

Memorandum



Date: November 23, 2016

To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

A handwritten signature in blue ink, appearing to read "Carlos A. Gimenez", written over a horizontal line.

Subject: Report on Impact of National Marine Manufacturer's Association, Inc. Miami International Boat Show

The following report prepared by staff in the Division of Environmental Resources Management in the Department of Regulatory and Economic Resources is being transmitted to the Board of County Commissioners (Board) pursuant to a request made by Commissioner Bruno A. Barreiro at the December 15, 2015 meeting for a comprehensive analysis report outlining the impact of the Boat Show at the end of its first year of construction and operation.

If you have any questions or concerns please contact Lee N. Hefty, Assistant Director, Environmental Resources Management, Department of Regulatory and Economic Resources at (305) 372-6754 or heftyl@miamidadegov.

Attachment

- c: Abigail Price-Williams, County Attorney
Office of the Mayor Senior Staff
- Lourdes M. Gomez, Deputy Director, Department of Regulatory and Economic Resources
- Lee N. Hefty, Assistant Director, Environmental Resources Management, Department of
Regulatory and Economic Resources
- Neil Singh, Interim Commission Auditor

Report on Impact of National Marine Manufacturer's Association, Inc. Miami International Boat Show

On December 15, 2015, the Board of County Commissioners (Board) approved Resolution No. R-1147-15, which authorized a Class I permit and request for a variance from Section 24-48.23 of the Code of Miami-Dade County by National Marine Manufacturer's Association, Inc. for the installation of a temporary 830 slip docking facility for an annual boat show including water taxi services and floating structures for non-water dependent use over tidal waters within the Marine Stadium Basin at 3515 Rickenbacker Causeway, Miami, Florida. This report is provided to the Board pursuant to a directive by Commissioner Bruno A. Barreiro that a comprehensive report be provided to the Board outlining the impact of the Miami International Boat Show at the end of its first year.

Background

The Miami Boat Show was held from February 11 through February 15, 2016 at the Miami Marine Stadium Basin located at 3501 Rickenbacker Causeway in the City of Miami. A Miami-Dade County Class I permit and Marine Facilities Annual Operating Permit (MOP) were required for the construction and operation of this temporary event. As authorized by Resolution No. R-1147-15, a Class I permit CLI-2014-0124 was issued to the National Marine Manufacturer's Association, Inc. on January 8, 2016. This permit authorized the temporary installation of floating docks to accommodate 830 wet slips, access ramps, associated support and mooring piling, marker buoys secured by helical anchor systems to identify shallow areas, channel markers, and associated water taxi dockage. On February 8, 2016, National Marine Manufacturer's Association, Inc. obtained Marine Facilities Annual Operating Permit MOP-00473-2016 from the Division of Environmental Resources Management (DERM) in the Department of Regulatory and Economic Resources, which authorized the operation of a temporary 830 wet slip marina for the boat show. The Board approved the Class I permit for a period of two (2) years with the requirement of an administrative modification after the first year. Although the County approvals authorized the installation and operation of a temporary marina with up to 830 wet slips, staff inspections of the facility and the as-built survey submitted to DERM following the boat show verified that only 417 wet slips and associated structures were installed.

As part of the Class I permit application review process, an evaluation of the potential for direct and indirect impacts to marine resources, including the potential for shading impacts to seagrass communities, is completed. DERM staff conducted a biological assessment in the area of the proposed work in April 2014. This inspection documented bay bottom conditions in the proposed project area and identified the presence of dense seagrass beds near the shoreline as well as mangroves along the shoreline of the Marine Stadium. In February 2015, DERM staff and the boat show's consultant (Coastal Systems) conducted a joint inspection of the area and verified site conditions. As a condition of approval for the proposed project, the docking facility was designed to avoid impacts to the dense seagrass areas documented along the shoreline during these inspections. Following Board approval and in preparation for in-water construction, a pre-event benthic survey was conducted by Coastal Systems in December 2015, which was verified by DERM prior to construction of the docking facility. In March 2016, Coastal Systems and DERM staff conducted post-event benthic surveys following removal of in-water structures as required by the Class I permit. DERM staff conducted a follow up in-water inspection in April 2016 as well. The DERM review of the pre- and post-event bay bottom surveys verified that the boat show has not resulted in adverse impacts to seagrass resources. DERM staff review of the bay bottom in the Marine Stadium indicates that impacts from the boat show were minimal with no discernible difference in seagrass abundance and distribution when comparing pre- and post-event benthic surveys.

