

Brevard County Marine Advisory Council (BMAC)  
February 19, 2009  
Space Coast Room, Building C, Government Center, Viera, Florida

**Members Present:**

Jerry Butz  
Gene Cate  
Mike Cunningham  
Gary Hanlin  
Dough Jaren  
Jim Mazza  
Rick McCrary  
John Mongioi  
George Reynolds

**Members Absent**

**Staff Present:**

Ernie Brown, Director, Natural Resources Management Office (NRMO)  
Eddie Leonard, Marine Science Extension Agent, Agriculture & Extension Services  
Liz McDuffee, Administrative Assistant, NRMO

**Public Present:**

Sgt. Byron Keck, Brevard County Sheriff's Office Marine Unit  
Lt. Rob Rowe, Florida Fish and Wildlife Conservation Commission  
Ron Morgan

I. Call to Order

Chairman Mike Cunningham called the meeting to order at 6:00 PM.

II. Approval of Minutes

John Mongioi moved to approve the January 15, 2009 meeting minutes and Rick McCrary seconded the motion. The 1/15/09 minutes were approved unanimously, without changes.

III. Agenda Items

1. New Business

a. Introduction of new member

Gene Cate, who has a heavy background in boating, has been appointed as the second representative from District 3. Mr. Cate is a retired naval officer and has lived in and operated a marina. He also worked as a Yacht Captain in Ft. Lauderdale for 19 years.

b. D-5 vacancy

It is expected that District 5 will have its second BMAC appointee authorized by the Board at next month's Board meeting.

c. Election of officers

George Reynolds moved to continue Mike Cunningham's term as Chair. Mr. Reynolds added that Mr. Cunningham has done an outstanding job. Jerry Butz seconded motion. Mr. Reynolds moved to close the nominations. The Chair acknowledged that the nominations were closed. Mr. Cunningham was elected by acclamation (i.e., election by unanimous consent-used when only one person has been nominated for an office). Mr. Cunningham thanked the BMAC members for the vote of confidence. Mr. Reynolds moved to nominate Gary Hanlin as Vice Chair. Rick McCrary seconded the motion. Jim Mazza moved to close nominations. The Chair acknowledged that the nominations were closed and that Mr. Hanlin was elected by acclamation.

d. Sebastian Inlet Marina Clean Marina designation

On the 17<sup>th</sup> of February, Sebastian Inlet Marina was recognized as a member of the Florida Clean Marina program. Mike Cunningham and Matt Culver attended the recognition ceremony. The marina is only the second marina in the state to achieve Clean Marina, Clean Boatyard and Clean Marine Retailer designations. Both marinas are located in central Florida.

2. Old Business

c. Brevard Boating Week

Ernie Brown said that he temporarily called this topic "Brevard Boating Week" until a final name is determined. Mr. Brown stated that once the concept and process is approved, it must be presented to the Board as a Resolution before support activities such as establishing sponsorships can move forward. Mike Cunningham stated that he expects that the Board will get behind this endeavor. Jerry Butz asked whether the BMAC could obtain the Board's approval prior to the already scheduled May 2009 weekend events that will act as the anchors for Brevard Boating Week. Following are descriptions of the two events as outlined by Mr. Butz in an earlier email.

- Weekend #1, May 8, 9, 10: ISAF Grade 4 international match race, with attendees invited from around the US.  
Background: As the London Summer Olympic Games approach in 2012, the country is gearing up for the "newest" event added to the games, Sailboat Match Racing. This event is somewhat unique in that it is actually fun to watch and easy to understand. It's compared to a mix between drag car racing and tennis, with sailboats mixed in. Events and clinics are being held around the world, led mostly by North Sails. Two similar events have already been staged in Cocoa, with tremendous success—all involved can't wait to get back to Cocoa to do it again. The event is structured with a clinic on Friday afternoon and Saturday morning, with races Saturday afternoon and all day Sunday.
- Weekend #2, May 16, 17: 43<sup>rd</sup> Annual Brevard Challenge sailboat race for the Rockledge Centennial Cup.  
Background: Sailboats from around Brevard come to Cocoa to compete in the oldest sailboat regatta in Brevard County, with sailboat racing along the Cocoa/Rockledge waterfront. The winning boat has their name engraved on

the Centennial Cup trophy, on display at Rockledge City Hall (much like the Auld Cup awarded during the Americas Cup racing, only better). In the past, Fleet 45 (catamaran sailboats) has participated in this event.

