

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 **July 29, 2014** beginning at 6:07 PM at the Marathon Government Center, 2798 Overseas Highway, Marathon, Florida.

MARINE AND PORT ADVISORY MEMBERS:

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

STAFF

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

COMMISSIONERS

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| Sylvia Murphy, Mayor | Present |
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MOTIONS MADE

Motion 1

To approve minutes of May 6, 2014

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| Motion/Second | Passed |
| Pete Worthington/Bill Kelly | Unanimously |

Motion 2

To require a guarantee of a shoreside facility for any proposed mooring field

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| Motion/Second | Passed |
| Pete Worthington/David Makepeace | Unanimously |

Motion 3

To adjourn

Motion/Second

Passed

David Makepeace/James Fitton

Unanimously

CALL TO ORDER

Chair Koisch called the meeting to order at 6:07 p.m.

PUBLIC MEETING

Item 1. Approval of draft minutes from May 6, 2014 MPAC Meeting

Motion: Mr. Worthington made a motion to approve the minutes of the May 6, 2014 meeting. Mr. Kelly seconded the motion. There was no opposition. The motion passed unanimously.

Rich Jones asked to take care of a few housekeeping items. Mr. Jones pointed out that, by Resolution of the Board of County Commissioners (BOCC), the Committee Member terms are staggered. Every two years in November committee member terms are up and those terms coincide with County Commissioners’ terms, so that new Commissioners can make their own appointments. On November 1, 2014 the appointments of Pete Worthington, Paul Koisch and David Makepeace will be up and it will be up to the County Commission to reappoint them. Mr. Jones will be in touch with the County Administrator’s office to put the reappointments on the BOCC’s agenda as soon as possible. The worst case scenario is that there may be only four official members at the November MPAC meeting. Mr. Makepeace will address this at the Sanctuary’s August meeting so there will be an appointment made by November’s meeting. Mr. Jones also mentioned that the election of chair and vice-chair will be on the agenda for the next meeting, but could be postponed to the following committee meeting if necessary.

Item 2. Update on the Pilot Program anchoring ordinance

Ms. Hitchins presented the update. Ms. Hitchins reported that the Pilot Program for Anchoring and Mooring did get extended for another three years, through July 1, 2017. One of the reasons for the extension is because some municipalities that are part of the program did not have their ordinances in place quickly enough to be able to collect enough data to evaluate the ordinance. Ms. Hitchins then showed a graph of the enforcement activity by FWC, including warnings and citations. Some boaters in the Key West Seaplane Basin no-anchoring zone have been issued multiple citations. Positive results have been seen due to this enforcement. Staff has met with both FWC and the Sheriff’s Office to see if the Sheriff’s Office could be utilized to get additional enforcement on the water into some of the other zones. Law enforcement has had problems issuing citations when no operator is onboard a vessel. A tag has been created, similar to what FWC uses with their At Risk Program. It contains a checklist the officers in the field can use and at the bottom there is contact information for law enforcement. These tags may be attached to the vessels with zip ties. Mr. Makepeace noted that the material the tags are made of will make it difficult for them to be torn up and cast aside. Mr. Jones added that the concentration of enforcement by FWC has been in the Key West Seaplane Basin. Staff anticipates that after lobster season begins there will be more focus by FWC and the Sheriff’s Department on the anchoring ordinance, and the new tags should help.

Item 3. Update on Mooring Field initiative

Ms. Hitchins presented the update. She explained that the Feasibility Study for new mooring fields is complete and available online. Ms. Hitchins demonstrated how to navigate through the Marine Resources website to see the mooring field project and other projects under Marine Resources. Ms. Hitchins pointed out the committee subpage, the derelict and abandoned vessels subpage and the pumpout subpage. There is a new page called Anchoring and Mooring Management which includes the Pilot Program and the new Mooring Field Initiative pages. The feasibility study is contained within the Mooring Field Initiative page.

