

U.S. Department  
of Transportation

**United States  
Coast Guard**



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United States Coast Guard

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**DEPARTMENT OF TRANSPORTATION**

**U. S. COAST GUARD**

**STATEMENT OF**

**CAPTAIN JAMES R. WHITE**

**CHIEF, SHORT RANGE AIDS TO NAVIGATION DIVISION**

**OFFICE OF NAVIGATION SAFETY AND WATERWAY SERVICES**

**BEFORE**

**THE HOUSE COMMITTEE ON MERCHANT MARINE AND FISHERIES**

**SUBCOMMITTEE ON OCEANOGRAPHY AND GREAT LAKES**

**SUBCOMMITTEE ON FISHERIES AND WILDLIFE CONSERVATION**

**AND THE ENVIRONMENT**

**REGARDING**

**THE FLORIDA KEYS NATIONAL MARINE SANCTUARY ACT OF 1990**

**H.R. 3719**

**MAY 10, 1990**

## BIOGRAPHY

### CAPTAIN JAMES R. WHITE UNITED STATES COAST GUARD

Captain White is presently serving as Chief of the Short Range Aids to Navigation Division, Office of Navigation Safety and Waterway Services at Coast Guard Headquarters. In this capacity, he has program management responsibility for Waterways Management, 93,000 Federal and private aids to navigation, and implementation of vessel routing measures such as Traffic Separation Schemes and Areas to be Avoided. He is also the United States delegate to the International Maritime Organization Subcommittee on Safety of Navigation.

Captain White graduated from the United States Coast Guard Academy in 1967. Following assignments as navigator on the polar icebreaker USCG Cutter BURTON ISLAND (WAGB-283), and as Assistant Chief of the Communications Branch in the First Coast Guard District, Captain White attended graduate school at the University of Rochester where he received an MS in optics. He then served in various assignments in the Coast Guard Office of Research and Development, culminating with four years as the Chief of the Sensor Technology Branch, where he was responsible for development of several key projects including the AIREYE remote sensing system, the ship tethered radar aerostat, and the Search and Rescue Satellite System.

Captain White's military awards include the Coast Guard Meritorious Service Medal, and the Coast Guard Commendation Medal.

Captain White is a native of Hull, Massachusetts and is married to the former Victoria Roselando of Medford, Massachusetts. They have two children.

DEPARTMENT OF TRANSPORTATION  
U.S. COAST GUARD  
STATEMENT OF CAPTAIN JAMES R. WHITE  
ON THE FLORIDA KEYS NATIONAL MARINE SANCTUARY ACT OF 1990  
BEFORE THE SUBCOMMITTEES ON OCEANOGRAPHY AND GREAT LAKES  
AND FISHERIES AND WILDLIFE CONSERVATION AND THE ENVIRONMENT  
COMMITTEE ON MERCHANT MARINE AND FISHERIES  
HOUSE OF REPRESENTATIVES  
MAY 10, 1990

GOOD AFTERNOON MR. CHAIRMAN AND MEMBERS. I AM CAPTAIN JAMES WHITE, CHIEF OF THE SHORT RANGE AIDS TO NAVIGATION DIVISION OF THE COAST GUARD'S OFFICE OF NAVIGATION SAFETY AND WATERWAY SERVICES. I AM PLEASED TO APPEAR BEFORE YOU TODAY TO PRESENT THE COAST GUARD'S VIEWS ON THE FLORIDA KEYS NATIONAL MARINE SANCTUARY BILL INTRODUCED BY CONGRESSMAN FASCELL.

I HAVE HAD THE PRIVILEGE OF VISITING THE KEY LARGO AND LOOE KEY NATIONAL MARINE SANCTUARIES AND SEEING FIRST HAND THE BEAUTIFUL CORAL REEFS AND VAST ARRAY OF LIVING PLANTS AND ANIMALS THAT RELY ON THE REEF FOR FOOD, SHELTER AND BREEDING SITES. IT IS TRULY A NATIONAL TREASURE AND SHOULD BE PROTECTED.

THE COAST GUARD RECOGNIZES THE ENVIRONMENTAL SENSITIVITY OF THE FLORIDA CORAL REEFS AND SUPPORTS THE INTENT OF THE BILL TO PROTECT THEM. AS YOU MAY KNOW, LAST FALL THREE COMMERCIAL VESSELS GROUNDED ALONG THE FLORIDA REEFS WITHIN THE BOUNDARIES OF THE KEY LARGO NATIONAL MARINE SANCTUARY AND THE FORT JEFFERSON NATIONAL MONUMENT WEST OF KEY WEST. WHILE NOT RESULTING IN POLLUTION, THE GROUNDINGS CAUSED CONSIDERABLE DAMAGE TO THE LIVING CORAL. VESSEL GROUNDINGS AND THE RISK OF OIL SPILLS FROM THOSE GROUNDINGS ARE A SERIOUS THREAT TO THE CONTINUED VITALITY OF THE REEFS.

THIS BILL WOULD PROTECT THE MARINE ENVIRONMENT OF THE FLORIDA KEYS BY DESIGNATING ONE LARGE SANCTUARY - THE FLORIDA KEYS NATIONAL MARINE SANCTUARY.

