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Dredging Settlement Achieves 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.*— After four years of litigation, a settlement has been reached in an Endangered Species Act lawsuit filed over the damage of coral reefs during the dredging of PortMiami. The settlement will result in the restoration of 10,000 federally protected staghorn corals in Miami-Dade County over the next three years. It will also result in a financial contribution being made to the Miami-Dade County Mooring Buoy program. 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, and the area dredged now appears to be of insufficient depth also. The Army Corps dramatically underestimated impacts to coral, claiming those impacts 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 Endangered Species Act-listed staghorn corals, resulting in high mortality rates for those corals and permanent damage to the habitat.

"The Corps completely buried our corals in sediment – and they didn't stop dredging even after it became clear that this damage was occurring." said Captain Dan Kipnis, a citizen and fishing boat captain who has also been involved in past litigation against the Corps over dredging damage. "We are pleased to have achieved some restoration for these dredge-damaged reefs, but we really need a fundamental change in the process to protect our reefs for the future."

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

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.”

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.

“This settlement is a hard-fought victory.” said Rachel Silverstein, Executive Director and Waterkeeper of Miami Waterkeeper. “We are proud to have achieved this much-needed restoration for Miami’s staghorn corals, but it is only the first step in repairing the damage that was done. Now state and federal agencies are undertaking the work of assessing damages and making further assessments.”

The same week that this settlement was approved by the County Commission, PortMiami announced that they did not dredge deeply enough to provide the depth required for larger ships, and are now starting to plan for yet another expansion dredging project near coral reefs.

“Sadly, we realize that harm to our environment is too commonplace in these projects, and it looks like our corals will be facing the same threat again soon” 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 and we’ll fight to ensure it doesn’t happen again.”

Dredging of Port Everglades is Next

Miami Waterkeeper and different 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. This project will also negatively impact the Florida reef tract. As a result of that litigation, the Corps has agreed to reassess its environmental analysis and postpone 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 now have two upcoming, large-scale dredging projects planned again across our embattled coral reefs. We will fight to ensure that the Corps will learn from their mistakes, and protect the reefs during the upcoming dredging projects and to ensure that the law is followed,” 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 Meyer Glitzenstein and Eubanks.

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 *is a Miami-based non-profit dedicated to protecting and safeguarding Miami's coral reefs. Reef Guard seeks to support and grow the Miami-Dade County mooring buoy program.*