

MIAMI-DADE COUNTY FINAL OFFICIAL MINUTES Miami-Dade Sea Level Rise Task Force

Dade County Courthouse
73 West Flagler Street
Suite 242
Miami, Florida 33130

May 22, 2014
As Advertised

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Board of County Commissioners

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**CLERK'S SUMMARY AND OFFICIAL MINUTES
MIAMI-DADE COUNTY SEA LEVEL RISE TASK FORCE
May 22, 2014**

The Miami-Dade County Sea Level Rise Task Force (Task Force) convened a workshop on Thursday, May 22, 2014, at Dade County Courthouse, 73 West Flagler Street, Suite 242, Miami, Florida, at 2:00 p.m. Present were Honorable Clerk of Courts Harvey Ruvin, Task Force Chairman; and members Dr. David Enfield, Ms. Sara Fain, Mr. Arsenio Milian and Mr. James Murley; (Mr. Willard T. Fair, and Mr. Jorge Gonzales were absent).

In addition to the Task Force members, the following staff members were present: Ms. Nichole Hefty, Chief, Office of Sustainability, Planning Division, Miami-Dade Department of Regulatory and Economic Resources (RER); Assistant County Attorney Christopher Angell; and Deputy Clerk Maryse Fontus.

I. Welcome and Introductions

Chairman Ruvin announced that there was a quorum as five members were present. He asked Ms. Hefty to describe the documents that had been distributed to the members.

Ms. Hefty explained that the members had received two versions of the draft. She said that last Sunday she sent out a version of the draft report with track changes with comments from the last meeting. Since then, noted Ms. Hefty, Chairman Ruvin, Mr. Murley, Dr. Enfield, and Mr. Milian had provided comments, which she incorporated into the document entitled "Pre-Meeting Draft with New Task Force Edits". She explained that the document entitled "Pre-Meeting Draft with New Task Force Edits Accepted" was simply a cleaned version of the draft.

Ms. Hefty said that in addition, she had distributed a document with Chairman Ruvin's edits, the recommendations from Dr. Walsh, Mr. Murley's suggestions, Mr. Milian's email, and a number of emails from Dr. Enfield.

Ms. Hefty indicated that she did not include in the draft Dr. Enfield's proposed text for sea level rise and storm surge.

Ms. Fain said that although she did not send any comments, she made some track changes in the draft report that was sent on Sunday.

II. Draft Report Review and Discussion

Chairman Ruvlin suggested that the members review the cleaned version of the draft report one page at a time; and if there were suggestions by Mr. Milian, Mr. Murley, or Dr. Enfield that had not been included, the members would discuss them.

Pursuant to Mr. Murley's question regarding an introduction to the report, Chairman Ruvlin said that the title would be "Sea Level Rise Task Force Report and Recommendations," and the cover page would be followed by a Chairman's letter.

Mr. Murley suggested that it would still be important to have an introductory paragraph, in case the report and the cover page were somehow separated.

Chairman Ruvlin indicated that in the cover letter, he would thank the County Commission for the creation of the Task Force, and distinguish mitigation from adaptation.

Pursuant to Mr. Murley's suggestion that acronyms be spelled out the first time they were used, Chairman Ruvlin said that after the report was edited for substance, a sub-group of the members would edit it for grammar and style.

Ms. Fain said that in the first paragraph, second to last line, she changed "focused first step" to "focused next step," because the use of "next step" recognized all the work that the County had done to address sea level rise.

Chairman Ruvin noted he had no objections to the proposed change. He said that in the next paragraph, he deleted the phrase "comprehensive assessment".

Mr. Murley pointed out that sea level rise should not be capitalized.

Chairman Ruvin said that if there were no comments about the next two paragraphs, the members would move to the paragraph about the Climate Change Advisory Task Force (CCATF), which led to the recommendation on the next page.

Mr. Murley noted it was not clear that on lines 44 and 45, the report was introducing the resolution that created the Task Force. He suggested that the report be organized in a chronological manner, as it would be easier for the reader to follow.

