

**MARINE AND PORT ADVISORY COMMITTEE**

**Meeting Minutes**

PURSUANT TO Board of County Commission Resolution No. 057-1991 the Marine and Port Advisory Committee of Monroe County conducted a meeting on **May 1, 2012** beginning at 6:30 PM at the Marathon Government Center, 2798 Overseas Highway, Marathon, Florida.

**MARINE AND PORT ADVISORY MEMBERS**

Pete Worthington, Chair	Absent
Mimi Stafford, Vice Chair	Present
Lilli Ferguson	Present
William Hunter	Present
Paul Koisch	Present
Pam Martin	Present
Sandy Walters	Present
Pat Wells	Present

**STAFF**

Richard Jones, Sr. Administrator	Present
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**COMMISSIONERS**

Commissioner Sylvia Murphy	Present
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**MOTIONS MADE**

**Motion 1**

Approval to add an agenda item to consider recommending to the BOCC an MPAC Bylaw revision.

Motion/Second	Passed unanimously
Pat Wells/Bill Hunter	

**Motion 2**

Approval to recommend to the BOCC a revision to the 2002 MPAC Bylaws to provide for an attendance policy.

Motion/Second	Passed
Pat Wells/Paul Koisch	(6-1)

**Motion 3**

Approval of the November 30, 2011 minutes with changes noted.

Motion/Second	Passed unanimously
Sandy Walters/Bill Hunter	

#### **Motion 4**

Closure of nominations for William Hunter as Chair and Mimi Stafford as Vice Chair

Motion/Second  
Paul Koisch/Pat Wells

Passed unanimously

#### **CALL TO ORDER**

Vice Chair Stafford called the meeting to order at 6:30 p.m.

Mr. Jones explained to the Committee members that back in 2008 the Marine and Port Advisory Committee (MPAC) reviewed their Bylaws and approved some revisions regarding an attendance policy, which were never taken to the Board of County Commissioners (BOCC) for adoption. He explained that the MPAC would need to make the recommendation for BOCC approval to have the bylaws adopted. Mr. Jones provided the Committee with a copy of Bylaw revisions the Committee recommended back in September 2008 providing for an MPAC member attendance policy.

**Motion: Pat Wells made a motion to add the Bylaw revision recommendation to the agenda. Mr. Hunter seconded the motion. The motion passed unanimously.**

Mr. Jones further explained that a motion was needed to recommend the revisions or not.

**Motion: Pat Wells made a motion to send the revisions to the BOCC for consideration and adoption. Mr. Koisch seconded the motion.** Ms. Martin asked to have discussion.

Ms. Martin stated that the word “unexcused” should be added to the language. Ms. Ferguson then suggested changing the word ‘will’ to ‘may’ to give the Commissioners the discretion of whether or not to reappoint a Committee member. Ms. Walters added that it depends on what an excused absence is, that a committee member could barely show up with their absences considered excused and, regardless of why they were not there, they are not participating and there is not a makeup of the group to be able to move ahead. Ms. Walters further stated that if somebody has a serious issue that is keeping them from participating they should take the action to resign, otherwise they are preventing the Committee from functioning. Ms. Martin responded that the scheduling conflict could be a temporary situation that will resolve itself eventually. Ms. Walters pointed out that the Committee only meets once every three or four months. Ms. Ferguson again suggested changing the language to “the County Commissioner ‘may’ be requested to make a new appointment.” Mr. Wells entertained that as a friendly amendment.

Mr. Jones explained that the MPAC recommendation would go to the BOCC, they would approve the Bylaw change, and if a member is in violation of the policy then staff would send that information to the appropriate County Commissioner, who will be requested to make a new appointment. All Committee members agreed to the change requested in the language by Ms. Ferguson. Vice Chair Stafford clarified for Mr. Jones that the vote was on the language issue, not the motion on the change itself. Mr. Jones informed the Committee that there is to be only

one motion on the floor at a time and that the motion voted on was to send the prior revisions made to the BOCC. Ms. Martin then voted against that.

