

Meeting Date
5-12-2015



ADD ON	
AGENDA	
Section	Reports
Item No.	VIII D

**AGENDA REPORT**  
*BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS*

SUBJECT:	A resolution of the Brevard County Board of County Commissioners in opposition of the nomination by the friends of Matanzas for establishment of the Eubalaena Oculina National Marine Sanctuary.
DEPT/OFFICE:	Commission District 4 Office

**Requested Action:**  
Request for the Board of County Commission to adopt a resolution in opposition of establishing the Eubalaena Oculina Nation Marine Sanctuary.

**Summary Explanation & Background:**

Please see attached letters to Florida's U.S. Senators from the Florida Fish and Wildlife Commission Executive Director Nick Wiley expressing strong opposition to the proposed sanctuary off Florida's east coast.

The official's and stakeholders within the proposed area show very little support from the consumers who depend on this area for their share of fresh seafood. On the contrary, there is strong opposition for creating another layer of government "protection" in an area that is already greatly and sufficiently protected.

This effort appears to be driven by a few very passionate people who want to further protect the Right whales, but have no idea how harmful their well-intentioned efforts will be to all other stakeholders.

The seafood industry is opposed, the recreational fishing industry is opposed, the hospitality industry is opposed, most chambers of commerce are opposed and both major ports on the upper east coast have expressed great concerns. The St. Johns County (St. Augustine) Commission did not pass a Resolution brought to them to support the sanctuary. The marine sanctuary law specifically requires local support.

Commissioner Smith would like to have the board considered this resolution supporting our local economy and opposing the establishment of the Marine Sanctuary.

POC: Pat Woodard  
District 4 Office  
633-2044

Clerk to the Board Instructions: Notify Commission District 4 Office of action taken by board.

Exhibits Attached: Resolution and Letters from Nick Wiley, Executive Director Florida Fish and Wildlife Commission

**Contract /Agreement (If attached):** Reviewed by County Attorney    Yes     No     PR

County Manager	Assistant County Manager, Mel Scott	Department Director / Extension Commissioner Smith, Commission District 4
Stockton Whitten	Assistant County Manager, Venetta Valdengo	



Tammy Etheridge, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001  
Fax: (321) 264-6972

May 13, 2015

MEMORANDUM

TO: Commissioner Curt Smith, District 4

RE: Item VIII.D., Resolution in Opposition of Establishing the Eubalaena Oculina National Marine Sanctuary

The Board of County Commissioners, in regular session on May 12, 2015, adopted Resolution No. 15-069, in opposition of the establishment of the Eubalaena Oculina National Marine Sanctuary off the coast of Central and Northeast Florida. Enclosed is a copy of the Resolution.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

Tammy Etheridge, Deputy Clerk

/af

Encl. (1)

**RESOLUTION 15 -068**

**A RESOLUTION OF THE BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS IN OPPOSITION OF THE NOMINATION BY THE FRIENDS OF MATANZAS FOR ESTABLISHMENT OF THE EUBALAENA OCULINA NATIONAL MARINE SANCTUARY.**

**WHEREAS**, the Friends of Matanzas submitted a nomination for establishment of the Eubalaena Oculina National Marine Sanctuary off Central and Northeast Florida. The original application was rejected by NOAA and a modified version has been re-submitted; and

**WHEREAS**, the goals of the proposed National Marine Sanctuary are to protect the North Atlantic Right Whale, sea turtles and fish habitat, as well as prevention of oil and gas drilling and seismic testing off the Central and Northeast Florida coast, and

**WHEREAS**, the proposed Eubalaena Oculina National Marine Sanctuary includes the offshore waters of five counties: Duval, St Johns, Flagler, Volusia and Brevard, with the potential to affect dozens of cities and towns; and

**WHEREAS**, two important seaports are located in Central and Northeast Florida: Port Canaveral and the Port of Jacksonville. Both seaports are major centers for cargo and the cruise industry. The waters offshore of Central and Northeast Florida support vital commercial, charter and recreational fisheries; and

**WHEREAS**, Port Canaveral, the Port of Jacksonville, commercial, charter and recreational fishing are crucial economic resources to the state and region, sustaining thousands of jobs and providing recreational opportunities for millions of people each year; and

**WHEREAS**, the commercial fishing industry provides food for a non-boating American public, affording the opportunity to obtain fresh local seafood in restaurants and markets. Charter fishing trips are enjoyed by visitors and residents. Recreational fishermen and those who utilize charter fishing stay in hotels, dine in restaurants and shop in retail establishments; and

**WHEREAS**, sport fishing tournaments are extremely popular at Port Canaveral and other coastal communities, generating millions of dollars for coastal economies and raising thousands of dollars for local charities; and

**WHEREAS**, the North Atlantic Right Whale, sea turtles and birds are already protected through Federal laws such as the Marine Mammal Protection Act, the Seabird Protection Act and the Endangered Species Act, with additional protections being enacted every year; and

