



# Florida Department of Environmental Protection

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## COMPLIANCE ASSISTANCE OFFER

April 18, 2014

Eric Summa  
Chief, Environmental Branch  
U.S. Army Corps of Engineers  
701 San Marco Boulevard  
Jacksonville, FL 32207

**Miami Harbor Phase III Federal Channel Expansion**  
**Permit No. 0305721-001-BI**  
**County: Miami-Dade**

Dear Mr. Summa:

A review of the Coral Stress & Sediment Block Monitoring Reports for the Miami Harbor Phase III Federal Channel Expansion, Permit No. 0305721-001-BI, submitted through April 16, 2014, indicates that the activity is not in compliance with Part IV of Chapter 373, F.S., Titles 40 and 62, Florida Administrative Code (F.A.C.). The purpose of this letter is to offer to provide you with compliance assistance as a means of resolving these matters.

The Coral Stress & Sediment Block Monitoring Report document secondary impacts (i.e., sedimentation stress on corals) at multiple compliance monitoring stations. Scleractinian condition data show that coral stress has increased at channel-side compliance sites since the construction activity began. Moreover, statistical results show that coral stress at channel-side compliance sites was significantly greater than coral stress at reference sites on more than one occasion.

DEP Permit No. 0305721-001-BI, Specific Condition 32.a.ii.d, provides that “stress expressed above normal by corals and/or octocorals within transects will require an additional survey to outline the area(s) of impact. Impacted areas shall continue to be monitored monthly during the construction, one month post-construction, and two times during next year in order to document results of the impact. Final monitoring results shall document permanent impacts, if any, to be used for estimates of additional mitigation using UMAM.”

DEP Permit No. 0305721-001-BI, Specific Condition 32.a.iii.2, provides that “in the case of a significant event, the dredging operation must move to a new location until: 1) effected organisms have recovered (signs of stress are no longer visible) as approved by a biologist, or 2) a determination is made that it is potentially a secondary impact and the protocols in SC 32.a.ii.d for monitoring and additional mitigation, if any, shall be followed.”

The Week 20 Coral Stress & Sediment Block Monitoring Report, received April 16, 2014, reflects that the dredge resumed work during week 20 in areas near hardbottom sites that have not recovered from sediment stress that was documented in previous reports. The Department acknowledges that adaptive management strategies have been implemented, including (but not limited to):

- Spider barge activity ceased from 2/9/14 to 3/6/14 to allow sites to recover
- Dredging has been relocated away from the southern hardbottom sites
- Dredge has been relocated several times to limit immediate impacts to adjacent habitat
- Use of green valves on scows to reduce turbidity has been restricted or stopped

The Department recommends discontinuance of work within the area that is causing hardbottom impacts and move to a new location until signs of stress are no longer visible, in accordance with Specific Condition 32.a.iii.2. The Department also recommends that additional surveys be conducted as required by DEP Permit No. 0305721-001-BI, Specific Condition 32.a.ii.d. Please contact Department staff if you have any questions regarding survey methodology for delineating and monitoring impacted areas.

PLEASE BE ADVISED that this Compliance Assistance Offer is part of an agency investigation preliminary to agency action within the meaning of Section 120.57(5), F.S. The Department requests that you review the concern noted above and respond in writing within 15 days of receipt of this Compliance Assistance Offer.

It is the Department's desire that you are able to document compliance and corrective actions concerning the possible violations identified above so that this matter can be closed without enforcement. Your failure to respond promptly in writing (or by email) may result in the initiation of formal enforcement proceedings.

Please provide your response to Charlotte Hand, JCP Compliance Officer, in writing via e-mail at [charlotte.hand@dep.state.fl.us](mailto:charlotte.hand@dep.state.fl.us) or at the address provide above, referencing Mail Station 3566. When writing, please reference the project name and number provided above. If you have any questions you may contact Ms. Hand at (850) 245-7591 or Dr. Peterson at (850) 245-8524 for technical questions. We look forward to your cooperation in completing the investigation and resolution of this matter.

Sincerely,



Danielle Irwin, PWS  
Deputy Director of Beach Management, Mining and ERP  
Division of Water Resource Management

cc:

Jim McAdams, ACOE  
Matt Miller, ACOE  
Terri Jordan-Sellers, ACOE

Chris Pomfret, Great Lakes Dredge  
and Dock  
Becky Hope, Port of Miami

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