Chairman Ruvin suggested adding after the resolution number on line 45 the phrase "which created the Task Force."

Ms. Fain suggested that the report highlight the problems first before proposing solutions, as this would be more logical.

Chairman Ruvin acknowledged that the report could be organized in several different ways; however, he suggested that the members agree on the substance first.

Ms. Fain said she agreed with the recommendation on page two; however, she noted, it would not be possible to implement some of the CCATF recommendations until legislation was passed. She suggested that the Task Force recommend legislative action for some of the outstanding CCATF recommendations.

Chairman Ruvin suggested the following language: "... dedicate sufficient resources and staffing to ensure implementation and update of the specific CCATF recommendations, including any legislative actions called for."

Chairman Ruvin noted the next paragraph dealt with education.

Mr. Milian said that he proposed this paragraph, but he did not believe that this was the ideal location for it. He said that he wanted to bring to the commissioners' attention the importance of educating the public, and carrying out a cost-benefit analysis.

Chairman Ruvin said that he would prefer to add this idea in the cover letter. He pointed out that the paragraph called for more than public education, as it was also calling for a cost-benefit analysis. Chairman Ruvin suggested that the members put it aside until they reached the part of the report that discusses this.

Dr. Enfield noted he had proposed the next paragraph, because he believed that it would be necessary to educate the County administrators who would have to implement these policies.

Chairman Ruvin said although he agreed with Dr. Enfield, he believed that these details would be included in the capital improvement plan.

Ms. Fain suggested that the word "and" be added before "recognizing" on line 66.

Mr. Murley pointed out that the Southeast Florida Regional Climate Compact (Compact) was established in 2009, and Ms. Hefty said that the resolutions were approved in February 2010.

Chairman Ruvin noted he chose the date 2012, because this was the year when the Regional Climate Action Plan was produced.

Pursuant to Chairman Ruvin's comment that he chose to recognize on page three the actions already undertaken by the commissioners, Mr. Murley suggested that those actions be highlighted after the County Commission's adoption of the Comprehensive Development Master Plan (CMDP). He suggested that the recommendation focus on implementing the Adaptation Action Areas (AAAs), rather than on land-use planning.

Ms. Fain noted she liked the manner in which the report captures the land use issue, because it recognizes that the CDMP does not need to be modified; it simply needs to be implemented.

Mr. Milian said the report should recommend that sea level rise be factored into the designs for all new buildings.

Mr. Murley noted the report discusses the positive steps taken by the County, and then recommends that LIDAR maps be utilized to update comprehensive planning and zoning. Mr. Murley pointed out that the LIDAR maps will serve as the basis for decisions on the AAAs, and once these areas have been identified, the County may decide that it is not necessary to change the land uses, but rather to modify the infrastructure.

Chairman Ruvin noted perhaps this paragraph did not have to be placed in a box.

Mr. Murley said he believed that this paragraph should be a recommendation, but he suggested that lines 80-86 be placed after line 105. He suggested that in the box the Task Force recommend that the County implement the AAAs called for in the CDMP; and include in that implementation a series of steps. Mr. Murley proposed the following language: "This Task Force recommends that Miami-Dade County utilize LIDAR maps based on recommendations of the CCATF, to implement the AAAs called for in the CDMP, to reflect sea level rise and storm surge risks." He suggested that the next two sentences be removed.

Ms. Fain said that she re-wrote lines 88-90, as follows: "In 2011, climate change and sea level rise were identified as priorities to address in the County's CDMP as part of the Evaluation and Appraisal Report, as required per Florida statutes." She suggested listing the 30 Objectives and Elements of the CDMP in an appendix. She pointed out that on line 91 there was an "i" which should not be capitalized.

Mr. Murley suggested that the paragraph starting on line 107 be moved, noting he did not believe that the County had much influence over insurance.

Ms. Fain explained that this language came from her original draft. She suggested that the concept be mentioned in the presentation.