**WHEREAS**, the deepwater coral is already protected by federally designated Habitat Areas of Particular Concern, Extensions of such and an Experimental Closed Area; and

**WHEREAS**, additional deepwater and shallow water corals and fish habitats have been protected through various Federal Marine Protected Areas, Special Management Zones, Deepwater Coral Habitat Areas of Particular Concern and Deepwater Shrimp Fishery Access Areas; and

**WHEREAS**, fisheries in federal waters are managed by the National Marine Fisheries Service by the actions of the South Atlantic Marine Fisheries Council through a science-based process called Fishery Management Plans. These plans aim at both providing conservation benefits for habitats and also ensure sustainability of the fish stocks; and

**WHEREAS**, establishment of a National Marine Sanctuary will not prevent oil and gas drilling and seismic testing from occurring outside the boundaries of the Sanctuary. Establishment of a Sanctuary will not prevent the possibility of an accident occurring outside the boundary of the Sanctuary causing oil to reach beaches within the proposed Sanctuary; and

**WHEREAS**, the only successful way to prevent oil and gas drilling and seismic testing off of Florida's coasts is through the same mechanism that has historically blocked those activities. That is through Federal Legislation; and

**WHEREAS**, officials from Port Canaveral, the Port of Jacksonville, the fishing community, the tourism industry and the general public have participated with the South Atlantic Marine Fisheries Council to enact Federal protections for the North Atlantic Right Whale, sea turtles and fish habitat; and

**WHEREAS**, ultimately the Office of National Marine Sanctuaries (not the National Marine Fisheries Councils) has absolute jurisdiction over any National Marine Sanctuary and future impacts and unintended consequences affecting Port Canaveral, the Port of Jacksonville, fishing activities and the tourism industry are unknown;

**THEREFORE BE IT RESOLVED** that the Board of County Commissioners located in Brevard County FL opposes the nomination by the Friends of Matanzas for establishment of the Eubalaena Oculina National Marine Sanctuary off the coast of Central and Northeast Florida.

DONE, ORDERED AND ADOPTED IN a Regular Meeting this 12th day of May, 2015.

BY:

  
\_\_\_\_\_  
Robin Fisher, Chairman

As adopted by the Brevard County Board of County  
Commissioners located in Brevard County FL on May 12, 2015

ATTEST:

  
\_\_\_\_\_  
Scott Ellis, Clerk



March 31, 2015

Florida Fish  
and Wildlife  
Conservation  
Commission

The Honorable Marco Rubio  
United States Senate  
284 Russell Senate Office Building  
Washington, DC 20510

RE: National Marine Sanctuary Nomination Process

Commissioners

**Richard A. Corbett**  
Chairman  
Tampa

**Brian Yablonski**  
Vice Chairman  
Tallahassee

**Ronald M. Bergeron**  
Fort Lauderdale

**Richard Hanas**  
Oviedo

**Aliese P. "Llesa" Priddy**  
Immokalee

**Bo Rivard**  
Panama City

**Charles W. Roberts III**  
Tallahassee

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32399-1600  
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Hearing/speech-impaired:  
(800) 955-8771 (T)  
(800) 955-8770 (V)

MyFWC.com

Dear Senator Rubio:

As you are aware, the Florida Fish and Wildlife Conservation Commission (FWC) is the primary agency responsible for the conservation and management of living marine resources in the state of Florida. FWC is deeply concerned about the current national marine sanctuary nomination process, which enables small, private organizations to work independently and discretely with NOAA's National Marine Sanctuary Program (Sanctuary Program) to potentially limit access to public trust lands and waters. We believe that the current nomination process, as established by 15 CFR 922, does not allow for timely public comment and engagement, leading to the exclusion of key stakeholders during the national marine sanctuary nomination process. Furthermore, the broad application of using sanctuaries to protect biological and cultural resources may indiscriminately prohibit traditional access to important natural resources, such as fisheries, without necessarily achieving their intended preservation purposes. FWC also has concerns about a recent national marine sanctuary nomination for a large area off northeast Florida.

In September 2014, the Friends of Matanzas, a non-profit corporation in Florida's St. Johns and Flagler counties, used the Sanctuary Program's public nomination process to propose the creation of the Eubalaena-Oculina National Marine Sanctuary in an attempt to protect the North Atlantic right whale, and the northeast Florida coast, from oil and gas exploration and extraction activities, as well as coastal development, climate change, and ocean acidification. The proposed sanctuary would have encompassed over 200 miles of coastline and approximately 14,000 square miles of ocean from Jacksonville to Ft. Pierce, FL. The Friends of Matanzas developed the application in coordination with the Sanctuary Program, but they and the Sanctuary Program did not adequately engage important stakeholders and other government agencies in the nomination process, including FWC. The nomination was eventually deemed "not sufficient."

