

HERNANDO COUNTY PORT AUTHORITY
August 5, 2009

The meeting of the Hernando County Port Authority was held at the Linda Pedersen Park Recreation Building on Wednesday, August 5, 2009 and was called to order at 7:00 p.m. by Chairman Capt. Chuck Morton.

MEMBERS PRESENT: Chairman Chuck Morton, Vice-Chairman Capt. Dan McCann, Mr. Wayne Dukes (arrived late during the dredge update), and Mr. Paul Pelletier.

COUNTY STAFF PRESENT: Rose Rocco, County Commissioner, Pat Fagan, Parks and Recreation Director, Geoffrey Kirk, Assistant County Attorney, Charles Mixson, Hernando County Engineer, Gregg Sutton, Assistant County Engineer, Roy Link, Parks & Waterways Maintenance Manager, Phil Jones, Waterways Maintenance Technician, Roger Butts, Marine Patrol Deputy, and Laurel Richardson, Operations Assistant.

APPROVAL OF THE MINUTES: July 1, 2009

Mr. Pelletier: Motion to approve. **Capt. McCann:** Second. Motion carried 3-0.

OPERATIONS REVIEW – July 2009

Roy Link – Mr. Link passed around pictures of sandbags and rocks damming the Weeki Wachee River, the dredge signage installed at the Hernando Beach Boat Ramp, a “rock” sign installed at Tarpon Canal, and the “resume normal safe operation/idle speed sign installed at Minnow Creek.

Yard and office work, cleaned the restrooms daily at the Hernando Beach Boat Ramp, cleaned the restrooms and park daily at Bayport, miscellaneous navigational aid maintenance, ramp and dock maintenance countywide, tree removal from the Weeki Wachee River at Rogers Park, installed dredge signage at the Hernando Beach Boat Ramp, took pictures of derelict docks in the Hernando Beach Channel for Code Enforcement, assisted the Sheriff's Office with a shooting crime search at Linda Pedersen Park, and replaced the Holder Rock buoy with a new pole and sign. Staff completed 33 service requests and 8 permit application reviews for the Building Department.

OLD BUSINESS

HERNANDO BEACH DREDGE

Mr. Sutton discussed seagrass impacts - the dredge will affect 3.23 acres of seagrass. Permits were required from FDEP and ACOE for those seagrass impacts. FDEP wants to mitigate at a 2:1 ratio - for every acre impacted, mitigation has to be done on two acres. So per FDEP requirements, the total acreage to be replanted is 6.46 acres. The ACOE has a different method and they want a total of 26.4 acres of seagrass replanted. The two agencies are also on a different timeframe; the ACOE wants the seagrass replanted up front at the beginning of the project. DEP wants the areas needing seagrass identified and then monitored for 5 years. If the seagrass has not grown back at the end of the 5 years, then it would need to be replanted. So the county is caught in the middle trying to satisfy both of these agencies. We plan to replant ½ to 2/3 acre of seagrass in the seagrass protection areas. Our consultant has assured us that at the end of the 5 years, the total 26.4 acres of seagrass will be complete.

Knowing that the ACOE permit requirements were much more stringent in scope than FDEP's, the county submitted the same plan to both agencies. However, FDEP rejected the plan and will not accept the ACOE permit plan for mitigation of the 6.46 acres. So the county had to come up with additional areas to mitigate in order to satisfy FDEP. Staff met with FDEP and looked at different options and locations for replanting of the seagrass. Our consultant has identified a number of areas around Bayport that have a lot of prop scarring and need replanting. So the county will establish additional seagrass protection areas where motorized vessels would be excluded and they would be marked accordingly with the proper signage. The original areas were established by county ordinance, so the new areas will also require an ordinance to be enacted. This has been scheduled for a public hearing before the Board of County Commissioners on Tuesday, August 11 to consider adoption of these new areas as seagrass protection areas.

In the meantime, the consultant will replant seagrass in the original areas permitted by the ACOE, so the project will not be held up by this issue. The dredge contractor is in the process of mobilizing for the project, so it is still on track. Mr. Mixson said the original permit plan from 2 years ago called for 6.23 acres of prop scars, but these locations have grown back with seagrass, so that is why these new areas have to be established. There will be additional costs for the consultant to do this work in the new area, but the project is still within budget.

Mr. Sutton handed out copies of an information sheet on the seagrass mitigation and replanting, a draft outline of the ordinance, and a permit modification from FDEP that discusses the additional seagrass mitigation (copies attached).

