

Brevard County Marine Advisory Council (BMAC)
June 18, 2009
Space Coast Room, Building C, Government Center, Viera, Florida

Members Present:

Gene Cate
Gary Hanlin
Doug Jaren
Rick McCrary
John Mongioi
Joe Penovich

Members Absent

Jerry Butz
Mike Cunningham
Jim Mazza

Staff Present:

Ernie Brown, Director, Natural Resources Management Office (NRMO)
Matt Culver, NRMO Boating & Waterways Program Coordinator
Liz McDuffee, Administrative Assistant, NRMO

Public Present:

Janet Allen
Lt. Randy Bowlin, Florida Fish & Wildlife Conservation Commission (FWCC)
Stephen Haigis
Jeff Luce
Jim Marino
Linda Mongioi
Ron Morgan
Bob Musser
Preston Perrone
John Vogt

Handouts (go to <http://natres.brevardcounty.us/bmac/bmac-minutes.cfm> to view copies)

- House Bill 1423
- PowerPoint presentation highlighting HB 1423 topics
- Florida Fish & Wildlife Conservation Commission Draft Manatee Report, 5/18/09
- Hubbs Seaworld Research Institute new saltwater fish hatchery network
- Smart Boating/Clean Water
- Marina Parking Regulations Summary provided by Sebastian Inlet Marina

I. Call to Order

Vice Chairman Gary Hanlin called the meeting to order at 6:01 PM.

II. Approval of Minutes

John Mongioi moved to approve the minutes; Joe Penovich seconded the motion. The vote was unanimous.

III. Agenda Items

1. New Business

- a. Letter of resignation from Mr. George Reynolds

Ernie Brown read Mr. Reynolds' letter of resignation into the record (copy attached) and asked for a motion to accept the resignation. Doug Jaren so moved and John Mongioi seconded. The vote was unanimous, with regret. The BMAC asked NRMO staff to draft a resolution thanking Mr. Reynolds for his service. The resolution will be finalized at the next meeting.

b. Letters of appreciation for all sponsors and organizers of the Space Coast Boating Week and Waterfest event

Mr. Brown stated that the initial boating week event was even bigger than anticipated and very successful. Mr. Brown proposed drafting a letter for the Chair to sign thanking the sponsors and organizers. John Mongioi so moved, Rick McCrary seconded. The vote was unanimous. Gary Hanlin requested that NorthU be on the list for their assistance with the match races. Mr. Brown stated that the list would be emailed to the BMAC members for their additions before the next meeting.

c. Hubbs Seaworld Research Institute Stock Enhancement Research Facility Project

Mr. Brown distributed a handout describing the Hubbs Seaworld – FWC Marine Resources Replenishment and Research Center that will be built in Brevard. It will be located three miles north of Sebastian Inlet and include a fish hatchery to increase the population of local sport fish. A second center, the FIT Marine Enhancement Center, will also include a fish hatchery. Information on both projects can be found on the Florida Marine Fisheries Enhancement Initiative (<http://fmfei.org/>) web page. The link to this page will be added to the BMAC's web page.

2. Old Business

a. House Bill 1423 (handout)

At last month's meeting, each BMAC member received a copy of HB 1423 and was asked to review it for discussion at this meeting. Copies were also emailed to members and posted to the BMAC web site. Matt Culver presented a PowerPoint presentation and distributed a handout covering the following topics which are included in the Bill:

- Preservation of Seagrasses in Aquatic Preserves (There are three aquatic preserves in Brevard) (page 12, line 323 of the handout)

Currently, seagrass areas are not marked, but there will be signs posted. The BMAC discussed GPS devices and how they could be programmed to sound an alarm if a boat strayed into an aquatic preserve where seagrass was protected. Doug Jaren felt that more refining was needed before this type of unit could be workable. Apparently it is not working that well in the Keys where it was implemented to protect the coral beds because discrepancies exist between actual and mapped channel boundaries. Ernie Brown added that unless a law enforcement officer is present and sees the seagrass scarring occur, enforcement is difficult.

- Boating Safety ID Cards (page 16, line 437 of the handout)

Boater safety identification cards will be required for everyone who was born on or after January 1, 1988 who drives a boat that is powered by a motor that is 10 HP or greater. Several BMAC members felt that there will need to be a significant public information campaign for this change. However, Lt. Randy Bowlin of the FWCC stated that the current law

requires Boating Safety ID Cards for anyone born on or after 1980 -now it will be on or after 1988 (under 21). Boating safety classes are offered through several agencies, including the FWCC's Bobber program, the Coast Guard Auxiliaries and the Power Squadrons. Lt. Bowlin added that the focus of the officers is on education-not writing tickets-and information booklets are given out. The BMAC discussed ways to communicate this requirement, including posting the information at kiosks at the boat ramps and handing it out with boat registrations and license renewals. Doug Jaren said that local businesses would distribute the information, especially if the material could be delivered to the business instead of the business having to pick it up. Lt. Bowlin said if a business needed material but couldn't pick it up, to give the FWC office a call. Gary Hanlin added that the material could also be brought to the BMAC for distribution to businesses. Matt Culver said that he would work with the FWCC on the possibility of drop shipping some literature. It was noted that this topic fits under the Comprehensive Maritime Management Master Plan's Boater Safety Goal and will help address the boater education and courtesy issue that was raised in the 2007 Boating Characterization Study.

