

**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 3, 2015** beginning at 6:00 PM at the Marathon Government Center, 2798 Overseas Highway, Marathon, Florida.

**MARINE AND PORT ADVISORY MEMBERS:**

David Makepeace, Chair	Present
Phil Goodman	Present
James Fitton	Present
Bill Kelly	Present
Paul Koisch	Present
Lynda Schuh	Absent
Mimi Stafford	Present

**STAFF**

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

**MOTIONS MADE**

**Motion 1**

To approve minutes of December 3, 2014

Motion/Second	Passed
Mimi Stafford/Bill Kelly	Unanimously

**Motion 2**

To adjourn

Motion/Second	Passed
Paul Koisch/Bill Kelly	Unanimously

**CALL TO ORDER**

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

**PUBLIC MEETING**

**Item 1. Approval of draft minutes from December 3, 2014 MPAC Meeting**

**Motion: Ms. Stafford made a motion to approve the meeting minutes of December 3, 2014. Mr. Makepeace seconded the motion. There was no opposition. The motion passed unanimously.**

**Item 2. Welcome new committee member**

Chair Koisch welcomed Phil Goodman, appointed by Commissioner George Neugent, back to the Committee.

Mr. Kelly asked the Committee Members to hear at the end of the meeting a brief recap on the bully-netting issue recently discussed by Islamorada's Nearshore Water Committee. The Committee Members agreed.

**Item 3. Nomination of new Chair and Vice-Chair**

Mr. Kelly nominated David Makepeace as Chair. There were no further nominations for Chair. Mr. Makepeace accepted the nomination. All the committee members approved that nomination. Ms. Stafford then nominated Lynda Schuh as Vice Chair. There were no other nominations for Vice Chair. All the committee members approved that nomination.

Chair Koisch then turned the meeting over to Chair Makepeace.

**Item 4. Update on Pilot Program anchoring ordinance**

Ms. Hitchins presented the update. Ms. Hitchins reported that FWC continues to try to ramp up their routine patrols. One of the primary officers performing the zoning enforcement has informed Ms. Hitchins that over the duration of the program so far in the Seaplane no-anchor zone there has been 60 to 70 percent compliance (i.e. vessels relocated out of the no-anchor zone). Some challenges with the remaining vessels still exist, such as locating the owners. Ms. Hitchins also mentioned that the green ordinance tags had not been widely used yet by FWC, but hopefully they will begin using them to assist with locating absent owners. One of the vessel owners in the zone who has refused to move has received multiple citations for not moving and then refused to sign his most recent boating citation. He was subsequently arrested for refusing to sign the citation and, in a court hearing, was fined \$500 for failing to comply with the ordinance. He now faces trial for the criminal violation of not signing the boating citation. Mr. Fitton asked about a mechanism to advise other live-aboards of this. Mr. Koisch commented that word spreads quickly throughout the boating community. Ms. Hitchins noted that some people feel there is a cost benefit to staying in the no-anchoring zones because the citations are less expensive than a mooring field. Ms. Hitchins explained the costs escalate as the citations are stacked up.

Celia Hitchins discussed FWC survey for potential anchoring regulations which had been recently conducted. A summary of FWC's survey was disseminated among the Committee Members. The web page information was provided where a 70-page PowerPoint presentation with links to the 3,000 individual comments is located. Mr. Jones stated that the survey results show that the people who engaged in the survey were very supportive of many of the items in the survey, most importantly the prohibition of stored vessels. Staff anticipates that FWC will now take the results of this survey to prepare a draft statute for the Legislature to consider. Mimi Stafford asked if the proposed regulations, approved by the Legislature, would be applied locally

or statewide. Rich Jones clarified that FWC is still determining which it will be, or possibly of mix of both depending on the specific regulation. There will be follow-up discussion on this item at the next MPAC meeting.

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

Ms. Hitchins presented a summary graph of the number of pumpouts performed in the last several months. Ms. Hitchins reported that the graphs show the vendor continues to exceed their quota. The amount of gallons pumped out also trend in that same direction. Mr. Jones provided an update of the vendor's contract status. Mr. Jones stated the BOCC just approved a two-month extension to coincide with a similar extension by the Clean Vessel Act (CVA) Program. Rich Jones explained that CVA initially awarded \$214,000 to the vendor for the next year, but Pumpout USA (and the County) have requested additional funds be awarded if at all possible. Hopefully the CVA Program will very soon give a better idea of the final funding amount to be awarded to PumpOut USA, and staff is hopeful it will be a sufficient level for the program to continue for another two years. Mr. Goodman asked about the number of pumpouts that could be potentially performed by the vendor. Mr. Jones explained the contractor performs all pumpouts requested, and feels they could far exceed the initial quota of 1300, but they are only paid a fixed amount annually.

Mr. Goodman then was brought up-to-date with the program. Mr. Jones described the increase in the number of pumpouts over the course of this past contract. The boaters were very leery of the program at the beginning, but most of the boats in the managed anchoring zones are currently requesting, and being provided, pumpouts. Pumpouts are available to those boaters not in managed anchoring zones as well. A color-coded monthly sticker is provided to those boaters who have their vessels pumped out. This program has become one of the most successful programs initiated by Marine Resources. The maximum number of pumpouts provided, at no charge, is once a week. After the initial call is made for a pumpout and registration is completed weekly pumpouts are scheduled. 90 percent of the customers are routine customers. Monroe County's vendor does not go inside the City of Key West, but will pump out any boat located around Key West. Key West has created a law that every marina within Key West is required to provide suitable pumpout facilities (i.e. all vessels in the marina should be able to access the pumpout equipment). That requirement went into effect last year.

