

MEMORANDUM

Agenda Item No. 8(L)(3)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: September 1, 2022

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution authorizing the County Mayor to apply for and execute authorizations for use of Federal and State submerged lands and other required permits and authorizations, together with modifications and extensions thereto, for 16 mooring buoys in the offshore waters of Miami-Dade County; and apply for and execute said authorizations and other required permits for up to an additional 15 mooring buoys, all for a period of 10 years

The accompanying resolution was prepared by the Regulatory and Economic Resources Department and placed on the agenda at the request of Prime Sponsor Commissioner Rebeca Sosa.




Geri Bonzon-Keenan
County Attorney

GBK/smm

Date: September 1, 2022

To: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

From: Daniella Levine Cava 
Mayor

Subject: Resolution Authorizing the County Mayor or County Mayor's Designee to Apply for and Execute Authorizations for Use of Federal and State Submerged Lands and Other Required Permits and Authorizations Related to Offshore Mooring Buoys

Executive Summary

This resolution would allow for the County to expand its existing mooring buoy program, which currently consists of 42 offshore mooring buoys, by adding an additional 12 buoys and repairing 4 existing buoys in the locations depicted in Attachment A. Additionally, the item delegates authority to the Mayor or Mayor's designee to apply for and execute authorizations for up to an additional 15 offshore mooring buoys for a period of 10 years. The mooring buoy program is an important tool to protect against damage to Biscayne Bay from boat anchors.

Recommendation

It is recommended that the Board of County Commissioners approve the attached resolution authorizing the County Mayor or County Mayor's designee to apply for and execute authorizations for use of Federal and State submerged lands, pursuant to the terms and conditions of such submerged lands authorizations, together with other required permits and authorizations, for 16 offshore mooring buoys, as discussed herein, that are planned to be installed, repaired, and managed by the Department of Regulatory and Economic Resources, Division of Environmental Resources Management (DERM).

Scope

Mooring buoys managed by DERM currently benefit ocean areas offshore of Commission Districts 3, 4, 5, 7, 8, and 9, represented by Commissioner Keon Hardemon, Commissioner Sally Heyman, Commissioner Eileen Higgins, Commissioner Raquel Regalado, Commissioner Danielle Cohen Higgins, and Commissioner Kionne McGhee, respectively.

Delegation of Authority

In addition to the 16 mooring buoys discussed herein, this resolution also delegates, for a period of 10 years, the authority to the County Mayor or County Mayor's designee to apply for and execute such authorizations for use of Federal and State submerged lands, pursuant to the terms and conditions of such submerged lands authorizations, together with other required permits and authorizations from local, State, and Federal regulatory agencies, for up to an additional 15 offshore mooring buoys.

Fiscal Impact/Funding Source

The total anticipated fiscal impact of this resolution is estimated to be \$284,000.00.

The fiscal impact, for the 16 specific mooring buoys discussed herein, is anticipated to be approximately \$146,500.00 which includes: Federal and State submerged lands authorizations and other permit fees; installation; and periodic inspections and repairs of each mooring buoy, including underwater inspections, that are required as part of the Federal and State submerged lands authorizations, for the life of the respective mooring buoy, which is approximately 10 years per industry standards.

In addition, the fiscal impact of the additional authority delegated to the County Mayor or County Mayor's designee, for up to 15 additional mooring buoys, is estimated to be \$137,500.00 which includes: Federal and State submerged lands authorizations and other permit fees; installation; and periodic inspections and repairs of each mooring buoy, including underwater inspections, that are required as part of the Federal and State submerged lands authorizations for the life of the respective mooring buoy, which is approximately 10 years per industry standards.

The costs associated with this resolution will be paid from funds that this Board previously disbursed from the Biscayne Bay Environmental Enhancement Trust Fund (BBEETF), pursuant to Resolution No. R-1172-18, for the management, maintenance, and installation of offshore mooring buoys. As of March 31, 2022, the available balance of the Resolution No. R-1172-18 disbursement is \$267,741.82 (TF 105). At such time as additional mooring buoys are needed, and funds disbursed from BBEETF pursuant to Resolution No. R-1172-18 are exhausted, staff will seek a disbursement request for the necessary funds at that time.

