

# CWG Review 1: Spring 2015

## Tier 1 Information:

### 1. Management Action

**N-114 Reinstate funding for regulatory agencies (reinstate SED FDEP Dive Teams ) to provide in water permit compliance monitoring as needed for reef related projects, and assist other agencies with monitoring (fish/coral surveys).**

This RMA is a combination of the following original RMAs:

- N-88: Increase FDEP field staff capacity to monitor all beach and coastal projects and beach closures related to water quality to ensure permit compliance and minimize impacts to reef ecosystem.
- N-114: Reinstate funding for regulatory agencies (reinstate FDEP Dive Teams throughout the state) to monitor reefs, assess potential impacts, assist other agencies (fish/coral surveys) with protection and monitoring.

### 2. Intended Result (Output/Outcome)

*What is the end product/result of this management action?*

- This is first and foremost specific to permitted activities and compliance of those activities. Additional support of unpermitted impacts or partner initiatives would be secondary, but still important.
- Provide underwater support to ensure enforcement of the Coral Reef Protection Act.
- In water staff will allow better oversight of projects and increased compliance with specific permit conditions as activity is taking place (construction process).
- Staff will be able to identify impacts as they occur as opposed to waiting for permittee to report impacts, ability to observe or identify impacts as they occur which leads to shorter response time.
- The first step will be to reinstate the previously existing dive program at FDEP for existing regulatory staff, and then work to expand and increase staff as necessary to meet oversight needs.
- The dive team should be appropriately certified, such as OSHA or AAUS certified so that they can be on the same level as other agencies and can conduct dives with them. The previous dive team was unable to go out on dives with various agencies because they lacked AAUS certification.

### 3. Duration of Activity

*Is this a discrete action or a recurring activity? Explain.*

- Discrete, to reinstate team and eventually create additional positions as needed. Dive team activities or position are recurring thereafter.

### 4. Justification

*What issue or problem will this management action address? Explain.*

- This management action is being put forth because currently there are no regulatory divers to address impacts to coral reefs and ensure permit compliance. FDEP has no way of verifying the presence of corals when issuing a permit, nor does FDEP staff have firsthand knowledge when developing permit conditions. Once the permit has been issued the department has no way of verifying if the projects have been constructed as permitted or if during construction the permittee avoided impacts to reefs or associated habitats such as seagrasses. It is necessary to have verifiable knowledge of existing site conditions to ensure permit compliance and minimize impacts to the reef and related ecosystems. This way, regulatory staff will be able to verify the existing resources and be able to hold permittees accountable for associated project impacts and non-compliance of permit conditions.

### 5. Potential Pros

*What are the potential advantages associated with this management action?*

- Some potential benefits to implementing this management action include: (1) increased enforcement of permit conditions for protection of coral reefs; (2) better regulation of activities in areas where corals are present; (3)

increased interagency cooperation between FDEP and agencies such as NOAA, FWC, FDEP Parks and Recreation and ACOE to carry out any required in-water work such as fish surveys, mooring ball monitoring, and coral damage impact assessments; (4) there would be less damage for complying permittees; (5) there would be better documentation of impacts or violations; (6) an increase in staff within FDEP; (7) there would be an increase in public awareness; (8) there would be a greater incentive for permittees to comply with permit conditions (by being monitored); and (9) with a reduction in impacts, the intrinsic value of state resources would remain intact, and with the reduction of impacts there would be less monies spent on additional mitigation by the project sponsor or permittee to cover those losses.

## 6. Potential Cons

*What are the potential disadvantages associated with this management action?*

- Some possible issues that may arise with implementation of this management action would include Increase costs to taxpayers to fund positions, however economic benefit of intact reefs could intrinsically offset this cost.

## 7. Location

*County/Counties: Miami-Dade, Broward, Palm Beach, Martin, Other?*

- This management action relates to all counties within the SEFCRI region.

*Relevant Habitats: Coral reef, seagrass, watershed, etc.?*

- Coral reefs, sea grass beds, areas adjacent to reefs.

*Specific Location: City, site name, coordinates, etc.?*

- SEFCRI region

## 8. Extent

*Area, number, etc.*

- Number of positions depends on number of permits issued

## 9. Is this action spatial in nature?

- no

## Marine Planer Information:

N/A

## Tier 2 Information:

### *WHY?*

## 1. Strategic Goals & Objectives to be Achieved

*Refer to the [SEFCRI Coral Reef Management Goals and Objectives Reference Guide](#).*

- N-114 FL Priorities Goal D1, D2, D2-Obj 1; D3-Obj1 SEFCRI LAS FDOU Issue 3 Goal; Obj2, Obj3 FDEP CRCP Coral Reef Ecosystem Conservation Goal C, Obj 5; Goal G, Obj 6, Obj 7 SEFCRI LAS MICCI Issue 1 Goal, Obj 1, Obj 2; Issue 2 Goal; Issue 3 Goal, Obj 1, Obj 2; Issue 4 Goal, Obj 1 FL Priorities Goal A2, Goal A4, Obj 1
- N88 IA: FL Priorities Goal D3, FL Priorities Goal A1 Obj 3, SEFCRI LAS MICCI Issue 1 Goal Obj 1, SEFCRI LAS MICCI Issue 4 Goal, SEFCRI LAS MICCI Issue 4 Goal Obj 1, SEFCRI LAS MICCI Issue 4 Goal Obj 2,

