



# Biscayne Bay Watershed Management Advisory Board





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## **AGENDA**

BISCAYNE BAY WATERSHED MANAGEMENT  
ADVISORY BOARD (BBWMAB) MEETING

April 5, 2024 – 9:00 am – 12:00 pm

LOCATION – Stephen P. Clark Government Center, Commission Chambers, 2<sup>nd</sup> Floor  
111 NW First Street, Miami, FL 33128

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1. **Roll Call**
2. **Reasonable Opportunity to be Heard**
3. **Approval of Agenda** – *Actionable Item*
4. **Approval of Minutes for December 1, 2023** – *Actionable Item*
5. **Reasonable Assurance Plan re-launch**  
Pamela Sweeney, Sr. Water Scientist, DERM
6. **Marine Debris Planning Team** – (requested by Dave Doebler)  
Laura Eldredge, Restoration and Enhancement Section Manager, DERM
7. **Julia Tuttle Causeway PDE study** - (requested by Dr. Joan Browder)  
FDOT District 6 staff and Project Consultant Team
8. **2024 Legislative Session Wrap Up**  
Executive Assistant County Attorney, Jess McCarty (via Zoom)
9. **Mythos AI presentation** - (requested by Dr. Todd Crowl)  
Geoff Douglass, CEO Mythos AI
10. **Future Agenda Items**  
BBWMAB Chair, Commissioner Danielle Cohen Higgins
11. **Adjournment**  
BBWMAB Chair, Commissioner Danielle Cohen Higgins

# Biscayne Bay Watershed Management Advisory Board

Stephen P. Clark Government Center  
Commission Chambers, 2<sup>nd</sup> Floor  
111 NW First Street  
Miami, FL 33128

MINUTES December 1, 2023, 9:00 am

MEETING CALLED BY	<p>Roll call was taken – quorum was not established when called at 9:30am. Roll call taken again at 10am and quorum was established.</p> <p>Members Absent: Dr. Todd Crowl, Dr. Erik Stabenau, Dr. Diego Lirman, Commissioner Micky Steinberg, Commissioner Kevin Cabrera, Commissioner Danielle Cohen-Higgins, Jerry Menendez, Kevin Cunniff, Roberto Torres, and Jannek Cedererg.</p>														
MEMBER ATTENDEES	<table border="0"> <tr> <td>Vice-Chair – Mayor Vince Lago</td> <td></td> </tr> <tr> <td>Commissioner Alex Fernandez</td> <td>Spencer Crowley, III, Esq.</td> </tr> <tr> <td>Commissioner Rachel Streitfeld</td> <td>John Alger</td> </tr> <tr> <td>Mayor Tim Meerbott</td> <td>Gerald McGinley</td> </tr> <tr> <td>Julissa Kepner</td> <td>Brett Bibeau</td> </tr> <tr> <td></td> <td>Dave Doebler</td> </tr> <tr> <td>Dr. Joan Browder</td> <td></td> </tr> </table>	Vice-Chair – Mayor Vince Lago		Commissioner Alex Fernandez	Spencer Crowley, III, Esq.	Commissioner Rachel Streitfeld	John Alger	Mayor Tim Meerbott	Gerald McGinley	Julissa Kepner	Brett Bibeau		Dave Doebler	Dr. Joan Browder	
Vice-Chair – Mayor Vince Lago															
Commissioner Alex Fernandez	Spencer Crowley, III, Esq.														
Commissioner Rachel Streitfeld	John Alger														
Mayor Tim Meerbott	Gerald McGinley														
Julissa Kepner	Brett Bibeau														
	Dave Doebler														
Dr. Joan Browder															
	<p>Staff support for Biscayne Bay Watershed Management Advisory Board in attendance: Chief Bay Officer Irela Bagué (CBO-OOR); Lisa Spadafina (RER-DERM); Rashid Istanbouli (RER-DERM); Pamela Sweeney (RER-DERM); Nancy Jackson (CBO-OOR); Larissa Aploks (RER), and Ana Fiotte (CBO-OOR).</p>														

## AGENDA TOPICS

### IN MEMORIAM CARLOS HERNANDEZ

Rashid Istanbouli, Assistant Director, RER-DERM

PRESENTATION	<p>Chair, Vince Lago requested Lisa Spadafina the DERM Director to make some remarks regarding our late colleague Carlos Hernandez. Ms. Spadafina invited Rashid Istanbouli to make remarks on behalf of DERM. Mr. Istanbouli remarked on the public service and dedication of Mr. Hernandez who recently passed away. He will be sorely missed by so many colleagues in the County and beyond.</p>
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### REASONABLE OPPORTUNITY TO BE HEARD

