MIAMI RIVER
QUALITY ACTION TEAM
ANNUAL REPORT
1995-96
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* The South Florida Water Management District withholds a formal position on the rafting policy until such a time as results from modeling the affects of the policy on canal conveyance capacity are available.

The conclusions contained in this report do not necessarily reflect the policies or opinions of individual agencies or persons who participated in the team.
MIAMI RIVER QUALITY ACTION TEAM

The Miami River is the fifth largest port in the state of Florida, serving as economic catalyst for the South Florida region and providing vital shipping links to the shallow draft ports of the Caribbean and Central and South America. As a working river, the Miami River's navigation and commercial shipping directly generates 1 million tons of cargo each year and thousands of direct and indirect jobs. Miami River cargo transshipment is estimated at $2.3 billion per year.

Unique among ports, the Miami River is banked by properties that lie within the boundaries of the City of Miami and Dade County at large. Thirty-two terminals, all privately owned, are located all along the river, but primarily concentrated in Dade County's westernmost navigable stretch of the channel. Vessels of smaller size than those calling upon the Port of Miami — ranging from 50 feet and less than 500 gross tons to 296 feet and as much as 2,566 gross tons — visit these terminals which create a special niche for the shallow draft cargo industry.

A competitive advantage of the Miami River terminals is discovered in their privatized labor force which is multicultural, fluent in several languages and less costly than conventional port services. The independent nature of Miami River terminals fosters vigorous economic competition in the Caribbean and keeps the river vital as cargo markets develop and change. Vessels reach over 80 ports of call and the 32 terminals host numerous foreign flagged vessels from many countries.

Despite its economic success, the Miami River has historically been plagued with a variety of problems and practices that threaten its overall welfare. Because these problems (identified in the Quality Action Team Report) have been diverse in nature, they have not traditionally or clearly fallen under the aegis of any one particular agency. The range of environmental and maritime practices found on the river are reflective of the river's diversity, though often inconsistent with standards established by the United States Coast Guard and state and local agencies for environmental protection, maritime safety and commercial navigability. This is particularly true of vessels under 500 gross tons which are not currently subject to the same safety and environmental compliance requirements as larger vessels. The Coast Guard anticipates that a significant number of the river's problems will disappear when the implementation of Operation Safety Net takes full enforcement effect on July 1, 1997. Operation Safety Net requires all foreign vessels under 500 gross tons to meet United States' standards of safety and inspection, or an "equivalent" standard of the vessels' Flag State. To date, no Flag States have met this equivalent standard.

In the meantime, the Coast Guard determined a course of action to correct problems on the river as they exist today. In the Fall of 1995, as Captain of the Port, I issued an invitation to the participants of the working river to focus on resolving the river's chronic problems. This resulted in the development of a Quality Action Team comprised of federal, state, and local regulatory agencies as well as facility operators, vessel agents and other concerned parties, which developed goals to improve the safety, environment, and commercial viability of the river. Through planned improvements and improved practices, regulatory initiatives and proposed federal rules, the Quality Action Team created a Miami River network that will serve to further strengthen the local economy by assuring that the river remains a viable navigational center for international trade.

David F. Miller, Captain, USCG
Captain of the Port
The Miami River is 5.5 miles long and serves as a multi-user federal navigation channel. Its maximum channel width is 150 feet with as little as 90 feet width at the limit of navigation. Miami River depth is 15 feet at high tide. Vessels drawing over seven feet of draft are towed up river dead ship, and the largest river vessels when fully loaded move only at high tide. Most cargo vessels travel to terminal destinations located in the marine industrial section of the river located west of 27th Avenue. The river is crossed by 10 bascule and three fixed bridges, including Interstate Highway 95 and Metro-Dade's Metrorail line.

The Miami River, although a federal navigation project, also serves as a flood control conduit in southern Florida, especially during hurricanes and tropical storms. During periods of high water the South Florida Water Management District releases water into the river to maintain flood protection in developed areas.
In October of 1995, the United States Coast Guard convened a meeting of diverse Miami River entities to develop recommendations on regulating the Miami River. Although aspects of the Miami River fall under the jurisdiction of at least 36 different agencies, no single agency had previously served to lead the others in a comprehensive problem-solving effort until the convening of this meeting. Spearheaded by the Captain of the Port, this working group became the Miami River Quality Action Team (QAT) which has met every two weeks in the 1995-96 year.

The Miami River Quality Action Team consists of 32 “regular” participants, with over 99 individuals and organizations participating since its inception. All participants have vital interests in the Miami River. The initial task of the QAT was to reiterate traditional problems on the river, identify trouble spots, and work through a consensus process toward problem solving. While problems identified offered no surprises beyond those previously documented (i.e.: the Grand Jury Report of 1991, or the MRCC International Interdiction/ Harbor Master Report of 1993), the river community’s cooperation in working to find permanent solutions for the problems identified was unprecedented. A working atmosphere of optimism and respect among various, sometimes competing interests, entities and agencies set the tone for resolving the river’s most difficult issues.

