

MEMORANDUM

Agenda Item No. 8(L)(1)

TO: Honorable Chairman Anthony Rodríguez
and Members, Board of County Commissioners

DATE: December 3, 2024

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution authorizing the
disbursement of \$3,000,000.00
from the Biscayne Bay
Environmental Enhancement
Trust Fund for environmental
enhancement through the
removal and disposal of bulky
marine debris within Biscayne
Bay, its tidal tributaries, and
foreshore and technical services
to develop the reasonable
assurance plan

Resolution No. R-1071-24

The accompanying resolution was prepared by the Regulatory and Economic Resources Department and placed on the agenda at the request of Prime Sponsor Commissioner Danielle Cohen Higgins and Co-Sponsor Commissioner Micky Steinberg.



Geri Bonzon-Keenan
County Attorney

GBK/ks

Memorandum



Date: December 3, 2024

To: Honorable Chairman Anthony Rodríguez
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor 

Subject: Resolution Authorizing the Disbursement of up to \$3,000,000.00 from the Biscayne Bay Environmental Enhancement Trust Fund for Environmental Enhancement through the Removal and Disposal of Bulky Marine Debris within Biscayne Bay and for the Technical Services to Develop the Reasonable Assurance Plan

Executive Summary

The attached resolution seeks authorization from the Board of County Commissioners (Board) for the disbursement of up to \$3,000,000.00 from the Biscayne Bay Environmental Enhancement Trust Fund (BBEETF) for environmental enhancement through the removal of bulky marine debris within Biscayne Bay and for technical services for the development of the Reasonable Assurance Plan (RAP). Of the \$3,000,000.00 disbursement, \$500,000.00 will fund the removal and disposal of derelict vessels, lost and abandoned fishing gear, illegal structures, and other bulky marine debris located in the Bay, its tidal tributaries, and foreshore. The remaining \$2,500,000.00 will fund technical services required to develop the RAP including modeling needs, nutrient reduction project identification, as well as peer review services as needed. As the Board is aware, the County is developing the RAP to address Biscayne Bay water quality impairments that have contributed to habitat loss, fish kills, and algal blooms and attain compliance with water quality standards. Water quality standards are established by the state to protect a waterbody's designated uses; Biscayne Bay is designated as Class III waters to protect fish consumption, recreation, and propagation and maintenance of a healthy, well-balanced population of fish and wildlife. These activities will be conducted in association with the County's ongoing Biscayne Bay restoration and enhancement activities and are consistent with Section 24-40 of the Code of Miami-Dade County (Code) and Ordinance No. 24-102, which allow BBEETF funds to be used for the aforementioned activities.

Recommendation

It is recommended that the Board adopt the attached resolution authorizing the disbursement of up to \$3,000,000.00 from the BBEETF to conduct environmental enhancement in Biscayne Bay through the removal and disposal of derelict vessels, lost and abandoned fishing gear, illegal structures, and other bulky marine debris from Biscayne Bay, its tidal tributaries, and foreshore; and to fund technical services required to develop the RAP including modeling needs, nutrient reduction project identification, as well as peer review services as needed.

Scope

This disbursement request will provide benefits County-wide and serve all Commission Districts. The RAP will address Biscayne Bay's water quality impairments throughout the watershed, including all incorporated and unincorporated areas, and removal of bulky marine debris provides safer and healthier recreational opportunities for all residents and visitors who recreate on the Bay.

Delegation of Authority

This item has no delegation of authority.

Fiscal Impact/Funding Source

The funding source of the disbursement up to \$3,000,000.00 will be County vessel registration fees collected pursuant to Section 328.66 Florida Statutes and deposited into the BBEETF. Of the \$3,000,000.00 disbursement, \$500,000.00 will fund the removal and disposal of derelict vessels, lost and abandoned fishing gear, illegal structures, and other bulky marine debris located in the Bay, its tidal tributaries, and foreshore. The remaining \$2,500,000.00 disbursement will fund technical services required to develop the RAP including modeling needs, nutrient reduction project identification, as well as peer review services as needed. This disbursement is consistent with Section 24-40 of the Code and Ordinance No. 24-102, which allows BBEETF funds to be used for the aforementioned activities. The proposed use of the funds is also consistent with Section 328.66(1) Florida Statutes and with Section 7-22.1 of the Code.