- Boating Restricted Areas (page 20, line 554 of the handout)
This topic covers situations when "idle speed, no wake" and "slow speed, minimum wake" restrictions could be enacted. In many cases, restrictions are already in effect because of the Manatee Protection Plan.
- Requirement for Certificate of Title (page 33, line 919 of the handout)
Vessels that are operated, used or stored on the waters of Florida must be titled and registered by this state.
- Anchoring/Mooring Pilot Program (page 76, line 2115 of the Handout)
There will be two pilot programs on each coast and one in the Keys. During the pilot, vessels outside of the mooring field would be regulated. A mooring field site feasibility study is currently being initiated in Brevard and this action may facilitate having a pilot conducted here. The intent of the study is to find at least three viable mooring field areas, including Titusville. Titusville is currently in the process of establishing a mooring field. When House Bill 1423 was being drafted, there was a lot of discussion regarding a state-wide anchoring ordinance. The five pilots will provide an opportunity to study current regulation inconsistencies up and down the waterways.
- Live-aboard Definition (page 14, line 377 of the handout)
Any vessel used solely as a residence and not for navigation is defined as a live-aboard vessel. The phrase, "and not for navigation" was added; however, "not for navigation" needs to be clarified. It could mean that the vessel has no means of propulsion at all, such as a barge or a houseboat. Another change is that the phrase, "Any vessel for which a declaration of domicile has been filed pursuant to s. 222.17" replaced "a legal residence." This means that the vessel needs to be declared as the primary residence with the Clerk of Court. The question remains, how will this be verified?

Mr. Culver distributed hard copies of the presentation to members of the BMAC and the public.

III. Reports

1. Staff Report –Matt Culver, Natural Resources Management Office (NRMO)

- a. *Comprehensive Management Maritime Master Plan (CM3P) Workgroup III*
There has been good attendance for the working group. Information regarding the workgroup can be found at http://www.brevardcounty.us/environmental_management/CM3PWorkingGroupUpdate.cfm
- b. *Ships to Reef Program*
Commissioner Nelson has shown some interest in the Ships to Reef Program which makes mothballed vessels available for use as artificial reefs. The Vandenberg was just sunk in the Keys to create an artificial reef. Brevard would need to look at what kind of profile would be best for a location that is not too far offshore. Funding would also need to be available for cleaning the ship. A new site within Brevard would also need to be permitted. This is an expensive and long process, but it could bring a lot of diving and fishing attention to our area. Gary Hanlin said that he is working with Commissioner Nelson to find a place to store debris that could be placed on the artificial reef site that is currently in the permitting process.
- c. *Derelict Vessel Update*
FWCC removed a lot of vessels throughout the state, but is now out of funding. Approximately 16 vessels remain to be removed; however, they have all permitted. It's possible that they may be handed over to the County for removal.
FWCC has been using Trimble GPS units to locate vessels that are being stored on the water, and then returning after dark to check their lights. Out of 17 vessels, only 6 had proper lights.
- d. *U.S. Fish and Wildlife Service Draft Report: West Indian Manatee, Florida Stock*
The draft report was handed out to the BMAC and members of the public. It recommends reclassifying the Florida manatee from its endangered status to that of a threatened species, which is a less imperiled status.
- e. *Smart Boating/Clean Water*
This event will be held on June 26th from 10:00 AM – 4:00 PM. Presentations will be made by the USCG Auxiliary, the City of Melbourne Police Department Marine Division, Brevard County Natural Resources Management Office, the National Weather Service, and the Florida Department of Environmental Protection. A handout about the event was distributed to the BMAC and members of the public.
- f. *University of Florida/Florida Sea Grant*
At a meeting at Cedar Key in May, Matt Culver learned that the university would like to develop a model for counties to use to build their own maritime management plan. Participants liked the process that Brevard is following to develop its Comprehensive Maritime Management Master Plan.

IV. Public Input

Marina Parking Ratios

Mr. Preston Perrone and Mr. Stephan Haigis from the Sebastian Inlet Marina gave a short presentation on the parking situation at the marina and distributed a handout summarizing marina parking regulations across the state. Mr. Perrone stated that the current required parking ratios for Brevard County marinas are higher than many locations in the state. The 2/1 ratio is based on a belief that 50% of the boaters are out on any given day, but a busy day

is usually only 20% boat usage. In order to meet the county's requirements when the marina first opened, some parking spaces had to be put inside the building; however, the county granted a waiver when they had to be removed later because of fire safety rules. The marina is thinking about expanding with a restaurant and that will require more parking spaces. Mr. Perrone felt that while they could pursue a waiver from the county, the better solution might be to look at making the code more flexible since the issue affects all marinas.