Mr. Murley noted the presence of Ms. Nancy Snyder, his researcher, who brought to his attention the Community Rating System, in the area of the federal flood insurance.

Ms. Nancy Snyder, Institute for Sustainable Communities, explained that counties received points for implementing sustainability policies. She noted 9 was the worst, and 1 was the best; and Miami-Dade County had a very good score of 5.

Chairman Ruvlin noted the recommendation on page four was duplicative; and he suggested that it be deleted.

Chairman Ruvlin expressed some trepidation regarding the next section, as he believed it needed some work.

Dr. Enfield noted the next two pages were confusing, because they contained both old and new text. He said the text that he was proposing would be placed after the paragraph in pink. Dr. Enfield noted he changed the first sentence in the paragraph in pink, because there was a difference between total heat, and heat that was only related to solar radiation. He pointed out that the Task Force was concerned with sea level rise due to greenhouse warming; and that was the reason he changed the figure to 90 percent.

Pursuant to Chairman Ruvlin's question, Dr. Enfield confirmed that he agreed with the way the paragraph in pink was written.

Dr. Enfield suggested removing the paragraphs following the paragraph in pink, and adding the new paragraphs from his email dated May 20th. He noted the first paragraph was proposed by Mr. Murley; the following paragraph included a definition of storm surge provided by Mr. Murley, along with language provided by Dr. Enfield; the third paragraph explained that while sea level rise and storm surge were different, they could not be separated when assessing risk; the third paragraph introduced the figure

from Ms. Keren Bolter on the next page, which illustrates the difference between a typical storm surge from a Category 3 hurricane with sea level rise and without sea level rise.

Pursuant to Mr. Murley's comment that the size of the surge was missing, Dr. Enfield said that he could ask Ms. Bolter to provide that information.

Chairman Ruvlin noted the section on Sea Level Rise and Storm Surge would begin with the paragraph in pink, followed by the three paragraphs just described by Dr. Enfield. He said he wished to add one sentence at the end of that section indicating that while storm surges recede, sea level rise does not; and he would also make that point in his cover letter.

Ms. Hefty noted lines 120 to 147 would be replaced by the paragraphs provided by Dr. Enfield; and would be followed by the sentence indicating that while storm surges recede, sea level rise does not.

Mr. Murley noted Miami Beach had been experiencing king tides; yet they were not mentioned in the report.

Dr. Enfield said that he could craft a paragraph about king tides, noting he thought they would be referenced in the presentation.

Chairman Ruvlin said he agreed that Dr. Enfield should draft something about king tides.

Pursuant to Mr. Milian's comment that he liked the graphs presented by Dr. Enfield, Mr. Murley said that perhaps the report could include these graphs and the one on page 14 of the graphs document to illustrate sea level rise and king tides.

Dr. Enfield noted he liked the graphs at the bottom of page three and at the top of page four of the graphs document. He said that if the report was going to have a few key figures, he would suggest the bar graph, because it illustrated the flooding events in Miami Beach over the last 20 years.

Chairman Ruvlin noted it was proposed that the report would include three graphs: the one that showed Miami-Dade at one, two, etc. feet of sea level rise; the one from Karen Bolter's presentation; and the graph on page 14 of the graphs document. Chairman Ruvlin said that the sentence on lines 149 to 150 should remain underlined.

Responding to Mr. Milian's question as to what was meant by "essential water", Chairman Ruvlin clarified that he meant the drinking water supply.

Captain Kipnis, a member of the public, suggested that the report refer to "essential fresh water."

Ms. Fain suggested that the report indicate that the Task Force "focused on 50 years," rather than "chose to focus on 50 years." She also suggested that the report explain why the Task Force chose 3 feet for planning purposes. Ms. Fain suggested that wherever the report highlighted certain figures, they should be unassailable.

