

MARINE AND PORT ADVISORY COMMITTEE

DRAFT

Meeting Minutes

PURSUANT TO Board of County Commission Resolution No. 110-2013 the Marine and Port Advisory Committee of Monroe County conducted a meeting on **July 30, 2013** beginning at 6:35 PM at the Marathon Government Center, 2798 Overseas Highway, Marathon, Florida.

MARINE AND PORT ADVISORY MEMBERS:

Mimi Stafford, Vice Chair	Present
Bill Kelly	Present
Paul Koisch	Present
David Makepeace	Present
Lynda Schuh	Present
Pete Worthington	Present

STAFF

Richard Jones, Sr. Administrator

COMMISSIONERS

Sylvia Murphy

MOTIONS MADE

Motion 1

To approve minutes of May 7, 2013

Motion/Second	Passed
Paul Koisch/Pete Worthington	Unanimously

Motion 2

To recommend Buttonwood Sound as the mooring field site of highest priority

Motion/Second	Passed
Paul Koisch/David Makepeace	Unanimously

Motion 3

Nomination of Paul Koisch as Committee chair and David Makepeace as vice-chair

Motion/Second	Passed
n/a	Unanimously

Item 1. Approval of minutes from the May 7, 2013 MPAC Meeting

Motion: Paul Koisch made a motion to adopt the minutes as written. Pete Worthington seconded the motion. There was no opposition. The motion passed unanimously.

Item 2. Welcome new Committee members

Vice Chair Mimi Stafford welcomed the new Committee members and then each Committee member introduced him/herself and provided a brief background.

Item 3. Update on Feasibility Study for future mooring field

Rich Jones introduced Penny Cutt and Christie Barrett from Coastal Systems International (CSI) making a presentation on the Feasibility Study for the implementation of future mooring fields. Mr. Jones explained that the Board of County Commissioners (BOCC) in September of 2012 directed staff to look into additional area/s for a potential mooring field or mooring fields. The Marine Resources Office subsequently generated a scope of work for a Feasibility Study to be conducted. CSI was chosen to prepare the Feasibility Study. Ms. Barrett explained that CSI is conducting a Feasibility Study for three potential sites (currently unmanaged anchorages), including: Jewfish Creek, Buttonwood Sound and Boca Chica Basin. The advantages of mooring fields were described. The existing six mooring fields within the County were listed (Pennekamp State Park, three smaller unmanaged fields at Lignumvitae Key, Boot Key Harbor, and Garrison Bight). The three potential sites are currently used by boaters and are adjacent to primary boating routes.

Ms. Barrett explained that as part of the Feasibility Study CSI collected biological and physical site data at the three current unmanaged anchorages considered for mooring field implementation. CSI also looked at potential shoreside facilities, performed a vessel count, and interviewed a few boaters on their thoughts on new mooring fields, etc. Ms. Barrett explained that no seagrass or low density seagrass is better than dense seagrass for permitability, and that four feet of water is a standard depth requirement among the permitting agencies for moorings.

The Jewfish Creek site has up to 30 vessels at any time anchoring in the area and is located in Blackwater Sound (bayside) at the southern mouth of Jewfish Creek, adjacent to mm108. Preliminary site evaluations, including marine resources (benthic) and bathymetric survey results, of Jewfish Creek were explained. The advantages of the Jewfish Creek area were described as it is commonly used by boaters already, it is naturally protected from the winds, there are adequate water depths for a mooring field and includes areas of patchy seagrass or absence of seagrass where putting in a mooring would not impact the marine resources. There are upland amenities that may be available through Gilbert's or Anchorage Resort that could

potentially be used for a mooring field, including a marina and a fuel dock, as well as a boat ramp. One of the disadvantages of this area is that it is rather isolated.

The second site, Buttonwood Sound, is located on the bayside of Key Largo, adjacent to mm99. Up to 25 vessels were using this area at the time of the evaluation. The marine resource and bathymetric survey results of Buttonwood Sound were described. The Buttonwood Sound advantages are that it is apparently a desirable location for boaters and there are upland amenities and shoreside access readily available at the Point of View Resort, including a boat ramp, several docks including a dinghy dock, a pool, and beach, WiFi and laundry facilities. The disadvantage of Buttonwood Sound is there is dense seagrass close to shore, but there are locations beyond that area to place moorings not over seagrass or other benthic resources.