Problems Identified by the QAT

Problems identified by the QAT fall into four categories: environmental, marine safety, commercial viability, and the need for enforcement efforts. Among them, the following were specifically listed:
- rafting or improper tie-up of vessels
- transshipment of stolen merchandise/contraband/illegal aliens
- small, but chronic, oil spills & discharges
- lack of marine sanitation devices (private & commercial)
- vessels arriving without legitimate terminal destinations
- vessels arriving without providing the required 24-hour advance notice
- vessels without agents or responsible parties
- vessels without required insurance documents or bonds
- communication issues involving enforcement, agents, vessels, and terminals
- unnecessary bridge openings
- riverside security problems
- lack of agency staffing for emergency information (nights & weekends)
- hazards to navigation
- uncoordinated agency response to vessel arrivals
- substandard vessels “on hold” on the river
- the absence of environmental educational materials targeted to multicultural audiences
- the absence of safety educational materials targeted to multicultural audiences
- fire safety issues
- shoals & silting in the channel reducing channel width, depth & navigability
- abandoned and derelict vessels
- illegal dumping
- water quality
- inability to identify a responsible party for enforcement action
The water and sediment quality of the Miami River is affected by many marine-related industries as well as industrial, commercial and residential activities located along the shoreline and the surrounding river drainage basin. Metropolitan Dade County’s Department of Environmental Resources Management (DERM), the State of Florida Department of Environmental Protection (F-DEP), and the Florida Marine Patrol have taken the lead in coordinating an interagency effort to curb water pollution in the Miami River.

The Miami River Interagency Enforcement Program identifies point and non-point sources of pollution that have an impact on these surface waters. This program focuses environmental enforcement activities on one of the most industrialized and densely populated areas of Dade County. The visible staff presence promotes public awareness and is a deterrent to those who would introduce pollutants to these surface waters. Intensive enforcement of environmental regulations is one of the most practical and effective methods for identifying, controlling, and preventing point and non-point sources of pollution.
PROBLEM: Minor, but chronic, oil spills and discharges.

During the early morning, evenings and on weekends, minor fuel spills and oil spills are reported to DERM and the United States Coast Guard. The sources of these spills are from vessels, facilities on or adjacent to the Miami River and from illegal dumping of fuel and oils into the storm water drainage system.

SOLUTION: Continued education, enforcement and funding.

Many of the discharges from vessels can be addressed by inspecting vessel bilges and holding and ballast tanks when vessels arrive or are in port. If any fuel or oil is found in these areas, the vessel must dispose of the liquid waste properly, providing receipts indicating proper disposal. Failure to do so would result in a penalty being assessed. Vessels on the River for long periods of time would be required to place a boom around the vessel to contain any discharges.

Discharges from the stormwater drainage system are addressed through enforcement, education, stormwater drainage retrofitting and elimination of positive drainage outfall systems discharging into the Miami River. Several retrofitted stormwater drainage systems with oil water separators have been installed in some of the drainage basins of the Miami River. The drainage basins impacting the Miami River will continue to be retrofitted over the next 10 years. Public education about stormwater pollutants is also a key factor in implementing best management practices for both businesses and residences located within these drainage basins. Stormwater drainage system maintenance and enforcement of federal, state and county regulations for stormwater management is also important.

PROBLEM: Lack or improper use of marine sanitation devices.

Many vessels that travel the Miami River dispose of untreated or improperly treated sewage and wastewater into the Miami River.

SOLUTION: More pump out facilities and pump out services; delegation of authority to local enforcement agencies.

More pump out facilities and pump out services need to be available. Upland shoreline connections for live aboard vessels and houseboats must also be enforced. The Miami River Enforcement Group, a multi-agency task force that meets to address enforcement action (see inside front cover), continues to conduct joint enforcement inspections for marine sanitation on the Miami River. These inspections will continue until all vessels are in compliance with the Florida Clean Vessel Act. DERM also plans to hold a marine sanitation workshop for commercial and recreational boaters before the end of the year.

Local Regulatory Agencies need the delegation of authority from the federal government or the state to regulate and enforce laws relating to marine sanitation device operation.
PROBLEM: ILLEGAL DUMPING IN THE RIVER, ON THE SHORELINES AND THE STREETS.

Code violations related to illegal dumping fall within the jurisdiction of a number of different government agencies. In unincorporated Dade County (west of 27th Avenue) Team Metro, Dade County Planning, Development and Regulation Department and DERM have sections of the Dade County Code under their jurisdiction which address these violations. The Dade County Public Works Department is responsible for street and drainage maintenance in this area. This program is funded by stormwater utility fees, which may be spent only in unincorporated Dade or on county roads. Trash, debris and stormwater system maintenance within the City of Miami is the responsibility of the City’s Public Works and Solid Waste Departments.

In cases involving waste dumping, particularly in surface water or drainage systems, DERM has the authority to initiate an enforcement action. DERM staff in conjunction with other Dade County Code Enforcement staff and the City of Miami Code Enforcement staff have identified and cited property owners and facility owners along the shoreline adjacent to the River and surrounding drainage basins. While this agency infrastructure represents part of the solution, more needs to be done.

