

## That Mangrove Forest is Protected

So, you are quarantining at home, keeping socially distant. It's not so bad, you live in Florida, in a nice house on the water. Even so, after months at home, you are restless. You need a new project to keep busy. While sitting on your back patio you think, 'these mangroves are really crowding out my view of the water'. Before grabbing your chainsaw, consider that mangroves are protected in Florida and the improper trimming or removal of mangroves can result in legal fees, fines and penalties.

Within Pinellas County (the "County"), there are 3 types of mangroves: red (*Rhizophora mangle*), black (*Avicennia germinans*) and white (*Laguncularia racemosa*). Mangroves are tropical trees that grow in calm intertidal areas. They provide numerous important benefits, such as controlling shoreline erosion, maintaining water quality, creating critical habitat and nursery areas, and supporting recreational and commercial fishing. Since the 1940s, about 86% of the mangroves in Florida have been lost—50% in the Tampa Bay region alone. In an effort to preserve and protect the remaining mangroves in the County, the Board of County Commissioners sought and received a delegation from the State of Florida to enforce the State Mangrove Trimming and

Preservation Act. In order to enforce the State Act, the County Commission adopted the County Mangrove Trimming and Preservation Regulations, which are codified in Chapter 58, Article XVI, of the County Code.


The County is one of only seven local governments in the State that have been delegated regulation over the trimming, alteration and protection of mangroves. The County Water and Navigation Section, which is within the Environmental Management Division of the Public Works Department, oversees the issuance of permits and exemptions under the County Code, as well as related enforcement actions. County Water and Navigation Section employees are available at **727.453.3385** to answer any questions and to assist property owners in the proper maintenance of their mangroves.

Pursuant to Section 58-609 of the County Code, it is presumed that any violation of the County mangrove regulations occurs with the knowledge and consent of the property owner, and that the owner is jointly and severally responsible for any restoration, fines or penalties that may be imposed. Accordingly, even if a property owner

retains a registered professional mangrove trimmer, it is the owner's responsibility to familiarize his or herself with the regulations and ensure that any trimming is done in accordance therewith. To avoid any potential noncompliance issues, a property owner should obtain a copy of any mangrove trimming permit or exemption from his or her contractor or the County Water and Navigation Section. Information about mangroves, a link to the County mangrove regulations, and a list of professional mangrove trimmers registered in the County, is available at [www.pinellascounty.org/environment/watershed/mangroves](http://www.pinellascounty.org/environment/watershed/mangroves).

Of course, should you or your contractor have difficulty getting a permit, or run into a problem with your neighbors, the County, or State, before, or after the work is performed, consult with an experienced environmental attorney.

**Kevin S. Hennessy**, is one of the founders of the law firm of Lewis, Longman and Walker, P.A. and is the Shareholder in Charge of its St. Petersburg office. Mr. Hennessy has practiced in the areas of environmental and land use law in Florida for over 30 years.




## YOUR PROPERTY RIGHTS DON'T STOP AT THE WATER'S EDGE

The permitting process for a new dock can be a challenge, and your rights on the water are not as evident as they are on land.

The attorneys at Lewis, Longman & Walker are recognized leaders in coastal law, riparian rights, and environmental permitting. We can help you obtain permits for a new dock, protect your riparian rights from encroachment by others, and make sure your valuable waterfront is shielded from future impacts.

**For more information, contact Kevin Hennessy at [khennessy@llw-law.com](mailto:khennessy@llw-law.com) or at (727) 245-0820.**



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