Mr. Jones then gave an update on the mooring field initiative, and said that the Board heard a presentation at its March 19th, 2014 BOCC meeting by Coastal Systems International (CSI). Penny Cutt with CSI recommended a mooring field at Buttonwood Sound. Mr. Jones stated there were a few speakers at that meeting who showed some opposition to a mooring field at Buttonwood Sound. The BOCC gave staff two directives: One, to move ahead with a mooring field at Buttonwood Sound, continuing to look into the potential for a mooring field at Boca Chica Basin; and to do a design/permit/build RFQ for the mooring field. The presentation by the consultant CSI at that meeting included their recommendation for a mooring field at Buttonwood Sound with a hundred moorings, but that ultimately the number of moorings would be determined by the next consultant used. Mr. Jones clarified that the Board did not give direction for 100 moorings to be installed. Penny Cutt explained that the next consultant/engineering firm for the project would provide more detail of the area for consideration, including detailed bathymetric and benthic surveys and further exploration of the suitable shoreside facility. Mr. Jones further explained that unfortunately the understanding of the community after that March meeting was that the County was moving ahead with a hundred moorings. Staff was then invited to attend a July meeting of the Key Largo Homeowners Federation. Mr. Jones and the Director of Growth Management, Christine Hurley, as well as Mayor Murphy and Commissioner Neugent attended. Staff gave a presentation to clarify the directive for Buttonwood Sound. At the end of this meeting the clear message from the group was strong opposition to a mooring field at Buttonwood Sound. Also at that Federation meeting the shoreside property owners who had previously indicated interest in being a shoreside facility to the mooring field indicated they were no longer interested in being a shoreside provider to the mooring field. Mr. Jones explained that staff will now go back to the BOCC and articulate this information to get additional direction.

Mr. Jones noted how three years ago at the stakeholder workshop held in Key Largo for the Pilot Program anchoring ordinance most of the people at that meeting indicated that there were a lot of problems out there at the anchorage that needed to be dealt with. Mr. Jones stated people at the Federation meeting indicated that there are very few live-aboards out there now and it is mostly stored vessels. The BOCC had even given direction for a fence to go up at the end of Bay View Drive about two years ago to keep live-aboards from coming ashore there. Mr. Jones confirmed for Mr. Worthington that there were very few comments at the Federation meeting about problems with vessels dragging into a shoreline, dock or boat in this area. Mayor Murphy noted that sooner or later that fence will need to be taken down, as that was a temporary measure. Mayor Murphy also noted that things are much better with live-aboards at the Murray Nelson Government Center after threatening to close off the waterfront. Mr. Jones explained the number one reason that people at the Federation meeting opposed a mooring field in Buttonwood Sound

was that they do not want those boats in their view. Mr. Makepeace asked whether anybody from the boating community attended the Federation meeting. Mr. Jones stated the Upper Keys Sailing Club was represented, as well as a Buttonwood Sound commercial property owner who is storing quite a few boats out there.

Chair Koisch asked Mr. Jones if a recommendation from the members is needed on this issue. Mr. Jones said he does not anticipate staff giving a recommendation to the BOCC. Mr. Worthington stated this mooring field cannot work without an upland facility with a lease agreement with the property owner. Mr. Jones noted the vulnerability with partnering with a private shoreside facility. Mr. Jones then mentioned that at the Federation meeting the owner of Gilbert's stated that he continues to be open to possibly providing a shoreside facility at Jewfish Creek. Mr. Koisch agreed with Mr. Worthington's sentiments about the necessity of the shoreside facility. Mr. Makepeace is in favor of there being a mooring field in the Key Largo area, but feels ten to twenty (20) moorings for transients is all that is needed. Mr. Makepeace also agrees that without the shoreside facility, no site is viable. Mr. Jones reemphasized that the County has no plan to put in a hundred moorings at Buttonwood Sound or anywhere else.

Mr. Koisch asked for public comment. Jim Bernhardt, resident of Key Largo near Buttonwood Sound, stated that the boats within the Buttonwood Shores area do not put their lights on at night and it is very difficult for the residents to run boats in at night in the vicinity of the anchored vessels. Mr. Bernhardt feels there will be no ability to monitor the boats until a shoreside facility is secured. Mr. Bernhardt wants enforcement in this area to monitor the boats. Mr. Jones replied that FWC routinely does go out there to monitor these boats and they do hand out citations. There is one particular officer that works that area extensively. Mr. Jones clarified that the number of citations shown earlier on the graph is for the Pilot Program ordinance and has nothing to do with enforcement of existing state regulations at Buttonwood Sound or anywhere in Key Largo. Ms. Hitchins further clarified that the graph shown was just for the Key West Seaplane Basin.