The third site evaluated, Boca Chica Basin, is located adjacent to mm8. The site is currently being used as an ad hoc anchoring area, including vessels located in two deep channels that lead into that area. There are up to 50 vessels using Boca Chica Basin at a time. On the east side of Boca Chica basin is the naval air station on the west side of Boca Chica Key. The results from the marine resource and bathymetric survey were described. Advantages of the Boca Chica site is that it is heavily used by boaters (indicating need), there is a public boat ramp with trash bins located pretty close to the area and it has ocean and bay access (bay access is height limited) with stores and restaurants nearby. Some disadvantages are the dense seagrass that is in that area, shallow water depths, a complex shoal system, it is adjacent to the naval facility (with noise and crash zone concerns), and at this point there was no single existing suitable upland facility observed for providing shoreside access and amenities.

Ms. Barrett stated the purpose of this presentation is to get input from the Committee members as well as the public as to any other advantages or disadvantages for each of the three sites. Ms. Schuh asked if Murray Marine could be considered for an upland facility for the Boca Chica site. Ms. Barrett explained that some of the upland facilities in this area may be too long a distance from the proposed mooring field. Mr. Makepeace pointed out that putting a mooring field in Boca Chica Basin will drive people who want to anchor into alternative locations that are either illegal or problematic. Ms. Cutt agreed that that is part of the challenge implementing a mooring field where there is a boating community who does not want to be regulated or pay for a mooring.

Ms. Cutt explained that there will be challenges with any of these sites because there are no significant areas at any of the sites void of benthic habitat. An assigned vessel maximum size for mooring fields is based on the prevailing depths and typically the agencies require one foot of clearance below the deepest draft of the vessel, which is typically a minimum of four feet of water depth. She suggested that it is possible to have certain buoys approved in shallower depths if vessel size is limited that can be moored to that buoy.

Mr. Koisch asked how the upland facilities will be tied to the mooring field. Mr. Jones responded that the BOCC had indicated an optimal arrangement being a public/private management arrangement. The County would not own the upland facility, nor manage it, but would likely be responsible for maintaining the moorings. The details of the financial or management arrangements have not been worked out currently. Mr. Jones then addressed the question regarding eliminating anchoring in mooring fields further. The mooring field will be only a part of a larger submerged land lease and DEP potentially could allow the County to regulate that larger area. In addition to that, the Pilot Program allows for creating no-anchor zones around mooring fields.

Mr. Jones asked Ms. Cutt to describe the significance between moderate density seagrass and dense seagrass as far as permitability. Ms. Cutt explained that it can be extremely challenging to secure permits in an area that has more than even 1% seagrass coverage. However, she indicated that DEP is starting to recognize that moorings in seagrass do not create impacts, and actually mitigate benthic damage. There is information being accumulated to demonstrate that seagrass coverage typically increases as a result of implementing a mooring field. CSI has not discussed this project with DEP or ACOE as of this point. When the Feasibility Study is completed CSI will make a recommendation for the optimal mooring field site, which will consider a number of factors including permitability, available shoreside access, projected utilization, etc.

Several members discussed the observation that the Boca Chica basin site has the greatest anchoring related impacts, but also appears to present the greatest permitting challenges for mooring field implementation. Ms. Cutt clarified that while the Boca Chica site has significant permitting issues, it has not been eliminated as a potential site. Further, CSI is aware of some opposition from the Navy, which may prove to be problematic. In order to get a submerged land lease there needs to be sufficient demonstration of interest by the partnering facility that will be helping operate the mooring field. Submerged land leases may be more challenging in some locations than others. Ms. Barrett stated that the Boca Chica area has objectively been deemed to be the most damaging environmentally. Mr. Koisch believes because of that Boca Chica should be given more consideration as a potential site. Mr. Jones mentioned that even though CSI is to point out the preferred recommended site, the Board over time may want to see three mooring fields created, and this study will be used for the later development of those mooring fields. Ms. Cutt added that over time hopefully the regulatory agencies and environmental resource agencies will be on board with the benefits of mooring fields as more and more information is collected.

Commissioner Murphy agreed that Boca Chica basin needs the mooring field most, but pointed out that it is also going to be the most time-consuming and troublesome and she does not think the County should start with the most troublesome site. Commissioner Murphy then spoke of boats tied up to the Jewfish Creek Bridge discovered to contain flammables and combustible

materials, and that those vessels have been required to move. In discussing a public/private arrangement, Ms. Barrett explained to Commissioner Murphy that the County would have a contract with the upland facility to secure their obligation and that contract is necessary in order to get a permit and a lease. The lease terms will be concurrent with that contract. A Committee member asked what happens if the private facility wanted out of the contract. Ms. Barrett explained that if the contract is not renewed or the upland facility is no longer usable, then the agencies would require the mooring balls be removed, but that typically is not an issue.

