

## **The Florida Coastal and Ocean Coalition**

Caribbean Conservation Corporation & Sea Turtle Survival League •  
Reef Relief • Gulf Restoration Network • Natural Resources Defense Council • The  
Surfrider Foundation • The Ocean Conservancy • Environmental Defense

March 13, 2008

Assistant Regional Administrator  
Protected Resources Division  
National Marine Fisheries Service  
Southeast Regional Office  
263 13<sup>th</sup> Avenue South  
St. Petersburg, FL 33701

**Re: Regulatory Information Number 0648-AU92  
(Proposed 4(d) regulations for Elkhorn and Staghorn coral)**

Thank you for the opportunity to submit comments regarding protective regulations, under the Endangered Species Act (ESA), being considered for the threatened species of Elkhorn and Staghorn coral. We are writing today representing over 100,000 activists in Florida and many more throughout the region and nation that believe healthy and sustainable coral reefs are not only good for the future of Florida, but the ecology and economy of the region as a whole.

We welcome the proposed ESA 4(d) regulations as a reasonable, responsible and effective means to promote the successful recovery of Elkhorn and Staghorn coral from its precipitous decline over the last 40 years. Our concerns primarily lie in the exceptions granted in the rule and a clearer understanding of activities which can be expected to receive authorization with an incidental take statement.

### **Exceptions**

The background materials for rule designation note measures are necessary to prevent the development of a black market trade for the species. We believe this is a primary concern that is not fully addressed. The exceptions provide for scientific and enhancement activities, including import and export, to be permitted by different (6) agencies. This we believe creates a problematic enforcement issue for the entities charged with intercepting illegal trade and activity.

We believe it would be far more beneficial to preventing illegal trade of the species if one of the six agencies was designated to issue the only permit valid for import or export; reciprocating permits received by them from other authorized agencies. This would limit the need for enforcement entities to recognize and differentiate fraudulent permits.

### **Activities authorized for incidental take**

While types of activities are identified which would constitute a violation of Section 9 of the ESA, should the proposed rule be adopted, we would like to characterize some

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specific activities occurring in Florida which we believe require profound changes in order to promulgate species recovery. The commonly accepted practices of waste water disposal via ocean outfalls, re-nourishment of beaches via dredge and fill activities and run-off from federally subsidized agriculture we believe will require comprehensive change for Elkhorn and Staghorn coral populations to make a robust improvement.

#### Ocean Outfalls

Currently there are (6) southeast Florida ocean outfalls which combined release over 300 million gallons of wastewater into coastal waters everyday. At such volumes – enough to fill Lake Okeechobee every 10 years – and under the knowledge that white pox disease in Staghorn coral is caused by a common bacteria found in sewage, renewal of permits for continuation of this practice should be denied.

#### Beach Dredge and Fill

Unwise coastal development and armoring of inlets along the Florida east coast have established a pattern of repeated beach dredge and fill projects. Miami-Dade and Broward County have predominantly depleted offshore supplies of beach compatible sand. Miami-Dade estimates the need for importing 12 million cubic yards of sand over the next 25 years to protect 9 miles of upland structures built too close to the shore. The sedimentation caused by dredge and fill activities, fill material migration and turbidity generated when improper material is placed in the beach environment require the need for extensive oversight of this practice to protect the primary habitat of elkhorn and Staghorn coral.

#### Run-off from agricultural practices

Federal subsidized agricultural practices in the southeast Florida region create an overabundance of nutrient laden run-off that migrates to coastal habitats. ‘Nutrient loading’ supports algal growth that impedes species attachment to substrate. While the issue of nutrient loading is being addressed in the Comprehensive Everglades Restoration Project (CERP), the broader implications of how Federal CERP efforts affect Elkhorn and Staghorn recovery need to be addressed. In 2007, the American Bar Association’s ‘Natural Resources and Environment’ Journal published an article by Florida State University Professor Robin Kinds Craig entitled: “Water Flow, Water Quality and Threatened Florida Corals” which details the importance of this issue (copy attached).

#### **Summary**

The Coalition emphasizes the implementation of an ecosystem-based approach to coastal and ocean management. While it is unfortunate that degradation of Elkhorn and Staghorn coral have created the need for classification as threatened species under the ESA, we believe a thoughtful, comprehensive and properly managed recovery of the species is possible.

Elkhorn and Staghorn coral are relatively fast growing corals and their reproductive rates from physical disturbances such as large surf in extreme storms bodes well for

their return as a prominent feature in southeast Florida and Caribbean waters. It is clearly the human interference, particularly disease, sedimentation and algal growth impeding substrate attachment, all of which can be effectively managed, that are the greatest inhibitors to the species recovery. It is in Florida and the Nation's best interest to make the concerted effort necessary to restore the species. Coral reefs have tremendous value because they protect coastlines, support tourism, provide medicines, are nurseries to juvenile fish and sustain fisheries which are a critical part of the world's food supply.

We appreciate the opportunity to provide these comments

Sincerely,

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