## 2. Current Status

*Is this activity currently underway, or are there planned actions related to this recommendation in southeast Florida? If so, what are they, and what is their status.*

- Inactive. Southeast District Dive program was cancelled in April 2013 due to budget cuts and errors in reporting

of dive team expenditures. Actual costs of dive team were much lower than what was reported. Reporting was done by a DEP employee who was not familiar with the Dive program.

- FDEP does have existing compliance staff, but positions have been eliminated, leaving one staff per county to oversee all Environmental Resource permits. Only two Beaches and Coastal staff for entire SEFCRI region.

### 3. Intended Benefits (Outcomes)

*What potential environmental benefits or positive impacts might this management action have?*

- The intended outcome of this action is to provide underwater science support for nearshore environmental impact assessments for permits and compliance and enforcement activities and to increase compliance with specific permit conditions.

*What potential social/economic benefits or positive impacts might this management action have?*

- Some social/ economic benefits or positive impacts that this management action may have includes the assurance of compliance and enforcement of specific permit conditions; it will provide regulatory oversight to projects that pose potential impacts to resources; and it will document resources that are at stake, which will maintain economic value of our coral reef system and the enjoyment of our reefs by residents and tourists alike.

*What is the likely duration of these benefits - short term or long-lasting? Explain.*

- Long term and long lasting; effective scientific assessment will provide long term benefits to coral reef ecosystems.

### 4. Indirect Costs (Outcomes)

*What potential negative environmental impacts might this action have?*

- None

*What potential negative social/economic impacts might this action have?*

- Some possible issues that may arise with implementation of this management action would include Increase costs to taxpayers to fund positions, however economic benefit of intact reefs could intrinsically offset this cost.

*What is the likely duration of these negative impacts - short term or long-lasting? Explain.*

- The cost will be long term.

### 5. Risk

*What is the threat of adverse environmental, social, or economic effects arising from not implementing this action?*

- If this management action were not to be implemented, without a district underwater scientific dive team, environmental regulation programs have no way of performing underwater assessments before issuance of a permit in order to understand the resources being impacted or the specific permit conditions that may be applicable; thus leading to a higher risk that non-permitted impacts could occur. There would be no way of ensuring compliance and enforcement of a permit which could lead to impacts that go unreported or undervaluation or mitigation for those impacts.
- In the current situation, FDEP relies on information submitted by consultants regarding coral impacts, and has no way of verifying the validity or accuracy of that information. There is a need for some level of oversight to ensure truthfulness and quality on underwater assessments before and after permitting.

### 6. Relevant Supporting Data

*What existing science supports this recommendation? (Provide citations)*

- The existing science that supports this action includes the Florida Reef Resilience Program, Climate Change Action Plan for Florida Reef System (2010-2015); and scientific monitoring using underwater scientists to gauge environmental changes on nearshore.

### 7. Information Gaps

*What uncertainties or information gaps still exist?*

- Some uncertainties or gaps with this management action include: determining the number of staff needed to be able to appropriately ensure compliance and enforcement and determining the frequency with which staff should conduct site visits (this would be project dependent).

**WHEN?**

**8. Anticipated Timeframe for Implementation**

*How long will this recommendation take to implement?*

- The anticipated timeframe for implementation of this management action is 0-2 years.

**9. Linkage to Other Proposed Management Actions**

*Is this activity linked to other proposed management recommendations?*

- This RMA is not linked with any other RMA.

**WHO?**

**10. Lead Agency or Organization for Implementation**

*What agency or organization currently has/would have authority? Refer to the [Agencies and Actions Reference Guide](#).*

- The lead agency for implementation of this management action would be FDEP Environmental Resource permitting program and Beaches and Inlets program.

**11. Other Agencies or Organizations**

*Are there any other agencies or organizations that may also support implementation? Explain.*

- Other potential agencies or organizations who could be involved include SEFCRI, FWC, NOAA, and USACE may all benefit and support reinstating the FDEP dive team as this provides a second review of resources present and impacts. At this time USACE is not allowed in the water below their waistline.

**12. Key Stakeholders**

*Identify those stakeholders most greatly impacted by this management action, including those from whom you might expect a high level of support or opposition. Explain.*

- The key stakeholders for this management action would be the consultants; tax paying citizens; recreational users; coastal construction businesses; and the governmental agencies that have used FDEP dive teams for review of in water assessments.

**HOW?**

**13. Feasibility**

*Is there appropriate political will to support this? Explain.*

- At a local level there is political support of this management action, but not at an administrative level. This is due to a push to reduce the size of government agencies by the current administration and the current status of being for compliance assistance rather than enforcement of potential environmental violations.

