



FLORIDA SHORE & BEACH PRESERVATION ASSOCIATION

A League of Cities and Counties on Beach and Coastal Issues

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TO: Daryll Joyner, FDEP

FROM: Pepper Uchino

DATE: May 17, 2021

RE: FDEP Triennial Review of State Surface Water Quality Standards Public Workshop
May 2021 – Coral Turbidity Criterion

CC: Jackie Larson, Lisa Armbruster

The Florida Shore and Beach Preservation Association respectfully submits the following comments regarding the May 5th public workshop on the Department's proposed revisions to Florida's water quality standards under the Triennial Review, specifically as it relates to the coral turbidity criterion.

With the removal of the draft turbidity implementation document by rule reference as well as completely from the discussion (it is no longer even found on the triennial review webpage), we are challenged to understand how the turbidity criterion as it relates to beach projects will be implemented. With that said, we reiterate our comments submitted on November 19, 2019, and December 8, 2020, regarding how the revised turbidity criterion for the protection of coral reefs and hardbottom communities will be implemented. In addition, we have real concern that this issue is now being shifted to the permitting/regulatory process, and again, we are uncertain as to how it will be implemented. Will this be left to a wait and see approach and/or individual permit-by-permit process?

While it is challenging to comment on how the turbidity criterion will be implemented and our past comments still stand given the lack of direction, we do have a few general comments from the workshop on May 5, 2021.

1. Paragraph 62-302.530(70)(b), F.A.C., now states "Turbidity shall not be increased above background conditions within areas of the state where coral reef or hardbottom communities are currently found or have been demonstrated to have occurred since November 28, 1975...." When asked during the workshop, FDEP stated they have maps; however, these maps are not on the triennial review webpage.

2. FSBPA inquired as to how the turbidity criterion will be applied where hardbottom has already been mitigated for. FDEP stated this will be “taken into account”; however, it is unclear how these cases will be handled. FSBPA also inquired as to whether the criterion would apply in cases of artificial/recreational reefs, and again, it was unclear how these cases will be handled.

Further, the Draft Technical Support Document for the Revised Turbidity Criterion to Protect Florida Coral and Hardbottom Communities is used to justify the proposed revisions to the turbidity criterion. The report explains there are a variety of sources that contribute to turbidity (biotic and abiotic/manmade/natural), as well as identifies activities other than beach and inlet management projects that contribute to elevated turbidity. Yet, at the May 5, 2021, meeting, it was expressed that the criterion would only be considered for beach and port projects. There are also several contradictions in the report and a complete failure to discuss the current regulatory procedures or the efforts taken by the regulated community to protect these resources during construction projects (buffers, dikes, upland sand sources, mixing zones, etc.). Additionally, the report frequently conflates sedimentation and turbidity and appears to use the literature on impacts to coral reef communities from sedimentation to justify changes to the turbidity criterion for coral and hardbottom habitats.

In closing, our organization continues to be very concerned with how this revised coral turbidity rule will be implemented. We feel the process has not adequately considered stakeholder input nor addressed previous comments and concerns. In addition, it seems that FDEP has not taken the opportunity to utilize and analyze the wealth of turbidity data at its disposal, and instead will shift this issue to an unknown project-by-project process. Finally, with the lack of understanding on how this coral turbidity criterion will be implemented, we must reiterate that the potential cost ramifications to Florida’s beach restoration and nourishment projects – which, per Chapter 161.088 Florida Statutes, are in the public interest – must not be understated.