

## MARINE AND PORT ADVISORY COMMITTEE

### Meeting Minutes (Final)

PURSUANT TO Board of County Commission Resolution No. 057-1991 the Marine and Port Advisory Committee of Monroe County conducted a meeting on **December 3, 2014** beginning at 6:12 PM at the Marathon Government Center, 2798 Overseas Highway, Marathon, Florida.

#### MARINE AND PORT ADVISORY MEMBERS:

Paul Koisch, Chair	Present
David Makepeace, Vice-Chair	Present
James Fitton	Present
Bill Kelly	Absent
Lynda Schuh	Present
Mimi Stafford	Absent
District 2 seat	Vacant

#### STAFF

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

#### COMMISSIONERS

Sylvia Murphy	Present
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#### **MOTIONS MADE**

##### **Motion 1**

To approve minutes of July 29, 2014

Motion/Second	Passed
David Makepeace/James Fitton	Unanimously

##### **Motion 2**

To adjourn

Motion/Second	Passed
David Makepeace/Lynda Schuh	Unanimously

#### CALL TO ORDER

Chair Koisch called the meeting to order at 6:12 p.m.

## **PUBLIC MEETING**

### **Item 1. Approval of draft minutes from July 29, 2014 MPAC Meeting**

**Motion: Mr. Makepeace made a motion to approve the July 29, 2014 meeting minutes. Mr. Fitton seconded the motion. There was no opposition. The motion passed unanimously.**

Mr. Jones mentioned that Paul Koisch and David Makepeace have been reappointed to the Committee and Pete Worthington is no longer on the Committee. Commissioner George Neugent is getting ready to appoint a new member to the Committee. The Committee Members agreed to appoint the Chair and Vice Chair at the next meeting when more members are present.

### **Item 2. Update on Pilot Program anchoring ordinance**

Ms. Hitchins informed the Committee Members that a coordination meeting was held with FWC law enforcement to discuss the objectives and priorities of the Pilot Program. Waterproof green tags have been ordered for law enforcement to use in the field to assist with citing vessels in violation of anchoring regulations. FWC has reported there are challenges getting some of the enforcement activities done because of lack of manpower. Additional officers are currently being trained to enforce the Pilot Program regulations. FWC is trying to work with Key West Police Department to specifically work in the Key West mooring field so that FWC officers can dedicate their time to the other managed anchoring zones. It is anticipated by the first of the year additional efforts will be ramped up. Ms. Hitchins is hoping to provide more positive results at the February meeting.

### **Item 3. Results of FWC Public Workshops re: Potential Anchoring Regulations**

Mr. Jones reported that potential anchoring regulations is a fairly new initiative for FWC. Mr. Jones attended a couple of public workshops held in September. Paul Keever, resident of Key Largo, also attended a workshop. Mr. Jones explained that FWC is looking at developing potential future anchoring regulations such as to give authority to local governments to develop anchoring regulations, setting time limits on stored vessels and setting minimum vessel distances from shorelines. Mr. Jones indicated that there is confusion amongst the public of whether this is part of the Pilot Program or is totally separate. He explained that this initiative is separate from the Pilot Program. FWC does not want to wait until the last minute before the Pilot Program ends to determine the best types of anchoring regulations with which to move forward. Mr. Jones feels the best way to understand what it is that FWC is doing is to take the FWC survey available online. Ms. Hitchins has distributed that survey to the Committee Members. Mr. Jones welcomes the Committee Members to take the survey. That survey closes December 7. Mr. Jones described the survey as relating to anchoring of vessels, particularly within a certain distance of a residential shoreline. Prior to the 2014 Legislative session there was some draft legislation potentially moving ahead out of Miami and Ft. Lauderdale to prohibit anchoring close to shorelines. It was very controversial and was taken out of the 2014 Legislation. Mr. Jones believes the FWC and the Legislature want to see some proper statewide legislation proceed forward to address this and other anchoring-related issues.

