# WATERWAYS PLAN FOR MARTIN & ST. LUCIE COUNTIES

## *Waterways Forum #3: Regulation & Management*

*January 29, 2014*
*2:00 PM*

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Stuart City Hall ~ Commission Chambers
*121 SW Flagler Avenue * Stuart, FL 34994*

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## AGENDA

1. Welcome & Introductions

2. Regulation & Management Panel

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| South Florida<br>Water Management District | Martin County<br>Sheriff's Office |
| Florida Department of<br>Environmental Protection | Martin County |
| Florida Fish and Wildlife<br>Conservation Commission | St. Lucie<br>Sheriff's Office |
| U.S. Coast Guard | St. Lucie County |
| *U.S. Army Corps of Engineers* | City of Stuart |
| | *Invited; confirmation pending staff availability* |

3. Panel Discussion

4. Additional Discussion & Comments

5. Next Forum: <u>Forum on Natural Resources</u>
   Thursday, February 27 (2 PM)
   Port St. Lucie Community Center
   (2195 S.E. Airoso Blvd. Port St. Lucie, FL 34984)

6. Adjourn

# WATERWAYS PLAN FOR MARTIN & ST. LUCIE COUNTIES

## *Project Steering Committee*

*January 29, 2014*
*3:35 PM*

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Fort Pierce – Historic City Hall
*315 Avenue A * Fort Pierce, FL 34950*

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## AGENDA

1. Welcome & Introductions

2. Waterways Forums – Review & Discussion

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| *Forum 1* | **Marine Transportation** | **December 19, 2013**<br>Thursday (2 PM) | **Indian Riverside Park**<br>Frances Langford Dockside Pavilion (2nd Floor)<br>1707 NE Indian River Drive; Jensen Beach, FL 34957 |
| *Forum 2* | **Land Use &<br>Upland Transportation** | **January 8, 2014**<br>Wednesday (2 PM) | **Historic City Hall**<br>315 Avenue A; Fort Pierce, FL 34950 |
| *Forum 3* | **Regulation & Management of Waterways** | **January 29, 2014**<br>Wednesday (2 PM) | **Stuart City Hall (City Commission Chambers)**<br>121 SW Flagler Avenue; Stuart, FL 34994 |
| *Forum 4* | **Natural Resources** | **February 27, 2014**<br>Thursday (2 PM) | **Port St. Lucie Community Center**<br>2195 S.E. Airoso Blvd. Port St. Lucie, FL 34984 |
| *Forum 5* | **Recreation/Cultural/<br>Educational Activities** | **March 12, 2014**<br>Wednesday (2 PM) | **Port Salerno Community Center**<br>4950 SE Anchor Avenue; Stuart, FL 34997 |
| *Forum 6* | **Economic Development** | **April 2014 TBD***<br>TBD | **TBD*** |

** date, time & location pending reschedule*

3. Updated Project Schedule – Review & Discussion

4. Other Discussion & Comments

5. Next Meeting: Thursday, February 27, 2014 (immediately following Forum #4)
   Port St. Lucie Community Center
   (2195 SE Airoso Blvd.; Port St. Lucie, FL 34984)
   (anticipated meeting time: 3:35 – 4:30 PM)

6. Adjourn

# Waterways Plan for Martin & St. Lucie Counties

## Waterways Forum 3: Regulation & Management of the Waterways

WEDNESDAY, JANUARY 29, 2014

2:00 P.M.

*Stuart City Hall (Commission Chambers) * 121 SW Flagler Avenue * Stuart, FL 34994*

Forum arranged by the Treasure Coast Regional Planning Council (TCRPC)
as part of the Waterways Plan for Martin & St. Lucie Counties.

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*NOTE TO READERS: This document reflects general meeting notes and key questions and points of discussion raised during the Forum on Regulation & Management that occurred on Wednesday, January 29, 2014. General meeting notes were prepared by TCRPC.*

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### General Meeting Notes

The meeting was opened at 2:05 p.m. by Dr. Kim DeLaney, TCRPC. Meeting participants introduced themselves (copies of the forum sign-in sheet are included with these notes). The members of the Steering Committee identified themselves.

*(NOTE: Each speaker utilized power point slides, and a copy of the power point presentation is included with these meeting notes.)*

**Project Overview:**

Dr. DeLaney provided a brief introduction on the Waterways Plan project. The project covers the waterways in both Martin and St. Lucie counties (about 120 miles of waterways, including roughly 44 miles of Intracoastal Waterway, 25 miles of St. Lucie River, and 25 miles of canals).