The two weekend events are already scheduled and do not need the support of the BMAC to be held. However, The BMAC will need to contact other organizations to schedule the events for Monday, May 11 through Friday, May 15, or to add events to the two weekends. The BMAC needs the Board of County Commissioners' approval to support and participate in the event. In the interest of time, Mr. Brown proposed the following process.

1. NRMO staff members develop draft Resolution.
2. BMAC members review and comment back to NRMO staff via email without copying any other member.
3. NRMO staff revises draft
4. BMAC Chairman ratifies/approves draft via email.
5. NRMO presents to Board in March (hopefully)

Mr. Butz moved that Mr. Brown spearhead the effort to put together a Resolution for the Board using the process outlined above. Gary Hanlin seconded the motion. The motion was unanimously approved.

b. Derelict Vessels (DVs) Landfill Fee Waivers & Third-Party Haulers

At an earlier BMAC meeting, Doug Jaren expressed that he has been experiencing some difficulty with having the derelict vessel tipping fees waived when he uses a third party hauler. NRMO staff has been working with Brevard County Solid Waste to help improve the process. Doug Jaren stated that he now believes that his problem has been rectified. Ernie Brown summarized the process when using a third party hauler to dispose of derelict vessels that have been broken down so that they are not recognizable as boats:

1. The third party hauler confirms that the item is a derelict vessel and that no other type of trash is included with the load.
2. The third party hauler documents that the load is a derelict vessel on the pick-up paperwork (e.g., ticket, manifest, etc.). Note: DERELICT VESSEL must be noted on the paperwork or it will not be processed as such at the landfill.
3. The Scale House assigns the load to NRMO's derelict vessel no-charge account.

Note: If the load is identifiable as a boat, the above steps are not necessary. There is no requirement for the owner to state in writing that it is a derelict vessel.

c. Blue Crab Cove / Working Waterfront Grant Update

Ernie Brown and the project's grant writer, Amy Adams, went to Tallahassee in late January to answer questions from the Department of Community Affairs (DCA) concerning Brevard County's Blue Crab Cove grant application. The City of Sebastian's application ranked first with 104 points and the Blue Crab Cove's application ranked second with 102 points. Representative Debbie Mayfield expressed appreciation and support for both projects in a letter to the DCA. The

entire legislative delegation also signed a letter of support for both project applications. It is scheduled to go before the Governor's cabinet on February 24th. The DCA recently asked for more information concerning sovereign submerged land leases. The agency wanted to confirm that the leases were still active and valid with no violations. It also wanted to see that there was economic benefit to retaining fishing industry at Blue Crab Cove. The next steps in the process are listed below.

1. Once the grant contract is signed, the state will arrange appraisals.
2. If the appraisals are acceptable to the Board of County Commissioners, the State will negotiate a purchase price.
3. The negotiated purchase price will also come back to the Board for approval.
4. If the Board approves the purchase price, a contract of purchase will be signed that is contingent upon a management plan being developed that is beneficial to commercial fisheries in Brevard County.
5. If the management plan is approved by DCA, then the property owner will close with the County and there will be a Blue Crab Cove fisheries cooperative established.

The Blue Crab Cove will be the last commercial fishery in Brevard and it will take in local seafood (blue crabs and bait fish) over its own docks. There will also be a facility for educational activities that a maritime related organization will run. There is also a 126 slip marina that is fully permitted and ready to build located next to the property. The developer still owns the marina property. Doug Jaren asked if the Merritt Island Redevelopment Agency was involved. Mr. Brown responded that they are providing up to \$1.5 million for the grant match. Mr. Jaren asked if there were any strings attached from the state. Mr. Brown said that he didn't believe that any fuel could be sold at the site and that the existing boat ramp will only be available for commercial fishery – not for public access.

d. BMAC Stationery

The BMAC discussed the utilization of the County seal and the BMAC seal on letterhead used by the BMAC. Unless the Board gives authorization, letterhead with the County seal may be used only for general correspondence (e.g., thank you's, invitations to meetings, informational purposes, etc.). Correspondence such as letters of support or requests for sponsorships must first be authorized by the Board. Staff will present a letterhead draft at the next meeting.

