

Brevard County Marine Advisory Council (BMAC)
October 15, 2009
Space Coast Room, Building C, Government Center, Viera, Florida

Members Present:

Jerry Butz
Mike Cunningham, Chair
Rick McCrary
John Mongioi
Joe Penovich
Gary Hanlin, Vice Chair (via conf call)

Members Absent

Doug Jaren
Gene Cate
Jim Mazza

Staff Present:

Matt Culver, NRMO Boating & Waterways Program Coordinator
Valerie Citta, NRMO Admin Support Services
James Fletcher, University of Florida (UF) IFAS Extension Center Director

Public Present:

Steve Haigis, Sebastian Inlet Marina
Bob Musser, Canaveral Port Authority
Officer Byron Keck, Brevard Co Sherriff's Office
Mark Leslie, City of Titusville
Susan McGrady, City of Cocoa

Handouts

(Go to <http://natres.brevardcounty.us/bmac-minutes.cfm> to view the handouts.)

- Draft Copy FWC Letter re: Solicitation of Participants for Mooring Field Pilot Program – Provided by Matt Culver, NRMO
- FloridaToday.com article re: Manatee Habitats face federal review – Provided by Matt Culver, NRMO
- Copy of September 9, 2009 FWC Letter re: Potential Changes to Commercial Fishing and Professional Fishing Guide Permits Applicable to FWC Manatee Protection Zones – Provided by Matt Culver
- Copies of recent email information re: Brevard County's Marina Parking Requirements – Provided by Matt Culver, NRMO
- Online Information re: Match Sailing Team Foxsea – Provided by Jerry Butz
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I. Call to Order

Chairman Mike Cunningham called the meeting to order at 6:04 PM.

II. Approval of Minutes

Mr. Mongioi moved to approve the 9/17/09 minutes and Mr. McCrary seconded the motion. The minutes were approved unanimously.

III. Agenda Items

1. New Business

a. *Marine Agent Position & Statewide Artificial Reef Summit*

James Fletcher, Director, University of Florida IFAS Extension Center, provided update regarding Marine Agent position vacated by Mr. Eddie Leonard. Advertisement of the position has closed. There are eight (8) applicants. The next step is the screening and interview process. Interviews are conducted in Gainesville as well as Cocoa. Interviewees are required to provide presentation in Cocoa. Mr. Fletcher welcomed Chairman Cunningham and all members to observe the presentations and offer input about interviewees. Mr. Matt Culver will be providing assistance in this process. Mr. Fletcher estimates this position will be filled within next 1 – 1 1/2 months.

Chairman Cunningham stated that members look forward to being a part of the process and will attend if they can.

Mr. Fletcher stated the Statewide Artificial Reef Summit will be held January 21 – 23, 2010. The summit will be held at Cocoa Beach Hilton. It has been eight (8) years since this event has been held. This will be first event held on east coast. Recreational fishing has enormous potential for this area and strong interest exists to develop artificial reefs along Brevard County's coastline. This summit is a great opportunity to explore this issue. Any support the BMAC can offer is greatly appreciated. A fair amount of sponsors are already participating, including both FSA & Tourism Development Council (TDC).

Chairman Cunningham

Mr. Mongioi asked if a formal announcement regarding the summit will be available.

Mr. Fletcher stated that website currently exists with all information regarding the event and sponsorship listing.

Website link is:

http://www.flseagrant.org/program_areas/ecosystem_health/artificial%20reef%20meeting/index.htm

Registration is not open yet. This summit funding is a joint sponsored by UF, Sea Grant, FWC and many others. Despite a number of budget constraints, many agencies are excited about the event and have stepped up to ensure it would take place.

Mr. Penovich stated his concerns about pending legislation known as Amendments 16 & 17. Specifically, Amendment 17 seeks to bring snapper back to certain population levels. Passage of this amendment could cause closures that significantly impact fishing along the entire east coast of the country.

Mr. Fletcher stated that passage of Amendment 17 will not be helpful and will certainly have a negative impact on off-shore fishing.

