

MIAMI BEACH

OFFICE OF THE CITY MANAGER

LTC # 419-2024

LETTER TO COMMISSION

TO: Honorable Mayor Steven Meiner and Members of the City Commission

FROM: Eric Carpenter, City Manager 

DATE: September 23, 2024

SUBJECT: **UPDATE ON THE MIAMI BEACH MARINE PARK OR MARINE CONSERVATION AREA EXPLORATION**

The purpose of this Letter to Commission (LTC) is to update the Mayor and City Commission on the coordination efforts to explore the feasibility of creating a Miami Beach Marine Park or Marine Conservation Area in South Beach and the necessary regulatory approvals.

On June 26, 2024, the Mayor and City Commission approved Resolution No. 2024-33137 directing the City Administration to prepare a Letter to Commission describing the necessary regulatory approvals and feasibility of creating a Miami Beach Marine Park or Marine Conservation Area from South Pointe Pier to Sixteenth Street (attached).

The City of Miami Beach is committed to the preservation, protection, and enhancement of our natural resources. The waters off the Miami Beach Coast are home to a diverse marine ecosystem consisting of endangered sea turtles utilizing our beaches as nesting habitat, a variety of tropical fish, nurse sharks, endangered queen conch, seahorses, various hard corals and reef system. While there is an existing boating restricted area demarcated by existing buoys, the creation of a marine park or marine conservation area would need review, approval, and permitting from the environmental regulatory agencies.

Environmental Regulatory Background

The Environment & Sustainability Department reached out directly to regulatory agencies for further detailed information, specifically the Miami-Dade County Division of Environmental Resources Management (DERM), Florida Fish and Wildlife Conservation Commission (FWC), Florida Department of Environmental Protection (FDEP), U.S. Coast Guard (USCG), and U.S. Army Corps of Engineers (USACE) for regulatory feedback.

- **DERM** advised that a Class I Permit and application would be required for the proposed buoys to create a marine park. It's important to note, that this would apply to any other proposed structures to assist with the creation of a marine park or similar conservation area. They would need assurance that the natural reefs would not be impacted by the park creation and operation. In addition, maintenance of the buoys or any piles proposed in perpetuity would be a condition of the Class I permit. Unless a structure is proposed, DERM would not be able to memorialize the area for a certain use.
- **FWC** did not express major concerns about a proposed marine park or similar area off the coast of Miami Beach and stated they would review the proposed Marine Park during the permitting process and provide feedback on any proposed structures associated with the Marine Park. It's important to note that FWC is a commenting agency for FDEP and provides comments to FDEP through the regulatory process on specific projects.

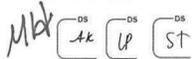
- **FDEP** specified that the creation of a marine park or conservation area would require an Environmental Resource Permit (ERP). As part of the submittal, a benthic resource survey and construction plans including maps of the reefs, locations of any buoys or structures, and plans/details of the anchoring system would be required.
- The Department reached out to the **USACE** on numerous occasions but has not received feedback. However, the **USCG** expressed interest in the project and stated the extension of the swim zone and associated buoys would require review from FWC. As part of that process, the USCG would offer a Letter of No Objection to the applicant if they do not object to proposed location. If any mooring buoys are proposed to be placed, a U.S. Coast Guard Private Aids to Navigation application would be required and the buoys would be assigned a USCG Light List number and be included on any pertinent charts by NOAA. Finally, the USCG indicated that permits and approvals from the USACE, FDEP, and any other agencies would need to be provided to them for review as part of the permit application.

Due to the environmental agencies' collective requirement for comprehensive plans detailing the marine park or conservation area design, a consultant familiar with marine and coastal engineering and permitting would need to be engaged to develop the plans and navigate the environmental permitting process. Additional considerations for construction if structures such as swim and mooring buoys are proposed include staffing and enforcement of the area that would need to be addressed through the City's budget process.

Should you have any additional questions, please contact Amy Knowles, Chief Resilience Officer/ Environment and Sustainability Director and Lindsey Precht, Environment and Sustainability Department Assistant Director at lindseyprecht@miamibeachfl.gov.