SOLUTION: INCREASE FUNDING AND STAFF FOR ENFORCEMENT AND MAINTENANCE; MAKE ILLEGAL DUMPING ONE OF THE HIGHEST PRIORITIES FOR INTERAGENCY COORDINATION; ENFORCE LOCKING REQUIREMENTS FOR CONTAINERIZED WASTE.

Increase funding and expand staff for solid waste enforcement activity; at the same time require waste containerization, garbage and trash pickup, litter control and curb side pick up controls. Increase penalties for all violations of solid waste management. Focus on intense solid waste clean up and education programs in neighborhoods surrounding these surface waters and require violators to clean up garbage, trash and debris from these areas through community service programs.

The Miami River QAT should make interagency coordination and enforcement efforts the highest priority activities for the municipal, county and state agencies involved in the surface water improvement effort. Agencies with jurisdiction should enforce locking requirements for all dumpsters and containerized waste to prevent overfilling and spillage into the streets and right of ways. Enforcement action should be taken against violators.

PROBLEM: ABANDONED AND DERELICT VESSELS.

Abandoned and derelict vessels, in addition to being navigational hazards, cause numerous environmental problems on the Miami River. As the condition of abandoned vessels deteriorates, material on board — sometimes including hazardous compounds — breaks down and disintegrates into the water. The vessels are also likely to have residues of oil and fuels on board which become pollutants in the water column and sediment. Corroding metal and debris contribute to the problem. Too often, the vessels serve as breeding grounds for mosquitos and rats, creating a public health hazard and further degrading the river.
**SOLUTION: A VESSEL MOORING PERMIT PROGRAM.**

Abandoned or derelict vessels should be reported immediately to the Florida Marine Patrol (FMP) at (305) 795-2145. The Florida Marine Patrol locates and documents abandoned, sunken and derelict vessels as part of the State’s Derelict Vessel Program. Upon notification, the FMP will inspect said vessel(s) and attempt to locate the owner to effect removal. Identified vessel owners who ignore FMP orders may be subject to arrest and prosecution. Vessels without documented owners will be included in the list of derelict vessels maintained by the FMP.

Removal of derelict vessels is made possible through Florida’s Grant and Derelict Vessel Program. On an annual basis, DERM applies for and administers grant funding for the removal and disposal of the inventoried derelict vessels. For FY/1996-97, DERM recently submitted a grant application requesting $130,720 for the removal of 20 vessels located on the Miami River. Notification from the State on this funding request is expected at the end of FY/1995-96. Once DERM receives the grant award, removal of all vessels for which funding has been provided will commence. Previously, DERM and the City of Miami have removed 12 vessels from the Miami River, four of which were used as material in the Artificial Reef Program.

A vessel mooring permitting program with designated mooring sites would be helpful in dealing with the problem of derelict vessels. Vessels not moored in designated or approved sites would be towed and confiscated at the owner’s expense, similar to the way abandoned vehicles are treated. A percentage of the proceeds from towing fees and mooring permits could be used to remove derelict and abandoned vessels.

**PROBLEM: WATER QUALITY.**

Water quality in the Miami River is poor compared to other portions of Biscayne Bay and its tributaries. Total and fecal coliform bacteria, indicators of sewage contamination, chronically exceed state and local criteria for safe recreational use. Dissolved oxygen levels do not meet standards and are typically less than required for marine life. Levels of dissolved nutrients, trace metals, and turbidity are elevated. Sediments of the River contaminated with trace metals and occasionally, with organic chemicals are toxic to marine bioassay test organisms. Pollutants limit the full recreational and economic use of the Miami River and also degrade the receiving waters of Biscayne Bay Aquatic Preserve. Pollutants have entered the watershed historically from a variety of point and non-point sources, including stormwater runoff, sewer discharges, and illegal discharges from vessels or facilities.

**SOLUTION: INFRASTRUCTURE IMPROVEMENTS, COORDINATED ENVIRONMENTAL ENFORCEMENT, AND ENHANCED ENVIRONMENTAL EDUCATION.**

Stormwater Utility Programs established by the City of Miami and Dade County have provided funding for evaluation, improvement and maintenance of stormwater drainage systems in the Miami River watershed. The South Florida Water Management District has provided matching funds. In the coming year, Dade County plans to implement a stormwater outfall retrofit in the upstream portion of the River, utilizing state and local funding. Retrofitting, monitoring and evaluation eliminate or reduce illegal discharges and upgrade systems to provide retention and treatment of runoff.
The Dade County Stormwater Utility is also actively involved in educational brochures regarding stormwater issues and public awareness. In addition, a stenciling program to stencil storm drains that eventually discharge into the Miami River is being implemented. "No dumping, drains to the Miami River," or similar language will be used. Trash and debris can be removed from the storm water system using a combination of jetting and vacuum truck trash removal, with turbidity curtains at surface water outfalls where feasible, to collect trash, sediment and debris.

The Miami Dade Water and Sewer Department replaced the sewage force main crossing Biscayne Bay and has invested more than $100,000,000 in improvements to pump stations and the collection system. These projects, intended to reduce infiltration and inflow and improve transmission capacity, are expected to significantly reduce emergency sewage overflows. There has not been a significant overflow within the Miami River Basin in more than a year. Furthermore, WASD has implemented various operational modifications to address those overflow situations which have occurred.

