

Brevard County  
Brevard Marine Advisory Council (BMAC) Minutes  
November 15, 2007  
Space Coast Room, Building C, Government Center, Viera, Florida

**Members Present:**

Mike Cunningham, Chair  
Gary Hanlin  
Doug Jaren  
John Mongioi  
Al Pappas

**Members Absent:**

Wayne Mozo  
Finnbarr Murphy, Vice Chair  
George Reynolds  
Heie Simonsen

**Staff Present:**

Ernie Brown, Director, Natural Resources Management Office  
Matt Culver, Natural Resources Management Office  
Eddie Leonard, Agricultural & Extension Services  
Liz McDuffee, Natural Resources Management Office

**Public Present:**

Ron Morgan  
Steve Wayne

I. Call to Order

Chairman Mike Cunningham called the meeting to order at 6:07 PM.

II. Approval of Minutes

Al Pappas moved to approve the October 18<sup>th</sup> minutes as written. John Mongioi seconded the motion. The motion passed unanimously.

III. Agenda Items

1. New Business

There was no New Business.

2. Old Business

b. Comprehensive Maritime Management Master Plan (CM3P) Discussion – Next Steps

Mike Cunningham stated that the Board of County Commissioners was gracious in their recent acceptance and unanimous approval of the CM3P outline. When Mike spoke before the Board he explained to the Commissioners that they had officially given the CM3P project to the Marine Advisory Council 2 ½ years ago; but in actuality, it has been a seven-year project because all previous BMAC accomplishments have also been a part of the development of the CM3P. Mike added that at the Board meeting, Commissioner Nelson mentioned his earlier involvement in this process and

acknowledged the tremendous effort of the CM3P participants. Mike then stated that Eddie Leonard, Matt Culver, Jim Fletcher, Ernie Brown, Liz McDuffee and the Marine Advisory Board have all accomplished something with the CM3P's approval and should be congratulated.

Ernie Brown stated that the Commissioners recognized that this template will be used to move forward and that they valued the enormous amount of public input and effort that went into this process. Ernie Brown then added that the heavy lifting is about to begin since this document is a template and lot of it still needs to be vetted out. More research needs to be done in some areas; however, the Boating Characterization Study will provide a lot of new data. The County Commissioners' direction to staff was to move forward and start crafting an implementation tool. Staff will come back to the BMAC at the next meeting with some recommendations on how to proceed. For example, work groups made up of individuals with the appropriate levels of expertise (academic and practical) will need to be established to investigate the CM3P goals. Work plans also need to be developed regarding how to obtain needed information. Some tasks may be completed just by compiling and presenting existing information. Other tasks may need studies and we will be asking entities such as the Indian River Lagoon National Estuary Program to help fund necessary studies. Staff will draft suggestions on the make up of the work groups and the BMAC will guide this effort. All of the research items will probably go over to Eddie Leonard, (Agricultural and Extension Services) to coordinate since that is his bailiwick.

Gary Hanlin asked if the order of the goals in the CM3P had any correlation to the importance of the tasks.

Ernie Brown replied that there was no correlation – that they are all equally important.

Gary Hanlin suggested that under the tasks listed on page 5, Goal 4, *Retain working waterfronts, including commercial fishing outlets, boatyards and marinas*, it might be a good idea to require any new construction on the waterway include dockage. Gary felt that this was a task that could be completed quickly.

Ernie Brown replied that the BMAC can prioritize which task(s) to work on first. It is expected that the BMAC will need to prioritize the tasks since they cannot all be worked on simultaneously.

Gary Hanlin then asked about the item on page 3, Goal 1, Task 8: *Investigate the effects of emergency discharge by municipal sewage treatment plants into the Indian River Lagoon ....* Gary asked what type of reporting is required and who receives the reports. If a city dumps sewage, do they have to notify the County that they are doing the dumping?