Track Record / Monitor

The Manager of the Restoration and Enhancement Section, Pamela Sweeney, within the Department of Regulatory and Economic Resources, Division of Environmental Resources Management, will monitor activities associated with mooring buoy permit applications and authorization.

Background


Offshore mooring buoys are comprised of a surface buoy with a line attached to an anchor permanently installed on the seafloor. Mooring buoys are used by boats to tie off to rather than drop anchor on a first-come, first-served basis. The importance of mooring buoys is twofold in that they facilitate access to sensitive natural coral reef and artificial reef habitat while protecting these resources from anchoring. Repeated anchoring, to gain access to natural and artificial reefs for fishing, snorkeling, or diving, can damage these sensitive natural resources. Damage caused by anchoring can be minimized through the use of mooring buoys, and the County remains committed to facilitating access by residents and visitors to these popular and sensitive habitats while protecting them.

To date, DERM has placed 42 mooring buoys at nine popular fishing and snorkeling/diving sites from Sunny Isles Beach to the northern border of Biscayne National Park. Based on requests from local stakeholders, environmental nonprofits, and citizen scientist programs to add or reinstall mooring buoys, DERM is taking action to expand the mooring buoy program. This resolution would allow for the reinstallation of four buoys at two previously permitted locations (Jose Cuervo Reef and Halfmoon shipwreck) and installation of 12 mooring buoys at five new locations (Golden Beach Boulders, Anchorage Wreck Trek, Royal Reef, Flamingo Reef, and Paradise Reef), for a total of 16 mooring buoys. Locations are shown in Attachment A.

As mooring buoy anchors are permanently installed on the seafloor, Federal and State submerged lands use authorizations are generally required, together with other permits and authorizations from Federal, State, and local regulatory agencies. It is anticipated that such authorizations will be required for installation of new mooring buoys, for modifications of mooring buoys (e.g., when the mooring buoy anchor type changes) and for extensions of time either for installation or for use of Federal and state submerged lands.

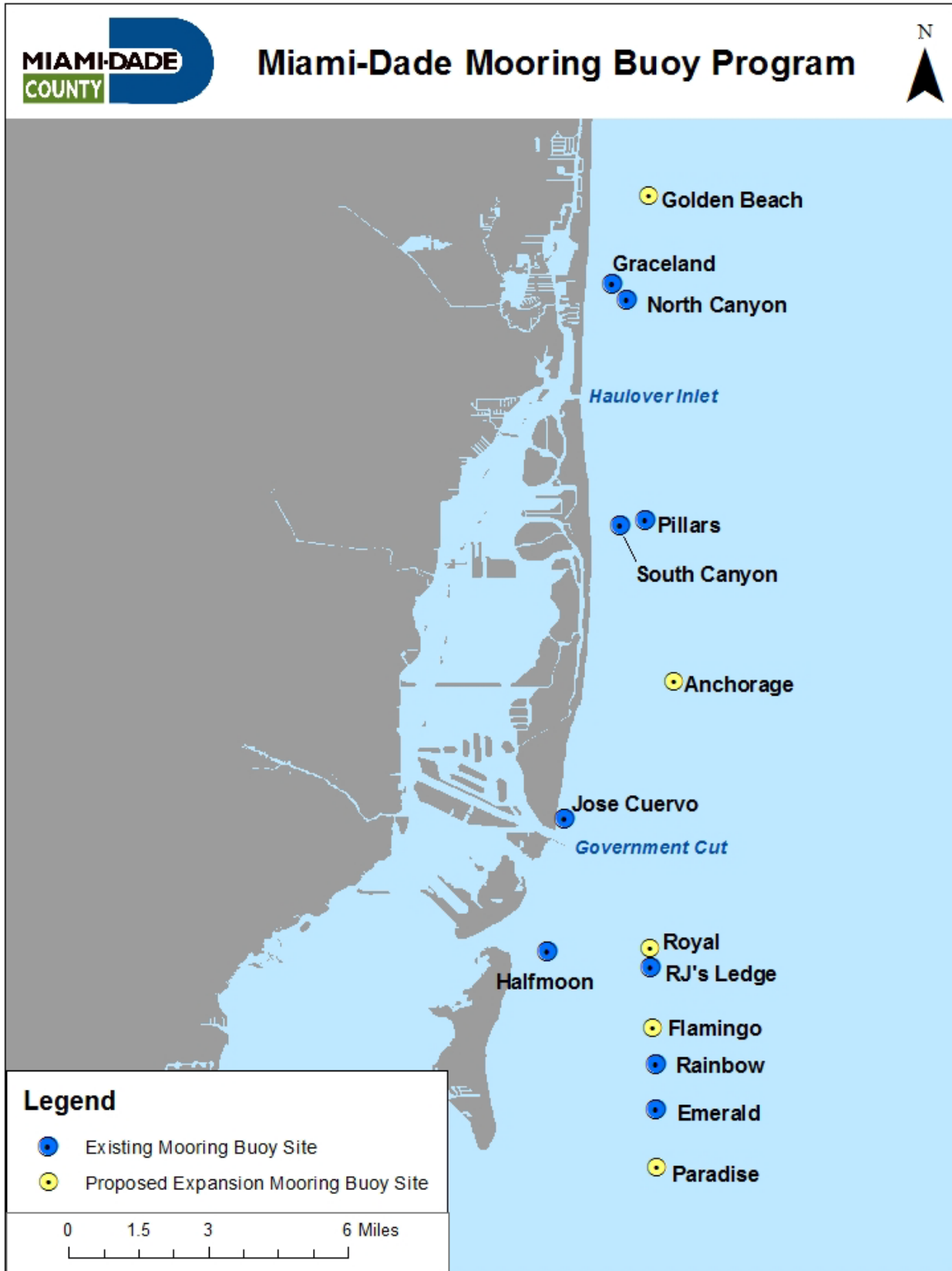
Federal and State submerged lands use authorizations require the County to, among other things, conduct periodic inspections of the mooring buoys, including underwater inspections; make repairs as needed; and hold the State government harmless for damages related to the mooring buoys.

