

JAXPORT

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Port Canaveral

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Port Everglades

Port of Fernandina

RE: Triennial Review of State Surface Water Quality Standards –
Comments on Draft Coral Turbidity Criterion Implementation

Port of Fort Pierce

Port of Key West

PortMiami

Port Manatee

Port of Palm Beach

Port of Panama City

Port of Pensacola

Port of Port St. Joe

Port St. Pete

Port Tampa Bay

The Florida Ports Council has been following the Florida Department of Environmental Protection (FDEP)'s Triennial Review of the state's surface water quality standards, particularly the Turbidity Criterion under Chapter 62-302.530(70), F.A.C., and had representatives at each of the workshops and teleconferences. The Florida Ports Council appreciates the Department's efforts to update the Draft Coral Turbidity Criterion Implementation Document in response to stakeholder comments. The Council has reviewed the update and still has concerns as to the impacts this will have on many of Florida's seaports. Accordingly, we offer the following comments that we hope you will find helpful to improve the rule while still protecting Florida's coral reefs and hardbottom communities.

Primarily, and as stated in the Council's previously submitted comments, we are concerned that this proposed revision is being promulgated without first establishing a clear cause and effect relationship, e.g., what is the environmental impact associated with slightly elevated turbidity above background (between 1-29 NTU above background)? There does not appear to be any review of data to demonstrate such criterion is statistically meaningful or that certain turbidity levels have predictable impacts on coral and hardbottom communities.

FDEP staff indicated in previous workshops that there is currently insufficient data to establish a new numeric standard. Rather than review the tens of thousands of turbidity samples collected in accordance with FDEP JCPs issued over the last decade, FDEP moved forward with this updated approach to establishing project specific turbidity criterion. It does not appear FDEP has conducted any meaningful analysis of the abundant Florida specific data to justify such a drastic change. We strongly urge FDEP to perform this analysis and issue a report to justify any revisions to the turbidity standard.

We also remain concerned that this proposal is not cost-effective, even as provided in this updated draft. The potential cost implications with the excessive shutdowns of dredging projects will have drastic impacts on Florida's seaports implicated by this rule change, which would appear to stretch from Brevard to Manatee Counties. We understand that FDEP updated the definition of hardbottom along with the criteria for identifying coral and hardbottom communities, but, as best we can tell, there is no practical change to the geographical impacts of the prior iteration. Additionally, while we acknowledge that FDEP attempted to reduce the impact of the rule with its updated method for establishing the turbidity limit, the significant reduction from 29 NTUs to FDEP's stated goal of 3-7 NTUs will still result in frequent dredging shutdowns, costing Florida's seaports, and their state and federal funding partners, tremendous amounts of money.

Lastly, this update still does not address the temporal factor of turbidity impacts on corals. Science suggests, and FDEP acknowledges, that the effect of turbidity on coral morbidity is inversely related to time. Corals have adapted to short durations of very high turbidity. Conversely, relatively small increases of turbidity above background over a long period can also impact corals. Once again, FDEP needs to analyze data specific to Florida waters and coral ecosystems to categorically determine the proper turbidity criterion for Florida waters, factoring time into the equation. Without such an analysis, the Council believes the criterion will lack proper scientific justification to support the rule and its noted financial impacts to the seaport industry and the Florida businesses and residents it supports.

On behalf of the Florida Ports Council, we appreciate the opportunity to provide the above comments. If you have any questions or need any assistance from us, please feel free to contact the Council or our environmental consultant Matt McDonald, at matt@littlejohnmann.com or 850-528-3947.

Sincerely,



Doug Wheeler
President & CEO
Florida Ports Council

Cc: Jeff Littlejohn, P.E., Environmental Consultant, Florida Ports Council
Matt McDonald, J.D., Environmental Consultant, Florida Ports Council