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**JACKSONVILLE WATERWAYS COMMISSION
River Accord Task Force**

Meeting Minutes

May 23rd, 2024 9:00 a.m.

Location: Lynwood Roberts Room, 1st floor, City Hall

In attendance: Council Member Jimmy Peluso (Chair); Commissioner Richard Redick; Commissioner Jon Michael Barker; Captain Jim Suber, Waterways Coordinator; Lisa Rinaman, St. Johns Riverkeeper; Shannon MacGillis, Office of the General Counsel; Adam Hoyles, Jacksonville Waterways Commission Ex-Officio Member; Doug Conkey, St. Johns River Water Management District; Cori Hermle, St. Johns River Water Management District; Dr. Gerry Pinto, Jacksonville University; Brian Burket, Waterfront Project Manager

Also: Brooks Dame, Executive Council Assistant; Fara Ilami, Northeast Florida Regional Council; Eamon Webb, Council Research

Meeting Convened: 9:04 a.m.

Council Member Peluso called the meeting to order. He stated that certain entities like the St. Johns River Water Management District and Florida Department of Environmental Protection would likely not be included as signatories on the River Accord document, likely because the Task Force had expressed desire to include policy recommendations to the state legislature in the document. Lisa Rinaman, St. Johns Riverkeeper, asked whether these entities could still provide recommendations for the document, and Council Member Peluso responded that they could. He explained that he understands that the political climate of today is different than the political climate of 2006, when the original River Accord was signed,

and that entities like SJRWMD would be hesitant to sign a document that makes policy recommendations to the state legislature.

Ms. Rinaman stated that the document could still include these entities as “partners” in the City’s efforts, and Council Member Peluso agreed. Ms. Rinaman added that she would like to see an annual presentation from the FDEP to the Council to report on regional efforts to preserve water quality and quantity in the St. Johns River. She stated that these entities were willing participants and signatories in 2006 and their lack of inclusion in a new River Accord document would be noticeable. Council Member Peluso stated that these entities were still willingly participating and providing information; they were just unlikely to be signatories of the document. Cori Hermle, SJRWMD, stated that they were prepared to provide recommendations on water conservation, and Ms. Rinaman noted that she would like to see both recommendations for projects on water quality as well as water quantity. Ms. Hermle noted that SJRWMD has cost-share programs for local water quality projects.

Fara Ilami, Northeast Florida Regional Council, explained that NEFRC has been working on a Resiliency Action Plan, which will utilize results of various vulnerability assessments and will be shared to the counties of Northeast Florida. She stated that this plan will consider various issues such as whether local sea wall ordinances are sufficient; determining the best locations for nature-based solutions, like living shorelines; wetland restoration; aquifer replenishment; cost-benefit strategies and analyses for resiliency issues; smart growth strategies; and review of resiliency regarding military installation projects. Council Member Peluso asked whether this plan would label specific locations for wetland restoration, and Ms. Ilami responded that the plan will more so evaluate the process by which these locations are selected.

Commissioner Redick asked whether the greatest threats to wetlands are known and whether studies are completed to assess all environmental impacts, such as nutrient run-off, of development projects. Ms. Ilami stated that she would need more information to answer Commissioner Redick’s question; Commissioner Redick stated that many development projects have environmental impacts that are not properly considered in the approval process, citing that the stripping of woodlands has second and third-order effects as an example.

Adam Hoyles, Ex-Officio Member, noted that 30% of the southeast is considered wetlands and that all development impacts wetlands in some way. He explained that most developers are concerned with the “highest and best use” of a property, and environmental considerations do not often play a factor in this analysis. He stated that public entities need to have conversations about values, as there is currently little incentive for developers to care about environmental considerations. He stated that there are many acres of wetlands around Beach Boulevard and Atlantic Boulevard that could theoretically be restored but that it was a policy decision of the City to allow these areas to be developed. Council Member Peluso asked whether the Task Force could distill Mr. Hoyles’ experiences and criticisms of the current development process into a policy recommendation for the River Accord document. Ms. Rinaman added that the mitigation of flood risk should also be a motivating reason to encourage or require the preservation of wetlands in the City’s policies regarding development and growth.

Mr. Hoyles stated that the restriction of development can be considered a taking for purposes of 5th amendment review and that the state or city must provide just compensation to the property owner when this restriction is legally considered a taking. Ms. Rinaman agreed that the City must find a balance

between development and environmental interests. Commissioner Barker summarized Mr. Hoyles' request: to develop a policy to encourage private developers to consider environmental interests that would be more nuanced than the simple requirement of a buffer between development and wetlands. Mr. Hoyles agreed with this summary and stated that the government will need to provide just compensation to property owners for restricting development in certain environmentally protected areas, whether that be through restricting development or through acquiring properties with public funds. He stated that the River Accord document could recommend to the North Florida Land Trust to buy properties for the purpose of wetland conservation.

Ms. Rinaman noted that there are counties that have figured out a better balance between development and environmental interests. She added that there is a record level of federal funds that are available for localities currently that will not be available forever; she stated that the City should take advantage of this opportunity. Commissioner Barker agreed that making recommendations to NFLT would be a good idea, noting that they have significant experience on this issue, having helped Nassau County pass a referendum to allow the County to issue up to \$30 million in general obligation bonds for environmental protection. Commissioner Redick stated that working waterfront policies elsewhere balance development and environmental interests and that this model could perhaps be extended to wetlands.

Mr. Hoyles noted that there are further policy nuances regarding conservation lands, such as who is responsible for their management and maintenance and whether those who manage these lands will be able to make the correct decisions to maintain them, like sufficiently practicing controlled burning, if residents live in proximity. Commissioner Barker noted that developers often simply do not comply with environmental restrictions, even when they have the money to do so. Council Member Peluso stated that even if these issues are nuanced, other counties have figured out a better balance than what the City of Jacksonville has to this point. Ms. Rinaman suggested that the City could work with developers to communicate the benefits of environmental conservation, including reduced flood risk. Commissioner Barker stated that NFLT can purchase large portions of lands for conservation but that it is more difficult to write a policy that will effectively regulate the behavior of individual landowners and developers who may not heavily weigh environmental concerns when developing on their properties.

Council Member Peluso stated that the Task Force does not necessarily need to find an all-encompassing solution to the problem of balancing development and environmental interests and that they could simply express that the City understands that this problem exists in the River Accord document. He explained that his vision for the River Accord document is to make the Jacksonville Waterways Commission its primary holder, reviewing the document at regular intervals to "grade" whether the City's current efforts to preserve water quality, quantity, and access are sufficient to meeting the public's needs.

Doug Conkey, SJRWMD, noted that the City could address these concerns in its zoning code. He referred to the NFLT referendum passed by Nassau County as one local policy to secure the development of wetlands; there are many potential local policy options that the City could consider.

Dr. Gerry Pinto, Jacksonville University, agreed that developing incentives to effectively encourage individual property owners to consider environmental interests when developing on their properties would be a challenging public policy issue.

Council Member Peluso explained that the next meeting of the Task Force will be June 14 at 9:00 AM.

Public Comment:

John Nooney opined that public access to waterways is the biggest quality of life issue in Duval County, as 90% of land on waterways is privately owned. He noted that there is \$20 million in the Resiliency Fund and expressed support for a potential project to put a public park on Pottsburg Creek that would add a public access site in Duval County.

Meeting adjourned: 9:59 a.m.

Minutes: Eamon Webb, Council Research Division
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