The plan is funded by the Martin Metropolitan Planning Organization (MPO), St. Lucie Transportation Planning Organization (TPO), and Florida Inland Navigational District (FIND). Each organization is responsible for guiding long-term transportation and capital investments with a goal of maintaining high quality of life, high level of mobility, strong economic development, and sustainability.

This is the third forum in a six-forum series. The forums are intended to broaden the general knowledge of waterways-related issues – for the project team, the steering committee, and the general public – and help inform the development of the Waterways Plan.

Dr. DeLaney reviewed the upcoming series of educational forums that will take place over the next couple of months, and she provided an overview of the pending charrette public workshops, additional opportunities for public input, and the project schedule. Information on the project is posted on the TCRPC website at http://tcrpc.org/special_projects/Waterways/waterways.html

The three remaining forums are scheduled as follows:

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|---|---|---|---|
| *Forum 4* | **Natural Resources** | **February 27, 2014**<br>Thursday (2 PM) | **Port St. Lucie Community Center**<br>2195 S.E. Airoso Boulevard; Port St. Lucie, FL 34984 |
| *Forum 5* | **Recreation/Cultural/ Educational Activities** | **March 12, 2014**<br>Wednesday (2 PM) | **Port Salerno Community Center**<br>4950 SE Anchor Avenue; Stuart, FL 34997 |
| *Forum 6* | **Economic Development** | **April 2014 TBD*** | **TBD** |
| | | | *Table reflects most current schedule as of 1/29/2014* |

Dr. DeLaney introduced Dr. Peter Merritt, TCRPC, as the panel facilitator. Dr. Merritt provided an overview of the regulatory and management environment for the waterway resources of Martin and St. Lucie Counties, including a sample listing of the types of existing plans and their key focal areas. Activities within and adjacent to the waterways are subject to a broad range of regulation management objectives by many organizations. These include regulations included in local government comprehensive plans, zoning codes, and land development regulations. There are nine local governments in the project study area, each of which has its own set of regulations that will be reviewed during the preparation of the Waterways Plan.

Other types of regulations by state and federal agencies affect many other activities including navigation, bridge operations, boater safety, waste disposal, dock construction, dredge and fill, seagrass protection, mangrove protection, manatee protection, and fishing regulations. In addition to these types of regulations, Dr. Merritt noted the existence of policies and strategies and other types of plans as well. He noted two key examples: (1) the Indian River Lagoon Comprehensive Conservation Management Plan, produced by the Indian River Lagoon National Estuary Program, which includes objectives to protect and restore natural systems in the waterway, and (2) the Basin Management Action Plan for the St. Lucie River and estuary. Dr. Merritt indicated it was important to be aware of the existing regulations and management policies and strategies as the planning process advances into the development of the Waterways Plan because these plans can provide some guidance as to what might be appropriately included in the Plan. In the consideration of new opportunities for economic development, transportation, access to the waterways, new recreation opportunities, Dr. Merritt emphasized the value of consistency with existing regulations and the manatee plans.

Dr. Merritt indicated the panel of experts represented five local government agencies, two state agencies, and one federal agency. He noted the panel discussion would include three components:

(1) each panelist would provide a 3-5 minute overview describing their organization's regulatory and management responsibilities, including a description of the biggest challenge faced by the agency in its mission to regulate or manage the waterways;

(2) each panelist would discuss any issues the Waterways Plan could address that would help improve regulation or management of the waterways, including the types of things the Plan can support or new things they would like to see in the Plan.

(3) the audience would have an opportunity to ask questions of the individual panelists.

Dr. Merritt noted at the end of the panel discussion, there would be a five-break, after which the Project Steering Committee would meet. The public would be welcome to attend the Steering Committee meeting.

**Regulation & Management Panel**

*Angela Sandoval, P.E., South Florida Water Management District*

Ms. Sandoval described the SFWMD, with its main mission to operate and maintain the flood control system, consisting of approximately 2700 miles of canals and levees, 160 major drainage facilities, almost 1,300 control structures, 66 pump stations, and 9 regional field stations. The SFWMD regulatory area is roughly equal to the size of Connecticut, Maryland and Delaware together.

She noted the District's infrastructure continues to increase, with a 146% increase in the past ten years. SFWMD manages drinking water, water supply, permitting, irrigation, and the overall protection of the wetlands and the Everglades. Primary SFWMD facilities in the subject counties include the C-23 Canal, C-24 Canal, C-25 Canal, L-65 Canal, L-64 Canal, and L-47 Canal

SFWMD waterways were established for flood control; however, Ms. Sandoval noted the public often wants boating access within District canals. The SFWMD tries to accommodate public access where possible so long as it does not impede the primary mission of the agency. Ms. Kathy LaMartina, also of SFWMD, added that the District's operable gates are for flood control, but the weirs are to prevent saltwater intrusion and well protection. C23, C24 and C25 are all used for agriculture, so the SFWMD helps maintain suitable water levels for irrigation. SFWMD also is responsible for, in conjunction with FDEP, storm water permitting and some environmental resource permitting.

