

AGENDA

MARINE AND PORT ADVISORY COMMITTEE

November 1, 2016

PURSUANT TO Board of County Commission Resolution No. 110-2013 the Marine and Port Advisory Committee of Monroe County will conduct a meeting on **November 1, 2016** beginning at 10:00 AM in the first floor Media Room of the Monroe County Office, located at the Marathon Government Center, 2798 Overseas Highway, Marathon, Florida.

ADA ASSISTANCE: If you are a person with a disability who needs special accommodations in order to participate in this proceeding, please contact the County Administrator's Office, by phoning (305) 292-4441, between the hours of 8:30 a.m. - 5:00 p.m., no later than five (5) calendar days prior to the scheduled meeting; if you are hearing or voice impaired, call "711".

MARINE AND PORT ADVISORY MEMBERS

David Makepeace, Chair
Bill Kelly, Vice-Chair
Phil Goodman
Paul Koisch
Jim Olive
Lynda Schuh
Mimi Stafford

STAFF

Richard Jones, Sr. Administrator
Celia Hitchins, Marine Planner
Peter Morris, Assistant County Attorney

CALL TO ORDER

PUBLIC MEETING

1. Approval of draft minutes from August 2, 2016 MPAC Meeting*
2. Update on Pumpout Program
3. Update on Derelict Vessel Program
4. Update on Boat Ramps
5. Update on Anchoring & Mooring Pilot Program
6. Upcoming meeting schedule*
7. Committee discussion
8. Adjournment

* indicates backup documentation:

- Item 1. Draft Minutes from 8-2-2016 MPAC meeting
- Item 2. Draft 2017 Meeting Schedule

MARINE AND PORT ADVISORY COMMITTEE

Draft 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 2, 2016**, beginning at 10:12 AM 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	Absent

STAFF

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

PUBLIC

Deputy James Hager

MOTIONS MADE

Motion 1

To approve minutes of May 3, 2016

Motion/Second	Passed
Bill Kelly/Lynda Schuh	Unanimously

Motion 2

To adjourn

Motion/Second	Passed
Paul Koisch/Lynda Schuh	Unanimously

CALL TO ORDER

Chair Makepeace called the meeting to order at 10:12 a.m.

PUBLIC MEETING

Item 1. Approval of draft minutes from May 3, 2016 MPAC Meeting

Motion: Mr. Kelly made a motion to approve the minutes from the May 3, 2016, MPAC meeting. Ms. Schuh seconded the motion. There was no opposition. The motion passed unanimously.

Item 2. Update on County Pumpout Program

Ms. Hitchins provided an update on the Pumpout Program. Ms. Hitchins presented, as requested at the last meeting, some historical data on pumpout numbers since the beginning of the service, which was January of 2013. Ms. Hitchins reported that the numbers have continued to track upwards with some seasonal fluctuations. The number of gallons of sewage collected follows a similar tract. Almost a million gallons of sewage has been collected since the inception.

Mr. Jones provided an update on pumpout contracts and funding. Mr. Jones reported that the County's contract with Pumpout USA currently runs through the end of this October. There has been a \$500,000 legislative appropriation provided towards the cost of the pumpout program and another \$229,000 from the Clean Vessel Act with the County paying a 25 percent match for the CVA grant. The total funding assistance provides 92 percent of the total cost of the program for one year, which is \$729,800. The two grant agreements from DEP will be approved at the August 17, 2016, BOCC meeting and they will be retroactive to July 1 because that is the beginning of the State's fiscal year. The Pumpout USA contract is also being amended to coordinate with the timeline of the DEP contracts. Mr. Fitton asked if the BOCC has realized how effective the pumpout program has been. Mr. Jones assured the Committee Members that every month staff provides the BOCC an update on Marine Resource's primary services, including the number of pumpouts, number of derelict vessels removed, and number of channel markers replaced or repaired.