Mayor Vince Lago – Vice - Chair

PUBLIC COMMENT	<ol style="list-style-type: none"> <li>Juan Dieguez – representing Watersports Association and owner of a legal jet ski business who shared concerns that the current process on doing business on the water penalizes those who are abiding by the rules and no enforcement is taking place on illegal operators.</li> <li>Audrey Sui – Miami Waterkeeper. Expressed condolences for Carlos, shared they support HB163 related to port dredging requiring independent contractors to monitor the work (related to Port Miami) dredging) and SB 32 – Mangrove Bill replanting referenced BBTF recommendations and asked BBWMAB to discuss both bills and would appreciate any suggestions to improve both bills from the county.</li> <li>Laura Reynolds – Friends of Biscayne Bay. Expressed condolences for Carlos, opposing HB 527 (related to wetlands preemption) asking for board’s support for opposition and an urging. Laura also mentioned Fertilizer preemption and there may be a bill to make it permanent, submitted draft resolution language to the clerk.</li> <li>Marcos Pena – Suggested moratorium on fishing and construction and if that is not possible than a two-year moratorium on fishing and construction is his recommendation. Take this time to revamp sewer systems and infrastructure. Very worried about the health of Biscayne Bay.</li> </ol>
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	<p>5. Scott Pallowitz - Friends of Biscayne Bay. Fertilizer Ordinances are a bi-partisan solution for water quality. Oppose the temporary pre-emption and any future pre-emption. HB 527 places a large burden on local governments. Supports urging to oppose HB 527. Announced BB Aquatic Preserve is turning 50 in 2024, FOBB will be hosting year-long events for the community.</p> <p>6. Stephanie Clements - Tropical Audobon Society. Pleased to see topic of Commercial Uses on Biscayne Bay. Mangrove Island off of Morningside Park, is a rookery. FWC put up signs but jet skis speed by and boats get too close when fishing. The area around the spoil islands is a slow speed Manatee zone but boaters do not follow the laws. Recommend that county and other cities follow the Miami Beach BTR process.</p> <p>7. Albert Gomez - Shared condolences for Carlos, oppose SB 527. Mentioned the value of Biscayne Bay at \$64B and that should be cause for protection and consciously enjoy and protect the bay through increased enforcement and making it a priority using funds from the Biscayne Bay Environmental Enhancement Trust Fund.</p> <p>8. Amanda Prieto – Miami Waterkeeper - Mentioned the Bay’s value as a key motivator for implementing more resources for restoration and protection by supporting the County’s Bay legislative priorities.</p>
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**APPROVAL OF AGENDA**

Mayor Vince Lago – Vice - Chair

BOARD ACTION	Agenda was approved and adopted unanimously.
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**APPROVAL OF MEETING MINUTES**

Mayor Vince Lago – Vice - Chair

BOARD ACTION	Meeting Minutes from September 15, 2023, meeting minutes adopted unanimously.
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**COMMERCIAL USES OF BISCAYNE BAY**

