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Art Basel | Floating 'wet foot/dry foot' artwork sunk by Coast Guard

By JAMES H. BURNETT III

A day after ordering an artist in South Florida for Art Basel to remove a floating display from the coastal waters off Miami Beach, the U.S. Coast Guard issued a statement Wednesday defending its order and insisting the artist still has a chance to get his work back on the water.

At issue: A safety cone that artist Tom Bogaert placed in the coastal waters near South Beach.

The cone, part of Bogaert's *Piso Mojado* series, is marked with the words "Wet Floor," as a social commentary on the U.S. government's so-called "wet foot/dry foot" policy, which dictates that Cuban refugees can remain in the United States if they make it to dry land, but risk repatriation to Cuba if they don't.

As part of *Piso Mojado*, Bogaert places a yellow, multilingual safety cone on a mooring buoy. He has also mounted the cones in the waters off Brooklyn, N.Y., Staten Island, N.Y., Belgium, and France.

In an e-mail to The Miami Herald, Don Carroll, speaking for Bogaert, wrote that 'the piece was removed as a response to the overwhelming volume of Miami's Cubans who found the buoy to be 'poor in taste' and 'provocative.'"

Not so, insisted the Coast Guard.

A statement issued by the Coast Guard's 7th District Command Office in Miami said the removal was in no way political.

Federal code says that all "aids to navigation," which include buoys and any in-water safety devices, must be preapproved by the Coast Guard.

A serviceman who answered the phone at the Miami Coast Guard office said the regulation was designed to keep boaters and swimmers from being confused into thinking a safety cone guarantees the area is safe for boating and swimming.

If Bogaert makes a formal request to the Coast Guard to place his cone in Miami Beach coastal waters, it's likely his request will be approved on the condition the cone is displayed in a way that can't confuse boaters and swimmers, the serviceman said.

Carroll did not respond to a request for further comment.