Item 3. Update on Derelict Vessel Program

Ms. Hitchins provided an update on the Derelict Vessel Program. Ms. Hitchins reported the removal numbers are continuing to track the same as the last couple of years. There were 26 removals in the last four months. Three of those were grant-funded removals. Staff has completed the work under last year's FBIP derelict vessel grant from FWC, \$100,000 for 16 vessels. Out of that 16, half of them have already been removed, about \$50,000 worth. Staff has recently submitted a request for reimbursement for that funding. This year's application was just formally awarded by FWC. That has doubled the numbers of vessels for which staff has requested funding and represents a huge cost savings, through reimbursement, for vessels already removed. Ms. Hitchins stated there were 47 applicants for FBIP funding and Monroe County ranked number two on the scoring sheet. The FBIP program has also awarded Monroe County a channel marker maintenance grant for about \$100,000 to do general maintenance work on channel marker signs. As mentioned at the last meeting, the Legislature allocated \$1.4 million during the 2016 Session to new derelict vessel funding throughout the state to be administered by FWC. Monroe County is going to be applying for that soon. Deputy Hager has been a big part of getting vessels together for that package. An additional 45 boats have been tagged and included in this grant.

Mr. Jones discussed the At Risk program. Mr. Jones stated that the At Risk Program has been in place since July 1st of this year. Public notice has been sent out by FWC regarding this program.

It is already being enforced around the state. Ms. Hitchins added that the enforcement has already started locally. There will be a public outreach period where warnings will be issued, but then citations will be given to people who are in violation of the law. Deputy Hager believes violators should be put into the system as at risk because if the vessel goes derelict the documenting process has already been done. Ms. Schuh was surprised to see the requirement of notifying the Department of Highway Safety and Motor Vehicles within 30 days of selling a boat. Deputy Hager pointed out that it is a liability to the seller if the title is not transferred after a sale. Chair Makepeace believes there should be some additional weight added to the responsibility on the part of the owner if an at-risk vessel is allowed to become derelict. Mr. Jones clarified that becoming a derelict vessel results in a higher level of a citation in and of itself and the purpose of At-Risk law is to add the additional weight he would like to see. Deputy Hager explained that sometimes, if a ticket is issued, an owner can come to court with proof that the boat has been fixed and is not in an at-risk or derelict state and he plans on working with vessel owners to come into compliance. Mr. Jones mentioned that staff thinks the new At Risk law is the best thing that has come about in the last 20 years for the prevention of derelict vessels.

Item 4. Update on Boat Ramps

Ms. Hitchins provided an update on boat ramps. Ms. Hitchins reported that the resurfacing of the accessory pier for the Harry Harris boat ramp was completed in June. In addition, funding from the FBIP program has been awarded for resurfacing of this ramp. At the Big Coppitt Gulfview boat ramp, the construction contract was just awarded to add an accessory pier and riprap. However, the award of FBIP grant funding for this project is pending so construction might be delayed slightly. At the Little Torch boat ramp, resurfacing, replacing accessory docks, backfilling and some parking improvements are expected to be completed in September. Project Management is still exploring the option to add an accessory pier at the Blimp Road boat ramp. They are going to the BOCC on August 17th to discuss boat ramp projects and will have a better idea on whether to pursue this project based on Board direction.

Chair Makepeace shared photos of a truck that slid into the water at the Harry Harris boat ramp. Mr. Morris explained the County does not have liability issues in that situation because the public launches at their own risk. Signage is just a disclosure of a condition that may occur, not an admission of liability.

Item 5. Update on Pilot Program

Mr. Jones provided an update on the Pilot Program. Mr. Jones reported that FWC held a workshop on the Pilot Program in July and the five program participants from around the state attended. The Pilot Program is scheduled to expire July 1, 2017, so the Legislature has directed FWC to have a report on the findings of the program to the Legislature by January 1, 2017. That report will first go to the FWC Commission this November. Mr. Jones then presented to the MPAC members Monroe County's presentation given to FWC in July at the workshop. A slide was shown illustrating the County's approximately 15 unmanaged anchorages. Mr. Jones stated the County estimates there are around 800 anchored vessels throughout the year, which includes 200-300 stored vessels. The main problems Monroe County addressed in that Pilot Program workshop are the anchored vessels that drag into mooring fields, vessels dumping sewage overboard and a large derelict vessel problem. Managed anchoring zones were created to

address the derelict vessels and sewage being dumped overboard. No anchoring buffer zones were created to address boats dragging into mooring fields. Proof of pumpout is required in managed anchoring zones. The voluntary At Risk Program has now become regulatory and has basically replaced the need to enforce the Pilot Program's restriction on pre-derelict condition.