IV. Reports

1. Staff Report – Ernie Brown, Natural Resources Management Office (NRMO)

- a. Comprehensive Maritime Management Master Plan (CM3P) Work Group II Update  
The second CM3P work group is up and running. It is focusing on the preservation of working waterfronts, including the Blue Crab Cove project. At the last meeting the group discussed zoning overlays for commercial and recreational working waterfronts. The group also discussed regulatory incentives to preserve working waterfronts. When the work group has completed its recommendations, the CM3P Steering Committee will review its output and forward it to the BMAC for review. Ultimately, the complete CM3P draft plan will be presented to the Board of County Commissioners. (The Board earlier approved the CM3P outline on which the groups are basing their work.) John Mongioi, who participated on Work Group I and is also

participating on Work Group II, said that he thought this group is working well together and appears to be working faster than the first group.

## 2. Staff Report – Eddie Leonard, Agriculture & Extension Services

### a. Stem to Stern Conference

Mr. Leonard said that the first Stem to Stern Conference was held in Brevard County in 2006. It was attended by representatives from the State, County, and municipalities and included organizations such as Fish and Wildlife and Sea Grant. Because of budget cuts that resulted in the curtailment of travel for many government agencies, the 2009 conference has been cancelled. It will be rescheduled when the economy has improved.

### b. Artificial Reef Permitting

The County's artificial reef permit has expired and Eddie Leonard and Matt Culver are working to have it reissued. The Army Corps of Engineers requested more data before proceeding with the request. Mr. Leonard and Mr. Culver have been performing side scan sonars of the reef area to identify the existing underwater habitat. Due to some equipment problems, the data collection is taking longer than expected; however, the scans are showing that the area is still appropriate for the placement of an underwater reef. The identified reef area is in the shape of a polygon running north and south. It is located approximately 17 miles east of Port Canaveral. Once the sonar scans are complete, the data will be sent to the Army Corps of Engineers. After the permit is reissued, viable material can be placed at the site. The artificial reef will enhance fishery populations thus creating a good spot for recreational fishing and diving. Gary Hanlin asked if there is any way to store material until the permit is obtained. Ernie Brown responded that there are places to store small amounts of material, but not large amounts. Mr. Hanlin was approached regarding Max Brewer Bridge material. The contractor is trying to compare the costs between taking the old bridge material by barge to the artificial reef site versus hauling it to the landfill. Mr. Brown said that the Public Utilities Department discussed this option during the bid process; however, there is lead paint on the bridge and it must be pressure washed before it would be considered viable material for the artificial reef. It may not be economically feasible. John asked what the duration of the permit would be. Eddie Leonard said that he would find out. Mr. Hanlin suggested that once the permit is obtained, it would have to be more economical for the contractor to dispose of the material offshore than to take it to the landfill. Mr. Brown stated that storage is the issue and that every county has a storage problem. In the past, material has been piled on a piece of property before a permit has been obtained and it remains on the property for a long time. As a result of this, property owners are leery of letting material be stored on their property. Having a permit in hand will help to get storage locations for viable material.

### c. Mooring / Anchoring Legislative Draft 7

John Mongioi asked about the status of buffer zones in the latest draft. Mr. Brown replied that there is no buffer creation language in draft #7. The draft now authorizes pilot programs for up to five sites to see how well the concept will work. Also in Draft 7, the term "operated" was changed to "used, operated

or stored.” Right now if a boat is considered “stored,” it does not require registration because it is not being “operated.” It is difficult to identify owners of boats that are not registered. Lt. Rob Rowe of the Fish and Wildlife Conservation Commission (FWCC) said that his agency has been trying to get this revision for a long time. FWCC has tried in the past to interpret “operating” or “using” to mean “using the water to store the boat,” but courts have not agreed with that interpretation. Once the change is passed, it will be a new violation every day that a vessel is not registered.