Ernie Brown replied that all of the cities have industrial discharge permits and they must notify the state when an emergency discharge occurs. The state then notifies the County and municipalities. It is a very regulated community. The amount and frequency of discharge can be quantified. The Marine Resources Council has been involved in some water quality sampling pertaining to this issue. Jim Egan would be a good contact for this type of information. If a discharge does occur, the DEP investigates. Shellfish areas may be closed. What the CM3P group was thinking with regard to this item was determining what effects these things have on our lagoon because it's a fairly closed system.

Gary Hanlin stated that he attended the South Patrick Residents Association recently and they were concerned that Satellite Beach has been dumping sewage into a local drainage pond.

Ernie Brown stated that it is actually the County that is doing that. Ernie stated that there have been over 14 sewer line breaks in the last couple of weeks. South Patrick has had about four or five in the last three weeks. The emergency discharge needed to be redirected so it is being dumped into two of the County's stormwater ponds to prevent it from going directly into the lagoon.

Gary Hanlin stated that when he went by there a few days ago, there were probably seven large tanker trucks waiting to dump.

Ernie Brown replied that using the tankers, a four to six hour pipe shutdown can be managed. The discharge is trucked out and dumped into the pond while they are fixing the pipes. Dick Martens, Director Utility Services and Ernie Brown are working together because the preference is for the discharge to go into the retention ponds-not the lagoon. The problem is that the older HPDE pipes (put in the 80s) are failing. All of the HPDE pipes are now being replaced.

Gary Hanlin stated that the canals in the Satellite Beach area are starting to get silting and this is an example of a developer coming in and developing, without taking into consideration what will happen in 20 or 30 years. Gary stated that we have nice canals that are being silted in and sewer pipes that are failing and nobody looked forward to create some kind of escrow account to do the maintenance on them.

Ernie Brown replied that District 2 has a dredging fund, but it is only able to fund the bare minimum because dredging costs have gone up so much. For example, recently it cost \$300,000 just to get the permit for a sizeable dredging project. The money went to the Corps of Engineers, St. Johns River Water Management District, consultants, and two baffle boxes that had to be put in for mitigation. Ernie stated that he wanted to go on record that he was not recommending getting a dredge (because we tried that once before and it failed); however, Cocoa Beach has its own continuous dredging system. Ernie did not think that the Commission would be inclined to go down that road. Maintaining canals is a revenue question that needs to be asked and the biggest problem is finding a place to put the soils.

Al Pappas brought up the task listed on page 3, Goal 1, Task 5: *Investigate increasing flow through dead-end canals by linking*. Al felt that some canals would be easy to cross-link and that dead-end canals without flows are big problems.

Gary Hanlin stated that there is a basket at the northern end of the Grand Canal and about once a quarter, someone empties the basket and logs the debris. Gary asked whether there was some type of filtering system that could be put in there.

Ernie Brown replied that the particular basket that Gary was discussing has a filter mechanism in it. Its primary objective is to catch leaf litter.

Al Pappas mentioned that the baffles and weirs are also pumped out intermittently.

Ernie Brown replied that the stormwater crew does that.

John Mongioi suggested that because the CM3P is so massive and resources are so limited, we should select or prioritize individual goals-not broad plan elements. For example, the Waterways, Environments and Ecosystems plan element has four goals with a further breakdown of tasks under each goal. John added that when he looks at

some of these goals, he noticed that you couldn't help but cross over into other areas like intergovernmental coordination.

Ernie Brown stated that the CM3P was designed that way. It was meant to be an intertwined, co-dependent document. If you do select one or two goals to address first, you will have other issues resolved as you move through them.

John Mongioi stated that he could understand that because one task may need another task to be resolved before the first task can happen. John asked if Ernie felt the BMAC's agenda was to prioritize the goals under the plan elements rather than prioritizing the high-level plan elements.

Ernie Brown stated that he thought that would be helpful. He suggested looking at all of the goals to see what should be tackled first and there will be some ancillary benefits to other goals.