Mr. Penovich asked Mr. Fletcher if different permitted sites exist currently for this purpose.

Mr. Culver explained that Brevard County currently has a site where the permit expired. The process has been started to re-open this site. It is a rectangular site approximately 1.5 miles x 4 miles and approximately 60-80 feet in depth. Port Canaveral has two (2) smaller sites.

Mr. Fletcher stated that this is one of the strongest reasons to continue to support filling the vacant Marine Agent position. This position is joint-funded venture between federal, state, and local governments with Brevard County providing a substantial amount of the funding. Mr. Culver and the former agent began work on ground-truthing studies that are critical to identifying potential artificial reef locations. Having this science available for these types of issues will be very important.

Mr. Penovich stated it might be a good idea to adjust the site accordingly after legislation actually passes.

Mr. Culver stated that it will be easier to re-open the existing site because Army Corps of Engineers has background and historical data for the specific location. There has been discussion at the County Commission level about the possibility of sinking a large ship to create an additional reef site.

Mr. Penovich stated that pending legislation seeks to ban bottom-fishing off east coast for as long as 22 years.

Mr. Culver stated that the site the county is trying to re-open was initially developed more specifically for diving. The sites owned by Port Authority are considerably deeper and primarily designed for fishing.

Mr. Fletcher stated that UF IFAS Extension Center staff have worked very closely with Mr. Culver/NRMO to push for development of additional reef sites in this county. Continued strong partnerships between agencies will be very good for the industry. Currently, Farm Bureau is funding a large UF IFAS project that looks at economic impact analysis of agriculture. Fishing is an agricultural commodity. UF IFAS staff will present the study at an upcoming Legislative Luncheon to be held in January, 2010. The study shows recreational fishing to have great economic impacts on Brevard County.

Mr. Mark Leslie, Dockmaster for the City of Titusville and Mr. Penovich discussed additional details and potential impacts of upcoming legislation.

b. County Interest in State Mooring Field Pilot Project

Mr. Culver distributed copy of draft letter released today by FWC regarding Solicitation of Participants for Mooring Field Pilot Program. Electronic information was released today with deadline of October 30, 2009 to receive letters of interest. Mr. Mark Leslie, of Titusville was introduced to discuss the draft letter.

Mr. Mark Leslie stated October 30 deadline would likely get pushed back to around middle of November. The deadline is less critical than the manner in which the issue is approached. Mr. Leslie stated that BMAC is the one body that uniquely deals with marine issues. BMAC members would be able to offer more depth of knowledge than other state and local governing bodies. If the community collectively decides to be part of any pilot project, the hope is that BMAC would be first to offer recommendations on the issue. The first step in the process would be for BMAC to decide if it will be involved with presenting recommendations to our legislative bodies. Participating in this process could become grueling.

Mr. Culver clarified that government agency applying to be part of pilot project must have a mooring field in its boundaries. The City of Titusville actually has or is about to get a mooring field. Brevard County currently does not have a mooring field. The City of Cocoa also has interest in applying for pilot project and does not have mooring field. Mr. Culver suggested one approach that could benefit all agencies would be for municipalities to partner with Brevard County to create a Joint Planning Agreement. This agreement would allow the county to join with the city in responsibility of enforcing regulations inside city boundaries as well as within unincorporated areas.

Mr. Leslie stated the biggest questions regarding this issue as follows:

- How far out can you go before anchoring is allowed?
- Where anchoring is allowed, what is the time limit for boat storage?
- If this ordinance is created, what will happen to boats anchored now?

Mr. Leslie presented this information to the board so that an informed decision can be made about whether BMAC wants to be a part of this process. Mr. Leslie further explained that if community interest exists, the City of Titusville wants to be a part of the facilitation of the process.

Chairman Cunningham acknowledged a need for mooring fields and asked Mr. Leslie how far behind Brevard County is on this issue compared to other locations within the state.

