

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 **August 4, 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
Bill Kelly, Vice Chair	Present
James Fitton	Present
Phil Goodman	Present
Paul Koisch	Present
Lynda Schuh	Present
Mimi Stafford	Present

STAFF

Richard Jones, Sr. Administrator	Present
Celia Hitchins, Marine Biologist	Present (via telephone)
Peter Morris, Assistant County Attorney	Present

COMMISSIONERS

Sylvia Murphy	Present
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MOTIONS MADE

Motion 1

To approve minutes of May 5, 2015

Motion/Second	Passed
Phil Goodman/Bill Kelly	Unanimously

Motion 2

To send a resolution to DAC III opposing the 9/16 scheduled powerboat race in Marathon

Motion/Second	Passed
Bill Kelly/James Fitton	Unanimously

Motion 3

To adjourn

Motion/Second	Passed
Paul Koisch, Lynda Schuh	Unanimously

CALL TO ORDER

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

PUBLIC MEETING

Item 1. Approval of draft minutes from May 5, 2015 MPAC Meeting

Motion: Mr. Goodman made a motion to approve the meeting minutes of May 5, 2015. Mr. Kelly seconded the motion. There was no opposition. The motion passed unanimously.

Mr. Kelly asked to add two items to the agenda: The September 2016 powerboat races scheduled in Marathon and the decommissioning of three boat ramps in Summerland Key. Chair Makepeace suggested scheduling the two additional items at the end of the agenda, just before Committee Discussion. There was general approval for the agenda revision.

Item 2. Update on County Pumpout Program

Mr. Jones reported that the pumpout program is doing fine and pumpouts have continued to steadily increase to above 1500 pumpouts per month, which is the contractor's target, 1500 or more a month. That target quota has been met every month, since a new contract began in April 2015. As mentioned at the last meeting, the new two-year contract was started and two years minus three months are left on that contract with PumpOut USA. The Legislature budgeted \$100,000 for Monroe County towards its pumpout program for the next year, which will help augment the County's Boating Improvement Fund (BIF), from where the costs for the program come. Chair Makepeace asked if we need to recognize those entities that helped make this happen for Monroe County, since so few counties got what they wanted out of this session. Mr. Jones stated the County's contractor heavily lobbied DEP for additional funding, and State Representative Holly Raschein championed the item. Mr. Jones has sent a response letter to Tallahassee, the County Administrator and others thanking the Legislature for the funding assistance for this program. Commissioner Murphy added that Monroe County has many lobbyists in Tallahassee and, with the exception of this year, they have been very successful in Tallahassee for Monroe County.

Item 3. Update on Derelict Vessel Program

Mr. Jones reported that the Derelict Vessel Program is doing very well. There should be enough money through the remainder of the fiscal year, particularly due to the help of the Florida Boating Improvement Program (BIP) grant received last year. Four vessels were removed in the last year through the 2014/2015 FWC BIP grant. The four vessels removed were larger boats and larger dollar items. The grant paid 75 percent and the County paid 25 percent. A press release has been put out regarding the grant money and the removal of these vessels.

Mr. Jones stated Monroe County removes about 50 to 60 vessels a year. Lynda Schuh asked how many derelict vessels are remaining. Rich Jones stated that nobody has an exact figure of how many derelict vessels are out on the water at any given time. Ms. Hitchins added that the Lower Keys FWC officer has 30 to 40 pending cases and the Upper Keys office has ten. Rich Jones indicated that there may be another 60-70 vessels out there that we don't know about. Mr. Jones commented that FWC was not successful in getting restitution on the four larger vessels that were removed. Mr. Fitton asked about the status of the Tilly. Mr. Jones replied that there has

been no action on the Tilly. The State Attorney's Office has informed Mr. Jones that the owner of the Tilly was determined to be incompetent and cannot be held responsible. Mr. Morris clarified that he cannot be held criminally liable, but could potentially be held civilly liable, although he may not have any assets that could be seized. Mr. Jones then reported that currently Ms. Hitchins has written a grant for more vessels to be removed and the County was just awarded \$77,000 from FWC for the 2015/2016 grant cycle that will reimburse the County for six boats that have already been removed and pay for the removal of eleven additional vessels that are still out on the water. Commissioner Murphy asked if that is also on a 75/25 grant-match ratio. Mr. Jones stated yes, and that in future years we may contribute less and still be competitive. Ms. Hitchins noted that out of 30 applicants Monroe County was ranked Number 3. Mr. Jones commented that Monroe County has a lot of waterfront and a lot of derelict vessels to deal with. A lot of staff resource time goes into each and every one of these grants.