**Vice Chair Stafford called the question on the original motion, which was to send the Bylaws as amended to the BOCC for inclusion with the following results: Vice Chair Stafford, Yes; Ms. Ferguson, Yes; Ms. Walters, Yes; Mr. Koisch, Yes; Mr. Hunter, Yes; Mr. Wells, Yes; and Ms. Martin, No.**

**Item 1. Approval of Minutes from the November 30, 2011 MPAC Meeting**

**Motion: Ms. Walters made a motion to approve the minutes from the November 30, 2011 meeting. Mr. Hunter seconded the motion with two changes.** Mr. Hunter noted a change to the language on Page 7, Paragraph 4, Line 9, reading “people onshore and people navigating Cow Key Channel.” Mr. Hunter noted another change to the language on Page 7, Line 10, reading “resources should be available to include Cow Key.” Ms. Ferguson added that her name should be listed as Lilli rather than Lillian, and on Page 5, “Sanctuary Advisory Committee” should be changed to “Sanctuary Advisory Council.” **There was no opposition. The motion passed unanimously.**

**Item 2. Nomination of new Chair and Vice-Chair**

After learning that the new Chair and Vice-Chair would take over immediately, Mr. Koisch suggested holding nominations at the end of the meeting. The Committee members agreed.

**Item 3. Presentation on Phase I of the Canal Management Master Plan (Rhonda Haag)**

Rhonda Haag, Sustainability Manager with Monroe County, gave a presentation on the Canal Management Master Plan. Ms. Haag explained that back in February of this year some of the members from the Florida Keys Water Quality Protection Program decided that they wanted to go forward with some kind of plan for canal improvements in the Keys. The Department of Environmental Protection (DEP) had \$100,000 available for use in the Keys, whether it be a canal study or a canal project, itself. It was determined that a Canal Master Plan might be an option if DEP would approve the funds for that use. The committee members were then listed by Ms. Haag.

Ms. Haag further explained that DEP agreed to pay for a Canal Master Plan Study as long as they could spend the money by June 30<sup>th</sup> of this year. A contract was drafted and put in front of the DEP Secretary and the BOCC in March and approved. Ms. Haag then described the continuing services contract that was in place which allowed the rapid approval process. The agreement includes identification of the highest priority canals in all of Monroe County for potential implementation of restoration projects and options and development of an initial short list of restoration projects. For each site on the short list of canal restoration projects implementation options will be developed. A detailed scope of work and budget will be prepared and potential fund sources identified. The final delivery will be an Initial Canal Management Master Plan.

Ms. Haag explained that the committee is looking at the qualification requirements under these grant opportunities and making sure they are included when deciding how to rank the various canals throughout the Keys. The point is to get a list of projects ready to go so that when solicitations come along a qualified list that has gone through the committee will be available. The contract ends June 22<sup>nd</sup>. The committee then is going to collate the available information and summarize the plan objectives. A master list will be made up from the lists of the local, state and federal agencies of potential canals, as well as some water bodies, such as Boot Key Harbor. Next they will look at the project geo-database that was originally available back in 2003 and update the database as much as possible and identify any deficiencies there may be. The next task is an objective statement will be developed where they will provide an ecologically sound and economically feasible implementation strategy for improving and managing the water quality. This will include environmental factors and fiscal factors. After the objective statements about what they are going to try to do is finished, they are going to identify and rank the issues for residential canals. The issues included were listed by Ms. Haag.

Ms. Haag clarified for Mr. Hunter that every canal in the county is not included due to time constraints, but only those that met the original criteria on the different agencies' lists. It is anticipated that a more comprehensive priorities list will be included in a Keys-wide master plan in the future.

Ms. Haag continued to explain that management goals for each priority issue will be determined. Finally, the highest priority canals for potential implementation will be identified and the initial short list of restoration projects will be developed. The key task of this phase is intended to provide a short list of project sites and restoration activities for which funding can be obtained. Ms. Haag confirmed that only canals already on a wastewater treatment system qualify. Ms. Haag then explained that the County, the different municipalities, as well as the residents will be asked to provide grant match funding.

Mr. Jones explained for Mr. Koisch the different ways ownership of canals can be determined, as well as the different techniques used to improve the water quality of canals.

