



Celebrating 40 years of island conservation

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Doug Fry
Florida Dept of Environmental Protection
OSLER, MS. 2500
2600 Blair Stone Road
Tallahassee, FL 32399-2400
Transmitted by email: fry@dep.state.fl.us

Re: Rule 62-341.494 FAC
NGP Dredging within Lee County

Dear Mr. Fry:

The Sanibel Captiva Conservation Foundation (SCCF) submits the following comments concerning the adoption of a new Noticed General Environmental Resource Permit for the West Coast Inland Navigation District to dredge public navigation channels in Lee County including aquatic preserves. SCCF is a non-profit conservation organization dedicated to the preservation of natural resources and wildlife habitat on and around Sanibel and Captiva Islands. On behalf of our members and the public who own and enjoy these public resources we are particularly concerned about how this rule may affect or escalate the erosion of quality that has occurred in the Outstanding Florida Waters and aquatic preserves that surround our islands and serve as our front and back "yards".

The Notice General Permit is designed for projects that anticipate minimal adverse impacts on water resources. However, it is not clear from the language in this rule how impacts will be determined through time within the OFW of the aquatic preserves, how impacts will be measured or monitored, how success or further impacts will be quantified and what alternative action is triggered if further degradation occurs in the aquatic preserves in particular.

In section 3 beginning on line 53 the rule specifies seagrass monitoring within the no internal combustion motor zones (NICMZ), every two years for a total of ten years. However there is no standard to measure the monitoring against, there is

no definition of success and the rule lacks specific methods and time frames for measurement. The rule simply states that monitoring will be done.

Monitoring must be used to quantify conditions over time in both the pole troll and dredged areas. It is critical to determine that impacts in the dredged areas have not crept into adjacent areas due to prop wash or expanded by other means and that seagrass is not further impacted in pole troll zones.

At a minimum, baseline in water surveys-not aerial recon-should map and gps locate conditions including species present, percent cover, seagrass shoot density, blade length and biomass. The monitoring every two years should be measured against this baseline data to measure improvement or document losses. Relocated resources should likewise be gps located and mapped and monitored over time.

Instead of limiting monitoring to 10 years each report should inform the next steps and if necessary trigger a restoration plan or alternative action that would improve conditions. In any case an alternative action must be part of this rule to address conditions should further degradation occur.

The impact to communities of submerged resources under the NGP is also unclear but is critically important to our aquatic preserves. In the public presentation it was stated that the NGP would not apply to channels that have communities of submerged resources including coral communities, sponge beds or oyster beds. However on line 147 in section 10 © it states "To the extent seagrass, corals, sponges or clumped oysters are to be dredged, they shall be relocated to the maximum extent practicable."

With respect to section 2 beginning on line 23 we recommend that anchoring be specifically prohibited in pole troll zones under this permit. We also urge that signage in the aquatic preserves be limited to the minimum necessary to provide for navigation to preserve some aesthetic qualities in our aquatic preserves.

Finally, a few general questions include how long is the permit valid and will monitoring requirements be attached to the permit? Due to the precedence set by issuance of this rule guidelines should be explicit to limit the establishment of new channels in Aquatic Preserves by including specific selection criteria in the language of the rule.

Since all rules create a precedent and this one affects our highest and best resources, our aquatic preserves, it is critical that this rule establish clear and optimal standards for issuance, monitoring, compliance, success, enforcement and restoration.

Thank you for your consideration of these comments.

Sincerely,



Rae Ann Wessel
Natural Resource Policy Director

cc: Lucy Blair
Heather Stafford
Steve Boutelle
Chuck Listowski