Mr. Makepeace commented that he fields inquiries from cruisers looking for places to anchor on the bayside relatively close to mm100 and believes a mooring field in Buttonwood Sound will be occupied quickly. Ms. Cutt explained a need for the project and that the number of moorings proposed must be demonstrated for permitting purposes. In addressing questions about how many moorings might go in at a site, she stated that sometimes phased installations of different mooring areas are implemented as the need increases.

Mr. Jones cautioned Mr. Koisch not to focus on any one thing, like what is the most problematic area, but to determine which mooring field would be most feasible to permit and develop and which would be utilized most. Ms. Cutt informed Mr. Jones that the Feasibility Study will be completed towards the end of September. Mr. Jones stated CSI will be giving a similar presentation in the coming months before the BOCC. Mr. Koisch stated that, based on the comments made tonight, Buttonwood Sound would be a good place to start developing a mooring field.

Ms. Cutt pointed out that both state and federal permits need to be obtained, and the processes to obtain them are dissimilar. Ms. Cutt then described those processes. A realistic time for the permitting process and construction is two-and-a-half to three years. Ms. Cutt expects opposition from the National Marine Fisheries Service and believes a biological opinion may be necessary. Mr. Jones noted that the Key West mooring field is an example of a mooring field over seagrass. Ms. Cutt added that regulations have gotten more stringent since the permits for Key West were issued. The cost to use the current local mooring fields and the amenities provided were discussed. Mr. Jones discussed the success of the Boot Key Harbor mooring field as an example of the benefits of having mooring fields in a larger leased area where designated anchoring areas can be made available. Mr. Jones then mentioned that one of the objectives for this program is to have a Keys-wide system of mooring fields, eventually with mooring fields every 25 to 50 miles throughout the Keys.

Mr. Worthington suggested 30 moorings be placed at all three of these considered locations. Commissioner Murphy thinks permitting three at one time would be too overwhelming. Mr. Worthington agrees that Boca Chica basin is the biggest problem currently. Ms. Cutt stated with respect to permitting a facility in each of these three locations that if there are any impacts to

resources proposed the agencies are going to want to see demonstrated project purpose and need. Mr. Worthington sees a potential for Buttonwood Sound as having more opposition from neighbors. Mr. Makepeace stated that Boca Chica basin needs to stay in the queue, but understands from a feasibility perspective it is most problematic. Mr. Makepeace agrees that Jewfish Creek will typically get used for only one or two nights and believes Buttonwood Sound is the model site and will be the easiest one to get permitted.

Ms. Cutt stated that a successful public relations campaign can help with the public's understanding of the benefits of mooring fields. Mr. Kelly pointed out that the proposed site in Buttonwood Sound could be fully exposed to the north winds in the winter months, but believes the seas would not exceed two feet under the harshest conditions. Commissioner Murphy clarified for Vice Chair Stafford that Sunset Cove, where liveboards were such a problem for neighbors, is in the same area as Buttonwood Sound, but is not where the mooring field is being proposed. Mr. Jones clarified that the Buttonwood Sound mooring field site would be generally the same location as Sunset Cove. Ms. Cutt added that exposure to winds will be considered in further focus on specific sites. Mr. Jones commented that Buttonwood Sound is a semi-enclosed body of water.

Mr. Jones suggested that CSI may go before the BOCC in September to present their findings, and then again in October for direction so that CSI can develop a mooring field layout for the chosen site. Mr. Koisch pointed out that the Buttonwood site would resolve the issue the shoreside residents in the area were having with liveboards. Mr. Makepeace concurs that Jewfish Creek has a large transient element and favors the Buttonwood Sound site.

Motion: Mr. Koisch made a motion that the MPAC recommend Buttonwood Sound as the highest priority of the three sites proposed. Mr. Makepeace seconded the motion. Allison Johnson, marine biologist with FWC, stated she would like the Boca Chica basin site to have a mooring field because it is highly degraded already and that would get rid of so much of the marine debris in that area and agrees that Jewfish Creek is a bit out of the way from things, and believes the Buttonwood Sound proposal should be the number one priority right now. Mr. Worthington commented that the three potential sites along with enactment of the Pilot Program would provide for enormous future benefits. Mr. Makepeace stated politically it would be better to put a mooring field in the Upper Keys. Ms. Cutt explained to Commissioner Murphy that each site is considered on its own merit, but if the first one is successful it demonstrates the benefit over time of improvements to the submerged resources and it demonstrates the continued need. Water quality testing could also be used to demonstrate the benefits to the area. Ms. Schuh suggested Murray Marine as a possible upland site for Boca Chica. Mr. Kelly agrees that Boca Chica basin is the most critical in terms of need, but believes the Buttonwood Sound site creates more opportunities for the area. Mr. Koisch and Vice Chair Stafford believe Buttonwood Sound would be the obvious choice. Mr. Makepeace believes if the first site is successful it will

make it easier to proceed with the other sites. **There was no opposition. The motion passed unanimously.**