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

Ms. Hitchins presented the update. Ms. Hitchins reported that the number of removals has been tracking consistently. The total number of removals for 2014 was 67 removals. The County has received a grant that will pay for three additional removals. A new grant cycle has just opened with a deadline of April. Staff will be submitting for the upcoming cycle that will hopefully fund removal of a lot more vessels. Staff will be requesting a letter of recommendation from Chair Makepeace. Mr. Goodman asked if the removals are happening prior to these vessels sinking. Mr. Jones explained that the managed anchoring zones are one of the measures used to prevent derelict vessels, but they unfortunately haven't had much effect on prevention. Staff is hoping that the new language FWC is developing now for the Legislature will help prevent derelict vessels, primarily by targeting stored vessels and putting a time limit on how long somebody can store a vessel if they are not living on it. Mr. Jones mentioned that the County had considered prohibiting anchoring of floating structures over the last few years and if that moves forward it

would take a small bite (2-5%) out of the generation of derelict vessels. Mr. Goodman asked if DV tags were now in use, since he hasn't been on the committee for a few years. Mr. Jones said yes but FWC manpower is still stretched thin and these tags don't address prevention. FWC is trying to step up enforcement for derelict vessels, but more work needs to be done in that area. Ms. Stafford asked about the status of the navigational hazard out in Boca Chica Channel, which recently has had the superstructure removed, making it even more dangerous. Ms. Hitchins answered that is on the list for removal, which should happen within the next two weeks.

#### **Item 7. Update on Whale Harbor regulatory zone**

Ms. Hitchins reported that the BOCC has approved the FWC grant for replacing buoys to complete the regulatory zone buoy replacements in Whale Harbor. Those installations should occur within the next few months.

#### **Item 8. Update on Boat Ramps**

Ms. Hitchins reported that the scheduled start date for the Blimp Road boat ramp is anticipated to be coming from the contractor very soon. There are three other boat ramps throughout the Keys that are on the priority list for repairs: Harry Harris Park, Big Coppitt on the bayside, and State Rd. 4A ramp on Little Torch on the bayside. The preliminary designs for engineering have begun and the permit process will be starting soon. Ms. Stafford asked if the repairs of the boat ramp on Big Coppitt go beyond just signage. Mr. Jones explained that there will be an accessory dock built next to the ramp and stabilization of the shoreline will be performed there as well.

#### **Item 9. Committee discussion**

Mr. Kelly informed the Committee Members that at the November 2014 Florida FWC meeting held in Key Largo approximately a half-dozen property owners from the Upper Keys attended and voiced concerns regarding property violations such as trespassing and noise violations during recreational bully-netting. Some of the participants at that meeting then met with staff from Islamorada, where most of the residents live. A suggestion was made by one citizen that the Village institute an ordinance that would prohibit any activities within approximately 300 feet of the shoreline. That has raised the ire of most of the locals. Mr. Kelly stated the violations were primarily identified as occurring by recreational bully-netters. Bully-netting has become very popular on the commercial side because of the value of lobsters skyrocketing due to Asian demand. The commercial fishing industry is working with the State right now to institute an endorsement for commercial bully-netters. Restricted hours of operation are being proposed, as well as any additional regulations that might be warranted. The State has not promulgated any regulations, but feels this warrants additional investigation. A series of three meetings will be conducted by FWC to gather information regarding this issue: February 23, 2015, at the Harvey Government Center in Key West; February 24, 2015, at the Key Colony Beach City Hall; and February 25, 2015, at the Nelson Government Center in Key Largo. All meetings will be held from 6 p.m. to 8 p.m.

Chair Makepeace announced on February 23, 2015, the 25<sup>th</sup> Anniversary celebration for the Florida Keys National Marine Sanctuary will be held at the Eco Discovery Center in Key West from 6 p.m. to 8 p.m.

Chair Makepeace asked if it is within the MPAC's purview to have any discussion regarding the drawbridge closures. Mr. Jones replied that issue has already gone before the BOCC, at the request of the Village of Islamorada, and the Board did approve a letter of support to the Village to request the Coast Guard to do that. Mr. Kelly stated traffic coming off the Old Road near the bridge and sewage construction occurring in Islamorada are exacerbating the traffic situation.

Mr. Koisch presented an aerial photograph of a borrow pit on Grassy Key that he envisions the County, in conjunction with the City of Marathon, could turn into a non-motorized vessel waterfront park. Mr. Koisch stated recreational ATVs have caused problems in this area and boulders have been placed across the access roads to prohibit vehicular access. Ms. Koisch asked the Committee Members to consider assessing the potential for this area to be used as a non-motorized vessel waterfront park in an effort to provide more public water access. Ms. Hitchins clarified the entrance to Curry Hammock State Park is directly across the highway from this site. Mr. Jones will ask George Garrett, Marathon's Planning Director, more about this at an upcoming meeting. Mr. Jones will also contact Public Works to understand the purpose of the boulders being placed out there. Mr. Koisch proposed this as an agenda item for the next MPAC meeting. Mr. Fitton agreed.

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

**Motion: Mr. Koisch made a motion to adjourn. Mr. Kelly seconded the motion. There was no opposition. The motion passed unanimously.** The meeting was adjourned at 6:48 p.m.