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 **February 4, 2014** beginning at 6:00 PM at the Marathon Government Center, 2798 Overseas Highway, Marathon, Florida.

MARINE AND PORT ADVISORY MEMBERS:

Paul Koisch, Chair	Present
David Makepeace, Vice-Chair (pending)	Present
James Fitton	Present
Bill Kelly	Absent
Lynda Schuh	Present
Mimi Stafford	Present
Pete Worthington	Absent

STAFF

Richard Jones, Sr. Administrator	Present
Celia Hitchins, Marine Biologist	Present

COMMISSIONERS

Sylvia Murphy	Present

MOTIONS MADE

Motion 1
To approve minutes of November 5, 2013

Motion/Second	Passed
Lynda Schuh/James Fitton	Unanimously

CALL TO ORDER
Chair Koisch called the meeting to order at 6:00 p.m.

PUBLIC MEETING
Item 1. Approval of minutes from the November 5, 2013 MPAC Meeting
Motion: Ms. Schuh made a motion to adopt the minutes as reported. Mr. Fitton seconded the motion. There was no opposition. The motion passed unanimously.

Mr. Jones mentioned that Celia Hitchins is now working for Marine Resources full-time, and mentioned the regulatory experience and skills she brings to the department.

Item 2. Update on the Pilot Program anchoring ordinance implementation status

Mr. Jones reported that the Pilot Program is going relatively well. The Fish & Wildlife Conservation Commission (FWC) has made recommendations and findings that will be going to the Legislature. The Pilot Program is due to expire July 1st of this year, but it may be extended for three years by the Legislature, as recommended by the FWC. The FWC has reported to staff there are currently no boats anchored in the no-anchoring zone on the east portion of Boca Chica basin, but there are about a dozen vessels anchored outside the Garrison Bight mooring field. Those boaters are reluctant to move from the area. The FWC has been handing out warnings for many months and are starting to issue citations. Key West staff has voiced to County staff their concern that boaters anchored outside the Key West mooring field are going to bear down on vessels in the mooring field, due to the strong winds that are being experienced. Mr. Jones has asked the FWC if they could increase enforcement in this area. Mr. Jones has spoken to Sheriff Ramsay. Sheriff Ramsay has vowed to the Board of County Commissioners (BOCC) that the Sheriff's Office is going to step up enforcement in Boca Chica and the Key West area in general, which they have done. The Sheriff's Office is also helping with derelict vessels and the managed anchoring zone. Mr. Jones further reported that the proof of pump-out element of the Pilot Program is going extremely well. The FWC in their report to the Legislature has indicated that the state-wide program has not been in force long enough to receive good information, which is one of the reasons why they want to extend it. Lynda Schuh asked what a pre-derelict vessel is. Mr. Jones explained that the County is trying to prevent derelict vessels before they happen, and listed for Ms. Schuh the criteria for pre-derelict vessels. Ms. Hitchins noted that the FWC At Risk Program mirrors that same criteria. Mr. Makepeace offered to report back to or ask questions of the Sanctuary Advisory Council (SAC) in relation to the Pilot Program. He mentioned that the focus of the next SAC meeting will be about enforcement as part of the renewal of the management plan. Chair Koisch asked about the boats in the no-anchoring buffer zone adjacent to the mooring field in Key West. Mr. Jones stated these boaters know that the ordinance does not include language to actually remove them from the area, and are simply refusing to leave. Mr. Jones explained that after three citations, if they have not moved, they will be requested by the FWC to leave the managed anchoring zone, but that does not have teeth. Citations with a cost associated with them may produce better results than the warnings that have been issued. If the citation is not paid, it becomes up to the court system to do something, which may come down to a warrant for their arrest if not paid. According to FWC officers, none of the boaters in that area have received multiple citations so far. Ms. Stafford commented that bad weather will put more pressure on the issue. Mr. Jones added that the mind-set in this particular area is different than most areas. Mr. Jones informed the Committee Members that Key West had an ordinance for no anchoring in place prior to the Pilot Program for many years, but it was never enforced. When Key West was invited to be in the Pilot Program, they asked the County to implement at the County level the same ordinance they had at the City level.

