

Meeting Date
May 3, 2016



AGENDA	
Section	New Business
Item No.	VI F 2

**AGENDA REPORT**  
*BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS*

SUBJECT:	Resolution Re: Indian River Lagoon (IRL) Regional Compact
DEPT/OFFICE:	Jim Barfield, District 2 Commission Office

**Requested Action:**

It is requested the Board of County Commissioners support the Indian River Lagoon Regional Compact in partnership with the Space Coast League of Cities and the Treasure Coast League of Cities.

**Summary Explanation & Background:**

In mid-March, the Indian River Lagoon in Brevard County experienced a devastating Brown Algae bloom. Hundreds of thousands of fish died and the bloom continues to be of concern as it shades and damages sea grasses throughout the basin. Scientists say it may take years for this estuary of national significance to recover, if at all. This unique natural resource represents a significant part of our economy and is a key element in the quality of life enjoyed by Brevard's residents and visitors. There is great concern that without immediate action Lagoon health could be lost forever. At the March 29th County Commission meeting, the Commission received public input from all segments of our community with a common theme of "action is needed now". The State Legislature has been allocating significant funds over the years to Brevard County to initiate tangible restoration efforts for the Indian River Lagoon. These efforts are well underway and are critical to successfully advancing lagoon recovery. Unfortunately, the recovery is slow and the challenges are mounting for the lagoon's survival. The recent massive fish kill has brought into focus the need for immediate, appropriate and effective solutions.

**Sunday, March 21, 2016**  
I began receiving reports of the fish kill on Sunday, March 21. Working with the County Manager's Office and our Parks and Recreation Department we devised a plan to clean our waterfront parks leading to a multiple agency cleanup effort. Everyone from individuals, tourism groups, families, and business people came out to remove the approximately 100,000 pounds of dead fish from the lagoon. Dr. Duane DeFreese, Executive Director of the Indian River Lagoon Council stated "the rotting fish produce nitrogen so by getting them out of the lagoon reduced tons of nitrogen which was a contributor to the fish kill".

**Tuesday, March 29, 2016**  
At the March 29<sup>th</sup> Board of County Commissioners Meeting, I requested Dr. Duane DeFreese, Executive Director of the Indian River Council and Virginia Barker, Brevard County Natural Resources Director to give a "State of the Lagoon" because of the recent brown algae bloom and also to report on current lagoon projects underway. The Board took action and voted to send a letter to the Governor with the following requests:

Clerk to the Board instruction:

Exhibits Attached: Resolution

Contract /Agreement (If attached): Reviewed by County Attorney

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	PR	<input type="checkbox"/>
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County Manager Stockton Whitten	Commissioner Jim Barfield, District 2	Department Director / Extension
	Assistant County Manager	

1. Mandate septic tank inspections along coastal areas only, at the time of sale, and require sewer hookup at the time of sale if sewer is available.
2. Expedite environmental permitting for muck removal.
3. Request \$200 million for muck removal, \$20 million a year for 10 years or \$40 million a year for five years.
4. Consider legislation to allow communities (whether high impact or not) along national estuaries to adopt a 6<sup>th</sup> cent tourism tax earmarked for estuary restoration.

**Thursday, March 31, 2016**

The Board accepted "A Vision for the Indian River Lagoon" proposal submitted by Keith Winsten, Executive Director of the Brevard Zoo. This vision supports a multi agency educational focus to our lagoon cleanup efforts.

**Thursday, April 7, 2016**

At the Brevard County Zoning Hearing, I requested the County Attorney and staff to bring back information regarding a proposed "Save the Lagoon Referendum". If approved by the voters, the Special District would be created to fund lagoon restoration projects. This sustainable funding source would be for a fixed time period and not to exceed one mill. The motion included creating a project list, with estimates for the long term costs and other possible funding mechanisms for lagoon projects and restoration. Staff will be presenting a report at a future meeting. The restoration of the Indian River Lagoon will take years to accomplish, there is no "quick fix". But, as evidenced by Tampa Bay and Sarasota Estuary Programs, restoration can be accomplished. A reliable sustained funding stream is needed to remove muck, eliminate septic tanks, and correct existing outfalls draining directly into the Indian River Lagoon.

**Tuesday, May 3, 2016**

Supporting the Indian River Lagoon Regional Compact will build a strong consensus among the Space Coast and Treasure Coast League of Cities and other parties to this compact that the Indian River Lagoon requires significant, strategic and recurring public and private investment to implement urgently needed restoration projects. Our citizens have demanded an "action now" plan and we need to work together with our citizens and collaborative partners to implement that plan to restore the Indian River Lagoon back to health for generations to come.