Ms. LaMartina noted the C-44 is controlled by the U.S. Army Corps of Engineers (USACE), which is responsible for permitting activities related to that facility while the SFWMD is responsible for permitting along other canals such as C23, C24 or C25. She also noted the public is often confused and/or frustrated as different agencies are responsible for permitting same facilities, such as docks, depending on type of use (e.g., single family residential to FDEP, industrial to FDEP).

Dr. Merritt noted that the USACE was unable to make the forum today, but the agency would be invited to attend the next forum.

*Lieutenant Steve Arcuri, Florida Fish & Wildlife Conservation Commission (FWC)*

Lt. Arcuri indicated he is the staff lieutenant for Broward, Palm Beach, Martin, St. Lucie, Okeechobee, and Glades counties and Lake Okeechobee. The agency has broad oversight in managing fish and wildlife for the benefit of all citizens of Florida, including law enforcement as well as rule-making authority. FWC also maintains extensive responsibility regarding boating safety and patrolling waterways, noting the inland waterways, Intracoastal Waterway (ICWW), and Atlantic Ocean. The agency also engages with its federal partners for enforcement of federal rules relating to fisheries management. FWC's boating and waterways division in Tallahassee

handles a lot of the rulemaking for boating safety zones, and manatee protection zones are based on data supplied by the agency's manatee biologist throughout the state.

Lt. Arcuri also noted that FWC's boating and waterways section provides grants for improving access for boaters. For example, the recent improvements at DuBois Park in Jupiter for expanded boating access were funded in part by FWC. He identified FWC's biggest challenge as the state's population increases, especially in Southeast Florida. Florida has more than one million registered boats in the state, with an additional 580,000 between November and March from outside the state. While the boating population is growing, waterways cannot be widened to accommodate additional traffic. Further, he noted the agency has not grown sufficiently to meet the increased needs, with personnel and assets.

*Gene Stratton, Bridge Management Specialist and Jennifer Zercher, Sector Miami Waterways, U.S. Coast Guard*

Jennifer Zercher, who is based in "Sector Miami," described the Coast Guard's key responsibilities, including marine event permitting, boating safety in conjunction with state and federal agencies, and the provision of aids to navigation. The Coast Guard maintains a waterways analysis management system, which is reviewed every five years, that indicates how waterways are working: Is boating traffic increasing? Are additional aids to navigation needed? Are private aids to navigation needed? She noted the biggest challenge as environmental issues and the agency's desire to work with partner agencies to ensure good environmental stewardship.

Mr. Stratton indicated his responsibilities are for the southeastern United States, and his office focuses bridge permitting and regulation of movable bridges. Mr. Stratton indicated the Coast Guard's view that every bridge over navigable waterways is an obstacle to boating traffic. Permits are only issued when it can be determined the obstruction does not impede navigation by boaters. Regarding movable bridges, the USCG regulates them more closely, focusing on bridge openings (e.g., causing impacts to upland traffic movements). He indicated the agency serves primarily as an advocate for the mariner, balancing those needs with land-based transportation.

Mr. Stratton distinguished his role and division from that of Ms. Zercher. Mr. Stratton indicated he was responsible for a very specific and narrow practice of permitting and regulating bridges, which are the primary obstruction navigational waterways while Ms. Zercher and her staff focus on the general waterway access and control movement.

Peter Merritt pointed out that the USCOE was invited, and although they were unable to attend the subject forum, they would be invited to participate in a future forum.

*Dianne Hughes, Senior Ecosystem Specialist, Martin County*

Ms. Hughes described Martin County's regulatory approach to water quality standards, conservation efforts, and stormwater permitting. The County has installed extensive stormwater retrofit projects and innovative stormwater management techniques, which are consistent with the County's high priority as an environmental champion.

Three key challenges for maintaining stormwater quality are discharges from Lake Okeechobee, knowledge by local citizens as to how the watershed flows (e.g., public misconception that C23, 24 and 25 are connected to Lake O, but actually, storm water pollution is upland discharge) and

"pointless personal pollution" (e.g., fertilizer, pet waste, car washing, landscape debris in storm water drains). Kathy LaMartina noted for clarification that the C-44 Canal has a local basin that runs off into that canal and the canal also transports water from Lake Okeechobee but it also has local drainage water.