The Miami River Enforcement Group meets monthly to coordinate municipal, county, state and federal enforcement activities. The Miami River Coordinating Committee has recently completed the Upper Wagner Creek Water Quality Plan to address pollution issues in Wagner Creek, the most contaminated tributary of the Miami River. As recommended in this plan, Dade County DERM has proposed to utilize state funding for Biscayne Bay Surface Water Improvement and Management to conduct targeted environmental enforcement in this area. DERM will also continue to play a lead role in environmental enforcement in the Miami River watershed.

**PROBLEM: Contaminated Sediments.**

Miami River trade is thriving, but sediment in the main shipping channel poses a serious threat to the future viability of the port. The sediments do not meet federal criteria for ocean disposal, thus making the cost of maintenance dredging prohibitive.

Additionally, because the sediments are contaminated, they pose an environmental hazard to the delicate ecosystem of Biscayne Bay by degrading water quality and migrating toward the mouth of the river. Contaminants have accumulated in the sediment over many decades, and historically have entered the river through point and non-point sources. While efforts are underway to reduce and eventually eliminate continuing pollution from point and non-point sources (described above), the contaminated sediments represent a continuing impact to the environmental value of the Miami River and limit its full economic potential.

**SOLUTION: New disposal method for dredged material and elimination of point and non-point stormwater pollution.**

Federal agencies are currently evaluating disposal techniques for Miami River sediment. If the benefits of dredging and disposal outweigh the costs, then the project may proceed. However, the project will need significant public and private support in order to obtain funding and necessary environmental permits.
Vessels drawing over seven feet of draft travelling the Miami River are required to transit the river piloted by accompanying tugboats fore and aft. The skills of the tugboat captains as they negotiate the difficult and narrow stretches of the channel are internationally known, and the largest river ships are entrusted wholly to their care. Smaller vessels arrive independently without the assistance of experienced tugboat captains. Busy traffic activity on the Miami River makes it vulnerable to the potential safety and environmental consequences posed by substandard foreign flag shipping, noncompliance with waterfront facility safety regulations, and various hazards to navigation.

PROBLEM: HAZARDS TO NAVIGATION.

Approximately 300 small freight vessels, ranging in size from 50 to 296 feet in length routinely ply their trade on the Miami River, exporting a variety of goods to various Caribbean Basin ports. Limited pier space results in many vessels "rafting" or mooring two and three abreast on either side of the River. This reduces the clearance for vessel traffic transiting the River, and has contributed to ship collisions and other vessel casualties in the past.

SOLUTION: FEDERAL RULES ON RAFTING OF VESSELS.

To resolve this ongoing problem, the Miami River Quality Action Team first identified "hot spots" on the river where rafting was a major problem. Second, the QAT established a series of guidelines to regulate rafting and mooring on the River. With QAT concurrence, the Coast Guard is in the process of drafting a Notice of Proposed Rulemaking to formally establish this local policy in Federal Regulations. This Miami River Rafting policy will be implemented through a Regulated Navigation Area outlining minimum channel clearance requirements and other safe rafting and mooring regulations. The notice of Proposed Rule Making includes a section on civil penalties for failing to comply with these regulations.
PROBLEM: DERELICT VESSELS.

Derelict and abandoned vessels on the Miami River pose a threat to navigation, public health and the environment. These vessels are often in deteriorated condition, improperly moored, have oily waste aboard, and present a host of other potential safety and environmental problems.

SOLUTION: CLEANSING AND REMOVAL FOR ENHANCEMENT TO ARTIFICIAL REEFS.

The QAT has compiled a list of derelict vessels on the River and is pursuing innovative actions to properly remove and dispose of them. A popular means has been through state and county Artificial Reef Programs. Vessels sunken as reefs can create a rich habitat for fish and other marine life, and are a boon to South Florida’s tourism industry. All vessels sunken as artificial reefs are thoroughly cleaned, made safe for divers, and inspected by the Coast Guard prior to sinking. Fiberglass and wood vessels are generally not suitable and must go to a landfill.

PROBLEM: WATERFRONT FACILITY SAFETY

Numerous waterfront facility operators on the Miami River serve as the gateway for the export of general cargo, vehicles, food products, fuel and hazardous materials. Because of the transient nature of many of these facilities, noncompliance with federal, state, and local regulations has historically been a problem.

SOLUTION: EDUCATION, ENFORCEMENT AND THE QUALITY ACTION TEAM.

The QAT has provided a forum for regulatory agencies to work in partnership with waterfront facility operators, vessel owners, agents and others in improving waterfront facility safety on the River. Through the QAT, a series of multi-agency compliance audits have targeted problem facilities on the River. Multi-agency audits by Coast Guard, Florida Department of Environmental Protection (FL DEP), Dade County Environmental Resource Management (DERM), and local police and fire departments have provided a unified approach to achieving compliance.

Using equal doses of education and enforcement, the QAT has achieved unprecedented success in bringing facilities into compliance with federal and local regulations. Since the audits were conducted at nine problem facilities, the number of discrepancies detected during spot checks has been significantly reduced. Joint inspections of this type have provided a streamlined approach to enforcement, benefiting both the waterfront facility operators and regulatory agencies alike and have been an effective tool in achieving compliance.

