

Brevard County  
Brevard Marine Advisory Council (BMAC) Minutes  
December 20, 2007  
Space Coast Room, Building C, Government Center, Viera, Florida

**Members Present:**

Mike Cunningham, Chair  
Gary Hanlin  
John Mongioi  
Wayne Mozo  
Finnbarr Murphy, Vice Chair  
George Reynolds  
Al Pappas

**Members Absent:**

Doug Jaren  
Heie Simonsen

**Staff Present:**

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

**Public Present:**

Ron Morgan  
Robert Rowe  
Steve Wayne

I. Call to Order

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

II. Approval of Minutes

Finnbarr Murphy moved to approve the November 15th minutes as written. Al Pappas seconded the motion. The motion passed unanimously.

III. Agenda Items

1. New Business

- a. The BMAC agreed, on a trial basis, to distribute draft meeting minutes to individuals who request them.
- b. Mike Cunningham brought the 12/10/07 Florida Today newspaper article, "Marinas awash in obstacles" to the meeting and suggested that the BMAC members work on the issues discussed in the article when they can.
- c. Mike Cunningham stated that the City of Sebastian is thinking about buying one of the larger marinas and he will be meeting with the city manager to see if the BMAC can offer any help.
- d. George Reynolds stated that he is the chairman of the District 2 Dredging Committee. George stated that there are many boats that are currently dry-docked in District 2 because there is not enough money to keep up the dredging. George would like the

BMAC to get the entire county involved. He suggested that the BMAC members approach their commissioners to promote county-wide support for maintenance dredging and ongoing maintenance projects. George felt that dead-end canals are where the biggest problems are. Gary Hanlin stated that Cocoa Beach has its own dredge and is in fine shape. Al Pappas stated that this subject is a part of the CM3P's goals and we might want to make it a priority.

## 2. Old Business

### Comprehensive Maritime Management Master Plan (CM3P)

Matt Culver stated that he had received CM3P goal rankings from John Mongioi, Wayne Mozo, Al Pappas and George Reynolds. He asked that all remaining BMAC members send their rankings to him before the next meeting so that he can present them in a spreadsheet. Matt told the BMAC that he will advertise the next meeting via the BMAC website, emails, postcards and a press release to encourage the public to attend. He may also have a facilitator at the next meeting to help coordinate public input.

The BMAC discussed how the working groups will be set up. Matt Culver stated that all of the individuals who expressed an interest in participating in a work group at the initial CM3P kickoff meeting in August, 2006, will be notified. Matt said that the intent is to limit the size of the work groups but still ensure that the proper expertise is included in each group. Matt stated that the workgroups will meet once a week and address CM3P objectives and tasks. Matt expects to begin with one work group and then start another group after the first group is established.

Mike Cunningham asked whether the six plan elements should be ranked instead of the goals. Matt Culver stated that the elements are very broad. Al Pappas stated that ranking the more specific goals would allow more choices in prioritizing and would prevent the work groups from focusing in just one direction. John Mongioi agreed with Al Pappas. Wayne Mozo stated that he thought that the BMAC had agreed to rank the goals at the previous meeting. The consensus was to rank the goals-not the elements.

## IV. Reports

### 1. Staff Reports

- Thank You Letter

Matt Culver gave Mike Cunningham a copy of a letter that he developed at the BMAC's request thanking Absolute Marine Towing & Salvage, the contractor for the Derelict Vessel Removal Project. Mike Cunningham read the letter to the BMAC and, after receiving a consensus that the letter was fine as written, signed the letter. Copies of the letter will be distributed to the County Commissioners.

- Business Cards

Matt Culver passed out a draft of the BMAC business card. The consensus of the BMAC was to move forward with Matt's design.

- Artificial Reefs

Eddie Leonard and Matt Culver attended the West Coast Artificial Reef Summit. Matt and Eddie will be working with the summit organizers to hold next year's Artificial Reef Summit in Brevard.

- Next Stem to Stern Conference  
Matt Culver stated that the next Stem to Stern Conference will be held in November, 2008. The location has not been determined yet.
- BMAC Appointments  
Matt Culver reminded the BMAC members to speak to their commissioners about extending their terms for 2008. It was also noted that District 1 did not have active representation on the Council.
- Chapter 18-21 Sovereignty Submerged Lands Management  
As requested, Matt Culver distributed copies of the submerged lands proposed rule changes.

2. Attendance Review – Completed by Mike Cunningham

V. Public Input

Ron Morgan

Ron distributed copies of a Florida Today newspaper article published on 12/17/07 that described offshore pollution resulting from toxins and fertilizer runoff. Wayne Mozo stated that there is a bio-toxin working group in the Indian River Lagoon Program that was initiated about two years ago. The group is taking samples from the Indian River Lagoon and is finding out how often algae blooms occur. Some of the members of this group will probably also be involved in the CM3P bio-toxin working group. Wayne stated that Bob Day, Troy Rice and Cathy Hill have all expressed interest in participating on the CM3P working groups.