Mr. Jones informed the Committee that the County has partnered with FWC and DEP to submit a grant proposal to NOAA for what is called the VTIP, or Vessel Turn-In Program. The funding would pay for the removal and disposal of people's boats where they would turn them in voluntarily, but it is also going to have an educational and outreach component that looks at the behavioral issues behind what causes derelict vessels. Part of this grant will be to establish representatives in different parts of the county that can take the paperwork from somebody who wants to turn their boat in. July 2016 is when this project is anticipated to be approved and moved forward. Ms. Hitchins added that if the program does go forward it is going to be a pilot program. Because of the partnership with FWC, if it is successful it may be implemented statewide or used as guidance to encourage other counties to do the same. Mr. Jones stated that Monroe County is being used as a model for the state because of the number of derelict vessels the County has had experience with.

Mr. Jones then reported that FWC held a kickoff meeting in Tallahassee, to be followed by additional stakeholder workshops about derelict vessel prevention. The top eight ideas for solutions to prevent derelict vessels were arrived at and FWC will be holding five more workshops throughout the state. One of those workshops will be held at the Murray Nelson Government Center in Key Largo on August 13, 2015, from 2:30 p.m. to 5:00 p.m. Ms. Schuh pointed out that Mr. Jones was quoted in an article in the Free Press from the July 8, 2015, meeting regarding one focus on derelict vessels will be to get ownership figured out so there will be more accountability. Mr. Jones agreed that determining ownership is one of the biggest problems in dealing with derelict vessels. Ms. Schuh stated there is a rumor that one person owns multiple boats in Boca Chica Basin that he is renting out to people. Mr. Jones did not think the County has any jurisdiction over that problem. Another problem is people illegally placing debris on the bottom with which they anchor a mooring ball and then rent the mooring out. Ms. Schuh noted that Airbnb has a lot of boats for rent. Mr. Goodman believes if money is charged for the rental of a boat, it has to meet Coast Guard requirements. Mr. Jones asked Mr. Goodman to send him any information he has in that regard. Mr. Jones encouraged the Committee Members to attend the FWC meeting in Key Largo next week.

Item 4. Update on Whale Harbor regulatory zone

Mr. Jones reported that the County has just finished the second of two grants which paid for the replacement of 51 "No Motor Zone" buoys at the sandbar at Whale Harbor Channel. There was

a press release about this also. The Whale Harbor sandbar zone represents the greatest number of buoys in any one regulatory zone and seems to be the least effective of all other zones. This is a large dollar item for the County and these buoys experience a lot of wear and tear because boaters rub against them and tie off to them, which pulls the subsurface buoys up and compromises the whole buoy. Chair Makepeace asked if FWC can write citations for tying up to buoys. Mr. Jones will look into that. Chair Makepeace pointed out the irony of the problems in this area with the FWC base in such close proximity to this area. Chair Makepeace suggested working with FWC to get them to monitor the buoys closer and start writing citations for that. Ms. Stafford commented that some notation on the buoy itself may be necessary since the average person would not necessarily be aware of that regulation. Mr. Jones replied that there is a limited amount of space on a buoy to place language. Mr. Kelly stated that law enforcement in this area are cross-deputized and could enforce this area. Mr. Kelly believes there are Florida Statutes that would allow someone that ties off to markers to be cited. Mr. Kelly then informed the Committee Members that the National Marine Sanctuary contract with FWC to provide law enforcement has been cut almost in half, which will result in a significant decrease of FWC law enforcement presence in the Sanctuary waters.

Chair Makepeace passed along the appreciation of some residents that live in the Upper Keys for everybody's efforts in this Whale Harbor area because of their concern about this area. John Sutter from the Village of Islamorada added his appreciation of what the County has done in Whale Harbor. Mr. Sutter shares the concern about the negative effect on the longevity of the buoys due to some of the boater activities. The Village has an attrition rate for their buoys of about one-third per year, which has to do with the same type of issues regarding the wear and tear on the buoys at Whale Harbor. Mr. Jones added that vandalism is also a problem, such as cutting the buoy down-line with bolt cutters. The purpose and benefits of these buoys was discussed. Mr. Jones then further reported that Ms. Hitchins has just finished writing another grant, for which the County has been awarded \$70,000 in funding for the next year for channel maker maintenance throughout the Keys to help offset the cost from the BIF.