*What are the potential technical challenges to implementing this action? Has it been done elsewhere?*

- There are no potential technical challenges to implementing this management action since it was a previous program the department had. In the past there was training requirements, first responder, oxygen administration and equipment training all that took place for every single dive team member. There is however a challenge with reinstating the dive team due to securing funding in the current administration.

**14. Legislative Considerations**

*Does the recommendation conflict with or actively support existing local, state, or federal laws or regulations? Explain.*

- The legislative considerations to take into account include the creation of more positions; however, if current

staff were to resume their previous roles on the dive team, then there would be no need for legislative consideration.

#### 15. Permitting Requirements

*Will any permits be required to implement this action? Explain.*

- There are no permitting requirements with this management action.

#### 16. Estimated Direct Costs

*Approximately how much will this action likely cost? (Consider one-time direct costs, annual costs, and staff time, including enforcement.)*

- The estimated direct cost of implementing this management action for basic implementation would be \$2500-\$2700 to reinstate the dive team annually and \$50,000-\$100,000, if new positions would be created.

*Will costs associated with this activity be one-time or recurring?*

- There would be a reoccurring annual equipment maintenance cost, boat maintenance, and medical monitoring costs every 3-5 years.

*If recurring, approximately how long will staff time and annual costs be necessary to implement the management action?*

- It is unlikely that there will ever be a time that a dive team would not be needed. This is due to the constant high volume of coastal construction permits being applied for.

#### 17. Enforcement

*Does this require enforcement effort?*

No

#### 18. Potential Funding Sources

*Identify potential funding organizations/grant opportunities, etc.*

- FDEP annual budget. Costs for SED Dive team are less than \$2700/year. The annual budget that was calculated when the dive team was dissolved was calculated incorrectly.

#### 19. Measurable Outcomes/Success Criteria/Milestones

*How will the success of this recommendation be measured? How will you know when the intended result is achieved?*

- A way to provide a means to measure the success of this management action includes the reinstatement of the dive team; the frequency dives; and environmental assessment summaries from the site which provide additional information not previously captured or available.

#### SEFCRI/TAC Targeted Questions:

##### 1. **TAC** - Is the recommendation likely to achieve the intended result? Explain.

*Tier 1 – #2 (Intended Result - Output/Outcome)*

- Yes

##### 2. **TAC** - Is the recommendation sufficient to address the identified issue or problem? Explain.

*Tier 1 – #4 (Justification)*

- Yes

##### 3. **TAC** - Is the recommendation technically achievable from a science or management perspective? Explain.

*Tier 2 – #8 (Anticipated Timeframe for Implementation) and Tier 2 - #13 (Feasibility)*

- Yes

4. **SEFCRI Team, PPT & Other Advisors** - Has this been done (by SEFCRI, other agencies or organizations in the SEFCRI region)? Explain.

*Tier 2 – #2 (Current Status)*

- Reinstating programs and positions occurred recently with the closure of several Aquatic Preserves that were later restarted when funding allowed and the economy improved.

5. **SEFCRI Team, PPT & Other Advisors** - Is this recommendation a research or monitoring project? (Recommendations should be turn-dirt management actions, not the step you take before a management action). Explain.

- No

6. **SEFCRI Team, PPT & Other Advisors** - If either of the following applies to this management action, provide feedback on which information submitted by the Community Working Groups may be more appropriate, or if entries should be merged. Explain.

- a. There are different viewpoints for an individual management action (i.e. two working group members provided separate information, as indicated by a '/' marking between them).
- b. Information submitted for this and other draft management actions is sufficiently similar that they might be considered the same.

- This was previously a merger between
  - N-88: Increase FDEP field staff capacity to monitor all beach and coastal projects and beach closures related to water quality to ensure permit compliance and minimize impacts to reef ecosystem.
  - N-114: Reinstate funding for regulatory agencies (reinstate FDEP Dive Teams throughout the state) to monitor reefs, assess potential impacts, assist other agencies (fish/coral surveys) with protection and monitoring.

7. **SEFCRI Team, PPT & Other Advisors** - Non-agency Question: Is the recommendation technically achievable from your stakeholder perspective? If not, do you have suggestions that would allow this to become technically achievable from your stakeholder perspective? Explain.

*Tier 1 - #5 (Potential Pros), Tier 1 - #6 (Potential Cons), Tier 2 - #3 (Intended Benefits), Tier 2 - #4 (Indirect Costs) and Tier 2 - #12 (Key Stakeholders)*

- Yes

8. **SEFCRI Team, PPT & Other Advisors** - Agency Question: Is the recommendation technically achievable from a management perspective? If not, do you have suggestions that would allow this to become technically achievable from your agency's management perspective? Explain.

*Tier 2 – #10 (Lead Agency or Organization for Implementation) and Tier 2 - #11 (Other Agencies or Organizations)*

- Yes, the team functioned for 20 years before funding was cancelled.
- Creating additional positions will be more difficult.