D.A. Aldridge, Tavernier resident, congratulated Mr. Jones for his accurate recitation of what happened at the Federation meeting. Ms. Aldridge commented that there were about a 125 residents who attended that meeting. Mr. Worthington asked Mr. Bernhardt if the conditions that exist currently in Buttonwood Sound are related to the storage of vessels that are not being occupied. Mr. Bernhardt believes they are. Mr. Jones then mentioned that if the County were to implement a mooring field somewhere in the Upper Keys, that mooring field could be designated as a special anchoring area by the US Coast Guard with lit boundary markers delineating the mooring field. The boats inside the mooring field would therefore not have to burn their anchor lights at night and the mooring field would be charted.

Chair Koisch asked the Committee if they would like to recommend to the BOCC that the Buttonwood Sound mooring field be put on hold indefinitely. **Motion: Mr. Worthington made a motion to recommend to the BOCC to put the Buttonwood Sound mooring field on hold until an upland facility is identified. Mr. Makepeace seconded the motion.** Mr. Fitton suggested amending the motion to include any proposed mooring field without a shoreside facility. Mayor Murphy feels putting it on hold indefinitely might make it impossible to consider propositions in the future. Mr. Makepeace suggested modifying the motion to state the

Buttonwood site be put on hold until an onshore facility is found or an alternative location for a mooring field in Key Largo is found. Mr. Makepeace then suggested modifying the motion to include a mooring field anywhere requires a guarantee of a shoreside facility. **Mr. Worthington accepted the amendment to include any mooring field anywhere requires a guarantee of a shoreside facility. Mr. Makepeace seconded the amended motion. There was no opposition. The motion passed unanimously.**

Mr. Jones stated staff has already written an agenda item for August for a report to the BOCC based on the Federation meeting and the MPAC's recommendation will be added to that agenda item.

Dottie Moses, present on behalf of the Key Largo Homeowners Federation, agrees with the amended motion to include any facility and believes, even if an upland facility were to be secured for Buttonwood Sound, opposition would still exist. Mayor Murphy feels the Buttonwood Sound residents may regret not accepting the mooring field within the next five years if more people begin to live aboard. Ms. Moses asked if an alternative site for a mooring field is found in Key Largo, would Buttonwood Sound be allowed to then become a managed anchorage area because of the close proximity of that other mooring field. Mr. Jones replied that there would be the potential to make Buttonwood Sound a managed anchoring zone within the lifespan of the Pilot Program. Mr. Jones then clarified the Pilot Program allows you to develop regulations somewhere in the vicinity of a mooring field, but that statute does not establish a specific distance. The State is currently looking at developing regulations that local governments could be authorized to implement totally separate from the Pilot Program. Ms. Moses discussed a proposed marina recommended for this area in the '80s that resulted in a lawsuit because of the water quality and the species in that area that would not allow for a permit to be issued. Mr. Jones explained that marina siting criteria was approved at the BOCC transmittal hearing last week and it will be transmitted to the DEO for review. Staff does not make any connection between the lawsuit and a future mooring field. Ms. Hitchins added that if a mooring field were to go in, sewage disposal and solid waste would be properly managed.

Item 4. Update on the County Pumpout Program

Ms. Hitchins presented the update. Ms. Hitchins displayed a graph of pumpout service showing the trending data for the amount of sewage removal, which is continuing to increase. The pumpout vendor has exceeded their minimum quota of 1300 pumpouts for the month of June substantially. Mayor Murphy noted that June is outside the height of boating season, so those numbers are promising.

