



QUESTIONS & ANSWERS ABOUT THE CORAL REEF PROTECTION ACT OF 2009

➤ **What is the *Coral Reef Protection Act*?**

The *Coral Reef Protection Act* is a new Florida state law, effective July 1, 2009, which has been created to improve the health of the Florida Reef Tract.

➤ **Why was the *Coral Reef Protection Act* created?**

The *Coral Reef Protection Act* was created to respond to stakeholder recommendations from a 2006 public workshop. The workshop, part of a Southeast Florida Coral Reef Initiative local action strategy, compiled information on existing emergency response processes, identified deficiencies and developed consensus-based solutions among numerous agencies of state and local governments, marine industry representatives and other stakeholders to improve response to, and restoration of, coral reef injuries in southeast Florida.

➤ **What does the *Coral Reef Protection Act* do?**

The *Coral Reef Protection Act* recognizes the importance of coral reefs to Florida's ecology, beauty and economy. The act affords protection to the entire Florida Reef Tract, which extends 330 nautical miles from the Dry Tortugas to Stuart. The act authorizes the Florida Department of Environmental Protection (FDEP), as the state's lead trustee for coral reef resources, to protect coral reefs through timely and efficient assessment and recovery of damages, including civil penalties, resulting from vessel impacts to coral reefs.

➤ **Who is affected by the *Coral Reef Protection Act*?**

The *Coral Reef Protection Act* was initially developed to address coral reef impacts caused by commercial vessels dragging cables, grounding or anchoring on Florida's coral reefs. The act is not limited to just commercial vessel traffic however, and pertains to all vessels (commercial and recreational) that transit state waters within Martin, Palm Beach, Broward, Miami-Dade and Monroe counties.

➤ **Can another coastal county or state agency protect coral reefs under the *Coral Reef Protection Act*?**

Yes. FDEP may enter into delegation agreements with other state agencies and coastal counties that have coral reefs within their jurisdiction (the resource trustees). The delegee will have all the rights afforded to FDEP by the act. The FDEP and other state agencies may also enter into agreements with federal authorities related to the administration of the Florida Keys National Marine Sanctuary.

➤ **What does the *Coral Reef Protection Act* require from the responsible party - the owner, operator, manager or insurer of any vessel - that has impacted a coral reef?**

- The responsible party must notify FDEP within 24 hours of damaging or otherwise impacting the coral reef.
- The responsible party must remove, or cause the removal of, the grounded or anchored vessel within 72 hours of the incident, unless prohibited by the U.S. Coast Guard or extenuating circumstances such as weather or marine hazards.
- The responsible party must remove, or cause the removal of, the grounded or anchored vessel in a manner that avoids further damage to the coral reef and shall consult with FDEP in accomplishing this task.
- The responsible party must cooperate with FDEP to undertake damage assessment and primary restoration of the injured coral reef in a timely fashion. Assessment and restoration efforts must be conducted by qualified individuals.

➤ **What damages does the *Coral Reef Protection Act* authorize FDEP to collect from the responsible party?**

- Cost of damage assessments and activities undertaken by, or at the request of, the resource trustees to minimize or prevent further coral damages, including staff time.
- Cost of enforcement actions undertaken by the resource trustees, including court costs, attorney's fees and expert witness fees.
- Replacement, restoration or acquisition of the equivalent value of the injured coral reef, including compensation for the value of the lost use and ecological services of the reef, as determined through habitat equivalency analysis.
- Cost of monitoring the injured, restored or replaced coral reef for at least 10 years if the injury area is greater than 1 square meter.

➤ **What civil penalties are prescribed by the *Coral Reef Protection Act*?**

- For damage to a coral reef totaling less than or equal to 1 square meter - \$150.
 - For the first offense, a warning letter in lieu of a penalty can be issued.
 - With aggravating circumstances - an additional \$150.
 - Within a state park or aquatic preserve - an additional \$150.
- For damage to coral reefs totaling more than 1 square meter, but less than or equal to 10 square meters - \$300 per square meter.
 - With aggravating circumstances - an additional \$300 per square meter.
 - Within a state park or aquatic preserve - an additional \$300 per square meter.
- For damage to coral reefs greater than 10 square meters - \$1,000 per square meter.
 - With aggravating circumstances - an additional \$1,000 per square meter.
 - Within a state park or aquatic preserve - an additional \$1,000 per square meter.
- For a second violation, the total penalty may be doubled.
- For a third violation, the total penalty may be tripled.
- For a fourth violation, the penalty may be quadrupled.
- The total of penalties levied may not exceed \$250,000 per occurrence.

➤ **What alternatives exist so vessel operators can avoid anchoring on coral reefs?**

- The preferred alternative is to use areas where mooring buoys are provided for vessel use.
 - Broward County has an extensive mooring buoy program with information available online at:
<http://www.broward.org/bio/mooringbuoy.htm>
 - Martin County has mooring buoys associated with the St. Lucie Inlet Preserve State Park and the county has an artificial reef program. More information regarding the state park and the artificial reef program can be found at:
<http://www.floridastateparks.org/stlucieinlet/ParkSummary.cfm>
<http://www.martinreefs.com/index.html>
 - Miami-Dade County will be installing 20 new mooring buoys in the fall of 2009 and more information can be found at:
<http://www.miamidade.gov/derm/buoy.asp>

Additionally, just offshore of Miami-Dade County is Biscayne National Park (BNP) and information regarding BNP's mooring buoys can be found at:

<http://www.nps.gov/bisc/planyourvisit/mooring-buoys.htm>

- Monroe County is home to the Florida Keys National Marine Sanctuary (FKNMS), which has hundreds of mooring buoys from Key Largo to the Dry Tortugas. Information regarding the FKNMS mooring buoy system can be found at:

<http://floridakeys.noaa.gov/mbuoy/welcome.html>

- Palm Beach County will be installing 4 moorings on the shallow Breakers Reef in the summer of 2009. Due to the strong currents on Palm Beach County's deeper, offshore reefs, establishing mooring fields in these areas is not planned. More information regarding Palm Beach County's coastal resources can be found at:

<http://www.pbcgov.com/erm/coastal/>

- Another alternative for vessel operators who wish to anchor near coral reefs is to place their anchor in the sand located beyond the edge of the reef.
 - Local knowledge of the area and holding capabilities of the anchor are critical to ensure a vessel is anchored in, and will remain in, the sand.
 - Nautical charts, GPS navigation programs, dive maps, and local dive shops can all be used to enhance local knowledge, but ultimately the vessel operator/owner is responsible for preventing violations of the law.
- To view the United States Coast Guard's federal requirements and safety tips for recreational boat anchoring, please visit their website at:

http://www.uscgboating.org/safety/fedreqs/saf_anchor.htm.

➤ **Where can I get more information about Florida's coral reefs and the *Coral Reef Protection Act*?**

- To learn more, please visit www.dep.state.fl.us/coastal/programs/coral/