A brief recess was held from 8:25 p.m. to 8:37 p.m.

Item 4. Nomination of new Chair and Vice-Chair

Mr. Worthington nominated Paul Koisch as the new Chair. Mr. Koisch accepted the nomination. There was no opposition. Mr. Kelly nominated David Makepeace as the Vice Chair. Mr. Makepeace accepted the nomination. There was no opposition.

Item 5. Overview of Marine Resources Office function and duties

A document was disseminated regarding the Marine Resources office's duties. Mr. Jones reported that Marine Resources is going to have another employee hired soon.

Item 6. Review of Committee purpose, duties, and objectives

Mr. Jones informed the Committee members that the MPAC has been changed from ten members to seven members, and specific duties have been assigned by resolution. Commissioner Carruthers will be appointing her position soon. The Committee's purpose is to provide recommendations to the Board on anything related to marine resources, boating and waterways. In addition to that general purpose, the Committee has specific duties to provide recommendations regarding marinas, mooring fields and boat ramps. The Committee is subject to the Sunshine Law. The Sunshine Law was briefly explained by Mr. Jones (mentioning that specific questions should be addressed to the County Attorneys Office). Mr. Jones explained the way the agenda gets generated is by requests from the Committee members, as well as by staff or the BOCC.

Item 7. Update on Pilot Program anchoring ordinance

Mr. Jones reported that the Pilot Program ordinance has been implemented in all areas except Boot Key Harbor. The City of Marathon did approve their final ordinance mirroring the County's ordinance, in the last few weeks and that will be implemented in the next few weeks. FWC has started with education, but no citations have been handed out so far. Warnings are anticipated to be issued soon, if they have not started already, and in a few months they will be handing out citations. Mr. Jones summarized the ordinance regulations as being very simple. Anchoring is not allowed in a no-anchor zone. There are two regulations in managed anchoring zones. The first is proof of pump-out must be shown. Monthly stickers are being used to provide proof of pump-out. The other regulation is a boat cannot fall into one of the pre-derelict conditions, which is more subjective. The program ends July 1st, 2014 unless extended by the Legislature. Mr. Jones listed the no-anchoring buffer zones in the County. There was discussion about the different areas in Boca Chica Basin that would be appropriate or not for anchoring zones and mooring fields. Mr. Worthington stated that the Bernsteins had a successful ruling by

the judge last week in reference to Wisteria Island, which now could be a potential managed mooring field.

Item 8. Future meeting schedule

Mr. Jones stated that historically the MPAC has quarterly meetings held the first Tuesday of the month. The next four meetings will be held November 5, 2013, February 4, 2014, May 6, 2014 and August 5, 2014. The Committee members agreed to change the meeting time from 6:30 p.m. to 6:00 p.m.

Item 9. Committee discussion

Mr. Makepeace reported receipt of a citizen inquiry regarding a derelict vessel grounded off of Indian Key. Mr. Jones informed the Committee members that Marine Resources coordinates with FWC regarding the removal of derelict vessels. Mr. Jones stated derelict vessels can be reported to him via e-mail and that information will be forwarded to FWC, or FWC can be notified directly. Agenda items for the next meeting so far are Pilot Program status update and a Feasibility Study update. Mr. Jones updated Vice Chair Stafford regarding Boating Improvement reserves and listed the boat ramps slated for improvements. Mr. Jones reminded the Committee members about the memo sent to them regarding the objectives of the Committee. The Committee discussed an issue regarding the problems the Village of Islamorada has had at Indian Key Fill. Mr. Makepeace will contact Islamorada to find out the status of this issue and report back regarding same at the next meeting. Mr. Makepeace asked to be updated on the free pump-out program at the meetings. Mr. Jones agreed to give updates at every meeting regarding the pump-out program as well as the Pilot Program.

Item 10. Adjournment

The MPAC meeting was adjourned at 9:28 p.m.