

June 18, 2001

David Struhs, Secretary  
Department of Environmental Protection  
3900 Commonwealth Boulevard  
Tallahassee, FL 32399

Re: Offshore Fiber Optic Cables

Dear Secretary Struhs:

For almost a year now, the North American Submarine Cable Association (“NASCA”) has been engaged with you and Department staff in a policy and rule development exercise with regard to the siting and easement fees for fiber optic cables in Florida’s territorial seas, particularly those offshore of Dade, Broward, and Palm Beach Counties. After a series of three public rule development workshops, two previous cabinet appearances, and numerous meetings between NASCA members and Department staff, a draft rule was placed on the June 12, 2001 agenda of the Trustees of the Internal Improvement Trust Fund (“Trustees”), with a request that the Trustees authorize the publication of the draft as a proposed rule.

As you know, the matter was deferred at the June 12 cabinet meeting. During the meeting, you indicated that the Department needed time to develop and consider a different approach to the issue, one that could provide more resource protection and more flexibility to the industry. There was no description given as to what this new approach entailed. In a June 13 story, however, the *Ft. Lauderdale Sun-Sentinel* reported that the new approach was based upon “mapping precisely where the cables could go all across the waters off South Florida so that they could zigzag around coral reef beds,” attributing this information to you.

Industry members are very concerned that they have had no opportunity to review or have input into this new strategy and that it may be based on faulty assumptions and speculation, as opposed to actual experience with siting and laying cables. If, as we suspect, the Department is engaged in an effort to map areas where no hard bottom resources exist, we strongly encourage the Department to consult with the industry regarding the technical limitations on the ability of a cable to “zigzag” around hard bottom resources. While all NASCA members share the Department’s desire to minimize the resource impacts cable installations may cause, we fear that without a clear understanding of these technical limitations, the Department may be pursuing a strategy that is intended to provide flexibility and resource protection, but in practice will be more restrictive and result in increased environmental impacts from cable installations.

We urge you to include NASCA members in the development of the Department's new strategy at the earliest possible time in order to avoid such a result. We stand ready to work with you and your staff in that endeavor.

Sincerely yours,

Paul Shorb

cc: Cabinet Members  
Cabinet Aides  
Bob Ballard  
Eric Bush