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May 4, 2016

**M E M O R A N D U M**

**TO:** Commissioner Jim Barfield, District 2

**RE:** Item VI.F.2., Indian River Lagoon Regional Compact

The Board of County Commissioners, in regular session on May 3, 2016, approved supporting the Indian River Lagoon Regional Compact in partnership with the Space Coast League of Cities and the Treasure Coast League of Cities.

Your continued cooperation is greatly appreciated.

Sincerely,

**BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK**

Tammy Rowe, Deputy Clerk

**cc:** Commissioner Fisher  
Commissioner Infantini  
Commissioner Smith  
Commissioner Anderson  
County Manager  
County Attorney

**VOLUSIA LEAGUE OF CITIES  
SPACE COAST LEAGUE OF CITIES  
TREASURE COAST LEAGUE OF CITIES**

**INDIAN RIVER LAGOON (IRL) REGIONAL COMPACT**  
*“One Lagoon – One Community – One Voice”*

**WHEREAS**, the Volusia, Space Coast and Treasure Coast League of Cities, herein the Indian River Lagoon Leagues (IRL Leagues), are affiliated with The Florida League of Cities, the united voice for Florida’s municipal governments; and

**WHEREAS**, the objective of the IRL Leagues is to be responsible stewards of the Indian River Lagoon, by working in a collaborative manner to promote local self-government, serve the needs of our representative municipal governments and residents, and advance the belief that local self-government is the keystone of American democracy; and

**WHEREAS**, the 5 Florida east coast counties that border the Indian River Lagoon (i.e. Volusia, Brevard, Indian River, St. Lucie and Martin Counties) along with other municipalities (Other Parties) may join in this compact because we share a common belief that our exceptional quality of life is rooted in the Indian River Lagoon’s rich cultural heritage, dynamic innovation economy, and coastal and ocean resources of global significance; and

**WHEREAS**, the Indian River Lagoon has become one of the most vulnerable estuaries in Florida that is threatened throughout its geographic range and watershed by water quality decline, habitat alteration and loss, fisheries decline, loss of filter feeders and biological diversity, invasive exotic species, altered hydrologic flow, pathogens, toxic chemicals; and

**WHEREAS**, the nutrient pollution sources represent the most serious threat to the Indian River Lagoon with nutrient and pollutant loads that originate from inadequate design and aging infrastructure issues associated with storm water conveyances, groundwater conveyances (i.e. old sewer systems, wastewater management, sludge management), legacy nutrients already residing in the IRL as muck deposits, industry waste and pollutants, and residential/commercial property owner activities and behaviors that negatively impact the IRL related to fertilizer, landscaping, application of pesticides/herbicides and others; and

**WHEREAS**, there is strong consensus among the Volusia, Space Coast and Treasure Coast League of Cities and Other Parties to this compact that the Indian River Lagoon (an Estuary of National Significance and one of the most biologically diverse estuaries in North America) requires significant, strategic and recurring public and private investment to implement urgently needed restoration projects that will restore, protect and sustain the environmental, social and economic benefits that the IRL provides to the region, the State of Florida and the Nation; and

**WHEREAS**, the quality of life of approximately 50 cities and 5 counties of the Indian River Lagoon region Florida and their respective populations, totaling more than 1.7 million residents are dependent on the environmental health and economic vitality of the Indian River Lagoon with an estimated annual economic value of \$3.7 billion annually.

**WHEREAS**, the creation of the IRL Council, a special district of the State of Florida in 2015 provided a historic opportunity for expanded local leadership, participation, and responsibility from cities and counties along the Indian River Lagoon with dedicated annual funding through interlocal agreement from federal, state and local IRL Council partners; and

**WHEREAS**, acceptance by the U.S. Environmental Protection Agency of the IRL Council as the new host of the Indian River Lagoon National Estuary Program on January 8, 2016 provides an opportunity to implement a non-regulatory, collaborative and consensus-building approach to IRL restoration, conservation and stewardship decision-making.

**NOW THEREFORE, BE IT RESOLVED BY THE VOLUSIA, SPACE COAST AND TREASURE COAST LEAGUE OF CITIES AND OTHER PARTIES TO THIS COMPACT:**

**SECTION 1. CONNECTED LEADERSHIP:** That the IRL Leagues and Other Parties to the compact shall work in close collaboration with the IRL Council and the Indian River Lagoon National Estuary Program (IRL NEP) to develop and implement a visionary and comprehensive restoration plan for the Indian River Lagoon based on the best available science and a process that nurtures open communication and engagement among scientists, resource managers, citizens, and stakeholders with representatives from the public, private and independent sectors at all levels. The IRL Leagues will be cooperative and active participants in that process.