Gary Hanlin asked what staff would provide at the next BMAC meeting.

Ernie Brown stated that staff would recommend a work group construct around each one of the goals. After the BMAC finalizes the makeup of the work groups, then the next step would be to invite the participants.

John Mongioi asked if Ernie thought that the next meeting would be the right place to start picking goals.

Ernie Brown replied that he thought it would be the right place to start. He recommended starting off with no more than three goals.

John Mongioi asked if it would be advisable, in order to promote public input, to advertise that the BMAC was going to pick three goals to focus on first at its next meeting.

Mike Cunningham suggested waiting for the January meeting before advertising. Mike felt that the BMAC should develop the list of people/organizations who should be invited to participate on the work groups first so that a foundation could be established. Then in January, the BMAC could advertise and work on prioritizing the goals with public input.

Ernie Brown stated that staff would come before the BMAC at its December meeting with recommendations on how to proceed.

Gary Hanlin suggested that some tasks may take a long time, like establishing a mooring field, and it might be a good idea to start on these types of tasks early. Some challenging tasks may even require legislative help.

Ernie Brown suggested that the BMAC may want a mixture of tasks with short, medium and long timeframes. Staff agreed to send out a ranking methodology for prioritizing the goals before the next meeting. The BMAC members agreed to send their individual rankings to Matt or Liz before the December meeting.

b. Chapter 18-21, Sovereignty Submerged Lands Management

Mike Cunningham stated that on Tuesday, there was a meeting held in Tallahassee to discuss revisions to Chapter 18-21, Sovereignty Submerged Lands Management. Mike stated that he didn't get a copy of the full report, but apparently the CFO thinks that the state is not making enough money off of the marinas and the waterfronts and they want to do something about it. Mike asked if staff could get a copy of the proposed revisions.

Ernie Brown said that he would obtain a copy of the proposed revisions and a copy of Chapter 18-20.

Al Pappas stated that he heard that the state was looking at hiking the rate charge for submerged lands.

Matt Culver stated that the state was also discussing new requirements for leases and extending the leases from 5 years to 10 years.

c. Brevard County Recreational Boating Characterization Study Final Report Synopsis

Eddie Leonard distributed the final copy of the study and reported that it is scheduled to go before the Board on Tuesday and that Charles Sidman from the University of Florida would be making a PowerPoint presentation. Eddie said that he would send a copy of the PowerPoint presentation to Ernie Brown for the BMAC's library. Eddie mentioned that the data in the report could assist in the ranking process, especially Chapter 6, Perceived Detractors and Needs (page 82). Eddie reviewed changes that were made to the report since the last version was distributed to the BMAC. These changes included, but were not limited to the following:

- A summary and conclusion was added to the report that includes a description of the demographics of the average person who responded to the survey (page 111).
- New images with cluster analysis were added showing destination density in locations around Merritt Island (page 105).
- A ramp parking capacity table was added showing all available parking spaces at all of the boating ramps in the County (page 100). A person could look at the parking spaces available and check how many are utilized during peak use times, and then he or she could tell where new boat ramps are needed.
- The distribution of patrons graphic is improved (page 96).

Eddie Leonard stated that the Boating Characterization Study Report is very comprehensive, but the raw data will still be available. If the information isn't included in the report, it can be "tweaked" out of the data quickly. As it is now, the document is presented as a very big picture with some aspects shown in narrow resolutions; however, just about anything can be defined in a narrow resolution. Eddie noted that some marinas didn't cooperate or return surveys, so some marinas may not have been included in the study. Eddie added that, while this study is useful to Brevard County as a reference, it also showed at the state level that a month-long study is not good enough. A study of this nature should be done over a full year. This and other studies showed that the peaks, off-peaks and shoulder periods are different in different locations. They are not seasonal. After Board approval, the Boating Characterization Study will be posted on NRMO's web site for public access. The BMAC suggested that the cities receive copies of the study. The City of Cocoa Beach has already asked Eddie to give a boating study presentation to them.