HERNANDO BEACH BOAT RAMP LIGHTING

Mr. Fagan noted that the new lights have been installed in the Hernando Beach boat ramp parking lot as had been requested and Waterways staff has checked and they are operating properly. The good news is that the monthly cost will be paid for out of Florida Boating Improvement Program funds.

DERELICT DOCKS

Mr. Link reported on the progress to date with the issue of derelict docks. Staff contacted Liana Teague, the new Manager of Code Enforcement, and she was very willing to work with us. She discussed the issue with her staff and the County Attorney's Office and, although the Building Department is the only one certified as building inspectors and enforcement should come from them, they only have one Building Inspector now so their assistance is doubtful.

She agreed to work with us and had us provide them information on three of the worst docks. The dock at 3404 Minnow Creek had already been addressed by Code Enforcement and it has since been removed. The other two on Flamingo Blvd. have been sent courtesy notices and, if no action is taken, they will follow up with an official Notice of Violation with a deadline for repairs.

If the owners do not cooperate, the process will probably take several months. Once a case goes before the Special Magistrate, they will have a better idea on how to proceed in these matters.

In the meantime, they have asked us to continue to provide them with information on docks in disrepair and they will look into each situation, with the help of Waterways staff if necessary.

MONTHLY/QUARTERLY LIAISON STATUS REPORTS

Mr. Pelletier said he and Capt. Morton worked on the crab trap removal and they found lots of stone crab traps but only one blue crab trap. Capt. Morton said after the fact they found out they could have just knocked off the tops of the traps instead of removing them totally as they had done.

NEW BUSINESS

Mr. Link stated that he and staff met with Code Enforcement and the Building Department on the new plastic floating docks that are starting to appear. They got a complaint that one was installed without a permit in Hernando Beach and when they investigated there appears to be many more than had been thought. It was agreed at the meeting that these docks need to be permitted like any floating dock. Staff will notify Code Enforcement and the Building Department as they find them.

BOARD AND STAFF COMMENTS

Commissioner Rocco notified everyone that Fran Baird and CHIP will be holding an Ice Cream Social at 7:00 p.m. on September 3rd at the Coast Guard Auxiliary to inform the public about CHIP – Coastal Hernando Initiative Program. October 4th will be their next official meeting.

PUBLIC INPUT

Paul Thompson said he has lived on the main channel about 8 years and the boats are going faster and faster even though it is a no wake zone, and then you see boats with kids standing on the front of the boat. He said he and his neighbors have been told by the Sheriff's Office that there is nothing they can do, but he feels this is an important issue and needs to be addressed. Deputy Butts responded that he is out there all the time; there are only 3 deputies patrolling all the water but they address this issue whenever they see it. But he said that as of October 1st they will not be out there as much due to budget cuts.

Laurel Rood with the Coast Guard Auxiliary said they have been approved by the Coastal Conservancy to be the community representative for the Coastal Cleanup. It will be on September 19th from 8:00-5:00 and they will meet in the parking lot and hand out bags. She is looking for groups and individuals to volunteer to help with picking up trash, providing bags, etc. They want to clean up the Hernando Beach area as well as the Weeki Wachee River area. Commissioner Rocco suggested Ms. Rood come to the next Commission meeting to provide this information during citizens' time.

MOTION TO ADJOURN

Capt. McCann: Motion to adjourn. **Mr. Pelletier:** Second. Motion carried 4-0.

The meeting of the Hernando County Port Authority ended at 7:53 p.m. The next meeting will be held on Wednesday, September 2, 2009.