**SECTION 2. POLICY: LOCAL/STATE.** That the IRL Leagues and Other Parties to the compact shall work individually and collectively to evaluate and amend existing policies and make recommendations for new policies at local and state levels that restore and protect the Indian River Lagoon. General policy areas include the need for a comprehensive statewide policy for Florida's waters and waterways. Policy recommendations shall result in nutrient/pollutant load reduction to coastal estuaries and waters.

Specific Indian River Lagoon policy areas of importance shall include, but are not limited to policies that:

- Streamline the permitting process for proven estuary/coastal restoration techniques and projects.
- Accelerate wastewater infrastructure improvements that reduce significantly or prevent chronic, accidental and permitted discharges of nutrients/pollutants to groundwater and surface waters.
- Seek increased funding for and reduce the cost of converting coastal septic systems to central sewer systems and provide incentives for property owners and local governments to encourage conversions.

- Address local home-rule issues in existing Florida policies that impede septic to sewer conversion.
- Advance storm water treatment and retention projects including dispersed water management on public and private lands.
- Support local and regional efforts to increase water storage, aquifer recharge and the health and longevity of the Indian River Lagoon region's ground and surface fresh water supplies.
- Develop an innovative model Indian River Lagoon nutrient credit trading policy to advance nutrient removal of legacy load muck in the IRL;
- Provide financial and economic incentive programs and expanded state cost-share programs for local government Indian River Lagoon restoration projects;
- Leverage and enhance the long-term use of Land Acquisition Trust Fund (Amendment 1) monies for Indian River Lagoon restoration, including bonding these monies.

**POLICY: FEDERAL.** That the IRL Leagues and Other Parties to the compact shall work in close collaboration with the State of Florida to develop legislative policy statements that clarify and define the Federal role and responsibilities for the restoration and stewardship of the IRL, an estuary designated as an "Estuary of National Significance" in 1990 and request expanded Federal funding from the Congress of the United States for IRL ecosystem restoration. Transmittal of IRL Leagues statements will be to the Congressional Delegation representing, in part or in whole, districts within the area covered by this compact.

**SECTION 3: RESTORATION INVESTMENT:** That the IRL Leagues and Other Parties to the compact shall work cooperatively with the IRL Council and IRL NEP and other local, state and federal partners to expand existing funding and identify new funding sources (especially important is annual recurring funds) for IRL restoration and long-term stewardship. The IRL Leagues and Other Parties to the compact recognize the following high priority needs for expanded investment:

- Indian River Lagoon restoration projects that reduce significantly or eliminate unnatural freshwater discharges and associated nutrient/pollutant loads to the IRL from storm water, groundwater and wastewater, both point- and non-point sources.
- Muck removal from the Indian River Lagoon to reduce accumulated nutrient loads and fine sediments that impact water quality and clarity, sediment health and fuel harmful algal blooms.
- Restoration and replanting/restocking (as needed) of critical habitats and species that directly influence ecosystem health, biodiversity, ecosystem resilience and commercial/recreational economic value of the Indian River Lagoon (i.e. seagrasses, oysters, clams, living shorelines, wetlands, mangroves).
- Comprehensive monitoring, mapping and modeling by public agencies, scientists and citizen volunteers to identify conditions and track ecosystems trends.

The IRL Leagues and Other Parties to the compact support use of Florida Water and Land Legacy funds approved by Constitutional Amendment in 2013 (Amendment 1) for annual, recurring Indian River Lagoon restoration and stewardship funding.

**SECTION 4. INFORMED AND ENGAGED CITIES AND CITIZENS:** That the IRL Leagues and Other Parties to the compact shall work cooperatively with the IRL Council and IRL NEP and other local, state and federal partners to develop, fund and implement effective, efficient and science-based citizen information and engagement programs throughout the Indian River Lagoon.

**SECTION 5. INNOVATION INVESTMENT:** That the IRL Leagues and Other Parties to the compact shall ask the State of Florida and the Department of Economic Opportunity (in partnership with the private sector) to create a program and annual funding opportunity that invests in applied scientific research and technology development to develop innovative, efficient, and cost-effective clean water technologies, nutrient/pollutant removal technologies and muck dewatering/beneficial use technologies. The ultimate goal of this Section is to position the State of Florida and IRL region as a global leader in clean-water technologies and high-tech job creation and to export that knowledge and technologies to the nation and world.

**SECTION 6. RESTORATION SUMMIT:** That the IRL Leagues and Other Parties to the compact shall ask the IRL Council and IRL NEP to work with its partners to convene and fund an Indian River Lagoon Restoration Summit every 2 years to share IRL restoration progress, make restoration recommendations and make amendments and/or additions to the IRL NEP Comprehensive Restoration Plan.

**SECTION 7.** The commitments contained herein shall not be effective until approved through the required procedures of each respective party to the compact.