



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: December 8th, 2020

RE: FDEP Second Draft Implementation of the Turbidity Criterion for the Protection of Coral Reef and Hardbottom Communities Document

The Florida Shore and Beach Preservation Association respectfully submits the following comments regarding the second draft Implementation of the Turbidity Criterion for the Protection of Coral Reef and Hardbottom Communities document that are being considered as part of the Florida Department of Environmental Protection's Triennial Review of Florida's Water Quality Standards.

To reiterate our comments submitted on November 22nd, 2019 on the first draft of this document, we fully support protecting coral reefs and hardbottom communities. However, our organization and our members still have significant questions and concerns regarding the technical aspects of the proposed documents as well as the potential for significant economic cost related to beach projects. While we acknowledge that there have been some changes that we support – such as excluding worm reef – many of the comments and concerns have not changed from the first draft. We expect you have received additional, individual comments from our members and technical experts. Therefore, we will not list each individual comment here, but will offer some general comments and questions below. Finally, it should be noted that the short time frame for review of this document might have precluded some local governments and experts from having adequate time to consider the document and provide meaningful comment, especially considering many of our affected members are in active construction phases. It is our hope that future iterations of this document will allow time for a more thorough review and input from all entities.

1. It is still unclear from the document the geographical extent to which these turbidity criteria will apply. The rule seemingly applies to a broad class of hardbottom communities stretching from Manatee to Brevard County, to include projects that are not currently considered to be impacting hardbottom. There are very real and serious economic

consequences to this. In addition, there are questions as to whether historic (how long ago?) hardbottom resources and mitigated hardbottom are included, as well as what hardbottom proximity threshold from a project area or borrow area will apply. We highly recommended that a more detailed map of the expected areas be delineated, and better descriptions of hardbottom, critical habitats, and specific species be developed.

2. The statement on page 7 that offshore south Florida was historically known for “gin clear water” is not supported by any reference.
3. On page 7, the document proposes that sufficient historical data for a given site could be used to establish baseline conditions. What would constitute “sufficient” and “historic?”
4. As proposed, if a project relies on existing turbidity data to establish baseline turbidity variability, the resulting permit limits will be more conservative. As a result, there will certainly be increased costs to beach projects to establish baseline levels. The costs will include baseline station establishment, sampling, data analysis, and reporting.
5. There are still many questions and concerns related to the methods, procedures, and calculations for measuring baseline. There are notable concerns with not only using tidal cycles as the basis for baseline turbidity which largely excludes wave influence, but also on the small number of minimum tidal cycles (four). While it states that four is the minimum number of tidal cycles (is there any evidence that this is enough to determine a baseline for any project?), further clarification is needed on how many pre-project turbidity stations are required (“at least one”). In addition, while there is language about measuring data over seasons, there are questions about how seasons are defined. There are also questions regarding when multiple baseline stations may be required due to distinctly different areas within the overall project area. Finally, in terms of the outlier analysis, it is unclear what “small” means in terms of the sample size as well as concern that outliers should be expected given the naturally dynamic nature of the wave climate. Will all these details be determined by FDEP staff on a project-by-project basis? These unknowns can lead to considerable cost associated with establishing baseline.
6. The proposed methods and process do not seem to adequately consider duration of turbidity limits.
7. Appendix A details turbidity values suggested by the department if the permittee elects to not establish a baseline via collection. However, these values are extremely low and do not seem applicable to beach projects, given that data from stations within 200 meters of shore were excluded from the analysis.

In closing, while we all agree that protection of coral and hardbottom communities is important, we must also note that the department recognized in its 2019 Turbidity Technical Support Document, “Revised Turbidity Criterion to Protect Florida Coral and Hardbottom Communities,” there is currently a lack of sufficient scientific studies to demonstrate a scientifically defensible threshold. The document also mentions pursuing partnerships with Florida universities to collect the dose-response data necessary to develop a numeric turbidity or Suspended Sediment Concentration

criterion to protect sensitive coral and hardbottom communities. We encourage FDEP to take the time to undertake necessary study. In fact, FDEP has a trove of turbidity sample data collected on numerous projects around the state that could and should be thoroughly analyzed. The research and need for additional turbidity data should not be satisfied via the project permitting process.

In addition, FDEP has assured us that beach projects would generally not be affected by the proposed turbidity limit revisions because of the opportunity to obtain mixing zones following procedures similar to those required for Outstanding Florida Waters. However, these statements are caveated by the statement that if corals and hardbottom are present, the turbidity criterion could affect the boundaries (size) of allowable turbidity mixing zones, limits applied to permits, and associated water quality monitoring requirements for Joint Coastal Permits (JCP) and Environmental Resource Permits (ERP) in these areas whenever there is an expectation that the project will generate turbidity above the existing background.

The cost ramifications to Florida's beach restoration and nourishment projects due to these proposed turbidity limit changes – which, per s. 161.088, F.S., are in the public interest – must not be understated, and we will emphasize them again. The document sets an expectation that an appropriate magnitude of the criterion would likely fall between 3 and 7 NTU, which is significantly less than the current standard of 29 NTU. There will not only be costs associated with the required turbidity baseline establishment, but also project monitoring. Even more significantly, there will be identifiable consequences to beach project construction schedules due to significant time extensions caused by resulting requirements for frequent and possibly lengthy dredging shutdowns. And, in fact, the increased duration of construction projects directly increases both cost and stress to the same environmental resources that are sought for protection.

Thank you for the opportunity to engage with department staff and offer these comments to the revised draft.

A handwritten signature in black ink, appearing to read "P. Uchino", with a stylized, flowing script.

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