Mr. Jones stated the workshops were mostly attended by live-aboards, but there were also some resource managers in attendance. The usual message was made that creation of new regulations are not necessary, but only enforcement of existing regulations are necessary. At the workshop Mr. Jones spoke and acknowledged his observation that a lot of Monroe County's derelict vessels are generated from unattended vessels stored long-term and FWC should consider time

limits on stored vessels in order to address the problem of vessel owners leaving their boats unattended for extended periods of time. FWC will now analyze all of the input gathered from the workshops and survey results. Nobody outside of FWC knows the time frame for the results, nor what the end product will be. Mr. Jones asked Mr. Kever his thought of the potential regulations being vetted currently. Mr. Kever replied that things need to stay consistent throughout the state without too much more regulation than what exists presently. Mr. Kever stated he did not hear any input from homeowners at the workshops. Most of the issues discussed at the workshops have an existing law in place to address them. Mr. Kever has no problem with the proposed 150-foot distance from the shoreline. He indicated that he thinks the problem in Buttonwood Sound has moved to Tarpon Basin and that eventually all problem boaters move on. He also believes that most liveboarders are very low-income and this leads to the vessel becoming derelict. Ms. Schuh is concerned whether the boating community of the Keys were informed of the FWC survey. Ms. Hitchins believes the message has gotten out through e-mailed updates and boating community list-serves. There were 3,000 responses submitted within two days. Mr. Jones commented it has been posted in the local papers as well as FWC's website, which is statewide. Ms. Hitchins informed the Committee Members how to obtain some more information on this issue from FWC's website.

Mr. Makepeace indicated that he's both a cruising boater and a waterfront property owner. He stated that he is troubled by an obvious preference toward regulating restrictions rather than FWC taking a step back and canvassing to determine if there is a need for more regulations in the first place. Mr. Makepeace acknowledges there are areas that beg for regulation because of hazards to navigation, but there also exists the need to have protected anchorages for people that cruise because they are very concerned about impacts to them through new regulations. Commissioner Murphy asked if the language should be worded 300 feet from any inhabited or improved shoreline. Mr. Makepeace believes it is better to manage it by water depth to address the navigational hazards. Staff will provide any results that may be available at the next MPAC meeting. Mr. Jones clarified that whatever comes out of this could be anchoring regulations across the board for the whole state or it could be giving authority to local governments to create their own regulations, or a combination of both.

#### **Item 4. Update on Mooring Field Initiative**

Mr. Jones reported that since the update given at the last MPAC meeting, an update was provided to the BOCC by staff in August. The direction from the BOCC was that the County is not moving ahead with Buttonwood Sound as a potential mooring field site. The BOCC was reminded that, based on their previous direction, staff is still looking into the possibility of a mooring fields elsewhere, such as Boca Chica. There was some general discussion at the Board meeting, but no action was taken by the Board to pursue another mooring field at this time. Ms. Schuh asked about the possibility of Gilbert's as a potential site. Commissioner Murphy informed Ms. Schuh that the owner of Gilbert's who made the offer has sold it, but does own several properties on the other side of the waterway and has informed Mr. Jones he would still be interested in being a shoreside facility. There is no direction to staff at this time to further pursue a mooring field at Jewfish Creek. Mr. Makepeace noted that he has been approached by members of the boating community and that they would still like to see this pursued at some point in the future. Mr. Jones clarified the only directive from the Board is that Buttonwood Sound is no longer being considered. Commissioner Murphy indicated that the mooring field initiative is still moving forward and maybe there are additional options to pursue.