In addition to the 16 mooring buoys shown on Attachment A, this resolution would delegate the authority, for a period of 10 years, to the County Mayor or County Mayor's designee to apply for and execute authorizations for up to an additional 15 offshore mooring buoys. The locations of these additional 15 mooring buoys have not yet been determined but could involve additional mooring buoys at existing mooring buoy locations or new mooring buoy locations. Such future locations would be evaluated by DERM based on County needs and the requests or needs of the public, including local stakeholders, and any such locations shall be in the coastal waters of the County beyond Biscayne Bay.

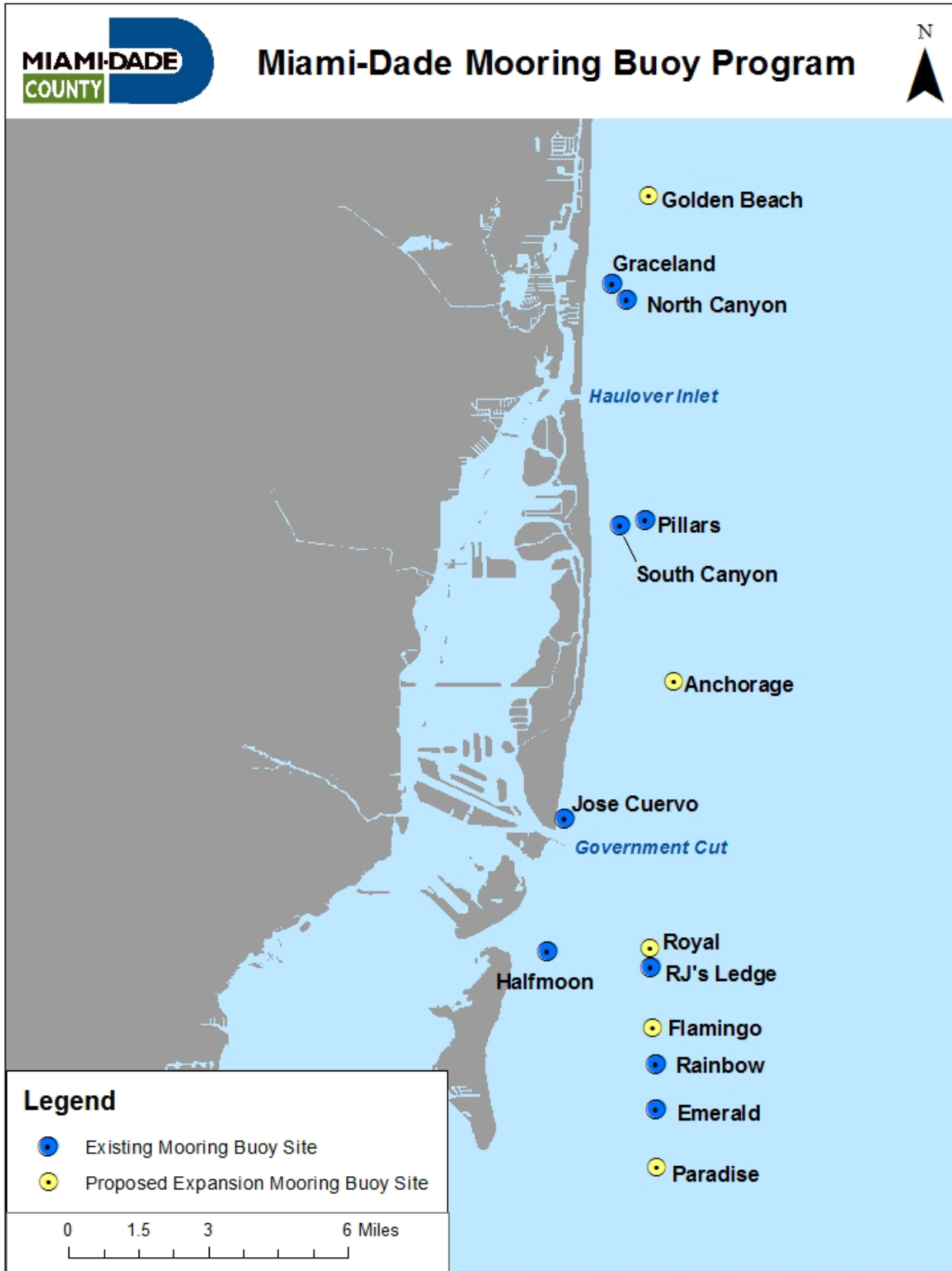


Jimmy Morales
Chief Operations Officer

Attachment A:



Attachment A:





MEMORANDUM
(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: September 1, 2022

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 8(L)(3)

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
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) 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(L)(3)
9-1-22

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO APPLY FOR AND EXECUTE AUTHORIZATIONS FOR USE OF FEDERAL AND STATE SUBMERGED LANDS AND OTHER REQUIRED PERMITS AND AUTHORIZATIONS, TOGETHER WITH MODIFICATIONS AND EXTENSIONS THERETO, FOR 16 MOORING BUOYS IN THE OFFSHORE WATERS OF MIAMI-DADE COUNTY; AND APPLY FOR AND EXECUTE SAID AUTHORIZATIONS AND OTHER REQUIRED PERMITS FOR UP TO AN ADDITIONAL 15 MOORING BUOYS, ALL FOR A PERIOD OF 10 YEARS