Mr. Ernie Brown said that there are no local data to support the current ratio and an appropriate survey mechanism needs to be identified to gather the data. The suggestion was made to look at the normal parking requirements, then look at shoulder periods when the marina is very busy and there are no places to park. It was also suggested that both wet and dry parking needs should be identified. The BMAC members discussed other things that can affect the number of required parking spaces, such as charter boat services. It was also noted that the majority of marinas are located in municipalities – not in the unincorporated county, and municipalities and the county have different regulations.

Mr. Perrone stated that part of the reason that the issue hasn't come up before now is that in recent years there have been no new marinas.

Mr. John Mongioi added that other data that could be collected include percentage of parking spaces filled compared to the number of boat slips filled and number of launches compared to filled slips. Perhaps Sebastian Inlet Marina could gather data over the July 4th weekend.

Mr. Joe Penovich said that the Sunrise Marina has 100-125 boats stored and the most that have been launched in a day was 31 and that was during a busy tournament. Mr. Penovich has been looking at data since this issue was brought up a couple of meetings ago. He has always felt that the county's 2/1 ratio requirement was not close to being accurate.

Mr. Gene Cate suggested counting cars and documenting the launches.

Mr. Brown stated that the issue is the usage of the vessels being stored. It may not even be necessary to count cars. Mr. Brown stated that staff will need to develop survey questions to ensure that all situations are covered.

Mr. Perrone added that if another marina wanted to modify its facilities, the parking ratio requirements would need to be complied with. Getting the code modified would help not only new marinas, but also marinas that are expanding.

Port Canaveral Update

Mr. Robert Musser, in response to a question from Mr. Doug Jaren about what is happening at the Port, said that the Port Authority will be establishing a group to evaluate what to do with Ski Island and other islands that the Port Authority owns.

Mr. Musser also said that he would find out the parking requirements for new marinas at the Port and would forward the information to Mr. Culver.

The Ocean Club had an issue when ethanol in fuel affected a supply line to the pumps at the Port. Mr. Musser wanted to share this issue with the BMAC because there is discussion about raising the levels of ethanol in fuel.

The Port has two permits for artificial reefs that are in the process of being re-permitted. They are waiting to find someone to conduct side sonars of the locations. If anyone knows of someone who is available, please let him know. Mr. Musser is looking at trying to find a spot for storing material for the Port's artificial reefs. He is also willing to work with the county to help find a space for its artificial reef material.

HB 1423 / Boating Week Letters of Appreciation

Ron Morgan recommended that the BMAC draft separate letters of appreciation for the FWCC, Coast Guard, Coast Guard Auxiliary, Sheriff's Office, and Power Squadrons for their outstanding service. Mr. Morgan said that they worked as one entity and did a superb job of interagency cooperation. With regard to the Boating Safety Card requirements in HB 1423, Mr. Morgan asked how out-of-state and international visitors would know about the requirement and where will they get cards? Lt Bowlin stated that it is not so much an enforcement issue as it is an opportunity to educate our youth.

Janet Allen said that a public outreach program could be launched. She co-chairs a Viera High School design and media academy. This group could be engaged to help produce brochures, pamphlets, etc. The motor vehicle offices could be used to post posters and provide handouts, etc. to new drivers. Handouts could also be placed in the Guidance Offices in high schools.

Derelict Vessels

Ms. Allen said that there are 16 derelict vessels on the FFWC's list for Brevard County. All 16 removal permits have been received. The permits could be transferred to the county if it has the funding to remove them or the FFWC might choose to wait to see if it receives more funding.

Operation Dry Water / Manatee Detail

Lt. Randy Bowlin stated that a large number of fatal boating accidents are caused by alcohol. The FWCC and the Coast Guard are participating in a national program called Operation Dry Water and are increasing patrols to reduce "boating under the influence." In addition, during the July 4th weekend, the Coast Guard and the FWCC will have extra manatee details out to enforce manatee regulations.

IV. Adjournment

The motion to adjourn was made by John Mongioi and seconded by Gene Cate. The motion passed unanimously and the meeting adjourned at 8:12 PM.

ATTACHMENT

RECEIVED

MAY 27 2009

BREVARD COUNTY
NATURAL RESOURCES MGMT

Chuck Nelson
District II Commissioner
2575 N. Courtenay Pkwy.
Merritt Island, FL 32953

Dear Chuck:

It is with regrets that I am submitting my resignation as a Council member to the Brevard Marine Advisory Council due to health issues.

I have been a BMAC member since the first meeting and have enjoyed working on this council.

Of all the Committees and Councils that I have served on BMAC tops them all for setting goals and accomplishments. My congratulations to Chairman Mike Cunningham for a great job and outstanding leadership. All of this is due to the guidance of the National Resource Management Department, Ernie Brown, Matt Culver and Administrative Assistant, Liz McDuffie.

Thank you for the opportunity to serve with them so many years.



George Reynolds
1395 Glen Haven Dr.
Merritt Island, FL 32952
321-459-0871

Cc: Mike Cunningham
Ernie Brown
Matt Culver
Liz McDuffie ✓