

CWG Review 1: Spring 2015

Tier 1 Information:

1. Management Action

S-103 Incorporate existing, and adaptively integrate, BMPs into project design and construction practices to avoid and minimize impacts to coral reefs from coastal construction projects.

2. Intended Result (Output/Outcome)

What is the end product/result of this management action?

- This is focused on construction phase, this is during construction, so how the contractor is operating.
- Output: BMPs incorporated into permit requirements for coastal construction projects Outcome: minimize impacts from coastal constructing projects
- BMPs are already created (MICCI 6), they just need to be updated and actually required in the permits (to be able to be enforced). Need to either reference the entire BMP document in the permit general conditions, or get each respective regulatory agency to do a legal review of each specific BMP to ensure that it is enforceable by the respective agency – which ultimately would allow them to include the approved BMPs in the special permit conditions. DEP and USACE are already incorporating certain BMPs in the current permits, it just isn't consistent.
- This MA will produce a summary document of potentially applicable BMP's for consideration for guidance and possible inclusion within relevant permits. It is acknowledged that a document delineating BMP's was produced previously and this document will serve as a starting point for this MA. Conceivably this document would be reviewed and updated through this MA.
- This speaks to minimizing and eliminating impacts such as burials, habitat removal, cable drags, and excessive siltation and turbidity on coral reefs from projects such as beach renourishment, port expansion, etc.
- Could be fuel spills, cables, ingress/egress, type of equipment, discharge of materials, screening, where material is being deposited, use and construction of berms,

3. Duration of Activity

Is this a discrete action or a recurring activity? Explain.

- Current thought is this would be a discrete action. Future updates could be incorporated as needed.

4. Justification

What issue or problem will this management action address? Explain.

- Contractors have BMPS not enforced by state permits, state permits are at a more detailed level including EIS information and are not always considered. List generated by the state could be incorporated into permit documents including turbidity issues and (machinery and technology improvements)
- At present there is limited, formal guidance for the delineation of BMP's to inform the regulatory process. This MA would prepare a document that would provide such guidance.

5. Potential Pros

What are the potential advantages associated with this management action?

- Eliminate burials, minimize impacts from coastal construction, increase water quality and maintain the ecological function of the resource as well as clarifying expectations for the contractor. Set of guidelines for better construction.
- This MA would create a guidance document that would help to inform the regulatory process. In principle this would result in more relevant and focused BMP's within permits.

6. Potential Cons

What are the potential disadvantages associated with this management action?

- Staff time, additional enforcement, additional cost as well as extending time for construction projects. Training for contractors and managers will require internal staff time and cost for training materials.

7. Location

County/Counties: Miami-Dade, Broward, Palm Beach, Martin, Other?

- All

Relevant Habitats: Coral reef, seagrass, watershed, etc.?

- All. Coral reefs, seagrass, all near shore and benthic ecosystems

Specific Location: City, site name, coordinates, etc.?

- All

8. Extent

Area, number, etc.

- All regions, all ecosystems.

9. Is this action spatial in nature?

- no

Tier 2 Information:

WHY?

1. Strategic Goals & Objectives to be Achieved

Refer to the [SEFCRI Coral Reef Management Goals and Objectives Reference Guide](#).

- - Goal C4 Obj 4 – Improve consistency and level of enforcement of current rules and regulations.
- MICCI Conservation Goal C – Minimize and where possible eliminate habitat destruction from maritime industry and coastal construction activities.
- MICCI Issue 1 Goal – Protect coral systems from impacts associated with projects in and around the reef tracts of southeast Florida.
- MICCI Issue 1 Goal Obj 1 – Review, revise, implement and enforce existing regulations. Increase effectiveness of permit conditions to protect coral communities and increase efficiency of regulatory review.
- MICCI Issue 1 Goal – Protect coral systems from impacts associated with projects in and around the reef tracts of southeast Florida.
- MICCI Issue 1 Goal Obj 1 – Review, revise, implement and enforce existing regulations. Increase effectiveness of permit conditions to protect coral communities and increase efficiency of regulatory review.
- MICCI Issue 1 Goal Obj 2 – Avoid and minimize impacts to coral reef ecosystems from dredge and fill activities. Reduce the areal extent of project-related impacts.
- MICCI Issue 2 Goal – Change coastal construction practices in ways that protect marine and estuarine habitats.
- MICCI Issue 4 Goal – Ensure compliance with regulatory requirements (including specific conditions) by increasing compliance review and enforcement actions.

2. Current Status

Is this activity currently underway, or are there planned actions related to this recommendation in southeast Florida? If so, what are they, and what is their status.