WHILE WE SUPPORT THE BILL'S INTENT, IT DOES RAISE SOME CONCERNS WHICH I WILL ADDRESS TODAY.

FIRST, THE BILL DESCRIBES THE SANCTUARY AREA AS CONSISTING OF ALL SUBMERGED LANDS AND WATERS WITHIN THE SEAWARD BOUNDARY OF THE TWELVE MILE TERRITORIAL SEA OF THE UNITED STATES. IN A DECEMBER 27, 1988, PROCLAMATION, PRESIDENT REAGAN EXTENDED THE U.S. TERRITORIAL SEA FROM THREE TO TWELVE NAUTICAL MILES FOR INTERNATIONAL PURPOSES.

IF THE INTENT OF THE BILL IS TO ENSURE THAT THE ENTIRE SANCTUARY WILL EXTEND TO THE FULL BREADTH OF THE 12 MILE TERRITORIAL SEA, THEN THE SANCTUARY SHOULD BE DESCRIBED AS "ALL WATERS WITHIN TWELVE NAUTICAL MILES FROM THE BASELINES OF THE UNITED STATES ESTABLISHED IN ACCORDANCE WITH INTERNATIONAL LAW."

THIS DESCRIPTION WOULD PLACE THE ENTIRE SANCTUARY WITHIN THE TERRITORIAL SEA AND WOULD AID ENFORCEMENT OF REGULATIONS ISSUED UNDER THIS BILL.

SECTION 6 OF THE BILL SEEKS TO REQUIRE THE SECRETARY OF TRANSPORTATION TO SUBMIT A PROPOSAL TO THE INTERNATIONAL MARITIME ORGANIZATION TO DESIGNATE THE FLORIDA KEYS NATIONAL MARINE SANCTUARY AS AN AREA TO BE AVOIDED BY COMMERCIAL SHIPPING.

THE COAST GUARD HAS ALREADY SUBMITTED A PROPOSAL TO THE INTERNATIONAL MARITIME ORGANIZATION FOR AN AREA TO BE AVOIDED OFF THE FLORIDA REEFS. WE RECOMMENDED THAT ALL VESSELS CARRYING CARGOES OF OIL AND HAZARDOUS MATERIALS AND ALL VESSELS GREATER

THAN 50 METERS IN LENGTH AVOID THE AREA. THE AREA TO BE AVOIDED BEGINS SOUTH OF MIAMI AND EXTENDS TO AND INCLUDES THE DRY TORTUGAS ISLANDS. THE AREA TO BE AVOIDED IS APPROXIMATELY TEN MILES OFF THE FLORIDA COAST AND APPROXIMATELY FIVE MILES OFF THE REEFS.

THE COAST GUARD WORKED WITH THE STATE OF FLORIDA TO DEVELOP A PROPOSAL FOR AN AREA TO BE AVOIDED OFF THE FLORIDA COAST TO ATTEMPT TO PREVENT LARGER VESSELS FROM RUNNING AGROUND AND DAMAGING THE CORAL REEFS. PUBLIC MEETINGS WERE HELD IN MIAMI AND KEY WEST TO GATHER INFORMATION AND PUBLIC VIEWS ON THE PROPOSAL. THE AREA TO BE AVOIDED PROPOSED TO THE INTERNATIONAL MARITIME ORGANIZATION ENCOMPASSES THE CORAL REEFS, BUT ALSO PROVIDES FOR CONTINUED ESSENTIAL LOCAL TRAFFIC THROUGH HAWK CHANNEL AS WELL AS ACCESS TO NECESSARY ANCHORAGE AREAS NEAR THE PORT OF KEY WEST. THESE LOCAL NEEDS WERE CLEARLY CONVEYED TO US BY THE PUBLIC AT THE MEETINGS.

THE COAST GUARD ALSO HAS SEVERAL TECHNICAL COMMENTS ON THE BILL.

SECTION 4(B)(1) DESCRIBES THE SANCTUARY BOUNDARIES IN TERMS OF THE 300-FOOT ISOBATH. FOR SEVERAL REASONS, SUCH AS PLOTTING THE SANCTUARY ON NAUTICAL CHARTS AND ENFORCEMENT OF THE REGULATIONS, IT IS PREFERABLE TO DESCRIBE THE BOUNDARIES BY LATITUDE AND LONGITUDE.

SECTION 5(A)(1) PROHIBITS VESSELS "USED IN THE TRADE OF CARRYING CARGO OR IN THE TRADE OF SERVICING OFFSHORE INSTALLATIONS" IN THE SANCTUARY. THESE TERMS ARE UNDEFINED. IT IS RECOMMENDED THAT THIS SECTION CONTAIN LANGUAGE SIMILAR TO THAT

OF SECTION 5(B), UNDER WHICH REGULATIONS RESTRICTING SPECIFIC VESSELS WOULD BE PROMULGATED. THE REGULATION COULD ADDRESS VESSEL OPERATION IN THE SANCTUARY ON THE BASIS OF TONNAGE, DRAFT, TYPE OF CARGO, OR OTHER APPROPRIATE FACTORS.