#### IV. Reports

##### 1. Staff Reports

- Derelict Vessels Project – Matt Culver

The contractor is in the process of cutting up the last derelict vessel and Matt is closing out the paperwork now. There were a total of 73 derelict vessels that were removed

equaling 280 tons of material taken to the landfills (not including the three large vessels that were taken off shore and sunk as artificial reefs). In addition, over 250 gallons of fuel were removed from the vessels. This was a cooperative effort between Fish and Wildlife, Brevard County, and the Sheriff's Department. Gary Hanlin asked Matt to post a summary report on the BMAC web site to publicize this effort, especially since other communities may want to use Brevard County's process. Matt stated that Indian River County has contacted him to obtain information on derelict vessel removal permitting and possible contractors. Matt added that there are about 15 new derelict vessels that need to be removed. Gary Hanlin suggested that staff look into having the BMAC web site hits counted.

- Artificial Reef – Matt Culver

The BMAC discussed stockpiling material to use for artificial reefs. Doug Jaren stated that the Port may not be feasible as a storage location because the tenants such as the cruise ships would not like to see large piles of visible debris. Doug felt that the Barge Canal would be a better storage location. Matt stated that currently the County does not have a storage site for material. He added that since the County doesn't currently have a permitted artificial reef site either, we probably don't want to stockpile material until we obtain a permit and are able to dispose of the material. The permit process takes six months to one year; but the paperwork is in process. The newly proposed permit area overlays several smaller previously permitted areas. Gary Hanlin stated that once the permit is obtained, the DOT could be a good source of material. Gary suggested that Matt contact Tom Mason, since he is very knowledgeable with regard to artificial reefs and has contacted the BMAC about this subject in the past. Matt said that he has been working with Scott Chandler who is a member of the Florida Sport Fishing Association.

The BMAC also discussed using artificial reefs to protect the beaches. Ernie Brown said that the County won't know if a sand bag artificial reef solution will be economically justified until a feasibility study is done. The feasibility study will go before the Board on November 27. The decision has already been made that the County will not have artificial reefs that break the water because of recreational uses along the beach. The feasibility study will explore a multipurpose reef that is below the water's surface.

- Name Tags – Matt Culver

Matt had two examples of emblems that could be included on a BMAC name tag: the county emblem and the BMAC emblem. There would not be room to include both of them on a name tag. The consensus of the BMAC members was to use the blue BMAC emblem. Matt was also asked to explore printing business cards for the BMAC members.

- Mooring Field Update – Ernie Brown

Ernie Brown attended a public meeting in Titusville on November 6, 2007 regarding the Titusville Mooring Field. Representatives from Florida Fish and Wildlife Conservation Commission (FWC), the Department of Environmental Preservation (DEP) and Brevard County were in attendance. The City of Titusville City Council approved a location for the upland facilities for the mooring field and the permit is moving forward. There is enormous support from the FWC. Dave Herbster of DEP is also a supporter. The permitting process will probably take 18 – 24 months, but Ernie felt that we are on track. Gary Hanlin asked Ernie whether the County was going to dove-tail off of Titusville's efforts and start the process to establish a second mooring field. Ernie replied that we will learn from their experiences and that our goal all along was to try to get three public

mooring fields in Brevard County. Cocoa has put out an RFQ to develop its waterfront and it includes plans for a mooring field. The County has made staff available to assist them in this process. Everyone is watching Titusville to see if they are successful. Cocoa is next on the docket. Ernie stated that he would like to look at Pineda and possibly something further south.

