



Draft Implementation of Turbidity Criterion Talk Points

Broward County **supports** revisiting current turbidity standards for coral reef protection. However, the County is **opposed** to the current *Draft Implementation of the Turbidity Criterion for the Protection of Coral Reef and Hardbottom Communities* (Draft Rule) by the Florida Department of Environmental Protection (FDEP). The Draft Rule proposes to revise project turbidity limits to those encountered during sampling of still water conditions. These turbidity limits do not account for seasonal variability and will create significant risk to the County's permitting process and contractors during bidding and construction of projects. This risk can be expected to significantly increase the cost of coastal projects without corresponding benefits.

BACKGROUND

- The Southeast Florida Coral Reef Conservation Area (Coral ECA) extends from St. Lucie Inlet in Martin County to Biscayne National Park Boundary in Miami-Dade County.
- The current turbidity standard for coastal construction projects is 29 NTU above background.
- FDEP is proposing a turbidity criterion that would disallow any turbidity above background.

ISSUES

- While the Draft Rule proposes consideration of the natural variability in turbidity levels, the guidance substantially biases the data towards unnaturally calm conditions with artificially low turbidity levels based on the following:
 - Sampling must be done when weather conditions remain relatively uniform throughout a tidal cycle.
 - Applicants must avoid sampling when weather fronts are moving through the area or when wind speed or direction is expected to change significantly.
 - Data collected during these periods of "changing or extreme weather conditions" shall not be used.
 - Clarification of these weather events or conditions would be required as they are not defined.
 - Standards must be assessed over three (3) tidal cycles, at a minimum.
 - The proposed method for establishing background conditions is defined as incorporating natural variability. However, if any outliers are found within the dataset, guidance requires removal of these prior to establishment of turbidity standards. Removal of these datapoints specifically excludes natural variability from the data set.
- Permit applicants are responsible for determining and establishing natural background, with approval by the State (there is no indication moving forward about what these numbers might be).
- Standards cannot be obtained more than three (3) months prior to the beginning of the project, inserting substantial uncertainty in the project bid process, and potentially establishing an artificially low standard for construction during a more dynamic season.
- Projects that extend longer than three (3) months may have season specific turbidity standards, which will be unknown until construction is already underway.



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IMPLICATIONS

- **The turbidity criterion for corals will affect dredging, beach nourishment, resiliency and other projects.** Implementation of this protocol could impose frequent shut down of coastal construction projects and idle time, resulting in significantly higher costs and extensive delays in construction timelines.

RECOMMENDATIONS

- Broward County supports a more protective turbidity standard for coral reef protection but only after the state studies seasonal turbidity standards, inclusive of a more complete range of natural variability, based upon established science.
- Due to the temporary nature of dredging, bypass, and beach renourishment projects and their impacts on the local and regional economies, special consideration for these projects to minimize turbidity to the extent practicable should be written into the rules.
- Extensive time, money, and effort have been performed by Broward County, state and federal agencies relating to the Sand Bypass and the federally authorized Port Everglades Deepening and Widening Project. A change to the criteria for such projects could devastate established timelines and may prevent feasibility. Current turbidity standards should remain in place during the final permitting of these projects.

ACTION REQUESTED

Stakeholders are urged to review both Implementation and Revised Turbidity Criterion supporting documents with consideration of how proposed guidance could impact future construction dredging, beach nourishment and resiliency projects. Broward County urges attendance and comment at the Triennial Review of Surface Water Quality Standards Public Workshop on November 6, 9:00AM at Nova Southeastern University, Halmos College of Natural Sciences and Oceanography, Guy Harvey Oceanographic Center Auditorium, 8000 N. Ocean Drive, Dania Beach, Florida.