



## THE CITY OF KEY WEST

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MEMORANDUM

### EXECUTIVE SUMMARY

**TO:** Jim Scholl, City Manager  
E. David Fernandez, Asst. City Manager

**FROM:** Jay Gewin, Utilities Manager

**DATE:** January 9, 2012

**SUBJECT:** **Agreeing to a Consent Order with the South Florida Water Management District Pertaining to the Removal of Mangroves on 10<sup>th</sup> St.**

#### ACTION STATEMENT:

This resolution will approve a consent order with the South Florida Water Management District (SFWMD) pertaining to the City's accidental removal of mangroves on 10<sup>th</sup> St. The City will be required to re-plant 8 3-gallon mangrove plants in the affected area.

#### BACKGROUND:

On November 30, 2011 at approximately 7:30 a.m., a crew from the City's Public Works Dept. removed a small area of mangroves from the 1200 block of 10th Street (between Fogarty and Patterson Streets). The crew misinterpreted a directive from their Department Director the previous afternoon.

The crew was directed to trim the mangroves away from the stormwater outfall located approximately 50 feet to the south. They were also instructed to remove some Florida Holly and other invasive materials from an inland location nearby. Unfortunately the crew removed this small area of mangroves instead.

An area of mangroves, approximately 20 ft x 10 ft (200 square feet), has been impacted. The trees, a mixture of red and white mangrove trees and shrubs with black mangrove pneumatophores, were cut and removed from the area. The vegetation ranged in height from 1 to 6 ft tall with the taller trees being a few red mangroves in the water. Roots and pneumatophores were not

*Key to the Caribbean – Average yearly temperature 77° F.*

removed but were impacted by the removal work. Shrubs have been removed and root systems have been impacted. Some of this impacted area should revegetate naturally.

Upon learning of the mistake, City Management self-reported the error to both the Florida Dept. of Environmental Protection, and the South Florida Water Management District.

### **PURPOSE & JUSTIFICATION:**

The South Florida Water Management District and the Florida Dept. of Environmental Protection decided that SFWMD would be the lead agency in reviewing this issue. Upon their review, SFWMD decided that the City should re-plant the affected area. On December 8<sup>th</sup>, the City was sent a Consent Order requesting the following:

- 1) That the City plant, at its own expense, 8 3-gallon size red mangroves evenly spaced on 5-foot centers.
- 2) The planted mangroves must be maintained at a no less than 80% survivorship rate for a period of two years.

City Staff has reviewed this consent order from SFWMD, and believes it proposes a fair solution. We will re-plant the affected area upon approval from the City Commission. There will be no additional action from FDEP, as the consent order was issued by SFWMD as the lead agency.

### **OPTIONS:**

1. Approve the consent order from the SFWMD. This option will resolve the issue, and allow us to rectify the removal of the mangroves. This option is recommended by City Staff.
2. Do not approve the consent order agreement. This option is not recommended, because City Staff acknowledges it was at fault in removing the mangroves, and believes this settlement is a fair way to satisfactorily resolve the issue with the regulatory agencies.

### **FINANCIAL IMPACT:**

The cost of the 8 3-gallon sized red mangroves will be approximately \$100-150, and will be billed to budget line item 001-7201-572-52. This consent order will also require the City staff time required to purchase and plant the mangroves.

### **RECOMMENDATION:**

Staff recommends option # 1, that the City Commission approves this consent order with the South Florida Water Management District.