Ms. Hughes described the Florida Watershed Restoration Act (1999) which established the Total Maximum Daily Load (TMDL) Program, including numeric water quality goals to restore the health of lakes, rivers, streams and estuaries. Martin County's Storm Water Ordinance was adopted in 2006, which incorporated the National Pollutant Discharge Elimination System Program (1990), requiring the County to hold a permit for stormwater. Ms. Hughes explained how the County educates the public, provides outreach about the program and its intent to meet water quality goals, and the specific actions necessary for the County to prevent and reduce pollution from getting in the waterways. For example, during construction activity, the County requires black silt fencing around construction sites, which helps keep sediment out of the waterways.

The Northern Everglades and Estuaries Protection Program (2007) expanded the Lake Okeechobee Protection Act to include the Caloosahatchee River and St. Lucie River estuaries. This program required the adoption of River Watershed Protection Plans. Martin County is a stakeholder in these efforts, and it has committed to implement projects within the County to help clean up the waterways. The County prohibits the application of biosolids and is implementing a Research and Water Quality Monitoring Program.

Martin County recently adopted a fertilizer ordinance in 2011, which requires low-phosphorous fertilizers and more significant restrictions during rainy seasons. Martin County's ordinance is strict; however, Ms. Hughes noted there were stricter ordinances in place in other counties.

Ms. Hughes identified the key challenges to the County's regulation and management to be the need for additional storage in basin (for example, along the C-23, 24 and 25) as well as actions to be taken by regular individuals to help prevent pollution in the waterways.

*Don Plant, Sergeant, Martin County Sheriff's Office*

Sergeant Plant described his role with the Martin County Sheriff's Office (MCSO), which is focused upon emergency management as first responders and providing assistance to FWC and other agencies. The MCSO's key responsibilities include the enforcement of crowd control, manatee zones, derelict vessels, and boating safety, with a primary goal of law enforcement. The Office works seven days per week, with five vessels and five staff covering the entire County. Personnel are always on the water during daylight hours, patrolling approximately 100 miles of coastline as well as providing on-demand response. He noted this was a large area to cover with few people. The biggest challenge faced by the MCSO, with multiple tasks, the absence of Coast Guard stations in Martin County (as they are in Fort Pierce and Palm Beach County), and as first responders, is the need for additional personnel and resources.

*Jennifer Evans, Senior Environmental Planner, St. Lucie County*

Ms. Evans indicated her department is divided into three divisions – cooperative extension, environmental regulations division (responsible for the land development code and

comprehensive plan), and environmental lands division (which manages more than 7,000 acres of environmentally sensitive lands).

The environmental regulations division is responsible for vegetation removal permits and exemptions, tree mitigation, dune trimming, wetland protection, shoreline and coastal protection, environmentally sensitive habitat protection, endangered species protection, and landscaping requirements. Ms. Evans highlighted the two regulations as especially pertinent to the Forum, including (1) the River Shoreline Protection Standards for the St. Lucie River shoreline and associated tributaries, and (2) the Indian River Lagoon Shoreline protections, which also addresses the shoreline buffer and native vegetation.

The establishment of a hardened or armored shoreline in unincorporated St. Lucie County requires a variance, and Ms. Evans detailed the standards for granting a variance. Looking forward, Ms. Evans noted the County anticipates additional regulatory revisions to the resource protection and vegetation policies in the comprehensive plan and land development code as well as updates to the Manatee Protection Plan.

The greatest challenge facing regulation of the County's waterways is balancing economic development with environmental sustainability, public perception, and existing developed conditions. Ms. Evans also indicated through the Waterways Plan effort, the County hoped to increase public awareness of the sensitive habitats and ecosystems located in and around the County's waterways and increase sustainable development practices.

*Dennis Devaney, Deputy, St. Lucie County Sheriff's Office*

Deputy Devaney indicated law enforcement is the focus of the St. Lucie County Sheriff's Office (SLCSO), which works in partnership with its partner agencies. The office has three vessels and two staff to cover the entire St. Lucie County waterway system from Martin to Indian River county. The office is spread thin, but FWC has a large presence along with a Coast Guard office in Fort Pierce.

*Sam Amerson, P.E., Public Works Director, City of Stuart*

Mr. Amerson described the City as a full-service city, providing a range of traditional and innovative services to its population within the City's six-square-mile jurisdiction. The City's storm water utility, established in 1994, generates funding to address storm water discharges and improvements for water quality. The City maintains 34 outfalls to the river, each of which is treated with baffle boxes and sediment traps. The City also implements fertilizer regulations, is a stakeholder in the basin action management plan, and is focused on the TMDLs (having reduced the discharge of nitrogen and phosphorous). Storm water discharge regulations apply to all properties within the City limits.