Commissioner Rachel Streitfeld

DISCUSSION	<p>Commissioner Streitfeld - described some of the issues faced in North Bay Village regarding commercial uses of Biscayne Bay, not just jet ski activity but all kinds of activity. Would like County Commission to take up this topic and that the Commission emulate the Miami Beach BTR process across the county.</p> <p>Mr. Doebler - stated that he sits on the board which approves the marine use permit requests. This process allows Code Enforcement and Police to enforce specific guidelines and rules. Mentioned where and how jet ski operators are operating illegally while legal businesses are not able to operate because we don’t have a clear process. Suggests we follow Miami Beach’s process.</p> <p>Commissioner Fernandez - echoed other board members. Stated that Miami Beach Marine Patrol are very strong and work closely with FWC and others. Marine Patrol are able to enforce on those entities that do business out of Miami Beach. However, when bad actors leave the jurisdiction of the Beach or aren’t based in Miami Beach then the process doesn’t cover their actions. This is why having the BTR process across the Bay is very important and not a piecemeal process where some jurisdictions have it and some don’t. Supports county BTR process.</p> <p>Vice-Chair Lago - requested that Commissioner Streitfeld produce an urging for the BCC detailing the changes that we recommend so that there is a county-wide process which mirrors that of Miami Beach. Urge the County Commission to take up this effort.</p> <p>Mr. Crowley - agreed that there are a lot of problems with illicit businesses operating especially in the area from the Venetian and Tuttle causeways and even up to the 79<sup>th</sup> Street causeway. Has seen floating platforms operating illegally in the Bay. We can’t divorce the commercial processes from the enforcement requirement. For example, we need State Highway Patrol enforcing no parking / stopping on the Julia Tuttle Causeway. Concerned about comments from legal businesses which are being punished for actions of other bad actors. Agrees with a county-wide process.</p> <p>Ms. Kepner - stated that she represents both the Greater Miami Visitor’s bureau but also is the Manager of the Marriot Hotel Biscayne Bay adjacent to the Venetian Causeway. Witnesses floating</p>
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	<p>bars, tourists or locals jumping from Margaret Pace Park to jet skis. Has worked with City of Miami to address these incidents. Supports effort for county-wide BTR process and increased enforcement.</p> <p>Mr. Bibeau - referred to Biscayne Bay Trust Fund and asks DERM Director if the trust fund could be used for enforcement and what the current balance of the trust fund is.</p> <p>Assistant County Attorney - responded that to be able to answer we would need to look at proposed specific use of the funding. DERM Director Spadafina - stated that in the past the trust fund was not used for enforcement. Will provide balance at a future meeting.</p> <p>Chief Bay Officer - stated that we need a process in place for businesses to register legally according to DERM. People don't know about our existing process. We will get more information on this process to the board. Recommendation to Mayor and to the Commission what can we do collectively in a coordinated way to target enforcement to have special details (explore funding too) but done in a collective way. Our County Commissioners are working on this.</p> <p>The Vice-Chair - summarized the discussion and stated that Comm. Streitfeld work with staff to develop a roadmap of recommendations to improve the BTR process with county wide effect; and explore if the Biscayne Bay Environmental Enhancement Trust Fund can fund increased enforcement to address businesses operating on the water and bring back to the next meeting to draft a resolution to the BCC.</p> <p>Mr. Crowley - mentioned the grant dollars available through FIND for marine law enforcement including to purchase vessels.</p> <p>CBO addressed board to remind them of upcoming Marine Action Security Team (MAST) quarterly meeting.</p>
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**WETLANDS AND WATER QUALITY**

Dr. Joan Browder

<p>DISCUSSION</p>	<p>The Vice-Chair requested that Dr. Browder address the Board regarding wetlands.</p> <p>Dr. Browder stated that she wanted to delve deeper into the topic of the importance of wetlands to water quality as she heard at the September meeting that they are not directly related to enhancing the water quality of Biscayne Bay. There is a history around the world of using wetlands to improve water quality; fifty years of history of developing wetlands ecology, treatment and engineering discipline. Dr. Browder mentioned that she was there when restoring wetlands as a treatment value began at the University of Florida Center of Wetlands under Dr. Odum. We ought to pay attention to preserving our wetlands and using them where we can, to help us save the water quality of Biscayne Bay.</p> <p>We have lands being considered for use in the BBSEER project and they are especially important for Biscayne Bay and the northeast part of Florida Bay. We need to preserve the land and not let it be developed.</p> <p>Dave Doebler stated that the Board has had a lot of conversations about importance of wetlands in general. Asked what can we do from legislative or regulatory path to put protections around the wetland areas.</p> <p>Mayor Meerbott commented that one path is to allow local governments to regulate the wetlands. We should make a recommendation to BCC regarding an urging to oppose that HB 527 and oppose fertilizer ordinance preemption. Mayor Meerbott made motion to recommend to BCC to oppose HB 527.</p> <p>Spencer Crowley opposed the motion, stating that we already have very strong federal and state protections. State legislators react to conflicting and overlapping regulations which are inefficient and don't end up improving protections for wetlands. Stated that he would support increasing efficiency of the existing system.</p> <p>Chair Lago stated his disagreement with this approach citing example of tree removal preemption which has negatively impacted Coral Gables.</p> <p>Commissioner Fernandez supported the motion on the table and proffered an amendment to oppose HB 527 while maintaining local regulation.</p> <p>John Alger opposed motion stating that he wanted to learn more about HB 527 and has experienced negative outcomes of misplaced wetlands designations.</p> <p>Approval of motion to recommend the BCC to take actions to oppose HB 527 and any future Fertilizer preemption bills and support and maintain local regulations. Motion adopted and passed 9 to 2.</p>
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PRESENTATION	<p>Chief Bay Officer presented the draft Annual Report included in the board packet and reviewed key accomplishment of the Board in 2023.</p> <p>Kicked off the Biscayne Bay Friendly multi-media and mutli-lingual campaign, an item that was sponsored by Commissioner Sosa. We are fortunate that the state has been so supportive of our work to improve water quality. The Biscayne Bay Water Quality grant program is an example where we've seen the investments from the state and the Governor. Last year we received \$14.5m for septic to sewer conversions particularly in those vulnerable locations where systems are failing. We have also partnered with the SFWMD to test innovative technologies to reduce nutrient pollution. Hopefully we can scale this technology.</p> <p>CBO mentioned policy highlights including an urging passed by the BCC to increase funding levels for the water quality grants. Feasible distance requirements for public sanitary sewers is another policy adopted in 2023 and which will improve water quality as well.</p> <p>From the Biscayne Bay Task Force recommendations we completed the Economic Study of Biscayne Bay demonstrating the huge economic importance of the Bay which provides \$64 billion in annual economic output. CBO pleased to share that over 80% of the BB Task Force recommendations have been either completed or started. Thanks to Mayor Levine Cava and all of the board members, we now have a Biscayne Bay Program which we didn't have before. Also thanked staff from OOR, DERM, WASD many other departments for their work.</p> <p>Video of the year in review played with highlights form 2023.</p>
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**FUTURE AGENDA ITEMS**