Item 3. Update on the Feasibility Study for additional mooring fields

Mr. Jones discussed the draft Feasibility Study for additional mooring fields which has undergone revision. Staff is currently reviewing a complete draft. The content hasn't significantly changed but several map series, including resource and conceptual mooring fields, have been refined and now include additional upland information which ties in potential mooring field sites to suitable potential shoreside facilities. Staff has revised the consultant's tasks to

have them create a conceptual design for each of the three anchorage areas being evaluated. Mr. Jones explained the maps that were provided to Committee members in their meeting packets. Mr. Jones stated that Buttonwood Sound has unlimited space for a mooring field, Jewfish Creek is limited by seagrass, and Boca Chica basin has the most permitting issues due to lack of suitable water depths and dense seagrass in the areas where there is suitable water. Mr. Jones also mentioned that the study indicates that in addition to permitting issues for a mooring field at Boca Chica, that there is no identifiable suitable shoreside facility to serve a mooring field.

Ms. Schuh asked about the very shallow depths indicated in the potential mooring field area on the map for Boca Chica basin, and questioned the 1' depths. Mr. Jones explained the text on the map is very small and difficult to read, and the 4s are being misread as 1s. He explained that the maps show mooring field boundaries around areas of four feet of water or greater. Ms. Schuh asked about getting funding for shoreside service facilities through BP funding. Mr. Jones explained that the grant application submitted specifically looked at the acquisition and redevelopment of a property for the Boca Chica site because of the lack of suitable existing facilities in that area. Mr. Jones explained that for the local grant he requested $1 million for mooring field development, but at the state level asked for grant funding for $4 million which would include acquiring and redeveloping property on the western shore of Boca Chica basin because, based on the feasibility study, it does not look good for utilizing an existing shoreside facility there. The grant at the local level is for $1 million and the grant at the State level is for $4 million.

Ms. Stafford asked about a small mangrove island indicated on a map as being government. Mr. Jones explained the government site shown on the map adjacent to the mooring site in Boca Chica is a tiny island either owned by the County or the State, and was meant to be deleted. Neither Murray Marina nor Boyd's Campground have indicated any interest in providing a shoreside facility. Ms. Stafford asked about the timeline on getting the grant money. Mayor Murphy stated that is unknown. Chair Koisch voiced concern that $4 million would not be enough if shoreline property owners near Boca Chica have no interest in participating. Mr. Jones replied that it does not look probable that permits could be acquired for a mooring field in Boca Chica and there is no current potential shoreside facility in the area. In the near future alternatives to address the boating impacts in Boca Chica basin may need to be considered if no mooring field is created in Boca Chica. Mr. Jones mentioned a County study performed in 2008 that presented several alternatives, including a prohibition on anchoring in portions of the basin or throughout in the basin.

Item 4. Update on the County pumpout program

Mr. Jones reported that the pumpout program contractor met their quota in December with over 1300 pumpouts. Mr. Jones attributed that to it being during season, the pumpout program becoming more effective and the Pilot Program. Mr. Jones further reported that the BOCC directed the Clerk's office to perform an audit at the beginning of this year on the pumpout program because they had not been meeting their quota. They will present the findings of that audit to the Board in the next few months.

Ms. Schuh asked about the costs of this program. Mr. Jones explained that the County pays $330,000 a year for pumpout services, and the Clean Vessel Act (CVA) grant reimburses the

vendor for allowable items, which are estimated to be about $400,000; just over half the cost of the program. The cost being paid by the County is all paid for from Boating Improvement Funds (BIF). There is no set number for what the CVA grant reimburses the vendor. Mr. Jones stressed that even though it is a lot of money, the County is receiving a great benefit for the money spent because the County is only paying less than half for that service and the State pays the rest. Monroe County may be the only county in the country that operates such a service countywide for free. Mr. Makepeace noted that he has received positive feedback from boaters who have used this service over the last year.