### **Item 5. Update on County Pumpout Program**

Ms. Hitchins provided an update of the number of pumpouts for July, August and September. These three months continue to exceed the quota of 1300 pumpouts. A graph showing the amount of gallons of sewage removed was also provided. Mr. Jones reported that the pumpout program contract expires the end of December. The Clean Vessel Act (CVA) grant, which provides 55 to 60 percent of the funding for the County's pumpout service, ends at the end of January. What funding level they will provide to PumpOut USA is currently undetermined. At the November BOCC meeting Mr. Jones explained there are possible cuts being made to the CVA funding. At the November BOCC meeting discussion was had regarding extending the contract for two more years. The Board recognized the County is in an unsustainable budget environment in terms of paying for the pumpout service and directed staff to bring back a two-year extension starting January 1<sup>st</sup> and to start thinking about establishing a fee structure for two years from now. Since that time Mr. Jones was informed there may be substantial cuts by CVA to funding PumpOut USA, which will put the County's pumpout service in jeopardy due to insufficient funding. Until the funding level is known staff will take a one-month extension to the Board on December 10. That will put the County's contract term in sync with the CVA contract with PumpOut USA. The County is hoping that CVA comes through with sufficient funding so this program can be extended for two more years. Mr. Jones explained the reasons for the funding cuts is CVA only has \$1.5 million to distribute throughout the state. Nearly a third of that money is currently going to Monroe County's pumpout program and they are getting more applications from other counties around the state. The other reason for funding cuts is that the US Fish & Wildlife Service, who distributes the money to state CVA programs, wants to back away from funding operational expenses and fund primarily equipment-related expenses. The County's pumpout program is primarily an operations-based program. The County's vendor already has six boats. Ms. Schuh asked for clarification regarding ownership of the pumpout vessels. Rich clarified that these vessels are owned by PumpOut USA, not Monroe County. Lynda also asked what the typical pumpout cost would be if this program were not available. Rich indicated that it's \$25 to pumpout in Stock Island.

Mr. Jones stated the County currently has no backup plan if the CVA funds are cut. However, it would only take one BOCC meeting and direction from the Board to implement a fee system for pumpouts. However, Mr. Jones outlined the challenges with establishing a pay system for this service including 1) establishment of procedures to exchange money, 2) anticipated drop in participation of potentially 50% or more, particularly because the boat owner would need to be present for the service, and 3) CVA has legal restrictions regarding maximum fees. Rich indicated that it currently costs Monroe County approximately \$20 to pump out a vessel and the CVA costs is approximately \$45-50, so the existing program is much more cost-effective than a potential pay service. Ms. Schuh suggested charging more for boat registrations to have an annual pumpout fee. Mr. Jones noted that would take a statutory change. Mr. Jones reported that CVA is working very closely with Pumpout USA presently to determine how Pumpout USA can become more cost effective. Chair Koisch asked if there is any other County resource that could take up the slack. Commissioner Murphy replied that it is possible in an emergency, but the citizens of Monroe County who live on land paying thousands of dollars for sewage disposal may resent liveboards getting this service for free.

### **Item 6. Update on Derelict Vessel Program**

Ms. Hitchins reported that the number of derelict vessels removed by the County in the last quarter has slowed down towards the end of the fiscal year due to lack of funding to pay for

some of the removals, but that number has started increasing in the last quarter. Currently the County is at 65 removals for this calendar year, which is on track for a typical year. The grant awarded to the County for some additional removals through FWC is hopefully going to be received soon. That timeline is also the same for the Whale Harbor buoy installation work that the County received grant funding for. Ms. Hitchins showed photos of some removals done recently. One boat that had a hive of bees on the vessel was removed, providing a good example of multiagency coordination. Ms. Hitchins then reported that in October she and Mr. Jones attended a multiagency meeting hosted by the Coast Guard to discuss how the different agencies address migrant vessel response. The challenges that both the Coast Guard and the County face in dealing with migrant vessels and derelict vessels were discussed. Some positive outcomes were discussed for coordination in the Marquesas Keys, where there are wildlife and pollution concerns with migrant vessels. Migrant vessels compromise approximately 7% of the County's derelict vessel cases. The process that staff goes through in reporting a derelict vessel was explained to the Committee Members. FWC's general hotline number was given out to the Committee and Ms. Hitchins invited the Committee Members to call the Marine Resources office to report derelict vessels.

Chair Koisch asked how much it costs the County to salvage 65 vessels. Mr. Jones answer it costs the County between 160,000 and \$180,000 a year. Mr. Fitton questioned whether the total number of derelict vessels is decreasing with all the work the County is doing to deal with such vessels. Mr. Jones replied that the total number at any given time probably never goes down. The County is trying to prevent derelict vessels through several measures: Mooring fields, managed anchoring zones, and the hope for a potential limit or restriction on storing vessels on the water. Mr. Keever asked if a salvager could salvage the boats, strip the parts and dispose of the rest of the vessel to try to recoup the cost of the salvage. Mr. Jones explained that process is available, but it has typically been proven to be not worth it to the salvager in the past. Mr. Makepeace pointed out the environmental considerations that go with salvaging a vessel in terms of damage to the resource. Ms. Hitchins agreed that most derelict vessels have nothing left of value on them usually. Mr. Jones informed Chair Koisch that the tugboat TILLY is still sitting on the sea floor a few miles south of the Key West Harbor entrance, but is currently marked with a buoy. Mr. Jones is not aware of any plans to deal with that at this time.