Mr. Murley pointed out that all of the projections were using 3 feet of sea level rise for 2100. He said that 2 feet could be used for 2060 as per the Compact's projections; and 3 feet could be used for 2100 as per the National Oceanic and Atmospheric Association's (NOAA) projections. He suggested that the National Climate Assessment be referenced.

Ms. Fain reiterated that if the report was asking the County to plan for 3 feet of sea level rise by 2060, there would be a need to defend this.

Chairman Ruvlin said that the original language provided a range from respected organizations; however, he pointed out, it was fairly certain that this projection would not decrease.

Ms. Fain suggested that the report indicate that a number of respectable organizations have predicted 2 feet of sea level rise by 2060; however, with deference to the precautionary principle, the Task Force suggested that the County plan for 3 feet by 2060.

Dr. Enfield cautioned that the projections were 2 feet of sea level rise by 2060.

Chairman Ruvlin noted the next paragraph provided the leverage to increase beyond 2 feet and recommend planning for 3 feet.

Ms. Hefty indicated that U.S Army Corps of Engineers had produced new guidance that recommended planning for 3 feet by 2100.

Captain Kipnis suggested that the Task Force indicate that it was recommending 3 feet by 2060 for purposes of long-term planning.

Mr. Milian noted the projections should be based on the lifespan of the infrastructure that would be built.

Dr. Enfield said the report could explain that although the Task Force chose to focus primarily on the next 50 years to 2060 ... it behooves the community to adopt 3 feet of sea level rise by 2100 for longer-term planning purposes.

Chairman Ruvlin said that the paragraph would read as follows: "The Task Force focused on approximately 50 years ... But for longer-range planning up to 2100, 3 feet of sea level rise should be utilized." He noted the last sentence of the paragraph could be deleted.

Assistant County Attorney Angell advised that if the meeting was to continue beyond 4 p.m., a motion to extend it would be necessary.

It was moved by Mr. James Murley that the May 22nd, 2014 meeting of the Sea Level Rise Task Force, be extended to 4:30 p.m. This motion was seconded by Mr. Arsenio Milian, and upon being put to a vote, passed by a unanimous vote of those members present.

Chairman Ruvlin pointed out that the next paragraph provided the defense for using 3 feet of sea level rise.

In response to Mr. Murley's question as to whether the report referred to vital signs, Chairman Ruvin indicated that they were mentioned in the capital improvement program recommendation.

Ms. Fain noted the Army Corps was spelled with an "s", and the phrase should be "stay alert" rather than "staying alert."

Pursuant to Ms. Hefty's comment that she inserted a text on the National Climate Assessment, Chairman Ruvin said he believed that this text would be more appropriate as a footnote, and asked if it should be included in the appendix.

Mr. Murley indicated that the chapter was 10 pages long, but there was a one-page summary. He said that perhaps the report could have a link that would take the reader to the National Climate Assessment.

Ms. Hefty noted she preferred to not use links; if it was an important document, it should be included as an appendix.

Chairman Ruvin pointed out that the phrase "because it is considered an inevitable fact by the industry, not a risk," was unnecessary.

Dr. Enfield explained that when he included this phrase he was thinking back to the presentation, in which Mr. Way said that the insurance industry would not insure against sea level rise, because it was not a risk.

Mr. Murley clarified that Mr. Way was making a point that sea level rise was uninsurable, because it was a certainty.

Pursuant to Chairman Ruvin's comment that this phrase would lead people to say that sea level rise was inevitable, Dr. Enfield said that it could be deleted.

Mr. Milian requested that the word "permanently" be removed. He pointed out that if the County adopted a plan, South Florida would not become permanently inundated.

Pursuant to Dr. Enfield's comment that a permanently inundated South Florida would not happen in this century, Chairman Ruvlin noted he agreed that the word "permanently" could be removed. He said that the sentence would read as follows: "Mark Way, Sustainability Director of Swiss Re, stated that the insured losses ..."

Mr. Murley noted the paragraph contained too many details.

