



Everglades Coalition

Sent Via Email

June 24, 2020

Office of Governor Ron DeSantis
State of Florida
The Capitol
400 S. Monroe St.
Tallahassee, FL 32399-0001
governorron.desantis@eog.myflorida.com

Re: Miami-Dade County SR-836 Extension Proposal Ruling

Dear Governor DeSantis and members of the Florida Cabinet:

On behalf of the 61 member organizations of the Everglades Coalition¹ committed to the protection and restoration of America's Everglades, we write to you to ask you to uphold the recent ruling by Administrative Law Judge Suzanne Van Wyk, which held that the proposed expansion of Miami-Dade's SR-836 tollway demonstrated inconsistency with Everglades restoration efforts, is inconsistent with Miami-Dade County's Comprehensive Development Master Plan, and is inconsistent with state law. The proposed 6 lane toll road would snake 14 miles outside of Miami-Dade County's Urban Development Boundary. It would impact water quality and disrupt fragile ecosystems and natural resources on the Miami-Dade County periphery, which the State has invested significant resources toward protecting and preserving for the benefit of all Floridians. We urge you to uphold your record as champions of Florida's Everglades, protect the State's investments, and put an end to the ill-fated campaign that violates state planning law, threatens our Everglades, and would not provide meaningful benefits to Florida residents.

Judge Van Wyk arrived at two clear findings in her order: First, the project's planning did not adequately consider potential for negative impacts to Comprehensive Everglades Restoration Plan projects and goals; nor did the County receive an adequate determination by the South Florida Water Management District that the project would not compromise the goals of CERP. The failure of the county to obtain an adequate determination is particularly concerning in light of the South Florida Water Management District's ongoing plans to construct a CERP project component in the Bird Drive Basin, which the road bisects. Second, the billion-dollar project itself is not an appropriate reaction to transportation data, and would elicit only meager mobility improvements in the target area and virtually no improvement for commuters. Testimony from the county's own experts revealed that drivers would shave a mere 6 minutes off a two-hour commute as a result of this project's implementation². The County CDMP requires that it shift the travel mode from single occupancy vehicle to mass transit³, and yet no data or analysis proves that the mass transit option listed in the Plan Amendment would actually be used.

¹ Abstaining from the Everglades Coalition on this matter were Tropical Audubon Society and Friends of the Everglades.

² Trial Tr. *TAS et al v. Miami-Dade County*, Fla. DOAH Case No. 2018-5695GM. Vol. 12, 1881:11-1882:15, July 26, 2019

³ Miami-Dade Comprehensive Development Master Plan, Policy MT-7C

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1000 Friends of Florida
Angler Action Foundation
Audubon Florida
Audubon of Southwest Florida
Audubon of the Western Everglades
Audubon Society of the Everglades
Backcountry Fly Fishers of Naples
Calusa Waterkeeper
Cape Coral Friends of Wildlife
Center for Biological Diversity
Conservancy of Southwest Florida
Defenders of Wildlife
"Ding" Darling Wildlife Society
Earthjustice
Environment Florida
Everglades Foundation
Everglades Law Center
Everglades Trust
Florida Bay Forever
Florida Conservation Voters Education Fund
Florida Defenders of the Environment
Florida Keys Environmental Fund
Florida Native Plant Society
Florida Oceanographic Society
Friends of the Arthur R. Marshall
Loxahatchee National Wildlife Refuge
Friends of the Everglades
Hendry-Glades Audubon Society
International Dark-Sky Association,
FL Chapter
Izaak Walton League of America
Izaak Walton League Florida Division
Izaak Walton League Florida Keys Chapter
Izaak Walton League Mangrove Chapter
Lake Worth Waterkeeper
Last Stand
League of Women Voters of Florida
Martin County Conservation Alliance
Miami Pine Rocklands Coalition
Miami Waterkeeper
National Audubon Society
National Parks Conservation Association
National Wildlife Refuge Association
Natural Resources Defense Council
North Carolina Outward Bound School
Ocean Research & Conservation Association
Peace River Audubon Society
Reef Relief
Sanibel-Captiva Conservation Foundation
Sierra Club
Sierra Club Florida Chapter
Sierra Club Broward Group
Sierra Club Calusa Group
Sierra Club Central Florida Group
Sierra Club Loxahatchee Group
Sierra Club Miami Group
South Florida Audubon Society
Southern Alliance for Clean Energy
The Florida Wildlife Federation
The Institute for Regional Conservation
The National Wildlife Federation
Theodore Roosevelt Conservation
Partnership
Tropical Audubon Society

This project would exert an outsized negative impact on state investments⁴, freshwater resources, ecological resources⁵, and would negatively impact CERP⁶. The County fell far short of meeting its burden to prove that the tollway would be consistent with Everglades restoration; and it adopted the tollway amendment despite the South Florida Water Management District's claim that the County had not proved the amendment would not cause harm.

