

Common Southeast Florida Corals and Primary Regulations

All hard corals in FL are protected in part by either State or Federal laws. The more abundant coral species of southeast FL are shown here, many others can occur. To confirm identifications, consult the PowerPoint training files (Unit 1) on the CD or the Humann coral book.

3 coral species are protected under either Federal ESA or FL Statute: see other side.



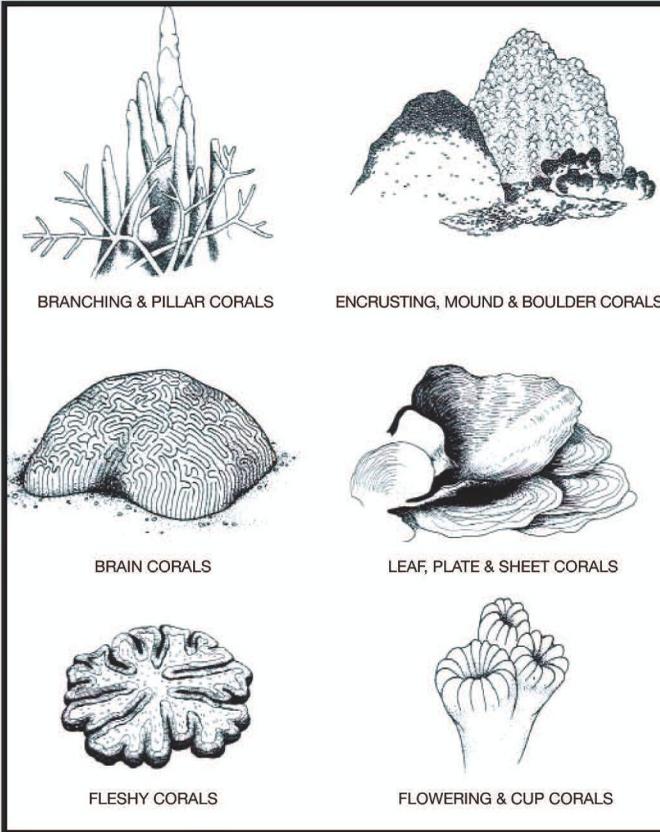
Mustard Hill Coral
Porites asteroides



Elliptical Star Coral
Dichocoenia stokesii



Smooth Star Coral
Solenastrea bournoni



Maze Coral
Meandrina meandrites



Massive Starlet Coral
Siderastrea siderea



Worm Rock - not a coral
Phragmatapoma lapidosa



Colonial Zoanthid
(*Palythoa* sp.)
- not a coral

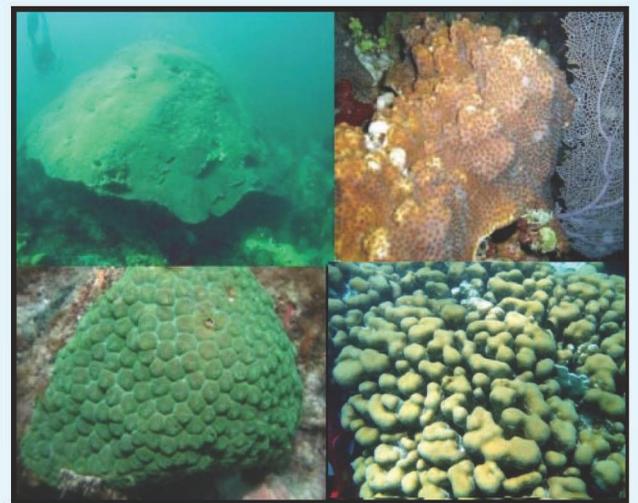


Southeast Florida Coral Reef Initiative

A



Brain corals: approx. 5 species in the area, ID by shape and size of ridges, or knobs. 3 species are in the genus *Diploria*.



Large mound corals: 4 species (or forms) of star corals in the genus *Montastraea* can occur.