Mr. Amerson indicated the greatest challenge for the City regarding regulation of the waterways has been live-aboard boaters. This issue became more apparent when the City established its mooring field. The City developed the managed mooring field with buoys installed in a project developed in partnership with FIND and FDEP. The project also includes a pump-out facility as well. North of the bridge, privately maintained marinas now appear to be increasing in their population of live-aboards as well.

**Panel Discussion**

Panelists were asked to respond to a question posed by Dr. Merritt: Are there any issues that the Waterways Plan can address that will help regulation management of the waterway?

Ms. Sandoval (SFWMD) indicated the Plan provided an opportunity to think about storm water management early in the process, including management of water quality and attenuation early in the development process.

Dr. Merritt noted the Waterways Plan could highlight what those regulations are, and Ms. LaMartina (SFWMD) added the Plan could identify the complicated permitting and storm water regulatory scenario, indicating "who needs to go where for what." Ms. Sandoval noted it would be either FDEP or SFWMD, one of the two agencies from the state level, depending on the type of development.

Lt. Arcuri (FWC) indicated the need for the Plan to address live-aboard vessels and the need for improved access to pump out facilities for live-aboards. Easier access to pump-out stations would be helpful as well as more designated mooring fields, which would help in the removal of derelict vessels (easier to remove when moorings are designated). He noted the Lake Worth Lagoon Keeper is a nonprofit in PBC that has assisted with funding for removal of derelict vessels.

Ms. Zercher.. (USCG) identified the problems of unregulated anchorages, derelict vessel removal, and the removal of debris in the waterways (e.g., old pilings, large vegetation) would be the greatest help to the Coast Guard. Designated anchorages could be located in areas where navigation would not be affected. Dr. Merritt indicated that the subject of anchorages would be discussed later during the development of the Waterways Plan.

Mr. Stratton (USCG) noted that bridge permits are often submitted late in the process, and the USCG's responsibility is to ensure compliance with the National Environmental Policy Act. The Plan could encourage bridge work permitting to be submitted early in the process due to the long lead time for permit review, which would reduce overall delays for projects. Each permit is viewed as individual bridge on a waterway, and to expedite the process, it would be beneficial for any bridge work to be viewed as one component of an entire system and not just a standalone facility.

Ms. Hughes (Martin County) suggested the Plan could advocate for greater local involvement for people to understand how the watershed functions and how regulatory ordinances help reduce pollution in the waterways. Like to see regulations pointed out in the waterways plan. If we don't have good water quality in the watershed, we lose recreation, economics, and everything else.

Dr. DeLaney (TCRPC) indicated one of the background tasks for the development of the Plan will be a review, organization, and summary of existing regulations across the two counties. Through this process, public input can be received as to where different regulation is necessary, and the Plan can communicate that to the elected officials.

Sergeant Plant (MCSO) noted that increased public access points for boaters will increase boating activity on the waterways, which creates more need for law enforcement. Also, he noted

the need for increased derelict vessel removal, indicating the removal of 25 vessels annually in Martin County.

Ms. Evans (St. Lucie County) indicated St. Lucie County was utilizing a grant for removal of derelict vessels, which is being managed by the parks and recreation department.

Sergeant Devany (St Lucie County Sheriff) indicated the Plan could best help with the challenge posed by unregulated anchorages and live-aboard vessels, noting the need for more regulation for where unregulated moorings occur and how they function. He noted there are extensive areas throughout St Lucie County waterways where unregulated anchoring is occurring.

Mr. Amerson (Stuart) indicated the Plan could best help by addressing anchorages, specifically noting the need for better regulation of unregulated anchorages and the need for more pump-out facilities. Mr. Amerson also suggested the need for improved coordination among agencies, noting the City's success in enabling mobile pump-outs with discharge available at Shepard Park for mobile pump-out vessels.

**General Questions & Answers**

Melissa Carter, consultant for St. Lucie TPO asked why St Lucie County had fewer officers than Martin County. Sergeant Devany pointed out that all law enforcement agencies are understaffed.

The panel discussed the volume of traffic on the waterways and especially high volume of "marine events" on the Martin County waterways without sufficient communication with local law enforcement. It was noted that although a marine event while event may not impact navigable waterways, it may still impact recreational waterways.

