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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM Agenda Item No. 8(H)(1)

TO: Honorable Chairman Joe A. Martinez and Members, Board of County Commissioners

DATE: April 3, 2012

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Resolution authorizing submission of a grant application for $100,000 to the Florida Inland Navigation District to use these and other boating improvement funds to complete a Countywide Recreational Waterfront Access Improvement Plan

Resolution No. R-289-12

The accompanying resolution was prepared by the Parks, Recreation and Open Spaces and placed on the agenda at the request of Prime Sponsor Commissioner Bruno A. Barreiro.

R. A. Cuevas, Jr.
County Attorney

RAC/cp

Memorandum

MIAMI-DADE COUNTY

Date: April 3, 2012

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Resolution Authorizing Submission of a Grant Application for a Countywide Recreational Waterfront Access Improvement Plan and Authorizing the Disbursement of $100,000 from the Biscayne Bay Environmental Enhancement Trust Fund Allocation for Related Environmental Enhancement Actions

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Recommendation
It is recommended that the Board of County Commissioners (Board) approve the attached resolution authorizing the submission of a $100,000 grant application to the Florida Inland Navigation District (FIND) for a countywide Recreational Waterfront Access Improvement Plan and authorizing a disbursement of $100,000 in matching funding from the Biscayne Bay Environmental Enhancement Trust Fund (BBEETF) for related environmental enhancement activities.

Scope
The Recreational Waterfront Access Improvement Plan is a project of countywide significance, and will generally focus on bayfront locations within Commission Districts 3, 4, 5, 7, 8 and 9.

Fiscal Impact/Funding Source
The project will have no fiscal impact to the County since there is no immediate creation of operation or maintenance cost requirements. Funding sources for the $275,000 planning project are expected to include $100,000 from a State FIND grant, County matching funds of $100,000 from a BBEETF disbursement [index code TFDE400010, Subobject 22430, with an available balance (minus other pending disbursements) of $617,000 as of October 31, 2011] and $75,000 of Florida Boating Improvement Funds (FBIP) (index code PRE130935014 with an available balance of $75,000). Approval of matching funds from the BBEETF will support environmental improvements such as signage, boater education, and seagrass restoration at places such as Black Point Park and other similar marinas.

Track Record/Monitor
Kevin Asher, Special Projects Manager for the Miami-Dade County Parks, Recreation and Open Spaces Department (PROS), will manage the planning project. The Department of Permitting, Environment and Regulatory Affairs (PERA) will manage related environmental enhancement activities.

Background
PROS, along with other municipal and State agencies, manages extensive areas of Biscayne Bay waterfront land and submerged areas for recreational access. Increasing demand by residents and tourists for recreational access to waterfront land and nearshore boating opportunities, coupled with decreasing supply of boating facilities throughout Biscayne Bay, place extraordinary pressure on the use of upland and submerged areas.

Recent studies and plans completed by State and county agencies have identified the need for improving public recreational areas and access to environmental and waterfront areas along Biscayne Bay while maintaining and enhancing water quality and natural fish and wildlife habitats. Related work has identified compliance issues with vessel speed zones and safety regulations at recreational waterfronts, particularly in areas such as Black Point Park, and vessel traffic and groundings have caused damage to shallow seagrasses that provides habitat for fish and wildlife, and in some cases caused injuries to boaters.

PROS seeks to establish a comprehensive countywide approach to expanding public recreational waterfront access opportunities by recommending capital, policy and administrative improvements to publicly and privately owned waterfronts and waterways, and measures to protect the sensitive environment of these areas.

FIND has proposed grant funding of $100,000 for a countywide waterfront improvement plan for recreational waterfront and waterway areas, contingent upon a county match of $100,000. Pursuant to Chapter 24-40(3) and 24-40(6) of the Code of Miami-Dade County, funds accrued in the BBEETF may be used for environmental enhancement and restoration of Biscayne Bay and its shore but may not be used for studies. Working together with PERA, staff has identified environmental enhancement activities such as improved signage, boater education, and seagrass restoration at Black Point Park or similar areas that are impacted. These complementary activities may be funded by the BBEETF, and along with already received FBIP funds, may be used to match the grant from FIND.