Currently there are no established mooring fields in Brevard. Titusville still has not obtained its permit for a mooring field because of an issue concerning buffer zones around shellfish leases. For transient vessels greater than 26 feet, there are no facilities between Titusville and Ft. Pierce.

## V. Public Input

### Sgt. Byron Keck

Sgt. Keck discussed a meeting that occurred yesterday between FWCC, Patrick Air Force Base, Coast Guard, Brevard County Sheriff’s Office and other maritime organizations concerning interagency communication. Currently, if there is an incident on the water and a boater makes a 911 call, the Coast Guard gets the call. However, another law enforcement entity might be on the water, closer to where the call originated, but not in the communications loop. All of the agencies at the meeting, except for the FWCC, have the Emergency Operations Center (EOC) channel on their equipment. Mike Cunningham stated that interagency communication has been an issue that BMAC has identified in the past and if there is anything that the BMAC can do, to please ask. Sgt. Keck said that they are in the process of equipping local FWCC agents with donated hand-held equipment so that they can access the EOC channel. Sgt. Keck will keep BMAC up dated. Gene Cate confirmed with Sgt. Keck and Lt. Rowe that the normal patrols were still monitoring Channel 16.

### Ron Morgan

Mr. Morgan asked for the BMAC’s help in soliciting Bill Jurgens’ participation in sponsoring an oar racing event during Brevard Boating Week and perhaps inviting him to a BMAC meeting. Mr. Morgan also suggested Tony Sasso as a sponsor for a paddle board event. Mr. Morgan asked BMAC to help coordinate the scheduling of activities during the Brevard Boating Week and to obtain business sponsors. Mr. Morgan stated that no one has committed to anything yet and he is concerned about the timeline. Jerry Butz replied that establishing a Brevard Boating Week is a process that will take time to gain a critical mass. We have a good start and it will get better and better over time. Even if the two events that are currently planned for 2009 are the only activities, the week will still be huge. Mr. Butz thanked Mr. Morgan for his efforts and added that 2009 will be good and 2010 will be better.

Mr. Morgan asked Sgt Keck if there were any dual channel or side channel radios available that could receive both (FWCC and EOC) channels simultaneously. Sgt. Keck responded that their current equipment can scan channels simultaneously. Mr. Morgan asked if they could be locked onto a mainframe to work continuously. Sgt. Keck replied that the EOC channel works continuously and that all agencies can use that channel except for the FWCC. Lt. Rowe said that is the situation state wide with the FWCC’s communication system. Gene Cate stated that he thought Mr. Morgan was referring to an override. For example, if you were monitoring channel 13, then a dispatch from channel 16 could override it. Lt. Rowe stated that the only problem using that approach is that there are certain things that you don’t want to put over the radio that could be monitored by the public. Since the FWCC radio

system is state wide, the only way to change the FWCC system in Brevard would be to make the change state wide. Mr. Cate replied that they needed two radios. Lt. Rowe stated that it would be more cost effective for Brevard officers to carry a second unit with the EOC channel than to try to change the state-wide system. He added that the system does have the capability for one dispatcher to communicate with another dispatcher, but it takes some effort. However, it usually is done during hurricanes. Mr. Cunningham suggested that the agencies communicate their needs and wants to the BMAC if they would like a funding recommendation made to the Board of County Commissioners.

Mr. Morgan offered to get Liz McDuffee samples of stationery to use as guidelines for BMAC's stationery.

Eight new protected species areas were recently announced by the National Oceanic and Atmospheric Administration including three areas off of Florida for a total of 529 square nautical miles. Mr. Morgan offered to keep the BMAC updated.

#### VI. Adjournment

The motion to adjourn was made by Jerry Butz and seconded by George Reynolds. The motion passed unanimously and the meeting adjourned at 7:35 PM.