

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 2, 2016**, beginning at 6:02 PM at the Marathon Government Center, 2798 Overseas Highway, Marathon, Florida.

MARINE AND PORT ADVISORY MEMBERS

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

STAFF

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

MOTIONS MADE

Motion 1

To approve minutes of November 4, 2015

Motion/Second	Passed
Paul Koisch/James Fitton	Unanimously

CALL TO ORDER

Chair Makepeace called the meeting to order at 6:02 p.m.

PUBLIC MEETING

Item 1. Approval of draft minutes from November 4, 2015 MPAC Meeting

Motion: Mr. Koisch made a motion to approve the minutes from the November 4, 2015, MPAC meeting. Mr. Fitton seconded the motion.

Mr. Jones mentioned that at the end of tonight’s meeting during Committee Discussion staff would like to present some projects that Marine Resources is going to be working on in the next year that the Committee might like to be involved with. Staff has discussed last meeting’s motion regarding the potential for an additional duty possibly related to fisheries management. Mr. Jones suggested that discussion be postponed to the next meeting or a subsequent meeting since Bill Kelly is not present and he initially voiced the concern and is most knowledgeable about fisheries. Chair Makepeace added that he received an e-mail from staff that was written by Mr. Kelly which contains a complex summary of fisheries management that can be shared with the other Committee Members. Chair Makepeace believes it is prudent to postpone this item

since it is not time-sensitive to the Committee and because Mr. Kelly was not present. Chair Makepeace explained that this initial discussion was brought about by a proposed marine event that Mr. Kelly felt threatened the commercial lobster season. He also indicated that the MPAC might not be the appropriate forum for addressing fisheries-related issues because, if the County has nothing to do with it, then it might not make sense for the Committee to take it up either. There was no opposition to postpone the discussion.

Item 2. Nomination of new Chair and Vice-Chair

Mr. Koisch recommended tabling the nomination for another time because two members were absent. Mr. Jones agreed with that recommendation. Ms. Hitchins noted that the change would take effect at the meeting that the Chair and Vice-Chair are nominated.

Item 3. Update on County Pumpout Program

Deputy James Hager introduced himself to the Committee Members. Deputy Hager has worked for Monroe County Sheriff's Office for 2.5 years and has a new position in the Lower Keys addressing derelict vessels. Ms. Hitchins mentioned that Deputy Hager might be assisting with enforcing the Pilot Program regulations in the future, also.

Ms. Hitchins showed a graph of pumpouts performed and gallons of sewage removed since the last MPAC meeting in November. Ms. Hitchins explained that the pumpout contractor has to perform at least 1500 pumpouts per month and service throughout the Keys, including the managed anchor zones. The contractor is continuing to exceed their quota. Mr. Fitton asked to see a comparison between 2014 and 2015. Mr. Jones stated the pumpouts have greatly increased, up to 30 percent, from a year ago. In December of 2015 the contractor performed 2100 pumpouts, exceeding the 2,000 number for the first time. Chair Makepeace figured more than a quarter million gallons of sewage is being removed per year.

Mimi Stafford joined the proceedings.

Chair Makepeace asked if staff might issue a press release to highlight the program success. Mr. Jones confirmed that staff has issued press releases in the past. Most recently, staff provided a summary to the County Administrator who took these figures to Tallahassee a couple of months ago to help raise more potential funding from the Legislature. Mr. Jones then reported that in early November of 2015 staff went to the BOCC with three contracts related to pumpouts: PumpOut USA's contract was amended for another year at \$729,800 per year; a \$250,000 grant from the Clean Vessel Act is now coming directly to Monroe County instead of the contractor; and the BOCC approved a \$100,000 contract between DEP and the County. Consequently, the County is paying a total of \$379,800 a year for pumpout service after reimbursement.

Item 4. Update on Derelict Vessel Program

Ms. Hitchins showed a graph illustrating how many derelict vessels the County has removed in the last few months. Ms. Hitchins reported that in 2015 approximately 50 vessels were removed and that number should continue to rise in 2016. Marine Resources is getting ready to execute its next FWC grant, which is going to fund both reimbursement for derelict vessels that have already been removed and derelict vessels that are still on the water. Staff is also applying for next year's FWC grant. Ms. Hitchins asked Chair Makepeace for a letter of support from the

Committee. Ms. Hitchins stated that the increase to the law enforcement side (through the hiring of Deputy Hager) to help with derelict vessels will result in more reports to Marine Resources, so Ms. Hitchins will continue to be creative with grant funding to help keep the momentum going.