Attachment A: Resolution No. 2024-33137

MH/AK/LP/ST



RESOLUTION NO. 2024-33137

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, DIRECTING THE CITY ADMINISTRATION TO PREPARE A LETTER TO COMMISSION ON OR BEFORE SEPTEMBER 30, 2024, DESCRIBING THE NECESSARY REGULATORY APPROVALS AND FEASIBILITY OF CREATING A MIAMI BEACH MARINE PARK OR MARINE CONSERVATION AREA FROM SOUTH POINTE PIER TO SIXTEENTH STREET.

WHEREAS, the Miami Beach shoreline just beyond the swimming buoys from South Pointe Pier to Sixteenth Street and extending for up to 1600 feet from the shore is home to nurse sharks, endangered green sea turtles, endangered queen conch, seahorses, endless schools of tropical fish, and an impressive mix of hard coral, some of which is endangered; and

WHEREAS, the Miami Herald recently featured a front-page story dedicated to this little-known ecosystem just off the City's shores. The article can be accessed at <https://ca.news.yahoo.com/underwater-jewel-lies-just-off-093000365.html>; and

WHEREAS, this rare and fragile component of the City's natural resources could become a valuable asset if protected with adequate safeguards and could attract residents and desirable ecotourists who could provide an economic boost as they stay in our hotels, eat in our restaurants, and charter dive shops in the area; and

WHEREAS, advertising billboard vessels as well as recreational boaters often traverse the area where this nascent reef and ecosystem exist, sometimes dragging anchors and sometimes endangering snorkelers and divers that the City wishes to encourage to visit and enjoy the reef; and

WHEREAS, the Mayor and City Commission desire for the City Administration to explore the regulatory approvals necessary, and the feasibility of, creating a Miami Beach Marine Park or Marine Conservation Area from South Pointe Pier to Sixteenth Street, with the understanding that the role of the City may be to advocate for such a park or conservation area with Miami-Dade County and State of Florida agencies.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby direct the City Administration to prepare a Letter to Commission on or before September 30, 2024, describing the necessary regulatory approvals and feasibility of creating a Miami Beach Marine Park or Marine Conservation Area from South Pointe Pier to Sixteenth Street.

PASSED and ADOPTED this 26 day of June, 2024.

ATTEST:

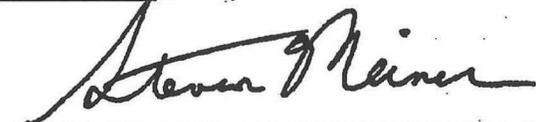


JUL - 3 2024

Rafael E. Granado, City Clerk

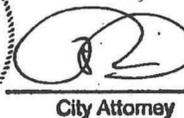
(sponsored by Commissioner Laura Dominguez, co-sponsored by Commissioner David Suarez)

Co-Sponsored by Commissioner Tanya K. Bhatt



Steven Weiner, Mayor

APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION


City Attorney

6/10/2024
Date

Resolutions - C7 BE

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: City Attorney Ricardo J. Dopico

DATE: June 26, 2024

TITLE: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, DIRECTING THE CITY ADMINISTRATION TO PREPARE A LETTER TO COMMISSION ON OR BEFORE SEPTEMBER 30, 2024, DESCRIBING THE NECESSARY REGULATORY APPROVALS AND FEASIBILITY OF CREATING A MIAMI BEACH MARINE PARK OR MARINE CONSERVATION AREA FROM SOUTH POINTE PIER TO SIXTEENTH STREET.

ANALYSIS

This Resolution is presented for consideration by the Mayor and City Commission by the sponsor, Commissioner Laura Dominguez. It is cosponsored by Commissioner David Suarez.

FISCAL IMPACT STATEMENT

N/A

Applicable Area

Citywide

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-17?

No

Is this item related to a G.O. Bond Project?

No

Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481, includes a principal engaged in lobbying? No

If so, specify the name of lobbyist(s) and principal(s):

Department

City Attorney

Sponsor(s)

Commissioner Laura Dominguez

Co-sponsor(s)

Commissioner David Suarez