The resulting plan for primarily Biscayne Bay locations will improve municipal and county recreational waterfront access for boaters and non-boaters as well as improve the aquatic areas and regulatory enforcement necessary for its support. This plan will allow for input from the various municipalities and community groups having an interest in improving recreational access to public waters. Given its complexity and public input from affected interests, it is projected to take 10 months to complete.

I have received and considered the attached recommendation (Attachment A) from the Interim Director of PERA.

Lisa M. Martinez
Senior Advisor

ATTACHMENT A

Memorandum

MIAMI-DADE COUNTY

Date: January 6, 2012

To: Carlos A. Gimenez
Mayor

From: Charles Danger, PE, Interim Director
Department of Permitting, Environment, and Regulatory Affairs

Subject: Request by the Parks, Recreation and Open Space Department for Disbursement from the Biscayne Bay Environmental Enhancement Trust Fund for $100,000 for Signage, Boater Education and Seagrass Restoration at Black Point Park or Similar Locations

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Attached please find, for consideration by the Board of County Commissioners, a resolution for a disbursement of $100,000 from the Biscayne Bay Environmental Enhancement Trust Fund (BBEETF) for signage, boater education and seagrass restoration at Black Point Park or similar locations.

The Miami-Dade Parks, Recreation and Open Space (PROS) Department is requesting authorization to submit a grant application to the Florida Inland Navigation District (FIND) for $100,000 for the development of a countywide Recreational Waterfront Access Improvement Plan. Matching funds have been requested from the BBEETF to be used for implementation of environmental enhancement projects to offset impacts to the Bay typically associated with human related uses.

The BBEETF was established by Ordinance No. 80-9 to fund environmental enhancement of Biscayne Bay and its foreshore. Although these funds may not be used for studies, the Department of Permitting, Environment, and Regulatory Affairs (PERA) has recommended that the matching funds from the BBEETF can be used specifically for implementing improved signage, boater education and restoration of seagrass impacted by groundings and vessel traffic at Black Point Park or similar areas experiencing recreational uses. These environmental improvement projects will complement the access plan by protecting bay resources and enhancing boater safety and compliance. Disbursement of funds for these purposes is consistent with the goals and intent of the Biscayne Bay Trust Fund Ordinance as described in Ch. 24-40 and Section 7-22 of the Code of Miami-Dade County.

MEMORANDUM
(Revised)

TO: Honorable Chairman Joe A. Martinez and Members, Board of County Commissioners

DATE: April 3, 2012

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Agenda Item No. 8(H)(1)

Please note any items checked.

_____ **"3-Day Rule" for committees applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous_____) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 8(H)(1)
4-3-12

RESOLUTION NO. R-289-12

RESOLUTION AUTHORIZING SUBMISSION OF A GRANT APPLICATION FOR $100,000 TO THE FLORIDA INLAND NAVIGATION DISTRICT TO USE THESE AND OTHER BOATING IMPROVEMENT FUNDS TO COMPLETE A COUNTYWIDE RECREATIONAL WATERFRONT ACCESS IMPROVEMENT PLAN; AND AUTHORIZING DISBURSEMENT OF $100,000 IN MATCHING FUNDS FROM THE BISCAYNE BAY ENVIRONMENTAL ENHANCEMENT TRUST FUND FOR ENVIRONMENTAL ENHANCEMENT PROJECTS TO OFFSET DAMAGE FROM HUMAN USES TO THE BAY OR ITS SHORE IN ACCORDANCE WITH CHAPTER 24-40(3) AND 24-40(6) OF THE CODE OF MIAMI-DADE COUNTY