Ms. Schuh asked whether the overall number of derelict vessels over the past ten years is going up or down. Ms. Hitchins replied that the number of removals is fairly consistent since 2008, but the numbers are always going to be a function of how much law enforcement is available to identify and process them. Mr. Jones added that Monroe County and the State are trying to reduce the number of derelict vessels by preventing them from being generated, not just removing them. Mr. Jones believes there are probably fewer derelict vessels now compared to 15 to 20 years ago, but at the same time there are probably more vessels being stored on the water now than there were 20 years ago.

Mr. Jones noted that Deputy Hager is going to be doing other things associated with derelict vessels, such as enforcement of the Pilot Program. The main regulations in the managed anchoring zones is proof of pumpout and no pre-derelict conditions can be exhibited on a vessel. While there has been very high compliance in the managed anchoring zones for proof of pumpout, identifying the pre-derelict conditions of vessels has not been as successful. Deputy Hager will be able to help with this. Mr. Jones gave a Legislative update. There is an At-Risk bill that the House and the Senate are currently reviewing which will make at-risk vessels regulatory. Last year it was not successful, but this year it has a better chance of passing. If this bill passes, a vessel that is tagged at-risk will incur almost the same fines and penalties as a true derelict vessel with the idea being prevention. Also, the FWC has requested an additional \$1.5 million in their budget for derelict vessel funding and that is going before the Legislature right now. Staff anticipates that amount of money or something close to it will be approved and administered by the FWC starting on July 1, 2016.

Mr. Koisch asked how Deputy Hager's role will affect FWC's role in dealing with derelict vessels. Mr. Jones replied that it will help FWC, but the difference is that Deputy Hager's position is dedicated to derelict vessels. Deputy Hager stated he will process a derelict vessel the exact same way FWC does it. Deputy Hager will also deal with marine sanitation issues, as well as resource and boating safety. Deputy Hager explained that FWC has a dedicated officer for derelict vessels both in the Upper Keys and also in the Lower Keys. The officer in the Lower Keys will be training with Deputy Hager to explain the derelict vessel process since Deputy Hager is more familiar with resources and boating safety. Deputy Hager can provide his personal phone number to the Committee Members in case anyone wants to ride along with him. Deputy Hager then explained the upcoming Operation Liveaboard. FWC as well as Monroe County Sheriff's Office will be targeting the Upper Keys, Middle Keys and Lower Keys checking sanitation, checking for derelict vessel issues and registrations. There will be a total of four or five boats at any given time in all the areas. Wisteria Island will be one of the focuses down south as far as trying to identify people and checking for warrants and checking for BUI. Mr. Koisch asked about notice. Deputy Hager replied that he does not believe notice will be given. Mr. Koisch recommended that notice be given, even if very passively. Deputy Hager stated the hours for this will be between 4 p.m. to 8 p.m. Mr. Koisch and Ms. Stafford believe checks done after dark create a level of anxiety that will cause a backlash. Mr. Koisch asked that a blanket press release be given. Deputy Hager will pass that request on to the lieutenant in

charge of this operation. Mr. Jones cautioned against making recommendations to any agency other than the BOCC. Mr. Koisch withdrew the request. Chair Makepeace stated he has mixed feelings about law enforcement boarding boats, but realizes the necessity of being held accountable for one's actions on the water. Mr. Fitton supports law enforcement being diligent when it comes to BUI.

Item 5. Update on Boat Ramps

Ms. Hitchins reported that Project Management has informed her that the boat ramps are going out to bid next week and construction is expected to begin sometime in the summer for Harry Harris and the State Road 4A Little Torch boat ramp repairs. Federal wetland and surface water permitting is pending on the Big Coppitt boat ramp. There will be an accessory pier at Big Coppitt pending permit approval.