Item 5. Derelict Vessel overview

Ms. Hitchins presented some maps of derelict vessel distribution worked on by herself and GIS staff. Graphs of derelict vessels by sub-area were presented as well. Ms. Hitchins reported that the County has been collecting data since 2008, which is split out by subarea, the Upper, Middle and Lower Keys, for each year. 350 vessels have been removed since 2008. A graph was shown indicating where those 350 vessels were generally located. Data was presented showing FWC's pending cases for vessels that have been tagged as derelict, broken down by upper and lower keys. The FWC only has two officers throughout the Keys that are dedicated full-time to processing derelict vessels. Ms. Hitchins explained that the maps are split out by region and most of the dots on the maps are vessels, but some of them are marine debris as well. Some of the dots contain more than one vessel, such as migrant vessels located at the Coast Guard station in Islamorada. Ms. Hitchins pointed out that in the upper Key Largo map a lot of the derelict vessels are congregated up in the Jewfish Creek and Lake Surprise areas. The GIS team is working on putting together an app that will contain this data the public can view online. Ms. Hitchins showed Ms. Schuh the large cluster of boats on the map located in Buttonwood Sound. Ms. Hitchins further reported that staff is working on an application for the FWC Boating Improvement Program Grant to help fund removal of some larger derelict vessels and other structures that the County's Boating Improvement Funds cannot cover. Ms. Hitchins suggested that the Committee could help by submitting a letter of support for that grant application, which has a deadline of April 3rd. Mr. Jones suggested that Chair Koisch draft a letter of support, and staff would distribute it to the rest of the Committee before attaching it to the grant application. Mr. Jones explained the County automatically gets BIF funds through recreational vessel registrations. However, BIP grant program money is generated by recreational fuel tax dollars and has to be applied for.

Mr. Jones pointed out that the dots on the map are clustered exactly where the Pilot Program zones were created. Mayor Murphy asked how many owners of derelict vessels are able to be tracked down and how many pay for the removal. Mr. Jones replied that FWC is able to get in touch with quite a few of the owners, but he will have to ask for an exact percentage. He believes that the number of vessel owners providing restitution has increased in recent years, and may be 5-10 percent of the derelict vessels. Mr. Jones noted that some boaters are very savvy and get rid of the FL numbers and even grind off the hull identification number when abandoning their vessels. Chair Koisch asked Ms. Hitchins to change the colors used on the maps to more easily identify the water. Mr. Jones explained for Mr. Makepeace it typically takes 30 days from the time a boat first is determined to be abandoned until it can legally be removed. Once a determination is made that a vessel is derelict, it is tagged with a derelict vessel sticker and the process is started at FWC immediately. It can be as little as five days based in

emergency circumstances. FWC then sends the County a report and the County hires the contractor to remove the vessel. Chair Koisch commented that one of the big complaints against FWC from the meeting held in Key West was they moved too quickly. Mr. Jones noted that FWC may work with an owner for months if that owner is showing a sincere effort in trying to correct the situation. Some boats do not get taken care of for a long time because they slip through the cracks and there is only a certain amount of FWC resources to process them. Mr. Makepeace and Mr. Jones discussed the removal of the derelict sailboat at the northern end of Lower Matecumbe.

Item 6. Update on Whale Harbor Channel regulatory buoy replacements

Ms. Hitchins discussed the need to replace the regulatory buoys around the Whale Harbor Channel flats and indicated that the focus is on the main channel where the sandbar is because that is the area with the most critical need. A contractor has been hired to replace 29 buoys in that area. Their timeline for installation is the end of March. A second phase for replacement of buoys on the oceanside are going to be put out for bid soon. Mr. Jones explained that the whole zone encompasses three different sets of areas: the main channel, the eastern flats and the western flats. Mr. Jones stated the main channel is the hardest place to keep the buoys in place because of the intense boating activity there, as well as vandalism. This project is being broken down into three phases because this area is three times the size of any other regulatory zone the County has and it is very costly for BIF to maintain that because there are 80 buoys in this area. The three different areas within this zone are slightly different, and buoy replacements will be designed accordingly. The main channel is extremely shallow, and the regulatory buoys in this area include the buoy, the anchor and the downline. A variety of different downline systems are used, from polypropylene line, cable, and something recently used is chain covered with fire hose to address vandalism and the constant movement it endures. Chain covered with fire hose will be used in the main channel. On the oceanside taller buoys with polypropylene downlines will be used because they are exposed to the open ocean, and vandalism is not an issue out there. And a third design may be used for the buoys marking the sides of the flats. Paul Koisch asked if pilings might be an alternative. Mr. Jones explained to Chair Koisch that use of pilings has been considered over the years, but pilings can potentially cause damage to boats, and are a greater expense than buoys. Pilings can also be an aesthetic nuisance. Another problem is that people tie off to buoys, which rubs the markings off of the buoys. Mr. Jones described how 15 years ago, at the request of the Village of Islamorada, the buoys were installed in phases in this area, with the eastern zone being marked initially with 35 buoys then the western zone marked later with 45 buoys.