PROBLEM: CROSS-CULTURAL BARRIERS AND COMMUNICATIONS.

Efforts to educate marine operators on U.S. laws and regulations are often hampered by language barriers. Many vessels calling at the Miami River are crewed by foreign nationals of various Caribbean
nations including Haiti, Belize, and the Dominican Republic. A large number of vessel crew members are of Haitian descent and are fluent only in the Creole language.

**SOLUTION: Improved understanding of environmental and safety regulations.**

To reduce cross-cultural language barriers, the Miami River Quality Action Team translated and disseminated several important pollution prevention and vessel inspection forms and documents into Creole. This has enabled better communications between the Coast Guard, various other local agencies and Haitian crew members. These documents have also been translated into Spanish for the benefit of Miami River operators and the large Spanish speaking community in South Florida.

**PROBLEM: Vessel failure to provide notice.**

Commercial vessels arriving in U.S. waters are required to provide 24-hour advance notice of arrival to the local Coast Guard Captain of the Port. The Coast Guard and other QAT members noted that a significant number of small freight vessels were failing to meet this requirement. Many smaller vessels do not have local shipping agents and tie up to facilities without the consent of property owners, causing conflict and congestion. In addition, in several instances, vessels entered the river surreptitiously while attempting to smuggle illegal immigrants into the U.S.

**SOLUTION: Implementation of Check Point, alert and notification to agencies.**

To improve this situation, a partnership was established with Miami River bridge tender personnel to assist the Coast Guard in monitoring River traffic. Notice of arrival lists are forwarded daily to the bridge tenders and they promptly notify the Coast Guard of any vessel arriving at the river without the required notice. Vessels failing to provide advance notice of arrival face civil penalties and possible expulsion from U.S. waters.

**PROBLEM: Substandard vessels “on-hold” on the river.**

The Miami River is vulnerable to the potential safety and environmental consequences posed by substandard foreign flag shipping. In general, a ship is regarded to be substandard if the hull, crew, machinery or equipment used for lifesaving, firefighting, and pollution prevention is substantially below the standards required by U.S. laws or international conventions.

**SOLUTION: Target problem vessels.**

Through the systematic targeting of high risk and substandard vessels for inspection, the Coast Guard and other local enforcement agencies have reduced the potential for risks to life, property and the environment on the Miami River. The Coast Guard aggressively pursues penalties for safety and environmental violations, denies vessels entry into port for certain deficiencies, and may place vessels on U.S. Customs hold for outstanding violations. As of September 1, 1996, 51 foreign freight vessels were on hold pending resolution of discrepancies. The federal agencies need the ability to seize habitual violators and promptly dispose of these vessels.
The Miami River attracts trade from the Caribbean and Central and South America. A 1990 survey conducted by the Beacon Council found that shipping terminals at that time employed about 545 workers and generated $2.3 billion in cargo. Today, the number of river terminals has doubled to 32, and cargo values rising at approximately 10% a year are projected to reach $3.9 billion in 1996 based on Beacon Council figures (1990). The Miami River accounts for 8.7% of all Florida waterborne cargo, making it unofficially the fifth largest port in the state of Florida. Continued increases in jobs and trade can be expected as commercial shipping expands both at the Port of Miami and the Miami River.

Commensurate with increased trade is the rising number of direct jobs in the marine industry; terminal work on the river offers an important job market for recent immigrants by providing sustainable living wages for low-skilled workers. Along with direct jobs comes the creation of thousands of indirect jobs coming from marine related services. The July 29, 1996, issue of The Florida Shipper notes: “One small coastal freighter of 100 TEUs (20 foot containers) creates 77 jobs on-shore, puts out less than a third as much pollution — and saves $40,000 in road wear and tear in the process of a single truck trip from Maine to Miami.” Looking at one of the larger of the 32 terminals on the Miami River, Antilles Marine, the economic impact of seven coastal freighters using the Florida Shippers’ equation with each vessel carrying a capacity of 160 TEUs has significant impact for the local and destination communities.
A navigable stretch of 5.5 miles, the Miami River is a federally designated waterway and its shoreline serves a variety of commercial and recreational interests. Significant among these commercial and recreational interests are the 7 full-service boatyards (repair facilities) on the river. Each repair facility employs between 10 and 100 people and generates revenues between $500,000 and $10 million annually. These facilities also provide indirect jobs for hundreds of subcontractors, suppliers, and support service workers. Property tax valuations for riverfront boundaries from the mouth of the Miami River to the salinity dam conservatively assess properties at $130,625,000 (1996); from that amount, tax revenues for the City of Miami are generated at $1,529,030.

The Miami River is unique because commercial shipping operations are 100% owned and operated by private enterprise. In other ports, public ownership of facilities necessitates a formal organization, such as a port authority, to manage the use of the facilities. A private port cooperative, the Miami River Marine Group, is an advocate for the marine industry and addresses many of the needs on the river. Issues which pose problems for the future of Miami River commercial shipping and solutions to these problems developed by the QAT include the following:

**PROBLEM: RAFTING OR IMPROPER TIE-UP OF VESSELS.**

Rafting or improper tie-ups of vessels on the Miami River pose many problems including: navigation hazard, fire safety hazard, personnel safety hazard, restriction of river flow near salinity dam, break away vessels from moorings, and delays in loading and unloading at piers.