Ms. Haag then began to explain Phase II of this project. The County is hoping to get another \$100,000 from DEP to begin Phase II, which will include getting a more detailed list of projects and writing up a more detailed grant application for each project to do a more detailed scope of work. The rankings will be publicly available. There has been no discussion by the committee to make any of this forceful on property owners.

Mr. Hunter and Vice Chair Stafford requested a copy of the subset list of canals. Ms. Haag then informed Mr. Hunter that there are no plans for public outreach and public input currently due to time constraints, but that may be possible during Phase II.

Mr. Jones offered to include this topic and information on the Marine Resources website where it discusses canal issues. Ms. Haag reminded the Committee members that what guides the process is the application criteria for the grants. Ms. Haag stated that after the results are obtained in Phase I, the MPAC can then be apprised of how the project will proceed. Ms. Walters added that

a lot of the impetus for this project has come from Bill Kruczynski, our EPA representative who will be retiring soon.

#### **4. Discussion of the search for a new boat ramp site in the Lower Keys**

Mr. Jones updated the Committee on the search for a new boat ramp site. Mr. Jones stated that the site being looked at last year at the east end of Cudjoe Key was determined not to be an option. The BOCC wants to see a new boat ramp in the Lower Keys and has directed staff to do everything it can to site a new boat ramp in the Lower Keys in the next fiscal year. Although it is good to have a boat ramp on US-1, it often comes with problems of ingress and egress. The search is beginning with GIS based data from the Marina Siting Plan. Mr. Jones asked the Committee members to call him any time if they have knowledge of, or ideas for a new site.

Mr. Jones informed Vice Chair Stafford that the greatest need (gap) is around Cudjoe Key. John Meaker, a cruiser from Key West, inquired into the end of a road on the north end of Big Pine Key. Mr. Jones suggested that he may be talking about Koehn Avenue, which is an informal boat ramp that may qualify if improvements were made to it. Mr. Jones asked Mr. Meaker to provide information on this site if it is not, in fact, Koehn Avenue. Mr. Hunter inquired into the boat ramp at the end of Blimp Road. Mr. Jones replied that improvements are actually occurring currently on this site. Mr. Jones stated that it is an interesting question about whether formalizing an informal boat ramp meets the need for a new boat ramp. Commissioner Murphy believes that it may.

Mr. Jones then spoke about criteria for choosing a site for a boat ramp. An optimal site would not have a lot of benthic resources, would have at least four feet of water, and would not be on an unaltered shoreline. The most limiting factor staff has found on potential sites is the size of the site.

Ms. Ferguson questioned whether, since the purpose of looking for a new site is to increase public access, an increase of public access by improving an existing site would count in the search for new sites. Ms. Walters added that having a properly designed and implemented ramp would let people feel more comfortable using it. Ms. Walters cited an example of an informal boat ramp in Marathon that was completely turned into a functioning boat ramp. Mr. Jones agreed that existing sites can be improved to increase the use of the sites to achieve the same goal of providing more public access.

Ms. Walters asked about the status of the boat ramp on Sugarloaf Boulevard donated to FWC. Mr. Jones replied that even though that boat ramp was improved, the criteria changed during the project and they do not want regular vessels launching off of it, but canoes and kayaks may be allowed to launch off of this ramp. Mr. Jones will get an update on this site.

Mr. Jones reported that the informal boat ramp on Indian Key is still moving ahead and we may see a new boat ramp there sometime in the future. Vice Chair Stafford inquired into Toby Lane in the Big Coppitt, Geiger Key area. Vice Chair Stafford stated that she was informed that there is an existing easement to use Toby Lane to improve kayak access. Commissioner Murphy offered to e-mail the maps that show those roads that the County abandoned to the Navy. Mr.

Jones again asked any Committee members that live in the Lower Keys to inform him of any potential sites in that area.