Species-specific Coral Protection: FL State and Federal



Federal ESA: Threatened

Elkhorn coral
Acropora palmata



FL Statute: Threatened

Pillar coral
Dendrogyra cylindrus



Federal ESA: Threatened

Staghorn coral
Acropora cervicornis

Elkhorn:
thick, flat
branches



Pillar:
thick, round columns;
polyps extended
during day



Staghorn:
thin, round
branches

FL Marine Life Rule - No Harvest w/o Special Activity License (FAC 68B-42.009)

No Harvest of any Hard Coral, including sea fans and fire corals:



Common Sea Fan
Gorgonia ventalina

Venus Sea Fan
Gorgonia flabellum

Branching Fire Coral
Millepora alcicornis

(Fire Corals = painful sting)



Coral damage can be from:
Diseases (D), Bleaching (B),
Predation (P: parrotfish bites on
edges) - not only from projects.



Permit Compliance Examination Summary - Minimum Information to Record

Applicant and action agency identifier									
Latitude:					Longitude:				
Verified Using:		Google Earth			GPS			Other	
Date of Inspection:					Time of Inspection:				
Tidal Stage:		Low	High	Rising	Falling	Neap	Spring		
Weather Conditions:									
Staff Present and Agencies									
Method of Inspection				Visual		Desktop		Other (explain)	
Project in Compliance:					Permit Specs?				
					Conditions?				
Photograph Notes									

Construction & Other Activities that May Damage Corals: State Regulations

Some impacts may violate more than one regulation. Consult other agencies.

Look for current and potential impacts to help avoid and minimize damage.

Rule	Potential Violations / Coral Impact Type	
	Involves an Agency Permit	Permit Not Involved
Environmental Resource Permit FS §373.413 & .414	<ul style="list-style-type: none"> • Pipelines • Telecom cables • Anchor damage in dredging (but not fill-related issues) 	N/A
Joint Coastal Permit FS §161.055	<ul style="list-style-type: none"> • Beach renourishment (incl. dredge anchor & cable drags; & pipeline impacts) • Inlet maintenance or expansion • Jetty/groin repair 	N/A
Coral Reef Protection Act FS §403.93345	<ul style="list-style-type: none"> • Un-anticipated vessel impacts during permitted projects 	<ul style="list-style-type: none"> • Commercial or recreational vessel grounding - or anchor-related damage
Marine Life Rule FAC 68B - 42.009 [Special Activity Licenses (SALs) - incl. scientific research]	<ul style="list-style-type: none"> • Violations of terms of Special Activity Licenses 	<ul style="list-style-type: none"> • Take prohibited on Hard Corals, Sea Fans (<i>Gorgonia</i>, 2 species.) & Fire Coral (<i>Millepora</i>, 1 species)

Field Situational Protocol

See permit compliance examination summary table (card B) for minimum information to collect. Some projects require permission to access site. Bring copy of permit for compliance inspections.

Potential Violations that Involve an Agency Permit

Does the party have a State Permit? (Be prepared to be shown a USACE permit.)

If permit is available:

Examine permit and project site to examine compliance in terms of footprint size, other project specs, general conditions, special conditions, and record information (incl. photos).

If violation is present, respond based on particulars, process cease and desist if required.

If no permit available (required on-site for all state permits):

If potential violation but more info. needed, inform party that you need to investigate further. Confirm contact information. In office, determine if there is a violation.

Issue cease and desist letter if the violation is ongoing. Issue NOV if it already has occurred.

Potential Violations that Do Not Involve an Agency Permit

Examine site per above and determine if a violation has occurred & under which rule.

Determine which agency has jurisdiction and contact that agency immediately.

Document impacts (including photos & exact location), & interview knowledgeable parties.



C



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Construction & Other Activities that May Damage Corals: Fed. Regulations

Some impacts may violate more than one regulation. Consult other agencies.

Look for current and potential impacts to help avoid and minimize damage.