5. Update on Valhalla Quarry Park recommendation to BOCC

Mr. Jones reported that staff took the MPAC's recommendation to the BOCC to consider a public marine park at the quarry on Grassy Key that would include a kayak launch and a rest area along the Heritage Trail and Scenic Highway. The BOCC indicated that before considering the concept they want staff to return to the Board with a preliminary design of what elements would be included for the park, cost estimates for those elements, and provide a map of existing kayak launch facilities in the area. The BOCC assumed that such a design would include a road going into the property, parking, walkways, possibly a restroom and the kayak launch. The BOCC also asked staff to take this to the Marathon City Council to let them know what the consideration would be. Staff has discussed this project with City staff who confirmed what is being described would meet the future land use conditions and the zoning of that property. The parcel does contain a conservation easement. Mr. Jones distributed a map of the parcel. The conservation easement does provide for a passive recreation. Mr. Jones and Mr. Morris described for Ms. Schuh what a conservation easement is.

Mr. Jones then explained what is going to happen now is staff is putting together information for what the various elements would consist of and next this will go to Project Management to

develop cost estimates. In the meantime staff will take it to the City of Marathon to get their support, or not, and then bring it back to the BOCC for consideration. Mr. Jones gave a physical description of this property. Mr. Jones stated that different County departments have been talking to each other and DEP, because one State agency owns the road and another State agency has the Heritage Trail on this property. DEP has already indicated they do not want an additional road with vehicular traffic crossing the bike path. There are four to five parking spaces right on the highway. Mr. Koisch had previously proposed tying this in with the Heritage Trail or the Scenic Highway. Mr. Jones indicated that it might be possible for the State to provide a bathroom facility on their property, in which case the County would not have to run any utilities to the park. Mr. Jones noted that after he and Ms. Hitchins had preliminarily surveyed the property it was determined the parcel is approximately 90 percent wetlands. Paul Koisch mentioned that Marine Resources staff had attended a Scenic Corridor Alliance meeting the month before, and is concerned about having the right people at the table to further this discussion. Comm. Murphy asked when the project would go before the Parks & Recreation Committee. Mr. Jones said whenever the Board gives direction to do so.

6. Scheduled offshore powerboat races for Marathon

Mr. Kelly reported that back in 2013 a Mr. Martin Sanborn proposed to have some powerboat races in Marathon just off of Sunset Grill on the east end of the Seven Mile Bridge. He had applied for some TDC funding. With only two weeks left before the scheduled race Mr. Sanborn still had not finished his applications to receive all the permits. Mr. Sanborn requested that more than 400 spiny lobster traps be relocated, which would have represented six days of lost fishing for the stakeholders in that area and presented potential for entanglement and trap-robbing. The commercial fishermen voiced heavy opposition to this race. ADA requirements were never provided for by Mr. Sanborn. The permits were denied by multiple agencies. Mr. Sanborn again applied for TDC funding in 2014, but ultimately called off the races.

Mr. Kelly stated that he has been alerted by the TDC's information sheet that Mr. Sanborn has applied for \$50,000 of grant funding for a race to be held September 2 through 4 of 2016. Mr. Sanborn wants to broaden the scope of that race to include some limited division championships. Mr. Kelly stressed that this is a critical navigation area and conflicts greatly with the commercial spiny lobster fishery due to the timing and location. Mr. Kelly requested the Committee Members suggest that the permit application be denied for those reasons cited today and other reasons, which he will provide in writing to the TDC, the City of Marathon and the United States Coast Guard.

Chair Makepeace asked if this is something the MPAC can weigh in on to the TDC. Mr. Jones mentioned it may be beyond the authority of the committee. Mr. Morris explained it could be just a ceremonial resolution, but it would communicate the feelings of the Committee regarding this event. The MPAC would ask of the BOCC to turn the funding request down if it comes before them. Mr. Morris suggested a separate resolution be rendered to the Development Advisory Council III (DAC). Mr. Kelly noted that DAC III will take this item up next week and will vote on it. Mr. Morris clarified that the MPAC resolution would not be a recommendation, but only essentially be a symbolic vote that the DAC would view. Mr. Kelly stated the commercial fishermen think the timing of the race would be totally inappropriate and conflict significantly with the commercial fishing activities that take place in and around the Marathon

area, which are critical to the local economy and local fishermen. Commissioner Murphy added that on August 13, 2015, there will be an FWC meeting where this topic could be broached. Mr. Morris proposed drafting a resolution that cites the removal of lobster traps would be detrimental to the local economy, the race would potentially threaten critical habitat, and it represents a health, safety and welfare risk because it interferes with local boating activities. Mr. Koisch clarified the MPAC is not opposed to the funding, but to the event as a whole.