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board hereby authorizes the County Mayor or County Mayor's designee to: (1) apply for and execute authorizations for use of Federal and State submerged lands and other required permits and authorizations, including modifications and extensions thereto, for 16 mooring buoys in the offshore waters of Miami-Dade County, to the extent such periods and authorizations are required by Federal, State, and local regulatory agencies for the installation, maintenance, and management of said 16 mooring buoys; and (2) apply for and execute authorizations for use of Federal and State submerged lands and other required permits and authorizations, including modifications and extensions thereto, for up to 15 additional mooring buoys in the offshore waters of Miami-Dade County, to the extent such periods and authorizations are required by Federal, State, and local regulatory agencies for the installation, maintenance, and management of said additional mooring

buoys. All of the above-mentioned authority granted in this resolution to the County Mayor or County Mayor’s designee shall extend for a period of 10 years following the effective date of this resolution.

The foregoing resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

- | | |
|---------------------------------------|------------------------|
| Jose “Pepe” Diaz, Chairman | |
| Oliver G. Gilbert, III, Vice-Chairman | |
| Sen. René García | Keon Hardemon |
| Sally A. Heyman | Danielle Cohen Higgins |
| Eileen Higgins | Joe A. Martinez |
| Kionne L. McGhee | Jean Monestime |
| Raquel A. Regalado | Rebeca Sosa |
| Sen. Javier D. Souto | |

The Chairperson thereupon declared this resolution duly passed and adopted this 1st day of September, 2022. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the Board.

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

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Abbie Schwaderer-Raurell