Ron stated that some participants at the Titusville CM3P development meeting expressed concern about some laws being interpreted differently by different law enforcement agencies. Ron has been working with Captain Steve Wayne, Division of Law Enforcement, Florida Fish and Wildlife Conservation Commission to address this concern. Ron asked that a Maritime Law and Education working group or subcommittee be appointed by the BMAC to work on this topic. Ron distributed the following written Request for BMAC Approval for a Maritime Law and Education Subcommittee:

*The Maritime Law Subcommittee of the Brevard Marine Advisory council (BMAC) will conduct meetings and provide recommendations to the BMAC in accordance with the applicable Tasks in the Comprehensive Maritime Management Master Plan approved Oct. 23, 2007.*

*It will specifically address the appropriate Objectives in Plan elements – 4. Boating Safety, and 5. Intergovernmental / Agency Coordination.*

*The initial project of the Subcommittee will be to address the concerns of the public, as previously expressed at public meetings, regarding apparent conflicts in federal, state, county and city maritime laws and the resulting confusion among the waterways users. Statute clarifications and/or Statute revisions will be recommended as required.*

*The committee will invite representatives of the Florida Fish and Wildlife Conservation Commission, the Brevard Sheriff's Office, the Melbourne Police Dept., the Cocoa Beach Police Dept, the Satellite Beach Police Dept., the U.S. Coast Guard, the State of Florida Maritime Law Office, the USPS Power Squadrons, boating and fishing businesses, interested organizations, and private citizens to serve on the committee.*

*Submitted by: Capt. Steve Wayne, FWC*

*Ron Morgan*

*Dec. 20, 2007*

#### Steve Wayne

Steve stated that when Ron approached him regarding this topic, he told him that he would be happy to head up a CM3P subgroup addressing maritime law issues. He is already in the process of contacting other agencies and sees the potential for quick success stories. He contacted Captain Richard Moore in Tallahassee and sent him a copy of the CM3P. Captain Moore was excited about the plan and is willing to come down and make a presentation to the BMAC regarding new boating education legislation. Many of the same issues that are outlined in the CM3P are addressed in the new legislation. Steve said that Captain Moore would like to offer the state's resources to help the BMAC.

#### Matt Culver

Matt stated that it sounded like a working group to address maritime law enforcement and education was already well on its way to being established. Matt suggested adding some non-law enforcement participants to round out the group. Matt also stated that he would like to meet with Steve Wayne and Ron Morgan to discuss the working group in more detail.

#### Mike Cunningham

Mike stated that while he liked the goals and direction outlined in the request, he was not comfortable calling the group a "subcommittee" of BMAC. Mike suggested tabling the request until the next BMAC meeting to allow time for the County Attorney's Office to give an opinion. Al Pappas so moved and Finnarr Murphy seconded the motion. Wayne Mozo called for a discussion.

#### Wayne Mozo

Wayne said that he assumed that, even though it was called a "subcommittee" in the request from Ron Morgan and Steve Wayne, it would actually be a working group under the CM3P. In addition to Matt's suggestion to add non-law enforcement participants, he would like it to include some educators.

#### Ron Morgan

Ron said it is just a question of semantics. He asked the BMAC and staff if they could recall some of the original complaints raised in some of the development CM3P meetings. He and Steve Wayne are trying to follow up on the public complaints to see what the conflicts are.

#### Eddie Leonard

Eddie stated that he could find nothing in his notes. He suggested accessing the boating regulations database that was developed at the University of Florida to help identify any conflicts.

#### Wayne Mozo

Wayne asked Matt to describe his vision for this working group.

#### Matt Culver

Matt said that it sounded like this group could address issues in the plan; they just needed to round out the participation. He felt that it shouldn't be a subcommittee-that the BMAC should accept it as a working group under the CM3P.

Wayne Mozo

Wayne stated that since they have volunteered their services, he did not see that any Council action was necessary. As a working group under the CM3P, they could start now.

The BMAC then voted on the motion to table. Al Pappas, Finnbar Murphy, George Reynolds and Mike Cunningham voted Aye. Gary Hanlin, Wayne Mozo and John Mongioi voted Nay. The issue was tabled until the January BMAC meeting.

Lieutenant Rob Rowe

Captain Wayne introduced Lieutenant Rob Rowe as the Fish and Wildlife Commission (FWC) Derelict Vessel Coordinator. Rob stated that the FWC appreciates the partnership with Brevard County. FWC officers completed ownership verifications and helped to get vessels declared as abandoned so that Brevard County could coordinate the removal of the vessels from the Indian River Lagoon. There will be a full-time Derelict Vessel Officer appointed at the state level and this person will be working closely with Matt Culver and Ernie Brown. Sixteen more derelict vessels have shown up in the lagoon since the end of the recent derelict vessel project. Rob stated that he would like to use the Derelict Vessel Officer to get abandoned vessels removed from the water while they are still floating because it is less expensive and there are no environmental issues. Rob stated that he also wants to create an anchoring database so when a vessel does go down, it will be easier to contact the owners to have the vessel removed or to get reimbursement after the county removes the vessel. Rob said that issues that still need to be decided include who will maintain the database and how information will be entered. Rob stated that there are some informal anchoring areas in the Indian River Lagoon whose locations are actually published. An anchoring database would help justify the need for mooring fields and anchorages.

Gary Hanlin

Gary asked about a derelict vessel located at a private dock. If it is reported and the owner doesn't want it, can the county remove it as part of the derelict vessel program?

Lieutenant Rob Rowe

Rob replied that if it is tied to a private dock, it is not a derelict vessel.

Gary Hanlin

Gary asked if we could set up a removal program as an offshoot of the derelict vessel program.

Lieutenant Rob Rowe

Rob replied that if a boat is sunk, the owner must pay for its removal.

Gary Hanlin

Gary asked about boats still floating that are no longer wanted by their owners.

Lieutenant Rob Rowe

Rob stated that maybe we need to work on this issue from an educational standpoint. If the owner takes the wiring and the fuel out, the county landfill will take the boat at no charge. All the owner needs to do is get it on a trailer.

Matt Culver

Matt stated that he is investigating whether the county can obtain a trailer for those types of vessel removals.

Wayne Mozo made a motion to adjourn and John Mongioi seconded the motion. The meeting adjourned at 7:40 p.m.