Dr. Enfield said he believed that it was important to demonstrate the progression in time from the 1980s to 2030, because it showed that as climate events became more frequent in the future, the insurance industry would have to insure for greater risk.

Chairman Ruvlin suggested that the next paragraph be changed to "With trillions of dollars of built environment at stake in the region ..."

Pursuant to Ms. Fain's comment that the sentence "In addition, South Dade is the nation's source ..." from lines 192 to 193 was extraneous, Chairman Ruvlin said that perhaps he would place it in the cover letter.

Chairman Ruvlin noted he did not believe that the sentence "The US Department of Defense has recently ...," from lines 195 to 198 belonged in the report. He suggested that the paragraph begin with "A recent report ..."

Ms. Fain noted she was unsure to what principle the paragraph beginning with "As an aside ...," was referring.

Chairman Ruvlin suggested that the sentences from lines 204 to 207 be removed.

Ms. Fain noted in the first line of the recommendation, she deleted "these" and added "to threats from sea level rise."

Mr. Murley suggested that the term "vital signs" be introduced somewhere in the text before being mentioned in the recommendation. He pointed out that this term came from the CCATF, and needed to be better explained in the report.

Chairman Ruvin explained that in this recommendation the report urges the County to develop a robust capital plan, the elements of which would be tied to vital signs.

Dr. Enfield said the concern was that this was the only time the report mentioned vital signs, and perhaps the commissioners would not understand this term.

Mr. Milian noted one issue that was missing from the report was the need to engage some of the regional agencies, such as the South Florida Water Management District.

Chairman Ruvin pointed out that this was one of the recommendations from Ms. Walsh. He suggested that the middle recommendation from Ms. Walsh be made a freestanding recommendation.

Mr. Murley suggested that this recommendation be placed after the discussion on sea level rise and storm surge, on line 168.

Pursuant to Mr. Milian's suggestion that it be placed with the recommendation on page 6, or after line 148, Chairman Ruvin said he agreed with placing it after line 148.

Mr. Murley suggested that the recommendation on the Everglades and the Environmentally Endangered Lands (EEL) program be also placed after line 148, after the recommendation on the SFWMD.

Chairman Ruvin said that it was not necessary to include the other two recommendations proposed by Ms. Walsh in the report.

Ms. Fain suggested that the recommendation at the top of page 7 be re-written as follows: "Wise land-use planning and incorporating the benefits we get from natural systems must be an essential part of the strategy. Any resilience plan must incorporate support for Everglades' restoration. The plan must strategically utilize and fund the County's EEL program. Lands and public ownership are crucial to restoring hydrology and surface water

levels, which can help reduce the threat of saltwater intrusion, but funds are needed to complete the targeted acquisitions.”

Chairman Ruvin expressed his agreement with Ms. Fain’s suggested language; however, he noted, after all of the edits were included in the report, the Task Force members would decide what language to keep.

III. Next Meeting

Chairman Ruvin suggested that the next meeting be scheduled for Tuesday, May 27th at 3 p.m.


IV. Approval of Meeting Minutes

Chairman Ruvin called for a motion to approve the minutes of the April 28 meeting of the Task Force.

It was moved by Ms. Sara Fain that the minutes of the April 28th, 2014, Sea Level Rise Task Force meeting be approved, as presented. This motion was seconded by Mr. James Murley, and upon being put to a vote, passed by a unanimous vote of those members present.

V. Adjournment

There being no other business to come before the Sea Level Rise Task Force, the meeting adjourned at 4:52 p.m.



