September 19, 2025

Mayor Henriquez
Commissioner Carey
Commissioner Castillo
Commissioner Haskell
Commissioner Hoover
Commissioner Lee
Commissioner Kaufman

RE: Ensuring Accountability for RFP #25-020 – Water Quality Monitoring Contract

Dear Mayor Henriquez and Commissioners,

Keys Last Stand is an advocacy organization dedicated to preserving the Florida Keys' natural resources and unique quality of life, with a particular focus on protecting our nearshore waters. **The health of our nearshore waters is the foundation of our economy, our culture, and our way of life.** For this reason, the water quality monitoring contract is not just a technical matter — it is a vital safeguard for our community's future.

During the initial RFP process, City representatives suggested that missing requirements could be "worked out" later in the final contract. This approach is unacceptable. City leaders have repeatedly stated their commitment to restoring trust in government, yet this revised RFP remains vague and non-committal. True accountability requires clear, enforceable standards. To demonstrate this commitment, establish non-negotiable requirements that ensure meaningful water quality monitoring.

Last Stand urges the City to issue a public, written statement clearly identifying which requirements are non-negotiable in the Water Quality Monitoring contract. To meet the purpose, intent, and legal requirements of Chapter 80, those requirements must include:

- **Mandated turbidity monitoring** within the shipping channel for cruise ship transits, as required under Chapter 80 – *Cruise Ship Regulations*. Simply "encouraging" this monitoring fails to meet legal requirements. Despite public statements suggesting

otherwise, **Florida law defines turbidity as pollution when it exceeds the legal threshold of 29 NTUs above background conditions.**[1]

Failure to account for turbidity represents both a financial and strategic misstep. Allocating Chapter 80 funding to a program that does not meet the mandate undermines the purpose of the ordinance and wastes limited resources. It also diminishes the City's broader commitment to comprehensive water quality planning. Testing conducted by the College of the Florida Keys has clearly demonstrated the severity of the turbidity problem. Disregarding this data needlessly undermines the City's efforts and cannot be reasonably justified.

- **Established accountability measures**, including clear reporting requirements and firm deadlines for notifying state and federal authorities of violations. In November 2024, testing by the College of the Florida Keys documented 32 turbidity events associated with cruise ship activity that exceeded EPA standards — one of which was more than six times the legal limit. None of these events was reported to the proper agencies.

Without these safeguards, the contract fails in its fundamental purpose: to protect our fragile marine environment, safeguard public health, and preserve the economic vitality of Key West.

City leaders have long pledged transparency and accountability. This final stage of the process is the opportunity to demonstrate those commitments and ensure the Water Quality Monitoring Program delivers the strong, enforceable protections that our community deserves.

Thank you for your time and attention to these concerns.

Respectfully,

Board of Directors
Keys Last Stand

[1] See F.A.C. 62-302.500(2)(e) "A violation of any surface water quality criterion as set forth in this chapter constitutes pollution." The criterion for turbidity (29 NTUs above background) is set forth in F.A.C. 62-302.530(70).