SECTION 5(A)(2)(A) ALLOWS VESSELS, WHICH MIGHT OTHERWISE BE PROHIBITED, TO OPERATE "IN A CHANNEL MAINTAINED BY THE COAST GUARD." THE COAST GUARD DOES NOT MAINTAIN CHANNELS; THE U.S. ARMY CORPS OF ENGINEERS DOES. THE COAST GUARD ESTABLISHES AIDS TO NAVIGATION TO ASSIST MARINERS IN NAVIGATION. IN THIS PROPOSED SANCTUARY, MANY AREAS MARKED BY AIDS TO NAVIGATION EXIST THAT DO NOT DEFINE CHANNEL BOUNDARIES. GENERALLY, THE AIDS MARK A PREFERRED WAY TO TRANSIT THE AREA, BUT DO NOT RESTRICT VESSELS TO A GIVEN AREA OR TRACK. IT IS THE OPERATOR'S RESPONSIBILITY TO USE CHARTS AND OTHER NAVIGATION TOOLS TO TRANSIT SAFELY. THE ENFORCEMENT OF THIS SECTION WITH THIS LIMITATION WOULD BE DIFFICULT, IF NOT IMPOSSIBLE. WE RECOMMEND THAT SECTION 5(A)(2)(A) BE DELETED. SECTION 5(A)(2)(B) PROVIDES SUFFICIENT AUTHORITY TO PROMULGATE APPROPRIATE REGULATIONS TO ACHIEVE THIS PURPOSE.

SECTION 5(B) AUTHORIZES THE SECRETARY OF COMMERCE TO ISSUE REGULATIONS PERTAINING TO VESSEL TRAFFIC IN THE SANCTUARY, IN CONSULTATION WITH THE COAST GUARD. WE RECOMMEND THAT THIS PROVISION BE AMENDED TO REQUIRE COAST GUARD CONCURRENCE (AS OPPOSED TO CONSULTATION) WITH ANY PROPOSED REGULATIONS AFFECTING VESSEL TRAFFIC.

SECTION 5(B)(2)(A) REQUIRES REGULATIONS WHICH INCLUDE "BUFFER ZONES" SURROUNDING SPECIAL AREAS. WE INTERPRET THIS

PROVISION TO ABSOLUTELY PROHIBIT VESSELS USED IN THE TRADE DESCRIBED EARLIER. THE PRACTICAL EFFECT MAY BE TO CLOSE ROUTES VITAL TO WATERBORNE COMMERCE. THIS IS UNDESIRABLE. CUSTOMARY INTERNATIONAL LAW PROHIBITS COASTAL STATES FROM IMPOSING ANY REQUIREMENTS ON FOREIGN SHIPS WHICH HAVE THE PRACTICAL EFFECT OF DENYING OR IMPAIRING THE RIGHT OF INNOCENT PASSAGE. REGULATIONS IMPLEMENTING THE SPECIFIC PROVISIONS OF THE BILL SHOULD BE CONSISTENT WITH INTERNATIONAL LAW. IF THE NEED EXISTS FOR SPECIAL RULES OR RESTRICTIONS, THEY CAN BE INCLUDED IN THE REGULATIONS. ADDITIONAL PROHIBITIONS IMPOSED IN THE FORM OF "BUFFER ZONES" SHOULD NOT EXTEND BEYOND THE SANCTUARY BOUNDARY. WE DO NOT OPPOSE THE CONCEPT OF AREAS OF SPECIAL ECOLOGICAL SIGNIFICANCE OR SPECIAL NAVIGATIONAL HAZARD BEING DESIGNATED; HOWEVER, WE FEEL BUFFER ZONES ARE REDUNDANT.

SECTION 5(C) INCORPORATES BY REFERENCE THE ENFORCEMENT PROVISIONS OF THE MARINE PROTECTION, RESEARCH, AND SANCTUARIES ACT, 16 U.S.C. 1437. THIS SECTION PROVIDES FOR ANY AUTHORIZED PERSON TO SERVE A WARRANT OF ARREST ON BEHALF OF ANY COURT OF "COMPETENT" JURISDICTION. UNDER PRESENT PRACTICE, UNITED STATES DISTRICT COURTS ARE NOT PERMITTED TO ISSUE WARRANTS FOR SERVICE BEYOND THE BOUNDARIES OF THE STATES IN WHICH THE COURT SITS ACCORDING TO RULE 4 OF THE FEDERAL RULES OF CIVIL PROCEDURE. IN GENERAL, THOSE BOUNDARIES ARE THREE NAUTICAL MILES. IT WOULD BE ADVISABLE TO INCLUDE A PROVISION IN THIS BILL EXTENDING THE FEDERAL DISTRICT COURT'S JURISDICTION TO COINCIDE WITH THE TERRITORIAL SEA WITHIN THE MARINE SANCTUARY ESTABLISHED BY THE BILL.

THAT CONCLUDES MY STATEMENT. THANK YOU FOR THE OPPORTUNITY  
TO COMMENT ON THIS VERY IMPORTANT BILL. I WILL BE HAPPY TO  
ANSWER ANY QUESTIONS YOU MAY HAVE.