Motion: Mr. Kelly made a motion to send a resolution to the DAC III that cites the conflicts between the proposed race and the commercial fishermen and local boating community. Mr. Fitton seconded the motion. There was no opposition. The motion passed unanimously.

Mr. Koisch asked Mr. Kelly if he opposed offshore powerboat racing at any time anywhere or only because of the conflicts. Mr. Kelly replied that the opposition results from the conflicts mentioned. Members of the Florida Keys Commercial Fishermen Association have served as safety vessels and have helped plot the race course as to avoid sensitive corals in the past.

7. Decommissioned boat ramps in Summerland Key

Mr. Kelly reported that he received a call from Bobby Pillar, a resident and active boater from Summerland Key, advising him there have been three public access ramps on Summerland Key that have been decommissioned. The only available place to launch a private vessel now is at the restaurant The Wharf, with a launch fee of \$20. The community would like the County to reconsider reactivating one of the decommissioned sites to provide for one launch site on Summerland Key. Mr. Jones replied that he knows of no closed public boat ramps on Summerland Key. Mr. Jones stated there are private undeveloped parcels where people have launched forever and all of the sudden the access is no longer available. The public often believes the ramp is public when, in fact, it is and always was private property. Ms. Schuh noted that the Blimp Road ramp is available as an alternative, and is really close to Summerland Key and is a very nice public boat ramp. Chair Makepeace suggested this be put on the agenda for the next meeting for a follow-up. Mr. Jones asked Bill Kelly to provide him with the specifics on the ramps that Bobby Pillar was referencing.

Mr. Jones explained the site at The Wharf has been a big topic of contention for some years because that is under a DOT agreement with the owners of the restaurant. Mr. Kelly will gather some more information on the sites from Mr. Pillar. Ms. Schuh added that somebody brought to her attention that the Blimp Road boat ramp is difficult for a single boater to use because there is no boarding dock and the water is so shallow. Mr. Jones responded that staff recommended the inclusion of a boarding dock at Blimp Road during the construction, but apparently they were too far along in the project to add it at that time. Ms. Hitchins agreed that she would like an accessory pier to be added at Blimp Road. Mr. Koisch recommended making an action item to put an accessory dock in at some point in the future. Mr. Jones and Ms. Hitchins will discuss this further with Project Management to determine whether an accessory dock is even possible in this area. Ms. Schuh asked about the boat ramp on Big Coppitt. Ms. Hitchins replied there is no update because they are still in the permitting stage and it will probably take another six months plus to have something to report. Chair Makepeace requested that boat ramps be placed on next meeting's agenda.

8. Committee discussion

Chair Makepeace asked Mr. Sutter to update the Committee on the Indian Key Fill area in Islamorada. Mr. Sutter explained there are multiple jurisdictional issues in this area. Most of the property is owned by FDOT. The boat ramp is owned by FDEP and Lignumvitae State Park. A new boat ramp is planned to be constructed to replace the old boat ramp, but there have been no funds allocated for that construction to this point. There have been numerous meetings and workshops to progress towards a final plan. The Village does have a relationship contractually with FDOT to provide cleanup and maintenance along this property. There is an FDOT construction plan for 2016 which will include milling and resurfacing of US-1 and rebuilding of the shoulder on US-1. It also includes some hardening of the shoreline with riprap and supposedly that plan will include some delineation of approved parking. One other issue is getting sufficient clear parking signage from FDOT that allows the Sheriff's Department to actually perform enforcement.

Chair Makepeace commended those on the Committee that have progressed the quarry plan further along. Chair Makepeace is hopeful the County will have some inter-jurisdictional collaboration. Ms. Schuh asked whether Curry Hammock State Park would annex this quarry property to their adjoining parcel on the bayside. Ms. Schuh informed the Committee of a quarry near Bahia Honda State Park that has become part of the Heritage Trail. Mr. Jones again mentioned the map that the BOCC asked staff to put together of all kayak launch facilities between Duck Key and Marathon. Five or six kayak launching facilities were identified on the oceanside along Grassy Key to Marathon. Mr. Jones confirmed that the quarry on Grassy Key discussed earlier does connect to the outside on the bayside.

9. Adjournment

Motion: Mr. Koisch made a motion to adjourn. Ms. Schuh seconded the motion. There was no opposition. The motion passed unanimously.

The next meeting is scheduled for Wednesday, November 4, 2015.

The Marine and Port Advisory Committee meeting was adjourned at 7:40 p.m.