Mr. Jones further explained the first phase for the buoys along the channel is top priority because that is where the boaters go to anchor. Mr. Jones considers Whale Harbor flats zone to be one of the County's least effective regulatory zones, although the Village of Islamorada indicates it creates 'a calming effect', which the County is looking for more than a calming effect. Mr. Makepeace stated he lives in this area and when the buoys in the western zone first went in it did have a positive effect on the amount of boaters going across that flat. The amount of buoys damaged or vandalized in this area has limited the ability to police this area. Mr. Makepeace noted that FWC's Upper Keys base is at Whale Harbor Channel now, which will help with enforcement. Mr. Jones added that the buoys also demarcate unmarked channels on the outside of the flats. Mr. Fitton asked about the County's plan to maintain the buoys. Mr. Jones

explained there are typically quarterly surveys performed for all County channel markers and buoys. For buoys the County has chosen to not put money into routine maintenance, but rather to put money into replacement when they need to be replaced. Mr. Jones feels that is the most cost effective measure. The buoys are replaced in batches when needed. Mr. Makepeace asked about the possibility of a volunteer program to check those sites. Ms. Stafford believes that is a good idea. Mr. Fitton stated the organization Reef Relief maintained and funded the maintenance of the Key West Marine Park at one time. Mr. Jones cautioned there may be a liability issue. Mr. Jones asked the Committee Members to e-mail any thoughts they have on possible organizations that may be interested in volunteering.

Item 7. Boat Ramp repair/upgrade discussion

Ms. Hitchins reported that Project Management has indicated they have secured State and Federal permits for the Blimp Road boat ramp to be repaired on Cudjoe Key. That will happen sometime this year, maybe even this summer. Staff is working with Project Management on prioritizing the repairs and improvements of all of the other ramps that the County maintains throughout the Keys. Ms. Hitchins' regulatory background is helping Project Management understand what kind of permits they have or they need to get. Ms. Schuh stated there is a boat ramp in her neighborhood that her community, Indian Mounds in Upper Sugarloaf. She suggested that the committee discuss possible County ownership. Ms. Hitchins indicated familiarity with this boat ramp and stated it definitely needs some improvement. Chair Koisch noted that the Committee is looking for public access, which Ms. Schuh admitted might be a problem for the neighbors in this area. Mr. Jones added that Sheriff Ramsay has been working with DOT on the problems at the Key Haven boat ramp, as well as the Shark Key ramp. Currently there are No Loitering signs up, which have been aggressively enforced by the Sheriff's Office. Signs have also been put up in both locations indicating unattended vessels are not allowed. There is no parking at the Key Haven ramp anymore. Mr. Fitton stated that he has noticed a night-and-day difference at Key Haven in the last six months.

Item 8. Committee discussion

Chair Koisch asked if it would be possible for visual aids to be provided at future meetings to familiarize the Committee Members with areas that are not known to them. Mr. Jones responded that posters of mooring field maps were not provided today because of time constraints. Mr. Jones stated the preferred way to display geographic areas is electronically and will consider that for future meetings. Chair Koisch then stated that since the discussion about the Old Seven Mile Bridge at the last meeting, the BOCC has voted to support its restoration efforts and thanked Mayor Murphy for her efforts in that direction. Mayor Murphy replied that negotiations are ongoing, but nothing has been signed as of yet. She indicated that 90 percent of the total cost over the years will be borne by FDOT.