It is noted that during the early afternoon of February 12, 2016, a deceased Florida manatee was recovered by Florida Fish and Wildlife Conservation Commission officers in Fisherman's Channel in the vicinity of the northwest corner of the Bill Sadowski Critical Wildlife Area. Findings included in the necropsy report indicate that the manatee suffered fatal injuries consistent with both blunt force trauma

and propeller-related interaction with a dual-propeller vessel. Significant findings included fresh watercraft wounds, fractured ribs, shredded and hemorrhagic tissue, and seagrass found in the mouth and esophagus. Although the necropsy indicates that the manatee's death was caused by watercraft, the investigators were not able to identify the specific type of vessel that caused the fatal injuries. In addition, there are no eyewitness reports and no one has come forward to report having been involved in the incident. While it cannot be determined whether a vessel associated with the boat show was involved, several Class I permit conditions were specifically prescribed for this event with the intent to minimize and avoid potential impacts to manatees. For example, vessels were required to use designated travel routes to and from the venue to avoid the neighboring critical wildlife area and to operate at slow speeds. This incident emphasizes the need for continued efforts to minimize vessel related impacts to manatees in general, and the continuation of policies that reduce manatee and vessel travel pattern overlap.

Separately, and unrelated to the work authorized by the Class I permit for the boat show, the City of Miami conducted work preparing the adjoining uplands for the boat show. This activity did not require DERM authorization and involved adding fill material to the uplands including along the shoreline above the mean high water line. However, inadequate grading and stabilization of the fill material resulted in erosion into the adjacent wetlands and tidal waters in violation of County Code requirements. DERM staff communicated on several occasions over a period of several weeks with City of Miami representatives in order to address this matter. The City of Miami subsequently implemented appropriate erosion controls to prevent any further impacts to wetlands or tidal waters and discontinued the placement of any additional fill material until this issue was addressed. The conditions that were causing the violation were corrected and no further impacts were documented.

DERM staff's findings conclude that the boat show did not result in unpermitted adverse impacts to bay bottom resources. However, staff did note the following compliance issues associated with boat show operations during the 2016 event as described below:

Pre-event Construction

As part of an inspection of the site on January 7, 2016, staff discovered that in-water work had started prior to issuance of the Class I permit. Uniform Civil Violation Notices were issued to Dock & Marine Construction and the National Marine Manufacturer's Association, Inc. for commencing work without the required Class I permit. In addition, sections of the floating docks had been temporarily staged within an area prohibited from that type of activity. Within 24 hours of issuance of the Uniform Civil Violation Notices, the contractor removed the structures from the unauthorized area and the National Marine Manufacturer's Association, Inc. submitted the remainder of the outstanding items required to complete the Class I permit application. Class I permit CLI-2014-0124 was issued by DERM on January 8, 2016. An in-water inspection on that same day confirmed that no adverse environmental impacts to benthic resources occurred as a result of the unauthorized work. The civil penalties associated with both Uniform Civil Violation Notices were paid and the citations were closed. On January 16, 2016, DERM staff met with National Marine Manufacturer's Association, Inc. representatives and their contractors to discuss issues of non-compliance and to review and discuss each of the Class I permit conditions in an effort to enhance communication and avoid any future issues of non-compliance.

Ingress and Egress from the Marine Stadium Basin

The establishment of "Authorized Designated Vessel Travel Routes" for ingress to and egress from the facility, agreed upon by DERM and National Marine Manufacturer's Association, Inc. and required by the Class I permit conditions, served to avoid and minimize potential benthic resource impacts and potential impacts to the Florida manatee as a result of vessel activities associated with the boat show. Throughout the duration of the event, DERM staff observed exhibitor vessels associated with the boat show operating outside of the "Authorized Designated Vessel Travel Routes" in violation of Specific

Condition Number 2 of the Class I permit. It should be noted that official State of Florida vessel navigation rules do allow vessels to operate in the areas outside of the travel corridors identified in the Class I permit; however, by condition of the Class I permit, vessels associated with the Boat Show are required to use the designated travel corridors. Despite expedient responses and considerable effort on the part of National Marine Manufacturer's Association, Inc. representatives and their contractor, some boat show exhibitors continued to operate outside of the travel routes identified in the Class I permit. In response to the continued non-compliance, boat show officials revoked the sea trial credentials from some vessel exhibitors prior to the end of the event.

Water Taxi Use

Seven (7) water taxi landing locations were requested by National Marine Manufacturer's Association, Inc. and were authorized by the Class I permit. These sites included the Viceroy/Icon Brickell, Epic Marina, Sea Isle Marina, Dinner Key Marina, the FEC slip, Bayfront Park/Intercontinental Hotel, and Miami Beach Marina. Neither the FEC slip nor the Miami Beach Marina water taxi locations were utilized by the Boat Show water taxi service during this year's boat show. During the permit review process, the National Marine Manufacturer's Association, Inc. proposed using the seawall along the Hyatt/Knight Center property (300/400 SE 2 Avenue) for water taxi service, and they were advised by DERM staff that a Marine Facilities Annual Operating Permit would be required, and that they may need authorization from the State of Florida as well. The National Marine Manufacturer's Association, Inc. opted to omit the Hyatt/Knight Center location from their application and this site was not authorized for use as a water taxi stop for the boat show. However, on Friday, February 12, 2016, water taxis were observed leaving the Viceroy/Icon and traveling up the Miami River to the Hyatt/Knight Center property to pick up and drop off passengers. DERM staff advised boat show representatives that this facility was not an approved water taxi stop and they were provided a warning to cease and desist use of the site. Staff observed that the site was still being accessed by water taxis associated with the boat show on Sunday, February 14, 2016. DERM staff advised boat show representatives again that the Hyatt/Knight Center property had not been authorized for use as a water taxi stop, and that continued use would not be consistent with their Class I permit. A follow-up inspection by DERM on Monday February 15, 2016 indicated that the site was no longer being used by boat show water taxis.