Chairman Harvey Ruvin
Sea Level Rise Task Force



**Miami Dade County
Sea Level Rise Task Force
May 22, 2014**

Prepared by: Maryse Fontus

EXHIBITS LIST

NO.	DATE	ITEM #	DESCRIPTION
1	5/22/14		Agenda
2	5/22/14		Roll Call Sheet
3	5/22/14		Attendance Sheet
4	5/22/14		Climate Change: Get Ready or Get Sued
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Miami-Dade Sea Level Rise Task Force Meeting

May 22, 2014

2:00 PM – 4:00 PM

Dade County Courthouse

73 West Flagler Street, #242

Miami, Florida 33130

- **Welcome and Introductions**
Honorable Clerk & Sea Level Rise Task Force Chair, Harvey Ruvin
- **Approval of April 28th Meeting Minutes**
- **Draft Report Review and Discussion**
- **Questions and Comments from the Public**
- **Schedule Next Meeting**
- **Adjourn**

MEETING DATE OF May 23, 2014

Four (4) members constitutes a quorum

Sea Level Rise Task Force Meeting

May 22, 2014

2:00 PM

73 West Flagler Street

Suite 242[illegible]

The Washington Post [Print](#)

Climate change: Get ready or get sued

By Gail Sullivan Updated: May 19 at 5:38 am

On April 18, 2013, [Illinois Governor Pat Quinn](#) (D) declared a state of emergency after an epic deluge left much of the Chicago area under water.

“After several days of rain, an overnight deluge overwhelmed Chicago’s underground labyrinth of aging sewers and giant tunnels Thursday, forcing a noxious mix of sewage and stormwater into local waterways and Lake Michigan. The surge of murky, debris-strewn water so overloaded the system that sewage began to back up in basements and geysers of wastewater shot out of several sewer manholes,” the [Chicago Tribune](#) reported.

“The only way to get around is by kayak or canoe,” one resident [told a local CBS affiliate](#). Major roads disappeared under water. Some residents had to evacuate their homes. A [massive sinkhole](#) swallowed three cars after the intense rain caused a water main to break.

“This is a new kind of storm associated with climate change,” Tom LaPorte, spokesman for the Chicago Department of Water Management, [told Medill Reports](#) on day two of the April flood. Extreme flooding is part of a pattern that has emerged in the last two decades, according to Illinois State climatologist Jim Angel.

Now a major insurance company is suing Chicago-area municipal governments saying they knew of the risks posed by climate change and should have been better prepared. The class-action lawsuits raise the question of who is liable for the costs of global warming.

Filed by Farmers Insurance Co. on behalf of itself, other insurance companies and customers whose property was damaged by the surge of storm water and sewage overflow, the lawsuits allege the governments of Chicago-area municipalities knew their drainage systems were inadequate and failed to take reasonable action to prevent flooding of insured properties.

“During the past 40 years, climate change in Cook County has caused rains to be of greater volume, greater intensity and greater duration than pre-1970 rainfall history evidenced,” a fact that local governments were well aware of, a suit filed in Cook County, Ill., alleges, citing a [climate change action plan](#) adopted in 2008 that acknowledges the link between climate change and increased rainfall.

The suits also say the localities knew their drainage systems weren’t up to snuff because the regional water management authority had published plans in 2011 detailing various defects.

Knowing the risks, they argue, local governments should have increased their storm water storage capacity. Furthermore, the suits allege they were negligent in failing to take temporary measures in the days before the storm, such as deploying water-inflatable property protection systems to mitigate damage.

These lawsuits are the first of their kind, Michael Gerrard, director of the Center for Climate Change Law at Columbia Law School in New York, told Reuters. Gerrard said he expects to see more like them.

"I think what the insurers are saying is: 'We're in the business of covering unforeseen risks. Things that are basically accidents,'" Ceres insurance industry analyst Andrew Logan told NPR. "'But we're now at a point with the science where climate change is now a foreseeable risk.'"

The insurance companies are in for an uphill battle. Daniel Jasica of the State's Attorney's Office in Lake County, which is named in the Illinois state court suit, told Reuters that the localities will claim government immunity protects them from prosecution.

"Even if a city is likely to win a lawsuit, it still is going to have to spend quite a bit in defending itself," Robert Verchick, who teaches environmental law at Loyola University in New Orleans, told NPR. "And it might just be better for everybody involved for cities to take climate change seriously."

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