Mr. Makepeace asked Mr. Jones if seagrass restoration falls under Marine Resource's purview. Mr. Jones replied that Marine Resources does deal with seagrass resources, but typically the Sanctuary has been the primary agency for restoration. Mr. Makepeace stated that he had been approached by Councilman Forster from the Village of Islamorada with regard to seagrass restoration because of Mr. Makepeace's grant program for high school students to perform seagrass restoration at the Whale Harbor site. Mr. Makepeace said that after much discussion it was agreed that the Village of Islamorada should submit an application for a general permit as

opposed to applying for, and permits being issued, with each restoration event. Susan Sprunt has been working on submitting that application for the Village. Mr. Makepeace met today with teachers from Key West High School about setting up a program that involves things like coral restoration and reef assessment, including seagrass restoration. Mr. Makepeace believes properly trained students can do the benthic characterization and the restoration work. Mr. Makepeace is willing to spearhead the program and position everybody. Mr. Makepeace stated a general 'blanket' permit is needed that will be held by an organization for logistical and liability reasons. Mr. Makepeace asked the Committee members to consider the feasibility of securing a permit countywide. Ms. Stafford would like to hear more about the feasibility issue and questioned the liability aspect with students performing the work. Mr. Makepeace explained that Islamorada holds the permit and school groups would then contract with Islamorada to do the work. The liability side can be dealt with by having the students only on captained and certified vessels. Mr. Makepeace described for Chair Koisch different methods used for seagrass restoration. Most of them involve PVC pipes with four-inch wooden boxes on them, on which birds perch and defecate in the water. Typically shoal grass is planted, which is fast-growing and handles a variety of environmental factors. Another method is harvesting and planting units of the shoal grass between stakes. Mr. Jones commented that the Sanctuary may be a better organization to handle this because they already have a seagrass restoration program. Mr. Makepeace responded that their program does restoration on damaged areas that are attached to a certain boat. Mr. Makepeace's proposal would deal with what are called "orphan scars", which are scars that nobody is connected to. The problem with the permitting process for the Sanctuary is that it is designed to deal with the litigation that ensues from a particular known boat causing damage and the amount of due diligence involved with every permit is onerous. Mr. Makepeace said there is a group of backcountry enthusiasts in and around Islamorada willing to volunteer in this effort. Mr. Jones will call Susan Sprunt for more information and will discuss the permitting further with Ms. Hitchins. Mr. Jones added that the County prevents seagrass scarring through navigational aids and the Sanctuary addresses seagrass scarring through restoration. Ms. Schuh would like to see a syllabus on this. Mr. Makepeace has a PowerPoint presentation that he can share at the next meeting. Ms. Schuh would also like to see something on paper as to how the liability would be handled. Mr. Makepeace added that Islamorada has a commitment from certain organizations that once their permit is in place there is money earmarked for this effort. Chair Koisch requested this issue be made an agenda item for the May meeting for further discussion.

Chair Koisch stated he does not see any necessity to go before the BOCC with an annual report this year. Mayor Murphy agreed it can wait another year because of the change in the set-up of the Committee made this year. Mr. Jones stated that was fine, but the bylaws do call for that report.

Item 9. Future meeting schedule

Ms. Schuh pointed out that the scheduled November 4 meeting is on Election Day. Ms. Stafford stated it would be better if the August meeting is held at the end of July because August 5 is the opening of lobster season. Ms. Hitchins suggested moving the August meeting forward or backwards permanently, to address the conflict with the opening of lobster season. Different dates and conflicts were discussed. Ms. Schuh suggested everybody come with their calendars to the May 6th meeting with the understanding that the August 5 and November 4 meeting dates

will be changed. Chair Koisch clarified the next meeting will be May 6, 2014 at 6 p.m. The Committee members tentatively agreed to July 1 as a meeting date as opposed to August 5, but will confirm that at the next meeting. Mr. Jones cautioned the Committee Members that the meeting room fills up quickly far in advance.

Item 10. Adjournment

The Marine and Port Advisory Committee meeting was adjourned at 7:49 p.m.