## **5. Discussion of potential siting and development of additional mooring fields**

Mr. Jones reported to the Committee that staff has been directed by the BOCC to try to create one or two more mooring fields in the next year or so. Staff is looking for potential sites possibly on the bay side of Key Largo, or at least in the Upper Keys, and possibly a shallow draft mooring field in Boca Chica Basin. There has been a lot of resistance from the Navy regarding Boca Chica Basin. In addition to looking at sites, staff is also looking at alternatives for what a mooring field can be. Historically a mooring field offers full services and is adjacent to a government-owned shoreside facility, but staff is also looking at the idea of a limited service mooring field or maybe even a no service mooring field that is free to users, geared more towards transient cruisers.

Mr. Jones explained that staff developed a mooring field siting plan in 2002 which looked at every anchorage in the Keys and characterized those anchorages and determined which anchorages to prioritize for managing them via a mooring field as opposed to a managed anchoring area. A public/private partnership is a consideration, where the County puts in the mooring field and an existing marina manages it. The Village of Islamorada has been opposed to a mooring field in the Village in the past, but Mr. Jones believes they may be amenable to the conversation now. One possibility is a mooring field off of the Lorelei Restaurant because it is already an anchorage and it is used by transient cruisers. Mr. Jones asked the Committee to provide any suggestions and ideas they may have.

Mr. Wells agreed that the anchorage in Big Basin behind the Lorelei is a good suggestion. Mr. Wells then spoke about how the mooring fields on Lignumvitae Key and Indian Key are working. Mr. Jones voiced concern about if people would take care of the moorings in a free mooring field. Mr. Wells agreed that they do need maintenance, and the more unprotected water, the more maintenance you have to do on them. John Meaker added that a mooring field can be created by placing it in a protected area where there is some kind of access to some kind of shoreside facility.

Commissioner Sylvia Murphy described the situation at the Murray Nelson Government Center as getting too crowded with the number of liveaboards who use the parking and facilities there. Mr. Koisch questioned why money is not being charged if the demand is there? Different potential sites in Key Largo were then discussed. Mr. Meaker believes there is money to be made because people are willing to pay for services. Mr. Meaker spoke about the lack of water flow through Blackwater Sound in Key Largo and how a mooring field may cause issues with water quality from pumping overboard. Ms. Walters believes that connections can be made easily to obtain good water flow. Mr. Jones explained that the boats would go on moorings and be provided pumpouts so there would not be a water quality issue.

Ms. Walters then suggested conducting a carrying capacity analysis for the area behind the Murray Nelson Government Center and then regulating a mooring field for a certain number of boats. Commissioner Murphy asked who would regulate it and how the boats allowed at the

mooring field would be selected? Commissioner Murphy believes when one takes on the responsibility to regulate, permission is also being given. Mr. Hunter agreed that if the County takes on the responsibility to put in mooring fields, the County also has to accept the responsibilities for them. Commissioner Murphy does not believe government should be providing everything for liveaboards. Mr. Jones explained that one of the reasons why marina owners are not in the mooring field business is because of the cost to lease the bay bottom from the DEP that is required. He explained the vast area covered by mooring circles that would be included in a lease, as opposed to boat slips.

Mr. Jones explained that if the objective is two mooring fields and one of them is a limited service or no service mooring field where there is no shoreside facility, that is the easiest and cheapest thing for the County to do. The next step up would be a full service mooring field that is managed by an existing marina. A mooring field that is free and that has no services would be geared towards cruisers. The local liveaboards have to have a convenient shoreside facility. Mr. Hunter added that this gives the transient cruiser an alternative to setting their anchor and damaging the sea bottom. Mr. Hunter believes that there is value to both the cruiser and the County in having moorings that allow people to tie up overnight and not have to drop anchor.

Mr. Meaker informed the Committee of a model in the National Park system where people who have motor homes will go off to remote areas and get free parking for the season and they serve as an overseer of the camp. Mr. Wells called this the Host Program. Mr. Meaker believes this could be accomplished at mooring fields also.

Mr. Jones shared that Commissioner Neugent had in the past suggested the possibility of having a floating office at mooring fields. Mr. Jones then suggested that the topic of additional mooring fields would be a good agenda item for the next meeting.

## **6. Update on anchoring ordinance for the FWC Pilot Program**

Ms. Walters began by stating that although initially annoyed by the fact that the Committee members did not get the opportunity as a Committee to look at the ordinance before it went to the BOCC, she feels that Mr. Jones did a superb job in drafting the regulations. Mr. Hunter agreed with Ms. Walters' comment.

