

ST. AUGUSTINE PORT, WATERWAY & BEACH DISTRICT

MINUTES OF REGULAR MEETING

Tuesday, June 15, 2010

The regular meeting of the St. Augustine Port, Waterway & Beach District was held at the St. Augustine Beach City Commission Meeting Room, 2200 A1A South, St. Augustine Beach, Florida on Tuesday, June 15, 2010.

CALL TO ORDER

Chairman Barry Benjamin called the meeting to order at 3:00 p.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the flag of the United States of America followed.

ROLL CALL

Chairman Barry Benjamin, Vice-Chairman Carl Blow, Commissioner Jay Bliss, Commissioner Tom Rivers and Commissioner Jerry Dixon were in attendance. The meeting was also attended by the following staff: Dennis Bell, Secretary-Treasurer, District Attorney James E. Bedsole, and Dr. Steven Schropp of Taylor Engineering.

SECRETARY-TREASURER'S REPORT

Secretary-Treasurer, Dennis Bell, reported that as of May 31, 2010, the District had total net funds of \$1,869,895.00 available and that \$60,029.00 had been spent from committed funds of \$234,500.00. Tax receipts for the 2009-2010 tax year are budgeted at \$391,035.00 with \$369,770.00 collected to date and \$21,265.00 expected.

APPROVAL OF MINUTES

Commissioner Blow requested changes to the proposed April 20, 2010 minutes to clarify that three grant applications have been made to the Florida Inland Navigation District by the City of St. Augustine. Two of the applications are for dredge work in Salt run and those two applications have been combined. The third application is for work in the San Sebastian River. He also requested that in the proposed May 18, 2010 minutes, language in the Engineering Report be changed to refer to the proposed Luhrs site as a dredge spoil unloading site.

A motion by Chairman Benjamin and seconded by Commissioner Jay Bliss to accept the minutes of the April, 20, 2010 meeting and the May 18, 2010 meeting, as amended, was unanimously approved.

KEN KRAUTER, CONSULTANT

There was no consultant report.

ENGINEERING REPORT

Dr. Steven Schropp reported on behalf of Taylor Engineering that there are two projects at this time. First is the San Sebastian River dredge permit. FDEP is requesting geotechnical tests of the Luhr's property, and Taylor is getting the contractor lined up and should be on site shortly. They received no other comments from FDEP and were told verbally that the reviewing engineer is now satisfied with the hydrographic information as is the Fish and Wildlife Conservation Commission. When this work is done, Taylor will submit the report. The Corps of Engineers has also completed its consultation with the National Marine Fishery Service with a determination of no effect. The Corps is putting its documents together for the permit so they are on track to issue as soon as FDEP issues theirs. Second Project is the Salt Run dredging. There are 47 days remaining in the contract. As of June 10, about 13,500 cubic yards have been removed and less than 6,500 cubic yards remain to be dredged. The project should be completed under the modified schedule. For the up-coming Salt Run dredging which will occur south of the current location, FDEP granted the permit modification to allow mechanical dredging. In the future, the option of using either mechanical or hydraulic methods will apply.

Jay Bliss asked if the navigational markers were changed according to contract. Dr. Schropp indicated they were. The Coast Guard approved of that process and will handle notification of the public.

OLD BUSINESS

A. Andy King Artificial Reef Update-Commissioner Blow.

Commissioner Blow reported the contractor for the Bridge of Lions will begin removing the temporary bridge fender pilings next week and be ready to deploy the material on the Andy King Artificial Reef site in mid-July. The material consists of approximately 160 fifty-five foot concrete pilings which will be cut in half prior to being deposited on the ocean floor. The material weights about 1,100 tons.

B. Matanzas River OFW Designation - James Bedsole, District Attorney

Attorney Jim Bedsole informed the Board he had contacted representatives of FDEP regarding the status of the proposed Outstanding Florida Water designation for the Matanzas River from Moultrie Creek south to Palm Coast in Flagler County. The process began almost two years ago when a group of citizens hired a consultant to write a proposal which was presented to the St. Johns County Board of County Commissioners. They requested the County pass a resolution supporting designation of the Matanzas River Basin as a “special basin,” which the County Commission did in 2008. The special basin designation is a classification created by the St. Johns River Water Management District. Mr. Bedsole said the rule-making process is governed by Chapter 120, Florida Statutes and any interested party may request an administrative hearing. A hearing officer provided by the State would then hear evidence regarding the issues addressed by the OFW rules and make a non-binding recommendation to FDEP as to the applicability of the designation. According to Janet Klemm of FDEP, none of the analyses or studies required for consideration of this issue by the Environmental Committee have been performed. FDEP has only received the SJRWMD’s petition for the OFW and conducted two public meetings. No draft report or recommendation by FDEP staff is available at this time.

Chairman Benjamin suggested that we provide information about the economic impact the OFW designation on property and businesses. Commissioner Blow indicated that the OFW designation would increase the cost to maintain the intercoastal at Matanzas Inlet by about \$1,000,000.00 per dredging event, which is every three years. FIND also sent a letter to St. Johns County stating their concern that the County would not be able to maintain the channel for the Butler Park boat ramp. FIND has contributed close to \$500,000 over the past several years, which was matched by the County, to maintain this channel from the ramp to the Intercoastal Waterway. The channel would be lost if maintenance dredging was not allowed due to the OFW designation.

Mr. Bedsole suggested the Board continue to express its concern about the impact of the OFW and continue to request information. He also mentioned a copy of the Water Management District petition is available on-line.