#### **Item 7. Grant partnership with Reef Relief**

Ms. Hitchins reported that Reef Relief is looking for a local government sponsor for an educational grant through DEP. The County has signed on to be the local government sponsor for the grant. Ms. Hitchins believes this organization is pursuing goals that the MPAC is tasked with. Reef Relief will be doing eight shoreline cleanups throughout the Keys if they get the funding, as an example. Reef Relief has a brochure publication regarding No Discharge Zone regulations that was created 12 years ago that needs to be updated to include pumpout information. An update to that brochure will be distributed along with their other materials. They should hear back in approximately February whether they were awarded the grant.

Ms. Schuh would like to see Reef Relief have some visibility in various parts of the County outside of the Key West area. Mr. Fitton added that Reef Relief partnered with a Key West marine park in exchange for a place to tie up their work boat. Mr. Fitton suggested looking into the possibility of them working with the County at Whale Harbor in exchange for them maintaining the buoys at Whale Harbor. Mr. Makepeace would like to see their work reach the Upper Keys. Mr. Makepeace offered to assist in helping them make some contacts in the Upper

Keys. Ms. Hitchins proposed asking their Executive Director address the Committee Members at the next MPAC meeting. Ms. Schuh pointed out that there is no liability waiver for Monroe County in the paperwork addressing the proposed cleanups. Mr. Jones noted that it was very important to the County Administrator's office that a letter be provided stating Monroe County will incur no costs nor liability, which has been received. Monroe County will not be directly involved in their outreach efforts.

#### **Item 8. Committee discussion**

Ms. Schuh asked for an update on the Cudjoe Blimp Road boat ramp. Ms. Hitchins stated that it was put out for bid again because of some design issues. A new contractor has been hired. There will be more updates on boat ramps at the next meeting.

Mr. Makepeace stated that it is a reality of buying a home on a navigable body of water that boats can anchor off your shoreline. Mr. Makepeace does not agree with a new blanket restriction of anchoring off shorelines. Chair Koisch pointed out that one of the motivations of the Pilot Program was to assure liveaboards have the ability to anchor out. Commissioner Murphy noted that the complaints are not about the boats anchoring out, but anchoring too close, playing loud music at midnight, swearing and cursing that people have a problem with. Mr. Jones mentioned another reason for a potential anchoring restriction close to shorelines is to address the issue of boats dragging anchor into the shoreline.

Chair Koisch believes losing the pumpout service will be a disaster if it is not funded. Chair Koisch offered to provide any help that the MPAC can provide to make it a success. Mr. Jones stated everything has been done that can possibly be done at this point. Mr. Jones mentioned the possibility of the BOCC asking staff to submit an RFQ to find another contractor that can provide the service cheaper. Ms. Schuh suggested that the CVA funding could be redirected to buy equipment such as vessels; however, Mr. Jones clarified that the CVA is cutting back on operational costs such as fuel and salaries which is most of their expenses. The Committee Members agreed that the County providing no mobile pumpout service is unacceptable.

#### **Item 9. Future Meeting Schedule for 2015**

Ms. Schuh pointed out that the November meeting date is Election Day and she will be working and unable to attend. Ms. Hitchins informed the Committee Members that the room is not available the prior Tuesday or the following Tuesday in November. Having the meeting on another day of the week is a possibility. Chair Koisch suggested holding the meeting on the Wednesday of that week, which would be November 4. The Committee Members agreed.

#### **Item 10. Adjournment**

**Motion: Mr. Makepeace made a motion to adjourn. Ms. Schuh seconded the motion. There was no opposition. The motion passed unanimously.** The Marine and Post Advisory Committee meeting adjourned at 7:31 p.m.