Dr. DeLaney asked how the marine event permitting process worked. Sgt. Plant indicated there was not a permitting process for events occurring on the local waterways outside of the areas regulated by the Coast Guard. Existing laws enable the regulation of certain events; however, from a permitting standpoint, the MCSO/County lacks the jurisdiction to regulate or permit events on the Intracoastal Waterway or close to points of beach access. The key challenges for law enforcement are events that focus on the sandbars and semi-submerged lands on the ICWW and navigable waterways. Further discussion indicated a variation in permit reviews, wherein larger events requiring formal permits are communicated through broad channels with other agencies while smaller events may be provided letters indicating "no permit required." These events still tend to attract large crowds, often triggering the need for local law enforcement; however, no formal communication process appears to exist to inform local law enforcement that a smaller event (below the permit threshold) will be occurring.

The consensus of the panel was the need to develop a standard communication protocol to provide notice to local law enforcement for all permit requests, whether they are above or below the permit threshold. Dr. DeLaney indicated this issue could be addressed in the Waterways Plan.

Bonnie Landry, of the Martin MPO, asked about the All Aboard Florida project and the impacts upon the St. Lucie River Bridge, given the proposed train schedule and need for additional bridge openings.

Mr. Stratton (USCG) indicated the bridges along the FEC rail corridor were existing bridges. The USCG is reviewing bridge permits, double-tracking, and the additional trains planned for the corridor regarding impacts on the navigability of the waterway. He indicated the agency was in discussions with All Aboard Florida's corporate representatives and the FEC RR, who owns the bridges.

Ms. Landry noted the company's plans to run 32 trains per day represented a substantial increase in traffic across the bridge. Further, Martin County, and the City of Stuart, would be heavily affected due to the single track running through the downtown Stuart area and the extreme curvature of the railroad track both north and south of the bridge.

Mr. Stratton indicated the USCG was reviewing impacts on the bridge, with a special focus on the number of openings required by the proposed service. He noted that unmanned bridge crossings are triggered by electronic communications, which produces a longer cycle time. Bridges manned by bridge tenders have a shorter cycle time. The USCG permit is contingent upon a review of impacts to navigation, with navigation as the agency's highest priority.

Dr. DeLaney noted the impacts to the St. Lucie River bridge could be especially severe during peak traffic times, particularly weekends and holidays, and she questioned whether or not the USCG could consider adding a bridge tender during those peak times to mitigate the impact of bridge openings. She noted the increasing public concern regarding the impacts upon the bridge and navigation through the waterway.

Mr.Stratton (USCG) indicated that applicants begin the process with the Coast Guard and submit applications for bridge permits. Those applications require applicants to meet all of the regulations for Coast Guard permits on a subject waterway, and then procedurally, the Coast Guard goes out for public comment. Once the public comment period is opened, the Coast Guard has to resolve all of the objections to a bridge permit being issued, such as the additional burden placed upon navigation on the waterway. He indicated the Coast Guard is required to resolve what the district considers reasonable. Further, if the agency cannot come to an agreement with the permit applicant, then the permit will not be issued, and the applicant cannot build or modify that bridge.

Dr. DeLaney asked Mr. Stratton to clarify the various types of permits and explain the relationship between a bridge permit for the St. Lucie River bridge and the larger Environmental Impact Statement (EIS) for the entire project.

Mr. Stratton indicated the Coast Guard has its own responsibilities. The agency can adopt an EIS done by another agency if it meets the Coast Guard's needs for a particular project. If that EIS included the bridge crossings as part of its analysis, the agency could adopt that permit to reduce the paperwork and processing necessary for an action. However, if the EIS doesn't specifically address bridges, than a separate Coast Guard bridge permit is required.

Dr. DeLaney also asked whether or not the inclusion of a bridge tender, either full-time or during peak hours, could be considered a mitigating factor regarding a bridge permit.

Mr. Stratton (USCG) indicated with a bridge permit, an applicant is wishing to obstruct the waterway. USCG is requested to be a participating agency. The addition of a bridge tender could be a mitigating action to reduce impacts.

Additional panel discussion focused on the Coast Guard presence in St Lucie County, given the agency's office and staffing. Further, Fort Pierce also has a U.S. Customs Office as well as an active Coast Guard Auxiliary. These additional offices and staff create a strong presence on the waterways in the area.

Ms. LaMartina (SFWMD) noted there had not yet been discussion regarding fishing regulations, such as commercial fishing versus private, recreational fishing. Dr. DeLaney indicated the steering committee had suggested this topic be included in Forum 5, which would address recreational, cultural, and educational issues.