**SOLUTION: THE MIAMI RIVER RAFTING POLICY.**

The QAT created a Miami River Rafting Policy which allows for rafting of vessels in accordance with the following guidelines: • proper mooring, • no more than two vessels rafted abreast, • neither vessel may extend greater than 54 feet from the pier (without permission of Captain of the Port), • a minimum channel width of 65 feet must be maintained from Brickell Bridge to Tamiami Canal, • a minimum channel width of 45 feet must be maintained west of Tamiami Canal and up to 100 feet from salinity dam, • all vessels must provide safe access from the shore, • clear and ready access provided for firefighters (with the method of access approved by the appropriate local jurisdiction—City or County Fire Department), • vessels may not extend beyond property line unless written permission is obtained from adjacent property owner, • no vessel may be moored in any manner as to impede safe passage of another vessel, • and the U.S. Army Corps of Engineers may require vessel relocation in the event of a declared flood emergency.

This policy has been issued by the Coast Guard in a Notice of Proposed Rule Making which establishes a permanent regulated navigation area for all vessels operating on the Miami River. This regulated navigation area is needed to protect all vessels, waterfront facilities and the public from safety and potential environmental hazards associated with the improper mooring of vessels on the Miami River.
PROBLEM: Shoals and silting in the channel reducing channel width, depth and navigability.

Miami River trade is thriving. However, the accumulation of sediment in the main shipping channel poses a serious threat to the future viability of the port. The channel is becoming narrower and shallower, forcing vessels to transit only at high tide which limits the number of trips per day and the amount of cargo that may be loaded. The U.S. Army Corps of Engineers estimates that the channel narrows about one foot per year. The sediment (approximately 1,000,000 cubic yards) is contaminated as a result of historic point and non-point pollution, and ocean disposal is not allowed under current environmental regulation. The cost of upland disposal is prohibitively expensive.

SOLUTION: New disposal method and elimination of point and non-point stormwater pollution.

Alternative disposal techniques are currently being evaluated for Miami River sediment. If benefits outweigh cost, then the dredging project can proceed. However, the project will need significant public and private support in order to obtain funding and necessary environmental permits.

The Miami River Coordinating Committee Stormwater Subcommittee, a participant of the QAT, has created a model implementation plan to prevent stormwater pollution in the Miami River. As an example, the City of Miami has prioritized the area in the model program to begin stormwater retrofitting.

PROBLEM: Unnecessary bridge openings.

The height and weight of commercial vessels demand open bridges; however not all vessels require bridges to be opened. Often private recreational vessels do not bother to lower antennas, bimini tops or outriggers in order to pass under bridges. Unnecessary bridge openings erode public support for the cargo industry by disrupting traffic on bridge access roads. The cargo carriers abide by traffic curfews Monday through Friday during rush hour traffic periods both in the morning and afternoon. Many recreational boats also necessitate the opening of bridges. Some of the bridges on the Miami River are old and have low clearance.

SOLUTION: Publicize importance of Miami River cargo industry.

The QAT decided to publish this Annual Report to track results of the QAT’s efforts and to familiarize people with the Miami River. The cargo industry is an important part of the Miami River and Dade County’s economy. Factors which may reduce bridge openings include newer bridge designs with higher clearance and requiring all private vessels to lower antennas, outriggers and bimini tops.
The Miami River is a busy port. Operations on the river are controlled by private property owners and regulated by over 36 federal, state, and local agencies. Vessels are allowed to enter and leave the Miami River at will, however, all commercial vessels are required to submit a 24-hour arrival notification to the Coast Guard. Most enforcement agencies believe the largest amount of illegal cargo (drugs, stolen merchandise, illegal aliens) enters the river at night from vessels that do not provide the required notification. In FY/1995-96, the Quality Action Team reviewed a variety of enforcement problems with the goal of finding solutions to assist the enforcement agencies that patrol the river.

**Problem: Inability to Identify a Responsible Party for Enforcement Action.**

Foreign vessels (usually under 500 gross tons) that arrive in the Miami River without a registered agent, without documents indicating ownership, or without an owner who is able to be contacted (as with foreign nationals) thwart the abilities of agencies to enforce laws and regulations because there is no identifiable responsible party.

Usually vessels of this type are substandard and, if seized and sold, bring a low price at auction (under $50,000). If the vessel has been engaged in illegal activities, the financial return on those activities is probably greater than the value of the vessel’s forfeiture.

Enforcement personnel needed to ensure safe operating procedures of substandard vessels and to prevent smuggling, exportation of stolen goods, and illegal entry of aliens into the United States is costly. The process is also time consuming and frustrating. If there is no responsible party, crew members are often allowed to go free when narcotics are found on vessels, since the crew cannot be directly linked to the crime. These crew members escape into the community and become illegal aliens. Because they are often unpaid, they may also become homeless. In cases when crew members are deported, costs are paid either by INS or the vessel agent. If a vessel is seized, the government has to pay for maintenance, environmental preparation for storage, and storage itself. Because of lengthy legal procedures, storage can involve a
long waiting period (perhaps several years). If a vessel is eventually sold at auction, its loss to an owner is negligible. On the auction block it becomes newly available to repeat the same cycle, having undergone nothing more significant than a name change.