Rule	Potential Violations / Coral Impact Type	
	Involves an Agency Permit	Permit Not Involved
Clean Water Act Section 404	<ul style="list-style-type: none"> • Beach renourishment (incl. dredge anchor & cable drags; & pipeline impacts) 	N/A
Rivers & Harbors Act Section 10	<ul style="list-style-type: none"> • Port expansion • Beach renourishment (incl. dredge anchor & cable drags; & pipeline impacts) • Telecom cables • Gas pipelines 	N/A
Endangered Species Act [<i>Acropora</i> species only]	<ul style="list-style-type: none"> • Any violation of an <i>Incidental Take Permit</i> incl. above project types 	<ul style="list-style-type: none"> • Any impact that “takes” an acroporid coral. For example: anchor or vessel damage; or curio collecting

Field Situational Protocol

See permit compliance examination summary table (card B) for minimum information to collect. Some projects require permission to access site. Bring copy of permit for compliance inspections.

Potential Violations that involve an Agency Permit

Does the party have a USACE permit? (Be prepared to be shown a state permit.)

If permit is available:

Examine permit and project site to examine compliance in terms of footprint size, other project specs, general conditions, special conditions, and record information (incl. photos). If violation is present, respond based on particulars, process cease and desist if required.

If no permit available (no need for USACE permit on-site):

If potential violation but more info. needed, inform party that you need to investigate further. Confirm contact information. In office, determine if there is a violation. Issue cease and desist letter if the violation is ongoing. Issue NOV if it already has occurred.

Potential Violations that Do Not Involve an Agency Permit

Examine site per above and determine if a violation has occurred & under which rule.

Determine which agency has jurisdiction and contact that agency immediately. Document impacts (incl. photos and exact location), interview any knowledgeable parties.

PRIMARY FLORIDA STATE REGULATIONS INVOLVING CORAL RESOURCES

Consultation includes formal and informal. Turb.: turbidity (sediments in water column); Sedim.: sedimentation (settling of sediments onto bottom). Acronyms in MICCI Proj. 4, 21, 23, 24 Final Report. Blank cells: information not avail. Table is for general guidance only, refer to the statute/rule and lead agency for legal interpretation.

Florida Statute (F.S.) or Administrative Rule (F.A.C.)	Lead C & E Agencies	Consultation	Desk Permit	Field C & E	Impact Types	Penalty Structure		
						Admin.	Judicial	Criminal
F.S. §373.129., .413 & .414 Env. Resource Permitting	FDEP - SED, BBCS	FWC; NMFS, USACE, Counties	Yes	Yes	Turb., Sedim., Toxicity, Physical	FDEP - SED, BBCS	FDEP - LE, SED, BBCS	FDEP - LE
F.A.C. 62 - 302.500 & 530 Surface Water Quality Standards	FDEP - SED, BBCS	USEPA	Yes	Yes	Turb., Sedim., Toxicity	FDEP - SED, BBCS	FDEP - SED, LE BBCS	FDEP - LE
F.A.C. 62 - 4.242 & .244 Permit Guidelines, Mixing Zones	FDEP - SED, BBCS	FWC, NMFS USEPA	Yes	Yes	Turb., Sedim., Toxicity	FDEP - SED, BBCS	FDEP - SED, LE BBCS	FDEP - LE
F.S. §253.04 Protection of Sovereign Submerged Lands F.A.C. 18-14 implements the fine schedule	FDEP - SED, BBCS	FWC, Counties, NMFS	Yes	Yes	Turb., Sedim., Physical	FDEP - BBCS, DSL, SED	FDEP - BBCS, DSL, SED	FDEP - LE
F.S. §403.121 & .201 (& others) Pollution Control Enforcement, Remedies, Fees; Turbidity Variance	FDEP - SED, BBCS	FWC, NMFS, USACE, Counties	N/A	Yes	Turb., Sedim., Physical	FDEP - SED, BBCS	FDEP - SED, LE, BBCS	FDEP - LE
F.S. §403.93345 Coral Reef Protection Act Grounding, Anchoring, & Other Coral Damage	FDEP - CRCP, SED	CRCP, BBCS, FWC, Counties	N/A	Yes	Physical contact	FDEP - SED	FDEP - SED	
F.S. §161.054 & .055 Joint Coastal Permit F.A.C. 62B-54 implements the structure of fines	FDEP - BBCS	FWC, USACE, NMFS	Yes	Yes	Turb., Sedim., Physical	FDEP - BBCS	FDEP - BBCS, LE	FDEP - LE
F.A.C. 68B - 42.009 Marine Life Rule No Harvest of any Hard Coral, Sea Fan (<i>Gorgonia flabellum</i> or <i>G. ventalina</i>) or Fire Coral (<i>Millepora</i>)	FWC	CRCP, Counties	N/A	Yes	Physical contact		FWC - LE	
F.A.C. 68B-8 Special Activity License Coral Restoration or Mitigation	FWC	NMFS, PRD for acroporids	Yes	Yes	Physical contact	FWC	FWC - LE	
F.S. §258.008(3)(a) Coral Protection in State Parks	FDEP - DRP, SED	CRCP	N/A	Yes	Physical contact			
F.A.C. 62A-27.003(1)(a) State Endangered Species Pillar Coral (<i>Dendrogyra cylindrus</i>): <i>status may change</i>	FWC	CRCP	N/A	Yes	Physical contact	N/A		