Fred Cook (Steering Committee member) expressed concern regarding live-aboards, boating traffic, and waste disposal. Lt. Arcuri (FWC) indicated the agency regulated illegal waste disposal, utilizing equipment such as "marine sanitation devices" to determine whether or not illegal waste disposal had occurred.

Dr. Merritt asked whether or not there were existing studies regarding waste disposal, especially with smaller boats.

Lt. Arcuri (FWC) indicated that past studies have not focused on a micro-level, but rather, studies of waste disposal have maintained a broader view. He noted that with smaller vessels may present waste disposal issues, especially with beverages and hours on the sandbar. Lt. Arcuri was not aware of any studies focusing on the sandbar or similar areas.

Dr. DeLaney indicated the Plan would address the issue of waste disposal, including an inventory of pump out facilities, calculations of demand based on number of boaters, calculations of capacity for pump outs, adding projection for additional needs, and identify any shortfalls in capacity if evident. In addition to a capital analysis, the Plan could also address programmatic issues, such as evaluating whether or not boaters are aware that pump out facilities are available, the role of law enforcement, and ways in which boaters can be further informed about utilizing the pump out facilities. We can evaluate needs and determine if additional infrastructure is necessary, and also programmatically, identify any activities that could help encourage more responsible boating.

Additional panel discussion focused on the removal of mangroves without permits, whereby ruts left by mangrove removal require the installation of riprap. Ms. Evans (SLC) indicated any shoreline restoration requires variance in St Lucie County. If vegetation were to be removed, the County would likely require the replanting of vegetation rather than hardening the shoreline. It was noted that penalties exist for both the Counties as well as FDEP. Ms. VanVonno (MC) also indicated Martin County utilizes code enforcement with requirements to re-vegetate and restore mangrove if removed illegally.

Dr. Merritt thanked all the panelists. It was noted the next forum will focus on Natural Resources, scheduled for Thursday, February 27, 2014 (2 p.m.) at Port St. Lucie Community Center, 2195 SE Airoso Boulevard, Port St. Lucie, FL 34984

The meeting forum adjourned at 3:41 p.m.

**STEERING COMMITTEE MEETING**

# Waterways Plan for Martin & St. Lucie Counties

## Waterways Forum 3: Regulation & Management of the Waterways

WEDNESDAY, JANUARY 29, 2014
4:00 P.M.

*Stuart City Hall (Commission Chambers) * 121 SW Flagler Avenue * Stuart, FL 34994*

Forum arranged by the Treasure Coast Regional Planning Council (TCRPC)
as part of the Waterways Plan for Martin & St. Lucie Counties.

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*NOTE TO READERS: This document reflects general meeting notes and key points of discussion raised during the Project Steering Committee meeting held on Wednesday, January 29, 2014. General meeting notes were prepared by TCRPC.*

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General Meeting Notes

The meeting was opened at 3:53 p.m. by Dr. Kim DeLaney, TCRPC. Materials distributed to committee members included agendas, meeting notes from Forum 2 and copies of the power point presentation from that forum. Self-introductions were provided by attendees.

Waterways Forums – Review & Discussion

The Committee discussed the key points raised during the panel discussion regarding regulation and management, including:

- Waste Disposal:
  - Pump-out facilities and the current demand and capacity, location of facilities, projected demand, and evaluation of additional capacity
  - Mapping the inventory of publicly-accessible restrooms along the waterways (e.g., marinas, boat ramps, causeways, parks)
  - Increased communication to the boating public, beginning at time of vessel purchase, including signage at boat ramps & marinas

- Unregulated Anchorages & Live-Aboards
  - Concerns raised about several agencies about unregulated anchorages, including impedance to navigation and lack of facilities causing bilge dumping in the waterways
  - Live-aboard concerns raised for unregulated anchorages as well as key marinas (e.g., Stuart's "North Point" area)
  - Ms. VanVonno noted the County's recent discussions regarding mooring fields and anchorages included an inventory of areas within Martin County known for mooring activity, with GIS map data available for use in the Waterways Plan.

- Derelict Vessels
    - Successful removal efforts by both counties but continued concerns, especially after storm events and hurricanes
    - Discussion included potential for advance coordination (and expanded public outreach) to establish safe mooring areas for vessels to be anchored in advance of storms and hurricane boating protocol.
    - Committee noted instances where boat owners try to abandon vessels during storm events to collect insurance proceeds
    - Discussion of "Lake Worth Lagoon Keepers" in Palm Beach County, which is private non-profit that patrols the Intracoastal Waterway, spotting derelict vessels and assisting with containment of fuel and other discharge

- St. Lucie River Railroad Bridge
    - Concerns raised regarding FECI All Aboard Florida project and increase of passenger rail traffic, thereby requiring additional bridge openings (32 times daily)
    - Bridge permit review process, as described by USCG representatives, indicates need to focus on navigation as key goal, possibly enabling discussion of bridge tender as mitigating factor.