FWC has learned that the Friends of Matanzas will be re-submitting their nomination, with a recommendation for a reduced protected area of 9,800 square miles, in a matter of weeks. The development of a second nomination was revealed in February 2015 when a representative from the commercial

seafood industry alerted FWC Division of Marine Fisheries Management staff to a meeting the Friends of Matanzas were holding with fishing interests. The purpose of the meeting was to describe to fishermen the area of and the purpose for the second nomination, and to obtain the support of fishing interests. Fishermen, who are important stakeholders in this process and depend on this area for their livelihoods, and FWC were not invited to participate in the crafting and development of the second nomination, but were instead solicited to support the nomination only after the second application package was near completion. In March, Sanctuary Program staff informally notified FWC staff that the Friends of Matanzas planned to submit their nomination application in a matter of weeks. FWC staff requested and received a draft of the second nomination, and are currently reviewing the nomination materials.

In light of the Friends of Matanzas nominations, FWC has concerns regarding the overall sanctuary nomination process. First, we believe that once the Sanctuary Program engages in the development of a nomination application, they should be required to help engage the broader community and afford all constituents with a transparent process and an opportunity to provide input on the nomination. The sanctuary nomination process as outlined in the final rule notice for Re-Establishing the Sanctuary Process (79 FR 33851) encourages nominators to collaborate with stakeholders, but does not provide a process for public review of and comment on nominations. Such public review is important to ensure stakeholders that may not have been identified or contacted by the nominator have the opportunity to participate in the nomination process. FWC understands that the Sanctuary Program would provide comment opportunities if a nominated area is later selected for the formal sanctuary designation process, but we believe early engagement of all stakeholders is key during the nomination process. The Friends of Matanzas' belated solicitation of support from fishing interests after the development of the second nomination package was well-underway came too late to foster a spirit of transparency, cooperation, and engagement.

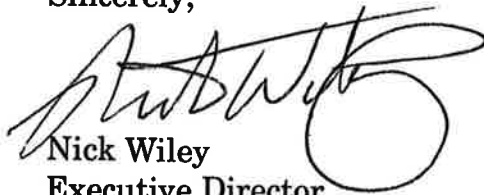
FWC also has several concerns specifically about the Eubalaena-Oculina National Marine Sanctuary nomination. The proposed sanctuary area includes federal waters and marine habitats that are already afforded protection through other agencies and by protective designations, including the North Florida Marine Protected Area; Oculina Habitat Area of Particular Concern (HAPC) and other Coral-HAPCs; Essential Fish Habitat-HAPCs; Special Management Zones designated to protect habitat and artificial reefs; and critical habitat for North Atlantic right whale and loggerhead sea turtle. Applying a second, and in some cases third, level of bureaucracy to these protected areas and their related natural and cultural resources may not be in the best interest of the resources and will result in confusion amongst the public.

March 31, 2015

Lastly, the establishment of the Eubalaena-Oculina National Marine Sanctuary will not achieve the Friends of Matanzas nomination's goals. The Friends of Matanzas plainly state that their aim in establishing a marine sanctuary off northeastern Florida is to prevent oil and gas exploration and extraction in order to protect the endangered North Atlantic Right Whale, and to protect the area from coastal development, climate change, and ocean acidification. According to staff from the Sanctuary Program and the Bureau of Ocean Energy Management, oil and gas exploration may occur within marine sanctuary boundaries, as is the case of the Flower Garden Banks National Marine Sanctuary. As the nominated area's border lies three miles from the coast, the Sanctuary Program would have no authority over and would not govern coastal development. Furthermore, a sanctuary designation provides no means to tackle the global, and even local, sources of climate change and ocean acidification. Therefore, the Friends of Matanzas would clearly be more successful in achieving their goals through other means and efforts.

FWC is dedicated to the conservation and management of fish and wildlife, balancing these species' needs with the needs of more than 19 million residents and the millions of visitors who share the land and water with Florida's fish and wildlife. We thank you for your consideration of this matter and we look forward to working with you to address these issues related to the national marine sanctuary nominating process and the upcoming re-submission of the Eubalaena-Oculina National Marine Sanctuary nomination. If you have any questions about the comments in this letter, please contact me at 850-487-3796, or [nick.wiley@myfwc.com](mailto:nick.wiley@myfwc.com).

Sincerely,

A handwritten signature in black ink, appearing to read "Nick Wiley", with a large circular flourish at the end.

Nick Wiley  
Executive Director

jm/mb/eb



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and Wildlife  
Conservation  
Commission**

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March 31, 2015

The Honorable Bill Nelson  
United States Senate  
716 Senate Hart Office Building  
Washington, DC 20510

RE: National Marine Sanctuary Nomination Process

Dear Senator Nelson:

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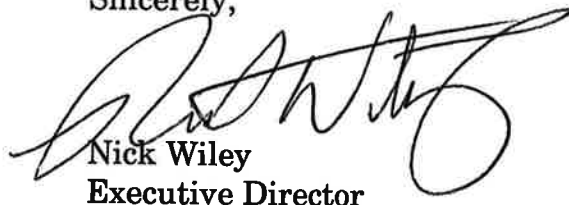
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Sincerely,



Nick Wiley  
Executive Director

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