WHEREAS, Miami-Dade County's Parks, Recreation and Open Spaces Department ("Parks Department") manages extensive areas of Biscayne Bay waterfront land within its nationally acclaimed system of park and recreation open spaces; and

WHEREAS, other municipalities also manage recreation open spaces and environmental areas fronting Biscayne Bay within their respective Park and Recreation Departments; and

WHEREAS, there is increasing demand by residents and tourists for recreational access to waterfront land and nearshore boating opportunities, coupled with decreasing supply of boating facilities throughout Biscayne Bay; and

WHEREAS, recent studies and plans completed by State and county agencies have identified the need for improving these public recreational areas and their access to environmental and waterfront areas along Biscayne Bay while maintaining and enhancing water quality and natural fish and wildlife habitats; and

WHEREAS, in order to advance county and municipal open space initiatives, this Board desires to establish a comprehensive countywide approach to expanding public recreational

waterfront access opportunities by recommending capital, policy and administrative improvements to publicly owned waterfronts, waterways, public safety and the environment upon which these are reliant; and

WHEREAS, related work has identified compliance issues with vessel speed zones and safety regulations at recreational waterfronts, particularly at places like Black Point Park, and vessel traffic and groundings have caused damage to shallow seagrass habitat that provides habitat for fish and wildlife, and in some cases caused human injury or deaths; and

WHEREAS, pursuant to Chapter 24-40(3) and 24-40(6) of the Code of Miami-Dade County, funds accrued in the Biscayne Bay Environmental Enhancement Trust Fund which are not otherwise restricted may be used for environmental enhancement of the Bay or its shore but not for studies; and

WHEREAS, a Florida Inland Navigation District grant of $100,000 for planned improvements to recreational waterfront and waterway areas, matched by a disbursement of $100,000 from the Biscayne Bay Environmental Enhancement Trust Fund to be spent on offshore environmental improvements that can address signage, boater education at places like Black Point Park and other marinas, and seagrass restoration demonstration projects, in accordance with Chapter 24-40(3) and 24-40(6) of the Code of Miami-Dade County, along with other boating improvement funding, will be used to insure there is adequate input from the various municipal, environmental, recreational and private commercial stakeholders throughout the County,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that, in order to properly fund and complete a countywide Recreational Waterfront Access Improvement Plan, this Board authorizes submission of a grant application for $100,000 to the Florida Inland Navigation

District and further authorizes the Mayor or Mayor's designee to accept and expend the funds and to exercise the provisions contained therein; authorizes disbursement of $100,000 in matching funds from the Biscayne Bay Environmental Enhancement Trust Fund for improved signage and boater education at Black Point Park and similar locations and seagrass restoration, and directs the Park, Recreation and Open Spaces Department to prepare a countywide Recreational Waterfront Access Improvement Plan with input from members of the public, municipalities and affected interests.

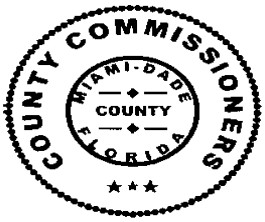
The foregoing resolution was offered by Commissioner **Rebeca Sosa**, who moved its adoption. The motion was seconded by Commissioner **Jose "Pepe" Diaz** and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman			**absent**
Audrey M. Edmonson, Vice Chairwoman			**aye**
Bruno A. Barreiro	**aye**	Lynda Bell	**aye**
Esteban L. Bovo, Jr.	**absent**	Jose "Pepe" Diaz	**aye**
Sally A. Heyman	**aye**	Barbara J. Jordan	**aye**
Jean Monestime	**aye**	Dennis C. Moss	**absent**
Rebeca Sosa	**aye**	Sen. Javier D. Souto	**aye**
Xavier L. Suarez	**aye**		

The Chairperson thereupon declared the resolution duly passed and adopted this 3rd day of April, 2012. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK



By: Christopher Agrippa
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Monica Rizo