The vessel registration fee balance within the BBEETF as of September 30, 2024, is \$11,124,343 (TF064).

Track Record/Monitor

The Manager of the Restoration & Enhancement Section of RER-DERM, Laura Eldredge, will monitor marine debris removal activities and Senior Manager of the Water Resources Section of RER-DERM, Pamela Sweeney, will monitor activities related to RAP development.

Background

Through its Restoration and Enhancement and Water Resources Sections, RER-DERM plays the leading and active role in restoring the health and resilience of the Bay. Disbursement of BBEETF funding serves to improve the health of the Bay while adding to its ecological, economical and recreational value. RER-DERM requires a disbursement of up to \$3,000,000.00 to remove bulky marine debris from the Bay and for technical services to develop the RAP.

Bulky Marine Debris

Since 2008, RER-DERM has removed and disposed of over 500 derelict vessels and associated pollutants, tons of lost and abandoned fishing gear including multiple derelict nets and over 4,000 crab and lobster traps, numerous unauthorized and unsafe structures, and other bulky debris located in the marine environment of Miami-Dade County. This has provided many benefits to the County's residents, visitors, and businesses by eliminating significant environmental and public safety hazards and enhancing the aesthetic and ecological quality of our coastal areas.

Since the last \$500,000.00 disbursement was authorized specifically for bulky marine debris by Resolution No. R- 299-21 in April of 2021, RER-DERM has removed and disposed of over 145 derelict vessels and associated pollutants, over 1,000 abandoned crab and lobster traps, and numerous other items of bulky debris from the marine environment of Miami-Dade County. This work was accomplished using BBEETF funds and, in the case of derelict vessels, an additional \$423,886.39 in grant funds from the Florida Inland Navigation District and Florida Fish & Wildlife Conservation Commission for which BBEETF monies were sometimes used to meet matching fund requirements. Some of these grant awards would have been otherwise unobtainable had it not been for the availability of the previously approved BBEETF funds.

If granted, this disbursement is anticipated to provide funding for the removal and disposal of

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bulky marine debris for a period of up to three years and will allow RER-DERM to continue, and increase the effectiveness of, its marine debris removal efforts. When appropriate, these funds may also be used to meet matching requirements for marine debris removal grants offered by other agencies and organizations. Debris removal and disposal work will be performed by County staff, by volunteers when appropriate, and by pre-qualified local contractors selected through a competitive bidding process.

Reasonable Assurance Plan (RAP)

As the Board is aware, the County is developing a RAP to address Biscayne Bay water quality impairments and attain compliance with water quality criteria in Biscayne Bay. The County is developing the RAP to address Biscayne Bay water quality impairments that have contributed to habitat loss, fish kills, and algal blooms and attain compliance with water quality standards. Water quality standards are established by the state to protect a waterbody's designated uses; Biscayne Bay is designated as Class III waters to protect fish consumption, recreation, and propagation and maintenance of a healthy, well-balanced population of fish and wildlife. The development of the RAP requires that nutrient loading from various sources is identified and quantified, that more protective water quality targets are set using scientifically sound methodology and requires that nutrient-reducing projects and policies are identified for implementation to meet water quality targets to be established. Achieving water quality targets will support restoration and maintenance of Bay habitats, fish and wildlife. Once the RAP is approved by FDEP and the U.S. Environmental Protection Agency, broader state and federal funding is anticipated to be available to support implementation of nutrient reduction projects, which include but is not limited to stormwater and wastewater infrastructure improvements.

Development of the RAP on an expedited schedule will be facilitated by RER-DERM obtaining technical expertise and support for modeling services, nutrient reduction project identification, and peer review services as needed to meet strict timelines. The BBEETF disbursement will support the following technical needs:

1. Develop Model

The consultant will develop, calibrate, and validate an integrated groundwater and surface water model to estimate pollutant loading from groundwater and surface water sources to support the RAP development. The work will be completed by employing a model or modeling approach approved by FDEP and will require close coordination with County staff, other consultants, and FDEP.

2. Identify Nutrient Reduction Projects

The consultant will identify potential projects and policies to achieve the required nutrient load reduction targets as established through separate modeling efforts. The work includes estimating nutrient loading from point and non-point sources impacting groundwater and surface water and will require close coordination with County staff, other consultants, FDEP, and entities who may contribute loads to groundwater or surface water.