- Increased Boating Traffic Generally
    - Concerns raised regarding impacts on already understaffed law enforcement personnel
    - Committee discussed interest in reviewing maps of high boating traffic areas
    - Given the discussion regarding pump-outs, restrooms, boat ramps, and other infrastructure needs, Mr. Williamson suggested the Plan could include discussion of "performance measures" to indicate capacity and demand upon facilities and project additional needs. The Committee noted that although boating traffic was projected to continue to increase, given increased population forecasts, the waterways cannot be widened like roadways and other transportation facilities, increasing the need for law enforcement and facilities to ensure safe boating activity going forward.
    - Committee members also suggested increased "human-powered" waterways access, such as canoe/kayak and paddleboard access points, could absorb a portion of the increased demand with lesser strain on facilities than motorized vessels.

- Quantity and Communications regarding Marine Events
    - Concerns raised by sheriff's offices regarding number and extent of "marine events" (i.e., organized events especially on the sandbars) and communication breakdowns whereby sheriff's office is unaware of USCG permit reviews wherein a "no permit necessary" decision is determined (events just below the threshold of permit standards)
    - The Committee discussed the need to review permit application protocols and communication channels to identify possible gaps in communication – with

potential programmatic recommendation to improve communication, especially between USCG and sheriff's offices.

  - Mr. Kubitschek noted the Fort Pierce Marina's weekly newsletter, which contains information on all waterway-related activities, including marine events, which is useful to law enforcement and general communications. A web-based communication point was discussed with respect to the two counties as a location to share data among regulatory and management agencies as well as the boating public.

- Storm Water Management & Discharges
  - The Committee discussed the detailed hydrology of the waterways, distinguishing between the canal connected to Lake Okeechobee (such as the C-44) versus the system of canals that are contained and carrying local polluted runoff into the Indian River Lagoon (e.g., C23, C24, and C25, which carry runoff from mostly neighborhoods and commercial areas).
  - The Committee noted the discussion of storm water management and discharges, including the various infrastructure improvements identified by panelists (e.g., baffle boxes, sediment traps, communication to the public regarding outfall of storm drains).
  - Fertilizer ordinances were discussed, with an acknowledgement that both counties are implementing fertilizer ordinances. Committee members suggested additional outreach and communications regarding fertilizer ordinances (e.g., fertilizer retail outlets such as Home Depot and Lowe's).
  - Pet waste and its impacts on the waterways was discussed, with focus on increased communications to the general public regarding related storm water impacts.
  - Other homeowner communication needs were identified, and the Committee noted the complexity of storm water discharge and the need to further educate the general public.

<u>Updated Project Schedule – Review & Discussion</u>

Dr. DeLaney distributed an updated project schedule of the remaining three forums, noting new dates for Forum 4 (February 27, 2014), Forum 5 (March 12, 2014), and indicated a new date was being selected for Forum 6 in April. Members of the Committee reviewed the schedules and concurred with the new dates, times and locations. Dr. DeLaney indicated the date, time, and location for Forum 6 would be circulated to the Committee once it was selected in coordination with the funding agencies. Dr. DeLaney also indicated TCRPC was seeking to qualify Forum 6 for credits with the American Institute of Certified Planners (AICP).

For Forum 4 on Natural Resources, Dr. DeLaney indicated TCRPC was identifying the appropriate agency and local government staff to serve on the panel. Committee members noted the need to discuss the aquatic preserve as part of the panel. Ms. Lathau suggested including the workforce alliance in Forum 6 on Economic Development. The Committee noted the lack of participation by the U.S. Army Corps of Engineers, and given the significant impacts of Lake Okeechobee discharges upon the health of the waterways, strong emphasis was placed on the need to include the USACE in the forums and process.

Committee members also discussed the political nature of regulation and management of the waterways, noting the active role of Congressman Murphy, Senator Negron, and other key state and federal leaders. TCRPC indicated outreach and updates would be provided to the members of the Congressional and Legislative delegations as well as the Governor's office, and all efforts would be made to make them aware of the planning process and engage them in these efforts.

The meeting was adjourned at 4:37 p.m.

**Waterways Plan for Martin and St. Lucie Counties**
**Forum on Regulation & Management of the Waterways**
**Wednesday, January 29, 2014**
2:00 p.m.
Stuart City Hall (Commission Chambers)
121 SW Flagler Avenue
Stuart, FL 34994

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