



## OFFICE OF THE TOWN COUNCIL

Robert "BJ" Duncan  
Council Member – Seat 1

# Memorandum

To: Honorable Mayor and Town Council

From: Council Member Robert "BJ" Duncan

Date: January 20, 2021

Re: **Supporting the Biscayne Bay Task Force Report - Protection of Biscayne Bay**

## REQUEST

**A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, SUPPORTING THE JUNE 2020 BISCAYNE BAY TASK FORCE REPORT AND RECOMMENDATIONS; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

## BACKGROUND AND ANALYSIS

The Town of Cutler Bay (the "Town"), a coastal community located adjacent to the Biscayne Bay Aquatic Preserves, is diligent in its efforts to preserve the environment, including our ocean, waterways, wetlands, and land in between. The water quality of Biscayne Bay, the Atlantic Ocean, and area water channels is critical to the health of the environment, the strength of the economy (including the tourism and recreation), and the health, safety, and welfare of the residents of the Town and Miami-Dade County (the "County"). Currently, municipal and County stormwater systems discharge nutrients, such as fertilizer, into Biscayne Bay from on-land activities. The well-known effects of unregulated use of fertilizers can lead to the presence of excessive nutrients and increased levels of nitrogen in surface and ground waters, which ultimately result in detrimental effects to the Town's environment and waters.

On May 20, 2020, the Town Council adopted Resolution No. 20-23, which urged the County to implement minimum standards applicable to the incorporated and unincorporated areas of the County for the proper use and application of fertilizers by adopting a Florida-Friendly Fertilizer Ordinance; allowing municipalities to implement more stringent, restrictive measures, if permitted by state law, in an effort to reduce pollution of our water bodies and protect local surface and groundwater quality.

On July 15, 2020, the Town Council adopted Ordinance 20-06, which revised the standards in Chapter 14, "Environmental Protection," of the Town Code of Ordinances by creating, among other things, Article III, "Fertilizer Use," to address environmental concerns and ensure sustainability and resiliency for the Town's residents and future generations.

In August of 2020, Biscayne Bay was devastated by a major fish-kill event; thousands of fish turned up dead. The recurrence of a separate fish-kill event in early October has lent even more credence to concerns that events of this type may become recurrent unless nutrient inputs into the system can be reduced dramatically.





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On October 22, 2020, a letter of guidance regarding the protection of Biscayne Bay was produced by the Friends of Biscayne Bay. The comprehensive guidelines in the letter address the detrimental amounts of pollution (caused in part by fertilizer runoff as well as septic tank spills) that have produced unprecedented fish kills, increases in phosphorus and nitrogen levels, rises in water temperature, algae blooms, toxic salinity levels, and low levels of oxygen in the water in Biscayne Bay.

On February 5, 2019, the County Board of County Commissioners ("BCC") adopted Resolution No. R-165-19, which established the Biscayne Bay Task Force (the "Task Force"). The purpose of the Task Force was to develop recommendations and an action plan identifying problem areas and prioritizing projects for Biscayne Bay. The Task Force's Report (the "Report") was presented to the BCC in October 2020 (*Attachment "A"*) and included 62 recommendations under seven policy themes: water quality, governance, infrastructure, watershed habitat restoration and natural infrastructure, marine debris, education and outreach, and funding. In the report, it is believed that the health of Biscayne Bay may be at a critical tipping point.

"The Bay faces a multitude of complex problems impacting water quality throughout the watershed. As water quality declines and we lose seagrasses and document degradation of other habitats, the health and resilience of the Bay and our beaches will continue to decline, impacting tourism, recreational and commercial fishing, and boating. Losing the jewel that is Biscayne Bay could severely affect our tourism-driven economy and depreciate waterfront property values... Scientists have studied Biscayne Bay's fragile ecosystem and the most recent call to action came from the National Oceanic and Atmospheric Administration (NOAA) in 2019, with a warning of a "regime change" occurring in Biscayne Bay's ecosystem."

On January 8, 2021, County Mayor Daniella Levine Cava appointed the County's first Chief Bay Officer (Ms. Irela Bague) who will advise the County Mayor on all issues related to Biscayne Bay. Ms. Bague has a wealth of experience, since she was the Biscayne Bay Task Force Chairperson.

The problems facing Biscayne Bay are serious and complex: most will require financial investments and a unified and collaborative approach to restoration and recovery. The process of restoring and recovering Biscayne Bay's resources and continuing to work to ensure the Bay is visually and physically accessible for all people is in service of environmental justice, and, in doing so, is in service to the people and natural resources of the County.

### **RECOMMENDATION**

It is recommended that the Town Council approve the attached Resolution, which supports the June 2020 Report and Recommendations and authorizes the Town Manager to actively participate in any Task Force and work closely with the County's Chief Bay Officer in order to provide further input from the Town.

### **ATTACHMENT**

- Attachment "A" - Biscayne Bay Task Force Report and Recommendations June 2020





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