Mr. Leslie stated that Sarasota is planning their moorings now. Miami is starting to fill their mooring field now. St. Augustine has permits and is moving forward with bid selection and finalization of their project. St. Augustine owns its own submerged lands which makes the process much easier. Vero is a pilot project from the 1970's and could be selected for this project. Mr. Leslie discussed some of the history of the project and stated that whatever terms are set, they should be state-wide and fair to the boating public.

Mr. Culver asked BMAC if there is recommendation from the Board regarding this matter.

Mr. Mongioi stated that BMAC has to act together with City of Titusville to achieve progress with this project.

Mr. Culver stated that City of Titusville could apply but there would be problems with implementation because of some of the overlapping shared boundary lines with Brevard County.

Mr. Leslie stated that there is an area across from the marina that is open for anchoring now and is owned by Brevard County.

Mr. Leslie described very small mooring field with 20 moorings located in Fernandina Beach DEP required county-owned submerged lands to be annexed in order to obtain permits for the project. Mr. Leslie reiterated that participation in this type of process could become very controversial and complex.

Mr. Hanlin suggested partnership be formed between City of Titusville and BMAC to move this process forward. Hanlin made a motion to proceed with a letter of interest to the state and indicate our intent to partner with Titusville and Cocoa.

Mr. McCrary asked Mr. Leslie if such a partnership would impact progress already made by City of Titusville.

Mr. Leslie stated such a partnership would not negatively impact what has already been accomplished.

Mr. McCrary asked if partnership would negatively impact the Cocoa area which is a bit different than Titusville because land owners are closer to the proposed location of mooring field project.

Ms. Susan McGrady, CRA Coordinator, with The City of Cocoa stated that the City just completed a Waterfront Master Plan and the most vocal proponents for the mooring field project were residents of Oleander Pointe Condominium. This condo structure is attached to a marina which would be at great risk of boats colliding with it during a hurricane. With the completion of the Waterfront Master Plan, City of Cocoa now knows where the project needs to be and what the capacity will be. The City of Cocoa plans to start the permitting process following City of Titusville.

Mr. Mongioi asked if boaters have raised concerns about limitations of where they can anchor.

Mr. Leslie stated that responses have varied. The least response has been received from boaters that store their boats on the water.

Ms. McGrady stated that mooring field project is the perfect solution for staff to be able to establish and enforce policies that limit anchoring in certain areas.

Mr. Penovich asked why establishing a mooring field has to automatically make anchoring illegal in the area. With reasonable rates, a mooring situation is a lot safer for a boat than an anchoring situation. More people might support the program if anchoring in the area was not automatically made illegal. Instead, time limits and additional rules for anchoring could be established to accomplish goals of the program with more public agreement.

Mr. Mongioi again stated that BMAC should be part of the process for these types reasons.

Mr. Leslie stated that the goal of City of Titusville is to create an environment where both anchorage areas and mooring fields both exist.

Mr. Butz asked Mr. Leslie if he wants BMAC to be involved in this process.

Mr. Leslie stated that his goal is to be fair and balanced with whatever direction taken.

Mr. Butz asked Mr. Leslie if he believed the pilot program would increase regulations and cause Titusville to be less boater-friendly.

Mr. Leslie stated changes would vary depending on level of restrictions.

Mr. Butz asked Mr. Leslie what regulations currently exist in the current City of Titusville.

Mr. Leslie stated there is no plan outside of the marked boundaries of the mooring field area. Boaters currently have the right to anchor anywhere outside the area of the marked boundaries.

Mr. Butz stated he does not advocate BMAC getting involved in this process at this time. He stated that the role of BMAC at this point should be to observe City of Titusville navigate through the process and gain more information before participating in it.

Mr. Mongioi stated that he disagreed with this position. He stated that the one of the reasons for the BMAC is to talk about marine issues within Brevard County. BMAC has the experience necessary to participate in the discussion of this marine issue.

Mr. Butz stated that BMAC is not ready to approach the State and participate in this process.

Mr. Hanlin stated that BMAC exists to promote boating in Brevard County. It is good for the County to be working with cities to participate in projects that promote boating.