HERNANDO BEACH CHANNEL DREDGING PROJECT

SEAGRASS MITIGATION & REPLANTING

- For permitting purposes, FDEP issued: (1) a maintenance dredge exemption for the main channel (that was previously dredged) & (2) a permit for the improvements to the channel (i.e. straightening the beginning of the channel, extending the end of the existing channel, & widening the entire channel). The Army Corps of Engineers issued one permit for the entire project.
- The FDEP maintenance dredge exemption covers 90% of the channel to be dredged & the permit for the channel improvements covers the remaining 10%.
- When the channel is dredged, seagrass in the channel will be destroyed in the process. The County must mitigate for the seagrass that will be impacted/destroyed at both ends of the channel & in the widened areas. The total amount of seagrass that will be impacted is 3.23 acres.
- FDEP & the Army Corps of Engineers differ markedly in their mitigation requirements.
- FDEP requires that the County mitigate for the 3.23 acres of seagrass impacts at a 2:1 ratio. Specifically, the County must replant seagrass from the channel to other areas so that within 5 years after project completion, there will be 6.46 acres of restored seagrass.
- The Army Corps of Engineers (because their permit covers the entire channel) requires more extensive mitigation. They require that we replant seagrass so that in 5 years after project completion we will have 26.4 acres of restored seagrass beds (this is 4+ times the 6.46 acres required by FDEP).
- The designated areas for replanting/restoration are where boat propellers have destroyed the seagrass. When we started the FDEP permitting process in 2005, we assumed that there were at least 6.46 acres of prop-scarred seagrass areas adjacent to the channel. However, in 2009, the current actual total amount of prop-scarred area is far less than 6.46 acres (we either overestimated the scarring or over the past 4 years the areas grew back or a combination of both occurred).
- FDEP anticipated this shortfall & put a provision in the permit that we must submit a revised mitigation plan to them if the scarring was less than anticipated.
- The Army Corps of Engineers has approved our seagrass mitigation & replanting plan (i.e. to have 26.4 acres of new seagrass beds within 5 years of project completion).
- Since the approved Army Corps of Engineers plan far exceeded FDEP's mitigation requirements, we submitted the approved plan to FDEP in the hope that they would accept/approve it as our revised plan.
- However, FDEP rejected the Army Corps of Engineers plan & advised that we will need to come up with additional seagrass mitigation areas to satisfy the FDEP permit conditions. Accordingly, the County's seagrass consultant identified additional prop-scarred areas in the vicinity of the Bayport/Jenkins Creek channel. We intend to map these areas & replant seagrass in several prop-scarred areas to satisfy FDEP's mitigation requirements.
- In 2008, the Board of County Commissioners enacted a County Ordinance to establish 4 seagrass protection zones (SPZs) in the vicinity of the channel as part of the dredge project.
- We intend to establish several additional SPZs in the vicinity of Bayport/Jenkins Creek. These new SPZs will be where we replant seagrass to satisfy the FDEP seagrass mitigation requirements.
- The Board of County Commissioners will hold a public hearing to consider establishment of these new SPZs at their August 11, 2009 meeting.

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2 *Idle speed* means that a watercraft operating within any such area must be throttled down
3 to the point where the engine is just above a stall. At idle speed, a watercraft or vessel should cast
4 little or no wake.

5
6 *Jumping of roadways* shall mean the propulsion of a watercraft onto or over any roadway.

7
8 No entry zone means an area where no vessel of any kind shall be permitted within the
9 designated area.

10
11 *Operation* means to have actual control and/or the ability to have control of the vessel,
12 whether moving or not, whether the engines are powered or running, or not.

13
14 *Person* means any person, firm, corporation, public agency or legal entity.

15
16 *Seagrasses* shall refer to all underwater and aquatic grasses, grass beds and grass bed
17 communities and shall have the same meaning as the terms "seagrasses" and "seagrass beds" are
18 used within Chapter 62 of the Florida Administrative Code.

19
20 *Seagrass regeneration special protection zones* shall refer to those ~~marsh and coastal~~
21 areas submerged lands lying westward of Hernando Beach, as generally delineated on Appendix
22 Map A [attached to Ordinance No. 2008-22] and to those submerged lands lying westward of
23 Weeki Wachee/Bayport/Pine Island Drive, as generally delineated on Appendix Map B [attached
24 to Ordinance No. 2009-], (incorporated herein by reference and made a part hereof),
25 designated to protect seagrasses and environmentally sensitive zones. The actual delineation of
26 these zones shall be by signage at appropriate points around the perimeter of each zone.

27
28 *Slow speed/minimum wake zone* means that a vessel operating within any such area must
29 be fully off plane and completely settled into the water. It may not proceed at a speed greater than
30 that speed which is reasonable and prudent to avoid the creation of an excessive wake or other
31 hazardous condition under the existing circumstances.

32
33 *Trail* means any defined area where continuous previous usage is evident.

34
35 *Vessel* means any type of boat or floating craft and includes all watercraft.

36
37 *Watercraft* means any type of boat or floating craft which is propelled or powered by an
38 engine or motor. Examples of watercraft include, without limitation, ships, yachts, motorboats,
39 tugboats, jet boats, jet skis, airboats, hovercrafts, hydrofoils, seaplanes, and sailboats containing
40 any motorized drive or propeller.

41
42 (Ord. No 2008-22, § I, 10-21-08)

43
44 **SECTION II. SEVERABILITY.** It is declared to be the intent of the Board of County
45 Commissioners that if any section, subsection, clause, sentence, phrase, or provision of this