

**Florida Sand Management Working Group - Meeting Minutes
11 September 2007**

Welcome and Introductions

The list of attendees is attached. Copies of all presentations will be posted to the SMWG page on the MMS Marine Minerals website in the near future.

MMS Presentation on Current Approach for Federal Sand Leases – Renee Orr and Colleen Finnegan (MMS)

Renee Orr, Chief of the Leasing Division, Offshore Minerals Management, MMS, provided an update on the results of the recent review of the Marine Mineral Program. Because of fiscal issues, MMS will no longer conduct site-specific studies. They will conduct generic studies as information needs and funds are identified. All environmental studies and documentation will be the responsibility of the applicant or lead non MMS Federal agency. They are working to streamline the negotiated non-competitive agreement process.

The role of the MMS Marine Minerals Program will be to provide policy direction, assure that dredging projects are conducted safely and in an environmentally sound manner, conduct the environmental review of leases, determine the finding of no significant impact (FONSI), and conduct the FWS and NOAA consultations if there is no lead Federal agency involved. The MMS Branch for Environmental Assessment (BEA) will provide technical support for the environmental review of leases.

She outlined the streamlining process that they are drafting (see her presentation). They are preparing an application package that includes a milestone checklist and encouraged early engagement of all parties. They have requested information from the State of Florida on projected needs for Federal sand, so that MMS can develop a strategic plan for how to process lease applications in the future, considering their staff resources. Florida DEP is working on an inventory of sand resources and needs, and they will respond to the MMS request, providing a list of likely projects requiring Federal sand for the next 5-7 years.

There was discussion about how MMS would deal with requests for a sand resource where a local entity had done extensive studies in preparation for a lease application. As was discussed at the first FL SMWG meeting, OCS sand is a Federal resource and available for use by any successful applicant. However, local communities want a commitment that they will have access to a sand source once they have invested significant funds to identify and assess potential impacts in preparation for a lease application. The group agreed that there is a need for a process and criteria for prioritization of use of offshore sand resources that includes emergency and non-emergency use, competitive vs. non-competitive leases, etc. Demand for offshore sand is only going to grow, and we need to avoid a “gold rush” mentality. Informal agreements are not likely to survive a real test; thus, MMS may have to undergo a formal rulemaking process to have an enforceable process to prioritize offshore sand use.

US Army Corps of Engineers Environmental Coordination of Offshore Sand Sources for Federally Authorized Projects – Terri Jordan

Ms. Jordan summarized the main compliance requirements for civil works projects that are Federally authorized. The Corps has a “new” integrated system where the project feasibility and EA/NEPA requirements are considered together. When Federal sand is the sand source for a Corps project, it will be very important for the Corps and MMS to have early coordination and consultation.

FWS and NMFS Presentation on ESA Consultation Process – Jeff Howe (FWS) and Audra Livergood (NMFS)

The consultation process under the Endangered Species Act (ESA) was reviewed. For FWS, they are very interested in getting geotechnical information on the sediments at both the borrow site and the placement site for turtle nesting beaches so they can evaluate potential impacts of nesting beach characteristics. They follow the Florida Sand Rule requirements in terms of grain size, carbonate content, color, etc. NMFS is designating critical habitat (CH) for elkhorn and staghorn coral and for smalltooth sawfish in Florida this year.

There were questions about the Programmatic Biological Opinion (BO) that the Corps has from FWS for dredging projects. Each new project is reviewed to determine if it complies with the criteria for the BO; if it does comply, then there is no need for new consultation.

NMFS Presentation on EFH Consultation Process – Jocelyn Karazsia

Sand shoals are designated as essential fish habitat (EFH) under the Magnuson-Stevens Fishery Conservation and Management Act for multiple species. NMFS expects the following information as part of the EFH consultation: map of the shoal to be dredged, description of the shoal stability (relict or active), evaluation of the physical processes around the shoal (flow and eddies that might provide habitat, shelter, or other functions important to fish use), spatial examination to determine if different areas differ in EFH function and how important these different functions are for the shoal, an overview of techniques to mine sand that evaluates how different techniques could affect fishery resources, proposed dredging mitigation methods, and analysis of potential impacts to adjacent shorelines.

Their recommendations to reduce potential impacts include: not removing the entire shoal, leaving undredged strips as refuge areas to speed recovery of benthic communities, consideration of windows to protect site-specific species and use patterns, use of methods of removal that minimize impacts, and monitoring of actual projects to document benthic recolonization rates, sediment accretion rates in the borrow pit, and changes in the surficial sediment characteristics.

Borrow Area Development within Federal Waters – Dan Haubner, US Army Corps of Engineers

The Martin County and St. Lucie County shore protection projects were reviewed as examples of projects that are accessing Federal sand resources. They will need sand for the 50-year project life. The Corps is doing an Environmental Impact Study (not an EA) because of the issues that have to be addressed in south Florida, including sea turtles nesting beaches, hardbottom communities, EFH, etc.

Update on MMS East and West Florida Studies – Gary Zarillo, Scientific Environmental Applications, Inc. and Jeff Reidenauer, Louis Berger Group

This is the last of the site-specific studies being funded by MMS. The physical studies component is modeling changes in sedimentation patterns from large-scale removals from the shoals. If the shoal is located more than 9 nautical miles offshore, there is likely to be no impacts on the adjacent shoreline. One period of benthic studies was conducted three weeks after a dredging event on the west Florida shoal and some effects were documented. There are seasonal differences in some benthic communities, depending on the shoals. The question was raised: When should we stop doing benthic studies on shoals to be dredged? The recent scientific review of the site-specific MMS studies protocols recommended that a minimum amount of study is needed to determine that the communities on the shoals are those expected.

Discussion on How Leases for Federal Sand Will be Filled for the Next 2 Years

There is a need for better coordination between FL DEP and MMS on the sand inventory and needs for the future, so MMS can have a better understanding of future lease requirements.

MMS reviewed the information package that they are developing for lease applicants. Comments on how that package could be improved were solicited.

The State of Florida's Reconnaissance Offshore Sand Search database (ROSS) database is a valuable tool for identifying potential sand resources. One of the action items from the last meeting was to determine if the ROSS database should include biological data. It was determined that it should not. However, there are plans to improve ROSS to improve its value to agencies and contractors to identify potential sand resources in the future.

The State should continue to promote the concept of "regionalization" whereby adjacent entities collaborate on shore protection projects. There are always difficulties because of different tracks and timeframes. But, there are incentives including increased funding from the state, and such projects might be ranked higher priority because of the collaboration benefits.

Concerns were raised about how to prevent conflicts with other uses of the OCS in areas that are important sand resources. Examples included placement of artificial reefs or alternative energy development. MMS mentioned work on the Marine Cadastral GIS being proto-typed by the NOAA Coastal Services Center.

The local governments agreed that they should meet and discuss ideas on how to prioritize access to Federal sand resources. Steve Higgins of Broward County volunteered to initiate this process and to make suggestions on how to make the FL SMWG a more effective and proactive group. Everyone agreed that we need a way to make the best decisions about what projects to fund and lease and the best use of the Federal sand resources.