Mr. Butz stated that participation in this program does not necessarily mean BMAC is promoting boating. It could mean the opposite.

Mr. Hanlin stated we could address that issue if it arises during the process. The bigger risk would be for citizens in cities to feel BMAC is not participating with cities on these types of projects.

Mr. Butz discussed more specifics within handout.

Mr. Hanlin stated that Mr. Leslie has worked for a long period of time on this project and feels that BMAC should be supportive and participate in the process.

Mr. Leslie clarified that the role of BMAC does not hinder City of Titusville's ability to put in mooring fields. This is about regulating areas outside marked boundaries of mooring fields. This information has been brought to BMAC for review and discussion. No decision is needed at this time.

Mr. Culver clarified time frames for application process. If BMAC does decide to go forward with participating in the process, there may not be enough time after next the meeting to meet deadlines.

Mr. Leslie stated that a Letter of Intent would be required.

Ms. McGrady stated that the nicest thing about participating in a pilot program is that agencies set their own ground rules. If BMAC participates in the pilot program, their ideas can be a part of final mooring field program.

Mr. Penovich thanked Mr. Leslie for presenting this information to BMAC objectively. He stated that he supports Mr. Butz' position not to participate at this time. He is not sure BMAC is prepared enough to participate effectively in this process.

Ms. McGrady stated that technically, this will be a constitutional question. Partnering with the State in development of this program would offer municipalities a certain level of legislative protection.

Mr. Hanlin reminded of the motion made previously that BMAC partner with City of Titusville to participate in pilot mooring field project and move this process forward.

Mr. Mongioi seconded the motion.

Chairman Cunningham opened the issue for discussion. Chairman Cunningham stated that a little over 10 years ago, this board was put together with the purpose of addressing issues of transient and recreational boaters in Brevard County. At that time, the nationwide reputation of Brevard's waterways was damaged. BMAC has accomplished a lot to improve this reputation over these past 10 years. Chairman Cunningham wants BMAC to go forward in a way that continues to uphold the improved reputation of Brevard's waterways.

Mr. Butz asked Mr. Leslie if BMAC signs up for the pilot program, will it will be part of the City of Titusville's mooring field pilot project.

Mr. Leslie answered yes and added that City of Cocoa could also be included if they are able to obtain permits before deadlines. Legislation is pending to help expedite permitting process for government agencies. If this legislation passes in the next session, Cocoa could participate.

Mr. Butz asked Mr. Leslie if City of Titusville is receptive to Brevard County or the State having some influence and control of the process.

Mr. Leslie stated that all agencies would have to come to those agreements in the process of developing interlocal agreement. BMAC, along with Brevard County, Mr. Brown, and Mr. Culver, have a really good understanding of this issue which could positively affect the direction of the process. Historically, there have been greater challenges when the State has not been involved with this project.

Mr. Hanlin suggested BMAC members individually approach legislators in their areas and discuss this issue.

Mr. Leslie stated that legislators approved the program last year. There is no issue to approach legislators with at this point in the process. Ultimately, FWC will make selection of agencies and locations for pilot projects.

Mr. Culver provided procedural clarification regarding process of ordinance development between agencies. Brevard County + City of Titusville or Brevard County + City of Cocoa will have to agree on issues before ordinances will be finally adopted. Mr. Culver referenced Paragraph 4 of the handout and stated that FWC and interested boating organizations will be responsible for coordinating and reviewing this part of the process.

Mr. Penovich reiterated his concerns about learning more about additional details of the legislation prior to BMAC decision is made to participate.

Mr. McCrary stated that BMAC will be better able to address concerns if it is involved in the process. Mr. McCrary stated that BMAC should be a part of the process if the project is going to happen. We want to avoid the situation where another municipality ends up dictating regulations for mooring fields and anchoring to Brevard County.

Chairman Cunningham recalled Mr. Hanlin's motion for BMAC to partner with City of Titusville on the development of the mooring field project.

Mr. McCrary and Mr. Mongioi, agreed to the motion and it passed unanimously.

