefs to the north and for trying to further minimize impacts of human activity.

The reefs north of the Sanctuary and south of Sunny Isles are, in contrast, not significantly different from the reefs north of Sunny Isles, whether in breadth of hard bottom, density of coral cover, or otherwise. These are relict reefs forming hard bottom on which hard corals grow as small percentage of the attached community. Therefore I do not see any rational basis for extending the proposed prohibition area further north than the northern boundary of the Florida Keys National Marine Sanctuary.

If you have any questions, do not hesitate to contact me at (904) 367-8683 extension 242 or at drdeis@pbsj.com.

Sincerely,
PBS&J

Donald R. Deis, M.S., C.E.P.
Senior Scientist

bcc: Jeff Fleischer, New World Network
Paul Shorb, AT&T Corp.