Item 5. Update on Derelict Vessel Program

Ms. Hitchins presented the update. Ms. Hitchins displayed a graph showing from the beginning of 2014 forward how many derelict vessels have been removed. The average is typically about 60 boats a year and 37 have been removed so far this calendar year. Ms. Hitchins then informed the Committee members of a recent court case involving a gentleman in the Boca Chica area (Espinosa case) that recently was prosecuted for felony dumping charges. FWC had received notification that there was intentional dumping occurring. They found holes in the bottom of vessels and were able to get witness statements confirming that. The judge has ordered the gentleman to remove seven of those boats.

Ms. Hitchins reported that she and Committee Member Bill Kelly recently attended the NOAA Marine Debris meeting in St. Petersburg and gave a presentation on some of the challenges and successes occurring with derelict vessels in the Keys. The goal of the meeting was to work on developing a statewide action plan for Florida to address marine debris. These action plans have been implemented in other parts of the country. Mr. Kelly then commented it was a very productive meeting and pertained in part to a recent study that was released showing 85,000 ghost traps in existence. Mr. Kelly discussed the study further and explained 95 percent of the 85,000 traps would already have been rendered as nonproductive and would translate into one piece of a trap for every acre in the Florida Keys National Marine Sanctuary. Funding has been applied for and will continue to be applied for to implement and test biodegradable panels in both spiny lobster and stone crab traps.

Ms. Hitchins then demonstrated FWC's online mapping tool available to look at derelict vessels in general or to look into a particular derelict vessel. Ms. Hitchins then announced that the County received three FWC grants Marine Resources applied for, totaling \$200,000. The first grant application was to remove two large steel derelict vessels that exceed the County's financial capacity to clean up. Mr. Jones mentioned one of Ms. Hitchins' main tasks to work on is finding grant money for the County and she has done a very good job of that so far. Mr. Worthington inquired into whether there is any place on the FWC website to report a derelict vessel. Ms. Hitchins will report back to Mr. Worthington regarding that. Mr. Jones explained there is contact information on the Marine Resources website to call regarding a derelict vessel. Any time Marine Resources receives a call regarding a derelict vessel, the County coordinates with FWC immediately.

Item 6. Update on Boat Ramps

Ms. Hitchins presented the update. Ms. Hitchins reported that the Blimp Road boat ramp is still moving forward, although slowly. Ms. Hitchins is hopeful by the November committee meeting photos of the boat ramp will be available, either completed or under construction. Project management is working with their contractor to iron out the design details. The County's project management team is going forward with design and permitting for repair work at three other boat ramps that have high priority repair needs.

Item 7. Committee discussion

Mr. Kelly stated he has received a number of phone calls that the maintenance barge working on the Long Key Bridge has established some mooring beams temporarily driven off the northwest corner of Long Key and they are not lit. Mr. Kelly has informed the Coast Guard of this situation. Mr. Jones will discuss this further with Mr. Kelly to figure out who to call on that project. Mr. Jones mentioned that it is a fairly common practice that work barges will often drive a pile into the bottom to use as a temporary anchor for their barge.

Mr. Makepeace commented that FWC and all the other law enforcement agencies in the Keys are really stretched thin. Mr. Makepeace asked the Committee Members to manage their expectations when discussing requesting more enforcement on the water. Mr. Kelly added that there are two NOAA law enforcement officers to cover 3,000 square miles of the Sanctuary. The commercial fishermen have repeatedly requested additional law enforcement funding.

Ms. Hitchins announced the next MPAC meeting is November the 5th, which is a Wednesday. Ms. Hitchins asked to schedule the February 2015 meeting date tonight. Mr. Jones explained the February meeting is being scheduled because if somebody does not come to the next meeting they would not have input on the following meeting. The first Tuesday in February is February 3rd. Mr. Worthington pointed out his appointee may not be re-elected on November 4th. Mr. Jones will discuss the issues regarding the schedule with the County Administrator's office and will get back to the Committee Members. Mr. Jones mentioned the election of the Chair and Vice Chair are to be held at the November meeting, but that may depend on the attendance at that meeting.

Item 8. Adjournment

Motion: Mr. Makepeace made a motion to adjourn. Mr. Fitton seconded the motion. There was no opposition. The motion passed unanimously.

The Marine and Port Advisory Committee meeting was adjourned at 7:41 p.m.