Mr. Mongioi motioned that BMAC further this discussion at next month's meeting after handout and related information can be reviewed in more detail. Mr. Mongioi asked Mr. Culver to forward any additional information regarding this issue to members.

Mr. McCrary seconded the motion.

Mr. Culver reminded all that the handout represents a "draft" letter of what will actually be sent from FWC. A formal Request for Application will be sent in the next week or so. This document allows Brevard County to start discussions with Cities of Titusville and Cocoa to begin to establish a partnership for the project. Brevard County's Commission along with both City Councils would have to approve recommendations to form such a partnership prior to going forward with any application process.

Mr. Culver clarified the motion made was to start application procedures required to form partnership with City of Titusville. Next month, any additional information received will be presented for discussion. If the position of the board changes at that point, the process can be stopped.

c. *Manatee Zone Exemption Permits, Rule Change Considerations*

Mr. Culver distributed handout from FloridaToday.com titled **Manatee Habitats facing federal review** along with copy of September 9, 2009 letter from FWC to Commissioner Nelson regarding upcoming Potential Changes to Commercial Fishing and Professional Fishing Guide Permits Applicable to FWC Manatee Protection Zones.

Mr Culver reminded all of email sent last week regarding proposed changes to FWC permits currently issued to guides, fishermen, or crabbers to travel up to 20 miles per hour in slow speed manatee zones.

Mr. Culver attended meeting yesterday at the Ag Center which primarily discussed options for proposed permitting changes. Approximately 10 people attended the meeting, primarily guides discussing economics of proposed changes.

At this meeting, options discussed were:

- a. Eliminate all permits of this nature
- b. Eliminate permits issued to guides only
- c. Eliminate all permits of this nature except those issued to net fisherman
- d. Discontinue issuing permits of this nature; allow existing permit-holders to retain until permits are phased out
- e. Set limits on the number of new permits of this nature issued

Mr. Culver specifically referenced page 2 of the copy of the FWC letter and noted Brevard and Volusia Counties hold the most permits of this nature throughout the state.

Mr. McCrary asked what drove this review.

Mr. Culver read from notes from the meeting and stated revisions are not being driven by bad actions of permit-holders. Since FWC started issuing these types of permits, some environmental groups and researchers have voiced concerns questioning why all boaters are not required to travel at the same speed within these zones. Permits are not useable on weekends or federal holidays. They are available in 10 counties throughout the state and issued at no cost. Permits cannot be used in certain areas where there are more manatees like local areas of Barge Canal or Sykes Creek.

Mr. Mongioi asked if Staff is looking for recommendation.

Mr. Culver answered no and stated this is being presented for informational purposes only.

Mr. Culver stated that changes are expected to be brought to FWC meeting to be held in December. At that point, the Commission would make a recommendation to move forward with ruling. Formal meetings will follow throughout all counties.

Mr. Mongioi asked if Commission will want input from BMAC prior to making final recommendation.

Mr. Culver stated that current meetings are primarily for collecting ideas. The time to offer input would be when formal comment periods are held based on actually drafting the new rule(s).

1. Old Business

a. *Space Coast Boating Week & Waterfest, Events & Venues*

Chairman Cunningham stated that he met the head of Harvard University Alumni Rowing Club and will be meeting with him tomorrow. There is a good chance of getting heavy collegiate boats involved in the event next year.

Mr. Butz stated that Space Coast Jet Riders have agreed to put together a jet ski/personal watercraft event during Boating Week.

Mr. McCrary stated that Space Coast Running Zone series is already scheduled for May 8 at Wickham Park. If Wickham Park location can be used, there might be opportunity to partner with Running Zone and be added to their venue. Currently, the event will be Hawaiian Luau theme.

Chairman Cunningham stated he has no objections to Mr. McCrary working out details of joining Running Zone Event to be held at Wickham Park.