3. Conduct Model Runs

Once FDEP approves development of the model, the consultant is to conduct model runs of the integrated groundwater and surface water model to establish nutrient reduction target goals by regions or basins which would have been determined in earlier phases of the project.

4. Conduct Peer Review

While existing County staff continue to work on various tasks in support of RAP development including but not limited to data collection needed for model creation and model runs and obtaining additional information as needed, as strict timelines may necessitate additional support from outside consultants. Work would include peer review of model outputs and other technical work related to the model with feedback to be provided to model consultant and other consultants to support the development of the RAP.

5. Technical Analysis and Technical Report Development

County staff will obtain technical guidance and development of the technical report from a team whose work is recognized by FDEP as a team who have successfully completed and had approved water quality restoration plans, including RAPs. This support will be utilized for the preparation of the Biscayne Bay RAP beginning with the Plan of Study (POS). The POS will establish the contents needed in the RAP and define the methods to gather, evaluate, and apply sufficient data, models, plans, actions, and projects. The contractor will serve as the County's technical advisor for the County's submittal to FDEP and will contribute to the technical development and execution of all RAP-related services. The goal of the RAP is to attain water quality standards that are set by the state to restore and maintain Bay habitats and ensure protection of designated uses. Biscayne Bay is designated as Class III waters with standards to protect fish consumption, recreation, and propagation and maintenance of a healthy, well-balanced population of fish and wildlife.

In accordance with Section 24-40(4) of the Code and Ordinance No. 24-102, I have received and considered the attached recommendation of the Director of the Department of Regulatory and Economic Resources for the disbursement of \$3,000,000.00 from the BBEETF to be used for the removal of derelict vessels and other types of bulky marine debris and for technical services needed to develop the RAP.



Jimmy Morales
Chief Operating Officer

Memorandum



Date: August 15, 2024

To: Daniella Levine Cava
Mayor

From: Lourdes M. Gomez, Director 
Department of Regulatory and Economic Resources

Subject: Recommendation for the Disbursement of up to \$3,000,000.00 from the Biscayne Bay Environmental Enhancement Trust Fund to the Department of Regulatory and Economic Resources for Environmental Enhancement through the Removal and Disposal of Bulky Marine Debris within Biscayne Bay and Technical Services to Develop the Reasonable Assurance Plan

Pursuant to Section 24-40 of the Code of Miami-Dade County (Code) and Ordinance No. 24-102, I am recommending the disbursement of up to \$3,000,000.00 from the Biscayne Bay Environmental Enhancement Trust Fund (BBEETF) to the Miami-Dade Department of Regulatory and Economic Resources, Division of Environmental Resources Management (RER-DERM), to be used for the removal and disposal of bulky marine debris located in Biscayne Bay, its tidal tributaries, and foreshore (up to \$500,000.00) and for technical services for the development of the Reasonable Assurance Plan (RAP), including modeling needs, nutrient reduction project identification, as well as peer review services as needed (up to \$2,500,000.00).

Through its Biscayne Bay restoration and enhancement activities, RER-DERM has long played the lead and active role in the removal and disposal of bulky marine debris located in the tidal waters of Miami-Dade County. This has provided many benefits to the County's residents, visitors, and businesses by eliminating significant environmental and public safety hazards and enhancing the aesthetic and ecological quality of our coastal areas and waterways.

On April of 2021 the Board of County Commissioners, pursuant to Resolution No. R-299-21, authorized a previous \$500,000.00 disbursement from the BBEETF for bulky marine debris removal. These funds, combined with an additional \$423,886.39 in grants from the Florida Inland Navigation District and Florida Fish & Wildlife Conservation Commission, have supported the removal of over 145 derelict vessels and associated pollutants, over 1,000 abandoned crab and lobster traps, and numerous other items of bulky debris from the marine environment of Miami-Dade County. Some of the grant awards would have been otherwise unobtainable had it not been for the availability of matching funds from the BBEETF.