Substandard vessels also contribute to the pollution in the Miami River because of improper or absent on-board sanitation equipment. Substandard vessels export break-bulk (uncontainerized) used products like bicycles, mattresses, plastic buckets and stolen merchandise. When excess product cannot be loaded onto the vessel, it is often left to pile up on docks or is thrown into the river, creating a solid waste problem.

**SOLUTION: Seizure and disposal of vessels.**

Vessels with violations and no identifiable responsible party should be seized and disposed of either at an upland site or sunk as part of the artificial reef program. The QAT should work with agencies to continue efforts to pursue more funding to clean vessels before disposal. The USCG should be allowed to fully implement Operation Safety Net on July 1, 1997, so that substandard vessels under 500 gross tons can be refused entry into the United States.

**PROBLEM: Uncoordinated agency response to vessel arrivals.**

Vessels arrive on the river at any time of day or night. Some vessels fail to provide 24-hour arrival notification to the Coast Guard. When this happens vessels can enter without detection, especially on weekends and nights when agency staffing is reduced. Sometimes only one agency will board a newly arrived vessel and other agencies will not be notified.

**SOLUTION: Implementation of a Checkpoint alert and notification to agencies.**

The participation of Miami River bridge tenders helps to detect vessels arriving without 24-hour arrival notification. The bridgетender immediately notifies the Coast Guard about such vessels and the Coast Guard then notifies other agencies. A timely boarding of the newly arrived vessel is completed by appropriate agencies. Since the informal checkpoint is at the mouth of the river, the agencies have time to reach the vessels by land as they are docking up river.

**PROBLEM: Transshipment of stolen merchandise, contraband and illegal aliens.**

The Miami River has gained a reputation for being a port where drugs and illegal aliens are brought in and stolen merchandise is shipped out. One common negative image people hold of the Miami River is the vision of wooden vessels loaded down with stolen bicycles on their way out of South Florida. Because there was no checkpoint or harbor master, vessels entered the river at will. Most enforcement agencies believe that the majority of smuggling takes place at night or on weekends when enforcement staff is reduced in size or only on call. Smaller vessels, under 500 gross tons, have the highest incidence of smuggling violations.

**SOLUTION: Creation of Miami River Checkpoint.**

The Quality Action Team created an informal checkpoint by establishing a partnership with Miami River bridge tenders. Daily reports of 24-hour vessel arrival notification are provided to the bridge tender. If a vessel requests to enter the river and the vessel is not on the 24-hour notification list, the bridge tender notifies the U.S. Coast Guard of the vessel’s arrival. The Coast Guard notifies other agencies, such as Customs and INS, and the vessel is boarded. Vessels attempting to enter the river without the required
24-hour notice will be refused entry by the Coast Guard and returned to the Coast Guard base for inspection.

PROBLEM: COMMUNICATION ISSUES INVOLVING ENFORCEMENT, AGENTS, VESSELS, AND Terminals.

The Miami River has 36 federal, state and local agencies with jurisdiction over it. Often agencies did not know enough about other agencies’ responsibilities on the river to coordinate enforcement activities. Also, facility and vessel owners were unclear as to which agency to notify to report crimes or other violations.

SOLUTION: PUBLICATION OF ENFORCEMENT AGENCIES’ ORGANIZATIONAL CHARTS, POINTS OF CONTACT, AND PHONE NUMBERS FOR AFTER HOURS AND WEEKENDS.

The Coast Guard has distributed information regarding law enforcement agencies listing organizational charts, points of contact and phone numbers for after hours and weekends. This information has been given out to enforcement agencies and facility owners. Throughout the meetings of the QAT, enforcement agencies shared information about their responsibilities and areas of concern. Also, facility owners have gained a broader understanding about the enforcement problems on the river: how they can assist, and who to contact to report violations.

PROBLEM: Riverside Security

Enforcement problems on the river extend upland to the shoreline and beyond. Stolen merchandise, illegal aliens and drugs have historically come into the river to be unloaded and transported by land. Lack of after-hours and weekend enforcement personnel to meet arriving vessels has been a problem in detecting illegal shipments being loaded or unloaded.

SOLUTION: Better Coordination of Enforcement.

The QAT brought together federal, state and local agencies to develop rules for the river. Through this cooperative effort, agencies have gained a better understanding of each other’s jurisdictions and responsibilities. Joint enforcement programs on the river and upland have been developed among agencies.

PROBLEM: Lack of Agency Staffing to Respond to Emergency Information (Nights and Weekends).

Enforcement agencies have the greatest number of staff available on weekdays during business hours. On weekends and nights, the staffing is greatly reduced and sometimes agencies only have enforcement personnel on call. Since the Miami River is open to traffic 24 hours a day and 7 days a week, the reduced weekend and night staffing allows vessels to enter the river, often undetected. Weekends and nights are the most desirable time for vessels with illegal aliens or contraband to enter the river and not be apprehended.