- BMPs exist. Currently there is no move to change permit requirements to include these actions.
- There is currently no initiative to formalize BMP's.

3. Intended Benefits (Outcomes)

What potential environmental benefits or positive impacts might this management action have?

- Reduce/eliminate impacts to coral/hardbottom communities
- Provide for more relevant and consistent BMP's within the regulatory process.

What potential social/economic benefits or positive impacts might this management action have?

- Healthier reefs, clearer water during construction
- Reduction in adverse impacts from construction projects.

What is the likely duration of these benefits - short term or long-lasting? Explain.

- Both, less impacts during construction, and better projects that hold up and reduce impacts long term.

4. Indirect Costs (Outcomes)

What potential negative environmental impacts might this action have?

- Don't know of any.

What potential negative social/economic impacts might this action have?

- May increase construction duration and/or cost.

What is the likely duration of these negative impacts - short term or long-lasting? Explain.

- Increases would most likely be permanent, unless other efficiencies can be developed

5. Risk

What is the threat of adverse environmental, social, or economic effects arising from not implementing this action?

- Inability to require/enforce actions listed in the BMP document could result in an increased likelihood of damage to coastal resources.

6. Relevant Supporting Data

What existing science supports this recommendation? (Provide citations)

- There are documents already in existence
- http://www.dep.state.fl.us/coastal/programs/coral/reports/MICCI/04/MICCI_04_21_23_24_Phase_2_Report.pdf
- http://www.dep.state.fl.us/coastal/programs/coral/reports/MICCI/MICCI_6_BMP_Manual.pdf

7. Information Gaps

What uncertainties or information gaps still exist?

- It is very hard to document and delineate impacts that result directly from coastal construction projects. It is a very large offshore area, and often too many unknowns to make definitive connections. Better oversight coupled with an improved understanding of the offshore environment would help to lessen the uncertainty.

WHEN?

8. Anticipated Timeframe for Implementation

How long will this recommendation take to implement?

- 1-2 years....regulatory change would require workshops, comment periods and the like
- If the MA is a guidance document, then no rule change or formal process is required.

9. Linkage to Other Proposed Management Actions

Is this activity linked to other proposed management recommendations?

- yes

If so, which ones, and how are they linked? (e.g., is this activity a necessary step for other management actions to be completed?)

- -N-98, S-120, S-124 if they were made just a little more general to include all coastal construction and not

limited to the most likely coastal construction – beaches.

WHO?

10. Lead Agency or Organization for Implementation

What agency or organization currently has/would have authority? Refer to the [Agencies and Actions Reference Guide](#).

- DEP/USACE Each would have jurisdiction and separate processes to incorporate these new requirements
- MA focus would be on the State regulatory process.

11. Other Agencies or Organizations

Are there any other agencies or organizations that may also support implementation? Explain.

- project sponsors

12. Key Stakeholders

Identify those stakeholders most greatly impacted by this management action, including those from whom you might expect a high level of support or opposition. Explain.

- Local sponsors of construction projects would be primarily impacted
- divers, beachgoers, tourism industry (user groups)
- marine contractors
- Regulatory staff

HOW?

13. Feasibility

Is there appropriate political will to support this? Explain.

- Don't know that this is on the political radar. With so many other issues, and emphasis on economic incentives, not sure there would be support from this administration. Elected officials could go either way – saving corals is good, increasing cost is bad
- If the MA is a guidance document than no formal process is required and no political process is required.
- Options for regulatory permit conditions are either general or specific. BMP documents could be referred to in general conditions, but requirements for specific BMPs have to be within the specific conditions. Right now, DEP is – on a case by case basis – able to incorporate any BMPS they think are appropriate in the specific conditions. However, these are based on individual historic knowledge and they can often be overlooked or forgotten... so the struggle is to somehow institutionalize the BMPs so that when there is turnover, etc. they will continue to be standard. Reference MICCI 6 BMPs and MICCI 4, 21, 23, 24 Best Permitting Practices.
 - Challenge – If it is a federal project, the federal agency's contracts with their contractors are not public record until the project is complete. Therefore they can't prove that they've met the permit conditions until after the project is done.
 - However, non-federal projects via local sponsors have their contract submittals as public record, so they are able to prove that BMPS are included in contract
 - Also, BMPs are not just for regulatory agencies but also done via professional organizations (consultants, engineers, etc.)
 - Limited number of professional organizations engaged in this so kind of work, so they talk a lot and share lessons learned... but nothing is documented/standard. It's just the way it is done.
 - Professional engineers – could incorporate into state standard trainings?
 - Instead of requiring in permitting, could we require BMPs in funding proposals for projects?
- MICCI 6 – written in 2006 and is the best we have right now, but it definitely needs to be updated to incorporate new technology/better practices.