Mr. Penovich stated that he had contacted a WHTQ (Q96), a local radio station holding a large tournament that same weekend who will most likely be interested in partnering and co-advertising events for the weekend. Coastal Charities recently held a well-run lagoon kayak fishing tournament. They are meeting Monday to decide if they will participate in the event. Mr. Penovich stated there will definitely be a large marine event held that week as well as an in-shore event.

Mr. Culver added that dates for Safe Boating Week will be May 22, 2010 through May 28, 2010. Mr. Culver shared a suggestion from Mr. Brown that we try to expand the breadth of the event by renaming it Space Coast Boating & Waterfest, excluding "week". Mr. Culver added that renaming the event allows for a more flexible time frame and ability to tie into a larger variety of events.

Mr. Hanlin and all other members stated agreement with renaming the event ***Space Coast Boating & Waterfest***.

Mr. Steve Haigis, Sebastian Inlet Marina, stated he spoke with Matt Broward, of Florida Flatts Association regarding coordinating a tournament in south part of the county at same time of waterfest event.

b. *Marina Parking Standards*

Mr. Culver distributed extra copies of recent email he sent regarding current zoning standards and parking regulations. This information captures suggested parking ratios from other demographics.

Mr. Mongioi stated that he supports some of the standards referenced in the handout.

Mr. Penovich and Mr. Culver discussed some specifics regarding the language used in the maximum launch information and wet/dry slip space ratios.

Chairman Cunningham stated the need for separate parking ratio standards to be applied to marinas.

Mr. Steve Haigis stated he is very happy to see this review going in the right direction.

Mr. Mongioi stated his agreement with separate parking ratio standards to be applied to marinas. Mr. Mongioi would like to see the recommendations address the need for a hoist to be made available to the public.

Mr. Culver stated that the issue of the ramp was avoided due to the additional factors involved with analyzing the issue.

Further discussion of parking ratio standards took place, along with discussion regarding recommendations for special criteria addressing headboats, ecoboats and other vessels of this nature.

Mr. Butz motioned that BMAC continue process and move forward with advisability of changing the statute.

Mr. Hanlin seconded the motion and it passed unanimously.

Mr. Butz reminded everyone of the International Match Race Event to be held at the Indian River Yacht Club on November 7th and 8th. A fundraiser for this event will be held this weekend. Mr. Butz distributed information on one of the teams that will be attending. The team is from New Jersey that are prospective 2012 Olympians. This will be a great event for Cocoa and a lot of support has been received from areas all over the country.

Mr. Butz stated that he has not yet received approval to waive fees to use a Parks & Recreation/Coast Guard Auxiliary facility for the training clinic needed the day before the event.

Mr. Culver stated that Mr. Brown spoke with Don Lusk, Director of Parks & Recreation Department regarding this matter and the facility should be available for the training at no cost. Mr. Culver will follow-up with Mr. Brown to ensure this matter is resolved.

Mr. Hanlin stated support for this event and the international exposure it will bring to Brevard County. It is important that Brevard County support these types of clinics when there is opportunity to host these events.

Mr. Butz requested members share any contact information they might have for members of the media via email. Mr. Butz stated he would like to share information regarding the New Jersey Girls Team Foxsea.

Mr. Culver stated the media was waiting outside to speak with him regarding a marine issue and he was welcome to talk with them as well.

c. Comments on Draft Legislation Related to General Permits for Mooring Fields

Mr. Leslie stated that he has received an updated copy of the draft information that he will provide to Mr. Culver.

Mr. Mongioi requested the draft information be sent in word format so that he is able to note comments electronically.

Mr. Culver stated he would be sure to provide in word format.

IV. Reports

1. Mr. Culver stated that he recently received email from Officer Luce, Fish & Wildlife Commission. Due to new statutes in effect regarding registration requirements for vessels on the river, a sweep of 33 vessels with expired registration was made. 12 of those vessels appear to be unoccupied. Registered letters have been sent to all owners. All letters returned as undeliverable will become part of the process to be declared abandoned vessels.

V. Adjournment

The motion to adjourn was made by Mr. Butz. Mr. McCrary seconded and the motion passed unanimously. The meeting adjourned at 7:47 PM.