If approved, the \$500,000.00 disbursement will fund the removal and disposal of bulky marine debris for a period of up to three years and will allow RER-DERM to continue, and increase the effectiveness of, its marine debris removal efforts. These funds may also be used to meet matching requirements for marine debris removal grants offered by other agencies and organizations. Debris removal and disposal work will be performed by County staff, by volunteers when appropriate, and by pre-qualified local contractors selected through a competitive bidding process.

As the Board is aware, the County is developing the RAP to address Biscayne Bay water quality impairments that have contributed to habitat loss, fish kills, and algal blooms and attain compliance with water quality standards. Water quality standards are established by the state to protect a

waterbody's designated uses; Biscayne Bay is designated as Class III waters to protect fish consumption, recreation, and propagation and maintenance of a healthy, well-balanced population of fish and wildlife. The development of the RAP requires that nutrient loading from various sources is identified and quantified, that more protective water quality targets are set using scientific methodology, and that nutrient-reducing projects and policies are identified for implementation to meet water quality targets to be established. Achieving water quality targets will support restoration and maintenance of Bay habitats, fish and wildlife. Once the RAP is developed and approved by FDEP and the U.S. Environmental Protection Agency, broader state and federal funding is anticipated to be available to support implementation of nutrient reduction projects, which include but is not limited to stormwater and wastewater infrastructure improvements.

If approved, the \$2,500,000.00 disbursement will fund the development of the RAP and the needed technical support for modeling services, nutrient reduction project identification, and peer review services, as needed, to meet strict timelines.

The source of the disbursement will be County vessel registration fees collected pursuant to Section 328.66 Florida Statutes and deposited into the BBEETF. This disbursement is consistent with Section 24-40 of the Code and Ordinance No. 24-102. The proposed use of the funds is also consistent with Section 328.66(1) Florida Statutes and with Section 7-22.1 of the Code of Miami-Dade County. There are sufficient unencumbered funds currently available in the BBEETF to fulfill this request.



MEMORANDUM

(Revised)

TO: Honorable Chairman Anthony Rodríguez
and Members, Board of County Commissioners

DATE: December 3, 2024

FROM: 
Glen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 8(L)(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**
- _____ **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 ____, majority plus one ____, 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) ____, 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)(1)
12-3-24

RESOLUTION NO. R-1071-24

RESOLUTION AUTHORIZING THE DISBURSEMENT OF
\$3,000,000.00 FROM THE BISCAYNE BAY
ENVIRONMENTAL ENHANCEMENT TRUST FUND FOR
ENVIRONMENTAL ENHANCEMENT THROUGH THE
REMOVAL AND DISPOSAL OF BULKY MARINE DEBRIS
WITHIN BISCAYNE BAY, ITS TIDAL TRIBUTARIES, AND
FORESHORE AND TECHNICAL SERVICES TO DEVELOP
THE REASONABLE ASSURANCE PLAN

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, pursuant to section 24-40 of the Code of Miami-Dade County, hereby authorizes the disbursement of funds not to exceed \$3,000,000.00 from the Biscayne Bay Environmental Enhancement Trust Fund to be used to conduct environmental restoration through the removal and disposal of bulky marine debris located within Biscayne Bay, its tidal tributaries, and foreshore and technical services for the development of the Reasonable Assurance Plan. These activities will be conducted and overseen by the Restoration & Enhancement and Water Resources Coordination Sections, respectively, of the Department of Regulatory and Economic Resources Division of Environmental Resources Management (RER-DERM).

The foregoing resolution was offered by Commissioner **Kevin Marino Cabrera** ,
who moved its adoption. The motion was seconded by Commissioner **Kionne L. McGhee**
and upon being put to a vote, the vote was as follows:

Anthony Rodríguez, Chairman	aye		
Kionne L. McGhee, Vice Chairman	aye		
Marleine Bastien	aye	Juan Carlos Bermudez	aye
Kevin Marino Cabrera	aye	Sen. René García	absent
Oliver G. Gilbert, III	aye	Roberto J. Gonzalez	aye
Keon Hardemon	absent	Danielle Cohen Higgins	aye
Eileen Higgins	absent	Raquel A. Regalado	aye
Micky Steinberg	aye		

The Chairperson thereupon declared this resolution duly passed and adopted this 3rd day of December, 2024. 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
JUAN FERNANDEZ-BARQUIN, CLERK

By: Basia Pruna
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.
Abbie Schwaderer-Raurell