

Title:

N-114: Reinstate funding for regulatory agencies (reinstate Florida Department of Environmental Protection's Southeast District dive teams) to provide in-water permit compliance monitoring as needed for reef related projects, and assist other agencies with monitoring (fish/coral surveys).

Background:

- This recommended management action relates to all counties within the Miami-Dade, Broward, Palm Beach, and Martin county region and the relevant habitats such as coral reefs, seagrass beds, hardbottom, and areas adjacent to the reefs.
- This recommended management action is being put forth because currently there are no regulatory divers to address impacts to coral reefs and ensure permit compliance. The Florida Department of Environmental Protection (FDEP) has no way of verifying the presence of corals when issuing a permit, nor does the FDEP staff have firsthand knowledge when developing permit conditions. Once the permit has been issued the FDEP 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 to verify the existing resources and be able to hold permittees accountable for associated project impacts and non-compliance of permit conditions.

Objective:

- The intended outcome of this action is to provide long-term underwater science support for nearshore environmental impact assessments for permits and compliance and enforcement activities and to increase compliance with specific permit conditions.
- Some social and economic benefits or positive impacts that this recommended management action may have include 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 the economic value of our coral reef system and the enjoyment of our reefs by residents and tourists alike.

Intended Benefits and/or Potential Adverse Effects:

- Some potential benefits to implementing this recommended 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 the FDEP, including Parks and Recreation, and agencies such as National Oceanic and Atmospheric Administration (NOAA), Florida Fish and Wildlife Conservation Commission (FWC), and the US Army Corps of Engineers (USACE) to carry out any required in-water work such as fish surveys, mooring ball monitoring, and coral damage impact assessments, (4) less damage for complying permittees, (5) better documentation of impacts or violations, (6) an increase in staff within the FDEP, (7) an increase in public awareness, (8) 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. With the reduction of impacts there would be a

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reduction in available funds spent on additional mitigation by the project sponsor or permittee to cover those losses.

- Some possible issues that may arise with implementation of this recommended management action would include increased costs to taxpayers to fund positions. However, economic benefit of intact reefs could intrinsically offset this cost.
- If this recommended 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, thereby 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 of mitigation for those impacts.
- In the current situation, the 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.

Agencies/ Organizations:

- The lead agency for implementation of this recommended management action would be FDEP's Environmental Resource Permitting program and Beaches and Inlets program.
- Other potential agencies or organizations who could be involved include the South Florida Coral Reef Initiative (SEFCRI), FWC, NOAA, and the USACE, which may all benefit and support reinstating the FDEP's dive team as this provides a second review of resource surveys and impacts. At this time USACE is not allowed in the water below their waistline.
- The key stakeholders for this recommended management action would be the consultants; tax paying citizens; recreational users; coastal construction businesses; and the governmental agencies that have used the FDEP's dive teams for review of in water assessments.
- There are no potential technical challenges to implementing this recommended management action due to the likeness to a previous FDEP program. In the past there were training requirements: first responder, oxygen administration and equipment training were required for each dive team member. There is, however, a challenge with reinstating the dive team due to securing funding in the current administration.
- 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 there would be no need for legislative action.

Permitting/ Enforcement Requirements of RMA:

- There are no permitting or enforcement requirements with this recommended management action.
- A way to provide a means to measure the success of this recommended management action includes the reinstatement of the dive team; the frequency of dives; and environmental assessment summaries from the site which provide additional information not previously captured or available.

Cost:

- The estimated direct cost of implementing this recommended management action for basic implementation would be \$2,500-\$2,700 to reinstate the dive team annually and \$50,000-\$100,000 if new positions would need to be created. There would be reoccurring annual costs of equipment and boat maintenance, and medical monitoring costs every 3-5 years.
- It is unlikely that there will ever be a time that a dive team would not be needed, due to the constant high volume of coastal construction permits being applied for.
- Potential funding source can be acquired through the FDEP's annual budget. Costs for the FDEP Southeast District dive team were less than \$2,700/year.

Time Frame & Extent:

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

Miscellaneous Info:

- This recommended management action is not linked with any other recommended management actions.
- Some uncertainties or gaps with this recommended management action include determining the number of staff needed to be able to appropriately ensure compliance and enforcement and determine the frequency with which staff should conduct site visits (this would be project dependent).
- 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 nearshore.
- In April 2013, the FDEP S Southeast District dive program was inactivated due to budget cuts and errors in reporting of dive team expenditures. The actual costs of the dive team were much lower than what was reported. While the reporting was conducted by an FDEP employee, this staff member was unfamiliar with the dive program.
- FDEP has existing compliance staff, but positions have been eliminated, leaving only one staff per county to oversee all Environmental Resource permits. Currently there are only two Beaches and Coastal staff for the entire southeast Florida region.

Goals/ Objectives to be achieved:

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

- FL Priorities Goal A1, Obj. 3 / FL Priorities Goal A2 / FL Priorities Goal A4, Obj. 1 / FL Priorities Goal D1 / FL Priorities Goal D2 Obj. 2 / FL Priorities Goal D3 Obj. 1.
- FDEP CRCP Coral Reef Ecosystem Conservation Goal C, Obj. 5 / FDEP CRCP Coral Reef Ecosystem Conservation Goal G, Obj. 6 / FDEP CRCP Coral Reef Ecosystem Conservation Goal G, Obj. 7.
- SEFCRI LAS FDOU Issue 3 Goal; Obj. 2 / SEFCRI LAS FDOU Issue 3 Goal; Obj. 3 / SEFCRI LAS MICCI Issue 1 Goal; Obj. 1 / SEFCRI LAS MICCI Issue 1 Goal; Obj. 2 / SEFCRI LAS MICCI Issue 2 Goal / SEFCRI LAS MICCI Issue 3 Goal; Obj. 1 / SEFCRI LAS MICCI Issue 3 Goal; Obj. 2 / SEFCRI LAS MICCI Issue 4 Goal; Obj. 1 / SEFCRI LAS MICCI Issue 4 Goal Obj. 2.