Mr. Jones then showed the locations of the various no anchoring buffer zones, including the Navy's exclusion areas. Ms. Schuh asked to be given a copy of this illustration. Examples of the various signage indicating the locations of the zones were shown. Mr. Jones stated brochures are also being handed out by the Sheriff's Office, FWC officers and marina operators with the zones illustrated. Mr. Jones further reported that the no anchoring zones were quite successful because it is so clear-cut, both for the boater and enforcement officers. The no anchoring zones were linked to the FWC Pilot Program objective of encouraging the use of mooring fields. The 50-foot buffer zone around Boot Key Harbor has been very successful. A table of the enforcement activity was shown. In the Seaplane Basin 24 citations were issued, 5 of them were second violations and 2 more were third violations, proving the point that some people would rather take multiple violations than pay mooring fees which are more expensive. A stepped system of penalties is in place. Deputy Hager requested the mooring field cost data be sent to him so he can share that information with boaters on the water.

Mr. Jones stated proof of pumpout was extremely successful. Compliance for the last year is near 100 percent. The prohibition of pre-derelict condition vessels generally was not as successful. Mr. Jones suggested it is partially due to the criteria being subjective and open to interpretation. Some of the problems FWC officers pointed out in the first year was that most times the owner of the boat is not present on the boat and it is required that the officer hand the citation to the owner. So halfway through the program green tags were created for enforcement officers to place on the boat, which had mixed results. Deputy Hager commented that officers on the water do so much resource work and safety inspections that sometimes they are not as focused on the pre-derelict vessel regulation. Mr. Jones added that another reason for lack of success is lack of resources.

Mr. Jones summarized that the no anchoring zones worked really well and were very straightforward from the enforcement perspective, but caution should be taken about making a zone too big. The proof of pumpout worked great and continues to work great as long as it is free and convenient. The BOCC is considering charging for pumpout service and will be discussing it at the August 17 BOCC meeting. The prohibition of pre-derelict conditions did not work so well, but the At Risk Program is now regulatory and is highly preferable because an enforcement officer can mail the citation in or give the citation to the operator, not just the owner. There has been discussion early on about impounding vessels. Staff was, and still is, not supportive of that because it becomes costly to pay dockage fees and the County would be taking on the liability for the vessel.

Mr. Jones believes in the future there needs to be communication between FWC in Tallahassee and their local offices about who the lead agency is going to be for enforcement of locally established regulations. The officers need training on the rules to give them the tools to do their job. There needs to be a standardized statewide database for tracking and accounting. Mr. Jones observed that maybe there should be fewer managed anchoring zones because of the lack of

resources to enforce the regulations. The anchoring zones cannot be too big and regulations should be written in a way that they are not subjective. A way to issue warnings and citations with no one aboard has been resolved through the At Risk Program. Photos taken for the Pilot Program's Preliminary Vessel Study of the various ways vessels are anchored out at Boca Chica were shown. Mr. Jones reported that 90 percent of the boats there are tied to an unpermitted debris piles. The remaining 10 percent are on traditional ground tackle which is legal. Photos were shown of vessels in varying stages of disrepair, as well as floating structures. Mr. Jones informed the Committee members that Monroe County's comp plan now says that living aboard floating structures moored to land can only occur at marinas.

Mr. Koisch asked where those vessels moored or anchored in Boca Chica Channel go for land access. Mr. Jones explained that there is no designated shoreside facility, so they go all over the place. In the past, the Key Haven boat ramp was used for dinghy landing but the Sherriff now prohibits dinghies there due to numerous issues. Currently, there are numerous private properties along the eastern shore of Stock Island that are used by boaters, including trailer parks. One of the primary locations for access is the spit of land extending off of Laurel Avenue. It is a spit that sticks out in the water and is currently being used by many, if not most, of the people anchored out there now. Mr. Morris noted that the State of Florida is still making a determination of who owns that land, but the County does not own it. Mr. Jones commented that, regardless of ownership or accessibility to this location, an appropriate shoreside facility needs to be identified for the boaters to use. Mr. Jones reminded the Committee that all the managed anchoring zones had to be associated with a mooring field.