The project has also encountered significant criticism at the Federal level. The Federal Government is Florida's partner towards the shared goal of Everglades restoration under CERP, and has invested significant resources towards future projects in the area in question. The office of Florida Senator Marco Rubio has criticized the project on a number of occasions, and the U.S. Department of the Interior and the U.S. Environmental Protection Agency have both expressed their concerns with the proposed project. The U.S. EPA claims the tollway would "incur substantial and unacceptable consequences for the Everglades as a whole"⁷.

The EPA went on to say that the area "plays a critical strategic role in the overall plan for restoration of the southern Everglades." As you are aware, South Florida's water-related dilemmas are playing out in real time for both its residents and its wildlife. The Judge found that the new tollway "creates a risk of contamination to the wellfield" and that the Plan Amendment violates the County's requirement to "protect and enhance" wellfields. The Plan Amendment is also inconsistent with the County's requirement to protect the Pennsucco wetlands, an area designated as critical habitat for the threatened and endangered species that is protected by the CDMP.

For all of the problems it creates, the tollway doesn't solve the problem for which it was created. The Judge found that "Not only [did] the data reveal that the improvements in West Kendall, congestion would be ... 'meager,' ... they provide no support for a finding that the Plan Amendment will ... improve the commute time to downtown and other employment centers."⁸

The Judge's summation of the proposal was apt: "commuters will drive 13 miles, outside of the UDB, through active agricultural lands, through environmentally-sensitive lands, and through the West Wellfield, only to connect with the existing expressway operating at [a level of service] lower than it operates at today."⁹ Placing this tollway outside of the UDB is inconsistent with the very intent of the UDB, and the proposed tollway, unfortunately, would harm rather than help the people, land, water, and wildlife it would literally and figuratively touch.

We need not convince you of the Everglades' paramount importance to the health and prosperity of Miami-Dade and our state as a whole, and the vital role it plays in so many of our state affairs, from public health to drinking water to tourism. Making the choice to move against this proposal is a straightforward, common-sense decision to protect Floridians from the echoing impacts of a poorly executed plan.

There is no ideal time to engage in a project that offers unproven benefits at the cost of proven harms. It is time to declare an end to this pursuit, and instead turn our attention to proven solutions. When Miami-Dade recovers from the struggles our entire country is facing, a host of alternative infrastructure improvements await, offering the prospect of faster, more convenient, more affordable commutes. We need not spend taxpayer dollars and years navigating thorny legal waters for what would garner a weak return on

⁴ Department of the Interior Letter

⁵ McVoy Dep. 31:21-31:20, June 24, 2019, *TAS et al v. Miami-Dade County*, DOAH Case No's 2018-5695GM, 2018-5696GM)

⁶ McVoy Dep. 31:21-31:20, June 24, 2019, *TAS et al v. Miami-Dade County*, DOAH Case No's 2018-5695GM, 2018-5696GM)

⁷ August 2019 Letter from EPA to USACE

⁸ State of Florida DOAH Order Case No. 18-5695GM p. 56

⁹ State of Florida DOAH Order Case No. 18-5695GM p. 44

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investment for Floridians. We urge you to recognize the illusory appeal of this proposal as just that—an idea initiated with good intentions, but ultimately not in Florida’s best interest.

While the tollway’s purported benefits reflect what Miami-Dade’s residents rightfully desire—less time spent idling in standstill traffic—this proposal has ultimately painted a picture of a panacea that, sadly, is no more than a mirage. Miami-Dade invested considerable amounts of time and money into pursuing this project, and the truth remains: This road would have negative consequences for the Everglades, for Miami-Dade, and for the state of Florida.

We understand the appeal of the project, and believe that the County had the best interests of its community at heart. When one weighs the costs against the benefits, however, it is clear that this simply does not pan out as a solution to Miami-Dade’s problems. We trust that each of you, as proven advocates for the Everglades and pragmatic decisionmakers, will choose to uphold the Judge’s ruling and close this chapter, making way for new projects that will benefit and protect us all.

Sincerely,



Mark Perry
Co-Chair



Marisa Carrozzo
Co-Chair

CC:

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