Mr. Jones explained to the Committee that the reason a current draft of the ordinance is not in the packages for tonight's meeting is because the ordinance has constantly been changing. Mr. Jones then reported the initial structure of the ordinance still exists as far as having managed anchoring zones and no anchoring zones. That has been consistent. What has been changing is the regulations within the managed anchoring zones and where the managed anchoring zones are going to be. The no anchoring buffer areas around the Key West mooring field and Marathon mooring field have stayed consistent.

Mr. Jones reported that two months ago the BOCC added a fourth managed anchoring zone, Cow Key Channel, and then last month a managed anchoring zone for Boot Key Harbor and Sisters Creek were added at the request of the City of Marathon. The biggest issue remaining is the regulations within managed anchoring zones. With the exception of proof of pumpout, they

have changed significantly. Back in January the At Risk Program got pulled out and a couple of weeks ago the Vessel Safety Check by the Coast Guard Auxiliary was taken out due to lack of participation by the Coast Guard. Staff presently is finishing up the agenda item for the May meeting, and what the Commission has added back in are five elements from the At Risk Program. This is fully supported by FWC and supported by the BOCC. Floating structures were withdrawn two months ago because of inquiries into the lack of an appeals process in this regard.

Mr. Jones further reported that at the April meeting the BOCC heard from Ron Demes with the Navy who had many issues with the ordinance conflicting with Navy objectives, security areas, etc. The BOCC asked him to provide a letter with any objections and maps, which were only received yesterday. Some revisions have been made to the regulations based on the Navy's objections.

Ms. Martin asked if any progress has been made regarding the definition of "occupied vessel." Mr. Jones replied that right now the ordinance says all vessels in managed anchorage zones that are required to have an MSD shall provide proof of pumpout unless they are stored vessels. Ms. Martin feels that a definition needs to be worked out better because of circumstances that can occur requiring an owner to have to leave their vessel temporarily. There was a discussion regarding a case in Key West where a vessel was destroyed while the owner was out of town. Mr. Jones pointed out that the difference in that case was that the vessel was a derelict vessel.

Mr. Jones stated that the ordinance has just recently been finalized and will be going to the BOCC on May 16<sup>th</sup> for their consideration and approval. Mr. Hunter asked for a general timeline on how things will progress. Mr. Jones explained that if it is approved by the BOCC, it will then be transmitted to FWC for the FWC Commission's consideration and approval in either June or September. It will then come back to the County for adoption, and adoption by the two cities. In that same time frame there will be some education/outreach, and necessary signage put in for the implementation. The ordinance will sunset July 1<sup>st</sup>, 2014, unless it is reinstated by the Legislature.

Mr. Koisch suggested that Mr. Jones needs more staff in Marine Resources to be able to successfully complete this in any reasonable manner. Commissioner Murphy assured Mr. Koisch that she will speak to the Director of Growth Management about that. Mr. Jones added that an additional Marine Resources staff person is currently being considered if it can fit within the budget.

Mr. Hunter asked about the enforcement for the Pilot Program ordinance. Mr. Jones responded that FWC is now using the term "primary enforcer" in describing their participation in the ordinance.

## **7. Committee discussion**

Ms. Walters distributed to the Committee members updated fliers on the North Roosevelt Boulevard project in Key West.

Mr. Koisch nominated Pat Wells as the next Chair of the Committee. Mr. Wells declined. Mr. Koisch then nominated Mimi Stafford to be the Chair. Ms. Stafford declined. Ms. Stafford then nominated Bill Hunter to be the Chair. Mr. Hunter inquired into who the Vice Chair would be. Ms. Martin nominated Sandy Walters. Ms. Walters declined due to scheduling conflicts. Mr. Koisch nominated Mimi Stafford to be Vice Chair again. Ms. Stafford accepted the nomination.

**Motion: Mr. Koisch moved that nominations be closed. Mr. Wells seconded the motion. There was no opposition. The motion passed unanimously.**

## **8. Adjournment**

The Marine and Port Advisory Committee meeting was adjourned at 8:30 p.m.