SOLUTION: Advocate for Better Staffing on Nights and Weekends.

The QAT determined that hours for “closing” the river did not provide a feasible solution to undesirable access of the river since constraints of tides and bridges already curtail vessel traffic. The QAT acknowledges the problem that fewer staff of enforcement agencies are available on nights and weekends. The QAT Annual Report addresses this problem and advocates for more staffing during these critical times.
AGENCIES WITH JURISDICTION ON THE MIAMI RIVER

FEDERAL
U.S. Drug Enforcement Agency
U.S. Federal Bureau of Investigation
U.S. Immigration and Naturalization Service
U.S. Coast Guard
U.S. Customs Service
U.S. Border Patrol
U.S. Army Corps of Engineers
U.S. Department of Agriculture
U.S. Marshals Service
U.S. Occupational Safety & Health Administration
U.S. Department of Transportation — Maritime Administration
U.S. Alcohol, Tobacco & Firearms
U.S. Environmental Protection Agency
U.S. Department of Interior

STATE
Florida Department of Law Enforcement
Florida Department of Environmental Protection (FDEP)
Florida Department of Transportation
Florida Marine Patrol (FMP)
Florida Game and Freshwater Fish Commission
South Florida Water Management District
Florida Health and Rehabilitative Service

COUNTY
Dade County Planning, Development and Regulation Department
Dade County Fire Department
Dade County Public Works Department
Dade County Solid Waste Department
Miami-Dade Water and Sewer Department
Dade County Dept. of Environmental Resources Management (DERM)
Metro-Dade Police Department

CITY
City of Miami Building and Zoning Department
City of Miami Fire Department
City of Miami Marine Operations
City of Miami Parks & Recreation Department
City of Miami Community Planning and Revitalization Department
City of Miami Police Department
City of Miami Public Works Department
City of Miami General Services Administration and Solid Waste Department
SUMMARY

ENVIRONMENTAL PROTECTION. Environmental problems documented in the QAT Annual Report receive ongoing attention from enforcement agencies, regulatory agencies, and the Miami River Quality Action Team. Continued funding and increased staffing of environmental enforcement efforts are of greatest importance to further the larger goals of education and enforcement regarding community practices and the Miami River. Political leadership on the issue of dredging is required to bring federal agencies together to determine an acceptable disposal method and to obtain necessary environmental permits and funding. Cooperation fostered between public and private sectors has been effective within the QAT’s Miami River forum.

MARINE SAFETY. The Miami River Rafting Policy as a federal regulation on the Miami River establishes clear channel requirements and mooring practices. Private waterfront facility owners and operators working cooperatively with the QAT have achieved a higher level of marine safety compliance. The Miami River Checkpoint provides better identification of problem vessels that can be refused entry to the river. Operation Safety Net which will be in full effect on July 1, 1997, will strengthen the Coast Guard’s ability to enforce environmental and safety regulations among smaller vessels under 500 gross tons. Funding for education, enforcement and the removal of derelict vessels continues to improve the river’s maritime operations.

COMMERCIAL VIABILITY. The Miami River’s commercial viability has been improved with the enforcement of the Miami River Rafting Policy and with marine industry and local government working together to educate the public about the economic importance of the Miami River cargo industry. Education efforts must also be strengthened to reach recreational boaters about the problems created by unnecessary bridge openings. Polluted sediments filling the channel’s depth and width must be removed through a federal dredging project. A model plan by the Miami River Coordinating Committee to improve water quality by correcting point and non-point sources of pollution is in the beginning phases of implementation.

ENFORCEMENT. Shared information between enforcement agencies, the Miami River Enforcement Team, and the QAT has improved communication among river interests and allowed for more efficient use of agency resources. The current Miami River Checkpoint and notification to agencies has resulted in improved interagency coordination. Operation Safety Net offers the greatest promise of taming what is unruly on the Miami River among all enforcement concerns. Increased staffing and funding for enforcement agencies will improve responsiveness and enforcement on nights and weekends. It is difficult at present to obtain accurate statistics particular to the Miami River because the river is not coded as an address in the computerized reporting systems of enforcement agencies.

THE FUTURE. The United States Coast Guard’s Miami River Quality Action Team will continue to meet and address concerns as they arise over river operations and practices. At the completion of the Quality Action Team’s first year of work, several successful endeavors such as the Miami River Rafting Policy and the Miami River Check Point clearly benefit both the agencies and private businesses that collaborated to resolve river problems. The consensus of river users supports the idea that work undertaken in the QAT forum deals directly and effectively with immediate problems and also benefits longer term problems because of its consistent focus. As a public/private partnership, the QAT expects continued success and steady progress for the Miami River.
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CITY OF MIAMI POLICE DEPARTMENT
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FLORIDA MARINE TOWING
GLOBAL MARINE
JONES BOATYARD
THE MARINE COUNCIL
MERRILL STEVENS DRY DOCK CO.
MIAMI RIVER COORDINATING COMMITTEE
MIAMI RIVER MARINE GROUP
MIAMI SHIP SERVICES
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