Mr. Jones stated that Gulf Seafood, a privately owned property currently up for sale, is being pursued by the County for purchase through a grant from the Stan Mayfield Program to provide long-term dockage for commercial fishing vessels. Marine Resources is looking into making a small piece of that property a shoreside facility to serve a potential mooring field. This coincides with continuing to look into mooring field options in Boca Chica. Deputy Hager asked if anchoring might be prohibited if a mooring field was installed. Mr. Jones indicated that the County would request through the submerged bay bottom lease process with DEP to have a no-anchoring buffer zone around the perimeter of the mooring field. Ms. Schuh asked if dinghy transit routes were feasible from the Basin to the Gulf Seafood property. Staff said yes and showed the committee the various route options. Mr. Kelly explained that the commercial fleet is interested in the County's acquisition of the Gulf Seafood property. All five Commissioners have voted in favor of it. There will probably be a waiting list for boats that want to get in there because it has deep water access, serviceability for haul-outs and a fish processing house. Ms. Kelly indicated that the Gulf Seafood property is limited in its development options because it is on the flight path for the naval air base. Another positive thing about the Gulf Seafood property is there is sufficient upland to provide for storage of in excess of 100,000 traps.

Mr. Kelly further explained that the owner of the Gulf Seafood property negotiated with a number of commercial fishermen to buy the property, but the seller was watching what was going on in other areas of Stock Island and kept changing his price. Those fishermen went and bought a different parcel. As a result of the seller losing that revenue stream he defaulted on the payment on the Gulf Seafood marina and the bank has now taken control of it and they are willing to sell to the County. Under the Stan Mayfield grant it would strictly be designated for

commercial fishing vessels, not including charter-for-hire operations. Mr. Jones mentioned that the MPAC made a recommendation to support this years ago. Mr. Kelly further explained that within the next six months a select group of potential stakeholders will provide a general management plan to the County. The Committee Members discussed the potential positive results to this area as a result of this proposed development. Mr. Kelly cited examples of municipal ownership of commercial marinas throughout the state. The Florida Keys Commercial Fishermen's Association's Board of Directors is involved with the County in developing the concept and providing financials for the potential development of the property.

Item 6. Committee discussion

Mr. Kelly informed the Committee Members that July 1 of this year the Florida Keys National Marine Sanctuary failed to renew a supplemental law enforcement agreement in the amount of \$840,000 with the FWC. Although FWC and MCSO are committed to enforcing laws within state waters and will respond when notified of violations within federal waters, coverage will now be lacking on a regular basis on federal waters. More than one-third of the lobster traps in the county are in federal waters. FWC no longer rides on the Coast Guard patrol boat down in Key West. Mr. Kelly informed the Committee Members that Jorge Vargas was apprehended and successfully prosecuted by Deputy Willie Guerra for stealing in excess of \$750,000 worth of lobster. Deputy Hager added that Mr. Vargas received a million dollar bond and has been banned from Monroe County waters for life. Mr. Kelly added that Mr. Vargas also served six months in jail, but two months ago Mr. Kelly was informed that Mr. Vargas was struck and killed by a pickup truck while riding his bicycle in Miami. Deputy Hager commented that there are other people just like him doing the same thing. A special award presentation is being planned for Officer Guerra at an upcoming City of Marathon council meeting.

Mr. Kelly then stated that TDC funding has been reapplied for to run jet ski races in the middle of May, which is at the very end of the stone crab season. They are proposing to hold the race oceanside of the Seven Mile Bridge.

Mr. Kelly asked Mr. Goodman, who has just completed another round of hazwoper training, to share some information about this program. Mr. Goodman explained that the Coast Guard Auxiliary and Monroe County Emergency Management and the US Coast Guard have set up a training program in the county for residents for hazwoper, which stands for hazardous waste operations and emergency response, and is the minimal safety training anyone needs to volunteer in case of a major oil spill. Mr. Goodman has been the instructor for at least three classes a year throughout the County. 1200 people so far in Monroe County have been certified for hazwoper. Monroe County is now much better prepared to respond to an oil spill, if needed. The training is a one-day eight-hour class and recertification is required every year. Ms. Schuh noted that she had to be certified to work with the oiled birds after Deepwater Horizon. Mr. Goodman added that hazwoper is a national program. Once someone is hazwoper certified, they can get training for cleaning birds and mammals. Mr. Kelly stated a number of fishermen have taken advanced training.

Ms. Hitchins reminded the Committee Members that the next MPAC meeting is set for 10:00 a.m. on Tuesday, November 1, 2016.

Item 7. Adjournment

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

The MPAC meeting was adjourned at 11:55 a.m.

2017 Meeting Schedule
Marine & Port Advisory Committee

February 7, 2017

May 2, 2017

August 1, 2017

November 7, 2017

Meetings are held quarterly on the 1st Tuesday of the month at 10am

at the following location:

Marathon Government Center

1st Floor Media Room

2798 Overseas Highway

Marathon, FL 33050