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Army Corps and Miami Dade County Agree to Pay for Restoration of 10,000 threatened corals after PortMiami Dredge Damage

Settlement of Endangered Species Act claims are a first step in restoring dredge-damaged reef

MIAMI, Fla.— The U.S. Army Corps of Engineers and Miami-Dade County will pay for restoring 10,000 corals to settle Endangered Species Act claims for coral reef damaged during the PortMiami deep dredge project. The suit was brought by Miami Waterkeeper, Captain Dan Kipnis, Miami-Dade Reef Guard Association, and Tropical Audubon Society.

The Corps' dredging at PortMiami, which occurred from 2013 - 2015, was intended to make way for larger, "post-Panamax" shipping vessels. However, the dredging proved disastrous for the coral reefs in the area. The Corps dramatically underestimated impacts to coral, however, claiming they would only be "minimal and temporary." Instead, fine-grained sediment from the project covered tens of thousands of coral colonies and more than 250 acres of reef designated as "critical habitat" for ESA-listed staghorn corals.

"The Corps completely buried our corals – and they never even paused the dredging, even after it became clear that this damage was occurring." said Captain Dan Kipnis, a citizen who has also been involved in past litigation against the Corps over dredging damage. "Instead, the Corps just kept on dredging while ignoring warning letters from multiple state and federal agencies."

The settlement will fund a 10,000 staghorn coral restoration effort by University of Miami scientist Professor Diego Lirman over the next three years and a \$50,000 donation to the County's mooring ball program to prevent reef damage from vessel anchoring.

"This settlement is a hard-fought victory," said Rachel Silverstein, Executive Director and Waterkeeper of Miami Waterkeeper, "we are proud to have achieved this restoration for staghorn corals, but it is only the first step in repairing the damage that was done. The restoration funded by this settlement will help mitigate some of the harm caused by this project. Now state and federal agencies are undertaking the work of assessing damages and making further mitigation recommendations."

Staghorn corals are listed as threatened under the Endangered Species Act, and an estimated 98% of the staghorn population has already disappeared since the 1970's. This settlement will help local populations of threatened corals, which will benefit reefs, fish, and other wildlife as well as protect our coastline from storm surge.

"Sadly, we realize that harm to our environment is too commonplace in these projects." said Jose Barros, President of Tropical Audubon Society. "The settlement is bittersweet.

We are pleased that these corals will be restored, but this damage never should have happened.”

Each year, snorkeling and scuba diving in Florida account for almost 9 million visitor-days, create almost 30,000 full-time equivalent tourism-related jobs, and contribute hundreds of millions of dollars directly to the Florida economy.

“The reefs provide huge environmental and economic benefits to South Florida. This is a positive step for the entire recreational diving community that we represent.” said Mike Beach, President of Miami-Dade Reef Guard Association, whose mission is to prevent physical damage to reefs. “We are pleased that, through this meaningful settlement, we will be benefitting our local corals as well as enhancing our unique and valuable diving economy.”

Dredging of Port Everglades is Next

Miami Waterkeeper and co-plaintiffs have also sued the Army Corps for failing to incorporate lessons learned from PortMiami into their plans for a similar dredging project now planned for Ft. Lauderdale’s Port Everglades—which also crosses the Florida reef tract. As a result of that litigation, the Corps has agreed to reassess its environmental analysis and has postponed the project until that reassessment has been completed. Plaintiffs will evaluate whether new environmental assessments are adequately protective of fragile, nearby corals when the drafts are released.

“We also hope that the Corps will learn from their mistakes and protect the reefs during the upcoming dredging of Port Everglades,” said Silverstein, “we are working hard to hold them accountable for future projects.”

Plaintiffs are represented by Jim Porter of James M. Porter, P.A., Paul Schwiep of Coffey Burlington, and Eric Glitzenstein of Glitzenstein and Meyer in Washington D.C.

Miami Waterkeeper is a South Florida-based non-profit. Our mission is to protect South Florida’s watershed through citizen engagement and community action, ensuring swimmable, drinkable, fishable, water for all. Through our work, we hope to ensure clean and vibrant South Florida waters and coastal culture for generations to come.

Tropical Audubon is a Miami-based non-profit dedicated to conserving and restoring South Florida ecosystems, focusing on birds, other wildlife, and their habitats.

Miami-Dade Reef Guard Association is a Miami-based non-profit dedicated to protecting and safeguarding Miami’s coral reefs since 2009. Reef Guard seeks to support and grow the Miami-Dade County mooring buoy program and deploy/develop new and existing artificial reefs for habitat enhancement. Reef Guard provides citizen science opportunities such as coral transplantation and fish identification survey training. www.reefguard.org