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PRIMARY U.S. FEDERAL REGULATIONS INVOLVING CORAL RESOURCES

Consultation includes formal and informal. Turb.: turbidity (sediments in water column); Sedim.: sedimentation (settling of sediments onto bottom). Acronyms in MICCI Proj. 4, 21, 23, 24 Final Report. Blank cells: information not avail. Table is for general guidance only, refer to the statute/rule and lead agency for legal interpretation.

Federal Statute or Administrative Rule	Lead C & E Agency	Consultation	Desk Permit	Field C & E	Impact Type	Penalty Structure		
						Admin.	Civil	Criminal
Clean Water Act Section 404(b) 33 C.F.R. 323.2(e) Requires USACE permit for deposit of dredge or fill material in waters of the United States.	USACE	EPA NMFS FWS	Yes	Yes, limited	Turb., Sedim., Physical contact	USACE	USACE	EPA USACE
Endangered Species Act 50 C.F.R. § 17.3 * Section 9: Prohibits “take” of <i>Acropora</i> corals; “take” for threatened corals includes “to harass, harm, ...wound, kill, ... or collect, or to attempt to engage in any such conduct.” “Take” also includes any “signif. habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, sheltering.” §3(19) 16 U.S.C.	NMFS, USACE	NMFS for acroporids	Yes	Yes, limited	Turb., Sedim., Physical contact	USACE via CWA	USACE via CWA or RHA; NMFS	USACE via CWA or RHA; NMFS
Sustainable Fisheries Act Essential Fish Habitat (EFH) provisions include all coral habitats in the SAFMC, including the east coast of Florida.	USACE	NMFS, SAFMC	Yes	Yes, limited	Turb., Sedim., Physical contact	USACE (CWA or RHA)	USACE (CWA or RHA)	USACE (CWA or RHA)
Rivers and Harbors Act Sect 10 – Requires a USACE permit for structures or work affecting navigable waters of the US. 33 C.F.R. 322.3. “Work includes without limitation, any dredging or disposal of dredged material, excavation, filling, or other modification of a navigable water of the United States.”	USACE	NMFS	Yes	Yes, limited	Physical contact		USACE	USACE
Outer Continental Shelf Lands Act 43 U.S.C. §1333(e) Extends potential geographic reach of Section 10 of the Rivers and Harbors Act to the reaches of the continental shelf for “the construction of artificial islands, installations, and other devices on the seabed.” 33 C.F.R. §§320.2(b)	BOE	NMFS USACE	Yes	Yes, limited	Physical contact		USACE via RHA	USACE via RHA

* Endangered Species Act Critical Habitat Definition for *Acropora* species: “Natural consolidated hard substrate or dead coral skeleton that is free from fleshy and turf macroalgae cover and sediment cover.”