2. Attendance Review – Completed by Mike Cunningham

V. Public Input

Captain Steve Wayne, Florida Fish and Wildlife Conservation Commission

Captain Wayne’s responsibilities include overseeing marine enforcement activities in Brevard, Indian River and Osceola Counties. Steve just hired five new officers who will be on the water in two weeks. Effective November 1<sup>st</sup>, there is one officer in FWC who is dedicated to derelict vessels. Steve stated that his goal is to work closely with the BMAC and that he is available to the BMAC as a resource. His agency has already been addressing a lot of the items listed in the CM3P and he would be happy to share success stories. Steve told the BMAC that marine enforcement in Brevard County has come a long way in the last year. Recently FWC conducted a two-day sweep of Brevard and Indian River Counties focusing on boats’ sanitation systems. Dye tablets were dissolved in the systems and, after flushing, the area was checked for the dye. Many warnings were written. The goal was to educate and encourage compliance-not to write tickets. Representatives of the media accompanied the FWC detail. Ernie Brown added that there are good laws on the books and extraordinary officers in the field. These officers spend a vast amount of time on the water educating the public.

Ron Morgan

Mr. Morgan suggested that the BMAC draft a letter of thanks to the derelict vessel contractor. Gary Hanlin so moved. Al Pappas seconded the motion. The motion passed unanimously. Ron asked if replacing old HDEP pipe will be a continuing process in Brevard County and whether HDEP pipe had been outlawed now. Ernie Brown responded that the County’s Utilities Services Department is no longer using this type of pipe. Ernie was not sure if it has been prohibited in the private sector, but he will check and let the BMAC know at its next meeting. Ron stated that he had sent a copy of the CM3P to DEP in Tallahassee. Ron asked whether anything was in place to monitor the newly submerged vessels at the offshore artificial reef site. Eddie Leonard replied that there is a network of citizens who monitor artificial reef sites, but this site is at least 125 feet deep, so it may be too deep for recreational divers. Gary Hanlin stated that Air Force divers may be able to check if we ask. Eddie Leonard stated that there is a biological progression that should be occurring and it would be beneficial to have divers confirm that it is progressing as it should. Ron asked how the Titusville mooring field permitting process ties into the recent New General Permit (NGP) action (i.e., an expedited process for mooring fields that are no more than 50,000 square feet). Ernie Brown responded that because Titusville is so large (with 200 vessels), the NGP would not be a tool for it; however, it might be used to expedite Cocoa’s efforts. Ron stated that it had been a long time since the County had a sailing regatta in the Indian River Lagoon and he would like to see one organized. Ron submitted the following copies of newspaper articles and indicated if they were related to specific CM3P elements:

Article Title	Newspaper	Date	CM3P Element
Fisherman recalls when Indian River teemed with mullet	Fla Today	Nov. 2007	2.4.2.5 Waterfront & Waterway

Study to shore up reef plans	Fla Today	11/8/07	Waterway Environments 1.2.6, 1.2.8 Science-Based Mgt. 6.1.1.3
Funding sought for Titusville moorings	Fla Today	11/8/07	Waterfront & Waterways 2.2, 2.3 Ecosystems 1.2.4 Mooring Fields
Next Cocoa plan on the waterfront	Fla Today	11/9/07	Waterfront & Waterway 2, 2.1, 2.2.2, 2.2.3, 2.3 Ecosystems 1.2.4 Mooring Fields
Cocoa Beach road to receive \$2 million in improvements	Fla Today		Stormwater run-off 1.3.2, 1.3.6, 1.3.7
Veto override frees up lagoon, beach money	Fla Today	11/10/07	1.3.6 & 1.3.7 Waterway Environments Ecosystems
Residents work to shore up sand	Fla Today	11/2007	
County seeks sand solution	Fla Today	11/14/2007	

It was the consensus of the BMAC that it will meet at its next regularly scheduled meeting on December 20<sup>th</sup>. Liz McDuffee will inform the members who were not present at tonight's meeting. Al Pappas made a motion to adjourn and Gary Hanlin seconded the motion. The meeting adjourned at 7:55 p.m.