What are the potential technical challenges to implementing this action? Has it been done elsewhere?

- BMP's must be delineated in a manner to address the range of construction activities which may occur.

14. Legislative Considerations

Does the recommendation conflict with or actively support existing local, state, or federal laws or regulations? Explain.

- Some kind of regulatory/rule change is probably necessary on the state level.
- Assuming the MA is a guidance document than it is consistent with current regulatory process and no formal action is required.

15. Permitting Requirements

Will any permits be required to implement this action? Explain.

- No

16. Estimated Direct Costs

Approximately how much will this action likely cost? (Consider one-time direct costs, annual costs, and staff time, including enforcement.)

- Depending on if staff or contractor hired to develop could be \$20K to \$250,000. Costs to implement this MA are primarily time by informed experts to prepare the document.
- Documents already exist capturing many of the BMPs and Best Permitting Practices. It is mostly an issue of staff/resources and time to make sure they are implemented. Again these are recommendations in these SEFCRI documents and as such the agency can choose to incorporate or not.

Will costs associated with this activity be one-time or recurring?

- Costs would be for the preparation of the document which is assumed a one-time activity for this MA.

17. Enforcement

Does this require enforcement effort?

- No

18. Potential Funding Sources

Identify potential funding organizations/grant opportunities, etc.

- Cost would consist primarily of expertise time. No funding sources have been identified.

19. Measurable Outcomes/Success Criteria/Milestones

How will the success of this recommendation be measured? How will you know when the intended result is achieved?

- Reduced number of incidents during construction, reduced impacts to resources. (Not sure how you show a reduced impact to resources when current impacts to resources aren't fully documented.
- Documenting the recommendations from MICCI 6 and MICCI 4 et. al. that are incorporated into permits moving forward may be a way of capturing milestones. If there were a policy put forward by the Department to use the SEFCRI documents as a guide book this would also be a milestone.

SEFCRI/TAC Targeted Questions:

1. **TAC** - Is the recommendation likely to achieve the intended result? Explain.

Tier 1 – #2 (Intended Result - Output/Outcome)

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2. **TAC** - Is the recommendation sufficient to address the identified issue or problem? Explain.

Tier 1 – #4 (Justification)

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3. **TAC** - Is the recommendation technically achievable from a science or management perspective? Explain.

Tier 2 – #8 (Anticipated Timeframe for Implementation) and Tier 2 - #13 (Feasibility)

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4. **SEFCRI Team, PPT & Other Advisors** - Has this been done (by SEFCRI, other agencies or organizations in the SEFCRI region)? Explain.

Tier 2 – #2 (Current Status)

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5. **SEFCRI Team, PPT & Other Advisors** - Is this recommendation a research or monitoring project? (Recommendations should be turn-dirt management actions, not the step you take before a management action). Explain.

- No

6. **SEFCRI Team, PPT & Other Advisors** - If either of the following applies to this management action, provide feedback on which information submitted by the Community Working Groups may be more appropriate, or if entries should be merged. Explain.

- There are different viewpoints for an individual management action (i.e. two working group members provided separate information, as indicated by a '/' marking between them).
- Information submitted for this and other draft management actions is sufficiently similar that they might be considered the same.

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7. **SEFCRI Team, PPT & Other Advisors** - Non-agency Question: Is the recommendation technically achievable from your stakeholder perspective? If not, do you have suggestions that would allow this to become technically achievable from your stakeholder perspective? Explain.

Tier 1 - #5 (Potential Pros), Tier 1 - #6 (Potential Cons), Tier 2 - #3 (Intended Benefits), Tier 2 - #4 (Indirect Costs) and Tier 2 - #12 (Key Stakeholders)

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8. **SEFCRI Team, PPT & Other Advisors** - Agency Question: Is the recommendation technically achievable from a management perspective? If not, do you have suggestions that would allow this to become technically achievable from your agency's management perspective? Explain.

Tier 2 – #10 (Lead Agency or Organization for Implementation) and Tier 2 - #11 (Other Agencies or Organizations)

- A stated, in general this recommendation has been started (as far as documenting BMPs and BPPs) however, the incorporation of those recommendations from the SEFCRI documents may be lacking. At this time the recommendation may want to be reworded to specify the recommendations from the SEFCRI documents be a guiding light. Also it would be appropriate to also highlight that MICCI 6 for BMPs was meant to be a living document, updated periodically. This has not been updated since it was first printed. This would be a cost to staff time/resources and the updating of these documents may cost money.