May 6th, 2014

Honorable Mayor Tomas P. Regalado and Commissioners
City of Miami Commission
3500 Pan American Drive
Miami, Florida 33133

RE: Protecting Biscayne Bay for the Public Interest

Dear Mayor Regalado and Commissioners,

Thursday May 8, 2104 will have Resolutions 9-11 (14-00422, 14-00430, 14-00431) before you on the subject of submerged land and Watson Island expansion. We urge you to deny their passage as it puts the Biscayne Bay Aquatic Preserve Resources at risk. The chief reason is that the environmental mitigation calculations are outdated. They are based on data from 2004 and it is highly likely that an entire decade later there are now greater seagrass impacts. A new survey must be done before proceeding.

In addition, rent the city would receive is based on a 2002 appraisal valuing the land at approximately $30 million while the actual value today is closer to $110 million. The city becomes obligor to the state liable to pay 15% itself, taking on the risk for the state and eliminating the direct obligation of the private party. The project could get started and fail and the city would still be responsible to the state. The City of Miami ends up underwriting a private venture, not only without a public benefit, but at a loss to the taxpayers. It is not a fair deal for the City of Miami. Your decision on the Resolutions in question should be based on up to date accurate information. You should demand more up to date information to review on both mitigation and property values before a vote is taken.

Please also consider the following facts as you review this information for Thursday’s vote:

1. The Deed restrictions described in what the state had issued the city are as follows:
   “...never sell or convey or lease the land or any part thereof to any private person, firm or corporation for any private use or purpose, it being the intention of the restriction that said lands shall be used solely for public purposes, including municipal purposes and not otherwise.”
   “...not give or grant any license or permit to any private person, firm or corporation to construct or make by any means, any islands, fills, embankments, structures, buildings or other similar things within or upon the...lands for any private use or purpose, as distinguished from any public or municipal use or purpose.”

Removing these restrictions would violate public trust and undermine the decisions that were made by the state to protect the Aquatic Preserve.
2. Fla Statute Section 258.397 Biscayne Bay Aquatic Preserve clearly states that any pier, dock, marina or maintenance facility, navigation channel or access road must be constructed in such a way that the project will not adversely affect water quality and utility of the preserve.

3. For projects within the Biscayne Bay Aquatic Preserve, the Applicant must demonstrate that pursuant to Rule 18-18.005 and 18.8006:
   - proposed dredging is designed to minimize the need for maintenance dredging; no new lands will be created by filling or spoiling unless no other alternative exists to accomplish the stated purpose, and project is designed to require the minimum filling to accomplish the stated purpose of the activity consistent with the protection of the preserve;
   - an extreme hardship exists for the applicant
   - use, sale, lease or transfer of interest are in the public interest; and
   - that the project planned in conjunction with the use, sale, lease or transfer of interest in consistent with these rules and management plans when developed for the preserve.

In this case, the project is not a public necessity nor is it in the best public interest. Therefore, it would not receive a waiver from the state to lift the deed restrictions specifically put in place to protect the Biscayne Bay Aquatic Preserve.

Your decision this week is an important one. Sufficient biological assessment of this area has not been conducted. Many proposals to develop this land have been attempted in the past and have failed to move forward due to the sensitive nature of Biscayne Bay and the value of its health to the City of Miami’s economic prosperity. We must continue to protect our healthy waterways in order to maintain our status as a world class tourism destination. Please do not put Biscayne Bay or its associated draw for Miami tourism, fishing, and recreational activities in jeopardy.

I respectfully request that at the City of Miami Commission meeting on May 8, 2014 that you deny approval of Resolutions 9, 10, and 11 to protect the welfare of Biscayne Bay and the associated economic contribution it represents for the city. I would like to meet with you to discuss this further tomorrow Wednesday May 7th if you are available. Susan Shapiro is trying to arrange this meeting. She can be reached at biscbaycoalition@tropicalaudubon.org or via cell: 305-793-4763.

Sincerely,

Laura Reynolds
Executive Director