Mayor Vince Lago – Vice - Chair

DISCUSSION	<p>Mayor Lago asked the board members if they had any topics for future meeting agendas. Already addressed HB 527 and Fertilizer preemption item.</p> <p>Spencer Crowley requested a presentation of the Waterfront Recreational Access Plan (WRAP) funded by FIND and developed by Miami-Dade Parks Department. Chief Bay Officer stated that it's been noted we are pending the Mayor's briefing.</p> <p>Dave Doebler requested recommendations on wetland protections the board can support and take action on. Requested that staff come back with a strategy to address this. Requested that the final report from the Marine Debris working group be presented at the next meeting.</p> <p>Dr. Browder stated that the Watershed plan which is coming up is the opportunity for us to highlight the importance of wetlands and their preservation.</p>
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**ADJOURN**

Mayor Vince Lago – Vice-Chair

DISCUSSION	<p>The Chair thanked the BBWMAB and staff for their work and wished everyone Happy Holidays. The meeting was adjourned.</p>
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# BBWMAB Legislative Session Review

The following is a list of Bills, Appropriations, and Legislative Items related to Biscayne Bay and water quality by the Florida State Legislature in 2024

## Urgings and Appropriations

- **Biscayne Bay Watershed Plan (Funded for \$500k)**
  - APR submitted with sponsors Sen. Alexis Calatayud and Rep. Vicky Lopez – requested \$500k with \$500k local match.
  - County Priority/R-1167-23 (Cohen Higgins)
- **Biscayne Bay infrastructure, including wastewater and stormwater projects (Funded for \$20m)**
  - County Priority/R-930-23 (Cohen Higgins) R-811-23 (RER)
- **Water Quality Improvement Grant Program - statewide (Funded for \$200m)**
- **Biscayne Bay Restoration Support through Data Analytics and Visualization (Not Funded)**
  - APR submitted with sponsors Sen. Alexis Calatayud and Rep. Vicky Lopez – requested \$1m with \$1m local match.
  - Priority/R-811-23 Regulatory and Economic Resources

## Legislative Items that Passed

**SB 1386/HB 1557:** This is an omnibus environmental bill that amends provisions relating to aquatic preserves, resilience, onsite sewage treatment and disposal systems (OSTDS):

- Designates the Kristin Jacobs Coral Reef Ecosystem Conservation Area as an aquatic preserve.
- Requires each WMD, in coordination with DEP, to develop rules by December 31, 2025, that promote the reuse of reclaimed water.
- Requires the Chief Science Officer to coordinate with the Chief Resilience Officer and the Florida Flood Hub when developing statewide sea level rise projections.
- Clarifies that the Legislature intends that the transfer of the regulation of the Onsite Sewage Program from the Department of Health (DOH) to DEP be completed in a phased approach.
- Requires DEP to adopt rules establishing and implementing a program of general permits for certain onsite sewage treatment and disposal systems (OSTDSs).
- Requires DEP to establish an enhanced nutrient reducing OSTDS approval program that will expeditiously evaluate and approve such systems for use in this state.
- Requires DEP to create a water quality dashboard.



**SB 1638:** Funding for Environmental Resource Management / Tribal Gaming. The bill requires 96 percent of the revenues from the 2021 gaming compact between the Seminole Tribe of Florida and the State of Florida for the acquisition and management of conservation lands and the identification and prioritization of critical clean water infrastructure investments be deposited in the Indian Gaming Revenue Trust Fund within the Department of Financial Services.