Disposable Plastics and Polystyrene and Marine Debris

The Board of County Commissioners included as a condition of the Class I Permit that objects or materials made of disposable plastics or polystyrene are prohibited within the area subject to the permit. DERM staff observed that signs prohibiting disposable plastic and polystyrene were posted at the landward ends of the access walkways to the docks. However, these efforts appeared somewhat ineffective as numerous people were observed on docks with open plastic beverage cups, closed plastic beverage bottles (i.e. soda), plastic bags (i.e. from popcorn, snacks, show promotional materials, etc.). Garbage cans found throughout the docks appeared to be adequate in number. However, all were uncovered, creating the potential for winds to lift debris out of receptacles. No trash or debris associated with show was observed in the water, aside from two small plastic bags the wind lifted out of the trash. Trash cans appeared to be regularly attended to and sanitation staff was observed on docks. DERM staff is working with the applicant on opportunities to better manage the presence of disposable plastics and polystyrene. After the boat show concluded, DERM received photos from representatives of the Village of Key Biscayne identifying marine debris they observed during an in-water investigation. DERM shared this information with the National Marine Manufacturer's Association, Inc. contractor for follow-up. DERM was advised by the contractor that all marine debris observed within the project footprint, whether related to the boat show activities or not, was recovered expediently both during and after the event. DERM staff subsequently conducted an in-water inspection of the project area after the boat show concluded to verify if any debris was located within the project

footprint. Staff did not observe any debris that could be attributable to or associated with boat show activities.

Post-Event Discussion

On May 10, 2016, DERM staff met with National Marine Manufacturers Association, Inc. representatives to discuss opportunities to improve management of the boat show, discuss outstanding concerns and how to address non-compliance issues moving forward, as well as ascertain what improvements National Marine Manufacturers Association, Inc. planned to make prior to their permit modification request. To address the outstanding concerns associated with the Class I permit and boat show operations, National Marine Manufacturers Association, Inc. representatives have offered several solutions to address non-compliance observed during the boat show's first year. Several new measures have been suggested to address travel routes to and from the boat show by all participants during all stages of the event, including, but not limited to, providing additional education for boat show staff and exhibitors and more internal enforcement of the established exhibitor rules. To manage sea trials to ensure compliance with travel routes with consequences for non-compliance, National Marine Manufacturers Association has suggested requiring stricter reporting timeframes, establishing preset sea-trial appointments and implementing stricter enforcement on exhibitor vessels for compliance with permitted travel routes.

National Marine Manufacturers Association, Inc. has assured DERM staff that other issues of non-compliance such as use by water taxis of unauthorized sites, unsecured trash receptacles and incidences of objects or materials made of disposable plastic or polystyrene within the area, will not be tolerated. National Marine Manufacturers Association, Inc. has also assured DERM staff that all in-water work will be done in accordance with the Class I permit conditions as modified. Staff will also work with boat show representatives to align benthic survey methodologies for the purposes of employing the most sound and replicable methodology for future surveys.

Pursuant to conditions of the Board approval of the project and the issued Class I permit, National Marine Manufacturers Association, Inc. has applied for a modification to Class I Permit to authorize installation of the structures necessary for the upcoming boat show event to be held February 16 - 20, 2017. As part of their modification request, National Marine Manufacturers Association, Inc. has proposed the use of larger water taxi vessels in order to improve waterborne transportation to the event and transport larger numbers of participants by water. In order to accommodate the larger water taxi vessels the modification request includes the construction of an upgraded water taxi dock in the Marine Stadium Marina. In addition, National Marine Manufacturers Association, Inc. has also requested to amend the locations of the water taxi stops to maximize the utilization of the water taxis to and from future boat show events.

In summary, DERM staff attributes the compliance issues noted above to the challenges of organizing and managing such a large complex event during its first year in operation at this location. Overall the boat show operations appeared to be in substantial compliance with the conditions of the MOP, and Class I permit, during inspections conducted by County staff. DERM staff is currently working with the National Marine Manufacturers Association, Inc. representatives to finalize the information necessary to administratively process the required Class I permit modification for the 2017 boat show event.