Commissioner Blow said officials of FDEP have publicly stated they would release a draft of their recommendation prior to any hearing. He asked if that recommendation was found to be lacking, would the Board have sufficient time to respond. Mr. Bedsole said there should be ample time. He also indicated there are other administrative remedies addressing any failure of FDEP to follow proper rule-making procedure.

PUBLIC INPUT

Karen Miles, owner of Devil's Elbow Fishing Resort, 7507 A1A South, discussed the effect she believes the OFW designation has had in other areas of the State. She said OFWs often include restrictions on fishing and boat access. She said regulatory agencies have mounted an offensive against fishermen by closing the Matanzas Inlet to ORV access and by prohibiting bottom fishing in the most productive areas of the Atlantic Coast. These measures combine to cripple the recreational fishing and boating industry at a time when our economy needs the billions of dollars it provides each year.

Jim McCartney, 9348 Old A1A, said the original resolution passed by the County Commission in 2008 was for a "special basin" designation, not the OFW. He noted that the closure or restriction of areas to recreational boating and fishing will cause huge economic losses to everyone in the boating, fishing and tourism industries.

Commissioner Dixon said he wanted to go on the record as opposed to the OFW designation. Commissioner Blow questioned why anyone felt that the OFW designation was needed. He also said 75% of the OFW requests sent before the Environmental Committee by FDEP had been approved. Chairman Benjamin said he believes the economic impact of the OFW designation will be enormous.

A motion by Commissioner Bliss seconded by Chairman Benjamin to write another letter of opposition to the OFW was passed unanimously.

Jim Piggott appeared for the City of St. Augustine and reported that all FIND grant applications will be presented next week. He also reported the City Commission had considered the no-wake zone extension requested by an interested citizen but postponed any decision or support until their next meeting. Mr. Piggott requested a letter of support from the District directed to the City Commission supporting the no-wake zone from Marker R6 (near the Castillo) to Marker R10A on the south. He said it would aid the City's Harbor Management Plan.

Commissioner Bliss moved to approve support of the idle speed zone from Marker R6 to R10A, and Commissioner Dixon seconded the motion. Commissioner Bliss added that he had

contacted the Fish and Wildlife Commission about the extended idle speed zone and had been told a letter from the City would be needed.

Chairman Benjamin requested opinions from law enforcement officers present prior to voting. Lieutenant Steve Zukowsky, FWC, recommended having affected regulatory agencies study the request because of the difficulties of providing signage and enforcement. Commander Barry Fox, St. Augustine Police Department, said the northern edge of the proposed zone is close to the present no-wake zone for the bridge. Marker R10A, however, is very far south and may enlarge the no-wake area more than is practical.

Commissioner Bliss amended his motion, seconded by Commissioner Dixon, to now ask that the City of St. Augustine have FWC investigate the advantages of an expanded no-wake zone. The motion was unanimously passed.

Mr. Piggott reported the Harbor Management Plan now has thirty users signed up. Commissioner Bliss said he thought all HMP staff should have captains licenses with towing endorsements.

Commander Fox said SAPD has a full-time marine unit and that he is seeking a renewal of the interlocal agreement for the removal of derelict vessels. Currently, there are 19 identified and 5 that have been removed.

Lt. Zukowsky, FWC, added that he would be coming back next month with a request for funding for a boat lift at the City Marina for a patrol boat FWC will station there. The total request will be approximately \$11,500.00. A consensus of the Board agreed Lt. Zukowsky should place the matter on the agenda for the next meeting.

Deputy Robert Taylor, SJSO, said representatives of his office will appear at the next meeting with a request to renew their interlocal agreement for overtime pay for their marine officers. Assistant Secretary-Treasurer, Elyse Kemper, said SJSO continues to bill the Port for items in addition to overtime pay which the Port does not reimburse. Deputy Taylor said he did not know but would investigate.

Lee Bayless, 811 Ponce de Leon Boulevard, asked questions regarding mooring outside the City's mooring fields to which Mr. Piggott responded. All live-aboards must anchor inside the mooring fields. Wet storage boats may anchor within or outside of the City mooring fields.

NEW BUSINESS

Commissioner Rivers said he had been unable to locate any property along the San Sebastian River which might be for sale or available through a distress sale, such as a foreclosure. Commissioner Blow then said he had noticed a parcel under litigation which may be of use to the District. He requested the District's attorney to research and report his findings regarding this parcel.

COMMENTS BY COMMISSIONERS

Commissioner Blow asked everyone to remember Bob Moore of Vilano Beach, who recently passed away. Mr. Moore was an advocate for the North Beaches and was a frequent visitor to Port meetings, well known for his efforts to get the audience to agree with him.

Commissioner Bliss said residents on the south end of Salt Run are concerned about the expected migration of boats there after the City's mooring fields begin operating. He added the City may have difficulty paying harbor management plan expenses with the level of usage he expects.

Chairman Benjamin asked Jim Piggott to explain how the City intends to enforce the HMP. Mr. Piggott said live-aboards will only be able to anchor inside the City's mooring fields but that wet storage boats can anchor anywhere. He added the pilot program the City has applied for would allow restriction of anchoring by wet storage vessels and this would add additional enforcement ability.

NEXT MEETING

Chairman Benjamin announced the next regular meeting was scheduled for Tuesday, July 20, 2010 at 3:00 p.m. in the same location.

ADJOURN:

The meeting was adjourned by Chairman Benjamin at 5:30 p.m.

Secretary-Treasurer

Chairman