The funds must be distributed each fiscal year for the following:

- Florida Wildlife Corridor.
- Florida Fish and Wildlife Conservation Commission (FWC), DEP, and the Department of Agriculture and Consumer Services (DACCS) for the management of uplands and removal of invasive species.
- DEP, Statewide Flooding and Sea Level Rise Resilience Plan; and
- DEP, Water Quality Improvement Grant Program.

**CS/SB 7040:** Ratification of the Department of Environmental Protection's Rules Relating to Stormwater. This bill ratifies the Department of Environmental Protection's (DEP) revisions to the stormwater rules within Chapter 62-330 F.A.C., as required by the Clean Waterways Act, with several changes, including:

- Clarifying provisions relating to grandfathered projects;
- Providing that entities implementing stormwater best management practices also regulated under different provisions of law are not subject to duplicate inspections for the same practices;
- Allowing alternative treatment standards for redevelopment projects in areas with impaired waters.
- Providing that a stormwater management system is presumed to not violate state water quality standards if an applicant demonstrates its designs and plans meet performance standards and has met other requirements under the revised rules; and
- Allowing an applicant to demonstrate compliance with the rule's performance standards by providing reasonable assurance through modeling, calculations, and supporting documentation that satisfy the provisions of the revised rules.

**CS/CS/HB 437:** Anchoring Limitation Areas. The bill expands the sections of Biscayne Bay in Miami-Dade County that are designated as anchoring limitation areas. Specifically, the bill designates the sections of Biscayne Bay lying between Palm Island and State Road A1A and between San Marino Island and Di Lido Island as anchoring limitation areas. The bill also revises the types of evidence a vessel owner or operator may provide to a law enforcement officer or an agency upon inquiry.

**CS/CS/HB 1049:** Flood Disclosure in the Sale of Real Property. The bill requires a seller of residential real property to complete and provide a disclosure form relating to flooding to a purchaser at or before the time the sales contract is executed.

**CS/CS/CS/SB 1532:** Mitigation. This bill expands the water quality enhancement credit program to allow private entities to purchase credits. Currently, only governmental entities may purchase water quality enhancement credits under the program. Specifically, the bill provides that water quality enhancement credits may be sold to governmental entities seeking to meet an assigned basin management action plan allocation or reasonable assurance plan or to private or governmental applicants for the purpose of achieving net improvement or meeting environmental resource permit performance standards.

**SB 602** - Intentional Release of Balloons. The bill provides that the intentional release of balloons inflated with a gas that is lighter than air constitutes littering. A person who commits such an act is subject to the penalties outlined in Florida's Litter Law.

### **Legislative Items that Failed**

#### **SB 1364** Everglades Protection Area.

With this legislation, any proposed land use amendment within or within 2 miles of the Florida Everglades will be subject to greater scrutiny under the coordinated state review process, and an applicant must minimize adverse impacts to the Everglades. The process is already utilized and understood by the affected municipalities and agencies. The proposed bills are needed to protect the state's unprecedented economic investment and ongoing commitment to restore the Florida Everglades.

#### **SB 32/HB 1581** Mangrove Replanting, Restoration

Would have required the Florida Department of Environmental Protection ("DEP") to adopt rules for mangrove replanting and restoration. The bill would have directed DEP to conduct a statewide feasibility study to determine the value of mangroves and other nature-based solutions for coastal flood risk reduction to reduce insurance premiums and improve local governments' community ratings in the National Flood Insurance Program Community Rating System. The bill also would have directed DEP to submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by July 1, 2025.

#### **SB 298/HB 1079** Local Government Coastal Protections/Coastal County, Municipality Coastal Construction Zoning, Building Codes/Saltwater Intrusion Vulnerability Assessments/Water Utilities

HB 1079 removes the authority of the Florida Department of Environmental Protection (DEP) to delegate the establishment of coastal construction zoning and building codes to a coastal county or coastal municipality in lieu of the state established Coastal Construction Control Line, unless such codes were approved in writing on or before December 1, 2023. The bill also expands the Resilient Florida Grant Program to allow DEP to provide grants to coastal counties for saltwater intrusion vulnerability assessments that analyze the effects of saltwater intrusion on the coastal county's water supply and the preparedness of the county to respond to such a threat. Lastly, HB 1079 directs DEP to make information related to such assessments available on its website and update its comprehensive statewide flood vulnerability and sea level rise data set to incorporate such assessments.

#### **HB 527 / SB 664** Land and Water Management

HB 527 requires local governments that create larger buffers zones for development around waterways than state minimums to pay to acquire the additional land through eminent domain and would preempt to the state any regulation of dredge and fill activities. SB 664, a similar bill, would require certain land and water buffer zones established by a county or municipality to be purchased by the county or municipality, and would also preempt to the state any regulation of dredge and fill activities.