

BISCAYNE BAY STRATEGIC ACCESS PLAN ADVISORY TEAM

**MEETING #6
November 12, 2003**

Morningside Park, Florida

TRANSCRIPT

The meeting day was divided into a morning and afternoon session; during the morning session, Team members were given several presentations; the afternoon session was spent on a Boat Tour to view access points from the water.

The notes below represent Team member comments following each presentation:

Biscayne Bay Aquatic Preserve (Powerpoint: Exhibit A)
Presented by Marsha Colbert, Coordinator

1. What is the definition of “hardship” in regard to whether or not a landowner can obtain a permit to build despite restrictions on building on submerged lands leased or owned.
 - a. One criteria: The project cannot be contrary to the public interest
2. It is possible that other aquatic preserves have had the “hardship” requirement removed.
3. One example of meeting the “hardship” requirement was a dock next to Mercy Hospital; it was allowed because it provided access to the medical facilities for victims in need of the decompression chamber at the hospital.
 - a. Another example was Ferry Island-it had not way to access other than by boat so they allowed the building of a dock which was in the public interest
4. The Board of Trustees of Internal Improvement owns the land “state lands”; the “state lands” division of the State defines what is “state land”.
5. The Port of Miami and the channel are not part of the preserve
 - a. Does the Preserve have the right to object to what the Port does?
 - b. If the lands are Federal, someone who objects only has a right to comment
 - c. At the present time, the Port is getting ready to dredge.
6. Public projects done by the government usually met the “public interest” test
7. Federal channels are excluded from the aquatic preserve; so what happens when the federal government expands the channels?
8. The effect of blasting events needs to be reviewed and obtained.
9. The jurisdiction of “ownership” is distinct and powerful; it is distinguished from the jurisdiction of regulation; DEP does both, they mix the jurisdiction of ownership and the jurisdiction of regulation.

Carrying Capacity (Powerpoint: Exhibit B)
Richard Ogburn, South Florida Regional Planning Council

1. Florida Keys Carrying Capacity Study (FKCC) is a cutting edge product; it has gone beyond the conceptual; although not perfect it is a tool that gives better support for decision making
2. There are no current plans to continue to develop the model modules

3. In determining population numbers for the model, buildable lots were counted; buildable lots have a population assumption built in

Environmental Resources Management (Powerpoint: Exhibit C)
Presented by Gary Milano, Habitat Restoration, DERM
And Craig Grossenbacher, Director's Office, DERM

1. Mitigation sites are often far from the sites violated.
2. There is a Biscayne Bay Environmental Enhancement Fund for habitat restoration. It is used to hold donations and penalty funds paid by entities in lieu of actual mitigation. Also supported by Boat tag registration fees.
3. Spoil island stabilization has been copied in other areas of the state.
4. There are more opportunities for public visual access than for physical access from the water.
5. Biscayne Bay was originally an estuary; now it is a sub tropical lagoon- the changes in the Bay are dramatic.
6. The scientists refer to Biscayne Bay as a "pulsed estuary".
7. Some spoil islands are actually being removed.
8. Biscayne Bay has no maintenance dredging.