

LTC#

534-2019

LETTER TO COMMISSION

To: Mayor Dan Gelber and Members of the City Commission

From: Jimmy L. Morales, City Manager 

Date: October 4, 2019

Subject: Marine and Waterfront Protection Authority Resolution:
For the Mitigation of Damage to Coral Reefs on Miami Beach

The purpose of this Letter to Commission (LTC) is to transmit a Resolution adopted by the Marine and Waterfront Protection Authority (MWPA) at its September 10th, 2019 meeting. The board has passed a Resolution to advise the Mayor and City Commission about the impacts suffered by coral reefs off the coast of Miami Beach as a result of the PortMiami dredging project that took place from 2013-2015 and to request the Mayor and City Commission send a letter to the Florida Department of Environmental Protection, Miami-Dade County, and Miami Dade County DERM demanding such agencies move forward with their overdue and legally mandated impact assessment and mitigation plan to restore the reef.

A sample letter, including a history and summary of impacts suffered by corals reefs off the coast of Miami Beach, is set forth below.

From 2013 to 2015, a major dredging project to deepen and widen the PortMiami shipping channel took place under Florida Department of Environmental Protection (FDEP) permit number 0305721-001-B ("Permit"). The offshore portion of the Miami Harbor expansion project, bisecting the Florida Reef Tract, was completed on April 8, 2015. The remainder of the project was deemed complete by the U.S. Army Corps of Engineers on September 17, 2015.

The Permit specifies in Specific Condition 32(a)(ii)(d) that "Final monitoring results shall document **permanent impacts**, if any, to be used for estimates of additional mitigation using UMAM." The permit further states, "The Department will enter into a contractual agreement with the project's local sponsor, Miami-Dade County (County), under which the County, commencing 90 days after project completion, will also, along with the Permittee, be responsible for undertaking post-construction mitigation and resource monitoring and additional corrective mitigation (if necessary) as, and to the extent, required by the permit."

Permit modifications made November 20, 2015 state: "surveys conducted within the first year post-construction will provide the Department with sufficient information to assess impacts and to use UMAM for calculating the amount of compensatory mitigation required to offset permanent impacts... Post-construction survey results will be used by the Department to assess project-related impacts and

determine the amount of compensatory mitigation, if any, required to offset impacts using UMAM.”

It has now been 4 years since the completion of the project, and 4.5 years since the completion of dredging near the reefs, and 2 years since post-construction monitoring data was released. However, there is still no UMAM analysis from FDEP, no impact assessment, and no finding of permanent impacts from this project. This is despite mounting evidence (Water and Air Research Task 1 report, 2017) and peer reviewed literature (Miller et al. 2016, Cunning et al. 2019) demonstrating that impacts to the offshore reef were significant, long-lasting, and in urgent need of mitigation and restoration efforts and meet the criteria of “permanent impacts”.

In the time since the dredging occurred, Miami Beach has been suffering from the loss of our nearby coral reefs with no remedy. Coral reefs are vital to our tourism economy, support many local businesses, maintain our fishing community, and also protect our coastline from storm surge, which is desperately needed in this era of sea level rise and severe storms.

We understand that compensatory mitigation and associated restoration of the reef damaged by this project may also take years to complete, and in the meantime, our reefs, Miami Beach, Florida, and the nation, remain the uncompensated victims.

I therefore ask you to direct staff to immediately utilize all available information about the impacts to the coral reefs – and, for that matter, to Biscayne Bay’s seagrass – resulting from this project, and to rapidly create a plan to fix our reefs and to make the State of Florida whole for what was taken from us during this project. We encourage you to make this a process that includes public participation and makes use of the best available science for advanced coral restoration methodologies. It is our understanding that, according to the permit, your agency has the authority to do this. We therefore ask for a robust and scientifically sound impact assessment and mitigation plan as soon as possible.

Thank you for your consideration.

Action: Motion was made by Caiti Waks, seconded by Ben Mostkoff. Resolution passed unanimously.

Citations:

Cunning R, Silverstein RN, Barnes BB, Baker AC (2019). Extensive coral mortality and critical habitat loss following dredging and their association with remotely-sensed sediment plumes. *Marine Pollution Bulletin* 145:185-199. doi:10.1016/j.marpolbul.2019.05.027

Margaret W. Miller, Jocelyn Karazsia, Carolyn E. Groves, Sean Griffin, Tom Moore, Pace Wilber, Kurtis Gregg (2016) Detecting sediment deposition impacts to coral reefs resulting from dredging the Port of Miami, Florida USA. *PeerJ* 4:e2711, DOI 10.7717/peerj.2711

Water and Air Research Inc prepared for U.S. Army Corps of Engineers. 2017 Miami Harbor Phase III Dredging Project: Sediment Transport, Dispersal and Deposition Study, Outer Entrance Channel of the Miami Harbor.

JLM/EC/HC/TC/TB/gm

C: Eric Carpenter, Assistant City Manager
Hernan Cardeno, Esq., Code Compliance Director
Thomas Curitore, Code Compliance Assistant Director
Tasha Byars, Code Compliance Administrator & MWPA Liaison