Item 6. Update on Pilot Program anchoring ordinance activity/enforcement

Ms. Hitchins reported that FWC has informed her that they have not been issuing warnings or citations in either the Boca Chica or Cow Key managed anchor zones. One warning was made for a vessel located in the Seaplane no anchor zone. However, a number of ordinance tags were handed out in the Key West Harbor managed anchor zone for pre-derelict conditions. Ms. Hitchins is hopeful that Deputy Hager will provide more enforcement related to the ordinance now that he is on board.

Item 7. Committee discussion

Mr. Jones provided a slide presentation on the duties of this Committee. Mr. Jones stated these duties are not as narrow as some might believe. There are upcoming projects the Committee can work on in the future. Mr. Jones provided an update on the Valhalla quarry/kayak park potential. Mr. Jones met with Project Management staff last week and provided a draft site plan. Project Management is currently getting cost estimates. Once those cost estimates are received they will come back to Marine Resources. Mr. Jones will be getting input from City of Marathon Council about this potential project; however, City staff have already indicated that the project would meet City land use regulations.

Mr. Jones stated another project this Committee can be involved in is the upcoming VTIP Program. Ms. Hitchins explained this is the Vessel Turn-In Pilot Program. It is a grant from NOAA to FWC, that in coordination with Monroe County will implement a vessel turn-in pilot program. It is being modeled after some western states that already have this type of program in place. This program will provide an opportunity for vessel owners to dispose of their vessels before they become derelict with funding available to help in that disposal effort. This is for legally titled vessels. The nuances of the program are still being developed. The program is going to focus on prevention and long-term behavioral changes by vessel owners. A large education and outreach component will be part of the program, which is where this Committee can provide input. The County will receive \$250,000 in total over a five year period and may be eligible for additional funding as the program progresses. The eligibility criteria is being developed at this time. Ms. Stafford asked about the possibility of creating partnerships in both educational outreach and funding sources. Mr. Jones noted that it is likely that a criterion would be that the owner is likely to abandon the vessel. So while the funding for this program may not be sufficient for the numbers of vessel owners wanting to participate, this program also focuses

on the behavioral issues of the boaters. This program is just one more avenue to address derelict vessels and will likely target anchored vessels on the water. The State intends to use Monroe County as the test site because this county has more derelict vessels than any other county in the state. Staff hopes that, if successful, FWC will develop the program further through statewide implementation. Ms. Hitchins indicated that staff will continue to engage the Committee as the program develops further.

Mr. Jones then reported that another item that has gone through the County's Legislative Affairs Coordinator to Tallahassee was looking at tagging onto the At-Risk bill a statewide stored vessel time limitation. It appears that this will not be favorable this session so the County will try again next year. Mr. Jones explained that FWC staff indicated that it did not want the At-Risk bill to have things tagged onto it that might be controversial. Another thing that was going to be tagged onto the At-Risk bill recommended by Marine Resources was an extra one dollar registration fee for all Monroe County registered vessels for use in derelict vessel removal funding. That also was not supported to be tagged onto the At Risk bill and staff will be bringing that back again next year. There is also a proposed bill in session right now to limit or prohibit anchoring in very specific geographic areas in Broward and Miami. Ms. Hitchins added that there is another bill right now that would require probable cause for law enforcement to stop a vessel. There is another bill giving a break on vessel registration fees if the vessel owner installs an EPIRB. Deputy Hager fully supports that bill. There is also a bill requiring the operator of any recreational vessel to be 16 or older unless accompanied by a person 21 years or older who has a boating safety ID card. Mr. Jones commented that Marine Resources will be paying close attention to the At-Risk and other boating-related bills as session continues. Ms. Hitchins pointed out that the bill prohibiting anchoring in certain areas. In the staff summary of the bill it indicates that the bill is being developed to address a variety of issues, including noise, trespassing, nudity and vessel speeds. Mr. Jones will be working with the County's Legislative Affairs Coordinator to determine how to package the stored vessel time limitation recommendations for next year's session.

Mr. Koisch told the Committee Members that he requested a meeting with Marine Resources staff and Assistant County Attorney Morris prior to this committee meeting to discuss the concept of adding fisheries to the Committee's duties. Based on this conversation, he now believes that any role that Monroe County plays in fisheries management is so far down the line that this Committee does not have to worry about being involved in that protection.

Ms. Stafford introduced her daughter-in-law visiting from the Philippines.

Item 8. Adjournment

The Marine and Port Advisory Committee meeting was adjourned at 7:04 p.m.