



# MEMORANDUM

May 29, 2002

**Priorities & Investments**

TO: Honorable Village Council Members  
THRU: Mr. Charles W. Baldwin, Jr. P.E.  
FROM: Near Shore Water Regulation Citizens' Advisory Committee  
SUBJ: Executive Summary (Scope of Effort and Budget Impact - next 16 months)

Gentlemen:

Thank you again for investing an afternoon with us during our Village Council - NSWCRAC Workshop on May 21<sup>st</sup>. We thoroughly enjoyed our time with you and greatly valued your insights and coaching.

The purpose of this Executive Summary is to give you a single document that we hope is helpful as you enter FY 2002-2003 budget discussions and as you finalize the priorities and direction you give Staff to start the planning and the ultimate implementation of our recommendations.

The following represents our recommendations in priority order, with comments pertaining to actions required by the Village and investment estimates. At our May 28<sup>th</sup> Committee meeting, each of these recommendations were again voted on and passed unanimously by the Committee. Next steps from the workshop contained three recommendations action items. We also discussed and voted on them ... (bring more safety to channel running along the shoreline from Papa Joe's to Robbie's (voted YES) no-motor zone the SW leg of Snake Creek (voted NO - too deep) and close a narrow cut within Snake Creek (voted NO - better marking with caution signs).

**During FY 2001-2002:** Advise the staff to use available funds to purchase and install buoys to continue marking the 300 foot shoreline Idle Speed Zone. All that is needed from the Staff is to call the FKNMS and ask for their support. They essentially take care of all aspects required at a cost of \$500 per buoy. Furthermore, direct the Village Manager to start the detailed planning and authorizations necessary to implement NSWRCAC recommendations. While some of our recommendations will not have a cost associated with them for 2-3 years, the planning, inter-agency collaboration, grant writing and authorization processes should not be delayed.

**Proceed with 300 Foot Idle Speed Zone Markings:** VERY LOW DIFFICULTY LEVEL - HIGH IMPACT ON SAFETY AND QUALITY OF LIFE Allocate **\$25,000** in the FY 2002-03 budget for this purpose. Direct staff to work with George Garrett to secure an additional \$25,000 grant. This is a perfect application for the available grant money. This amount will fund 100 buoys for FY02-03 installations. Nothing is required by the staff except a phone call and coordination with the FKNMS. 1,3

**Create Minimum Wake Zone Within Snake Creek:** LOW DIFFICULTY LEVEL - HIGH IMPACT ON SAFETY. All changes requiring markers and changes in vessel speeds will require an ordinance and an application to be approved by the FWC, Division of Enforcement. We recommend the entire width of Snake Creek that parallels housing to be designated a minimum wake zone. We estimate the costs for proper markings to be **\$8,000**. Contrary to rumors and past history regarding Snake Creek, the USCG only needs to be informed, not asked for permission. Additionally, staff should work with George Garrett on this matter.

**Develop and Fund a Comprehensive Public Outreach and Boater Education Program:** LOW LEVEL OF DIFFICULTY AND VERY HIGH IMPACT. Custom brochures explaining Islamorada's Boating Rules and Etiquette should be developed as well as a very clear, easy to read pocket map. Mass distribution of materials should be made. No approval required. An estimated cost for material development and printing is **\$18,000**. Other agency materials should also be leveraged. This is an ongoing effort that requires coordination and updating throughout the implementation of our recommendations.

**Designate Anne's Beach and Port Antigua/White Marlin as Vessel Exclusion Zone:** LOW LEVEL OF DIFFICULTY - HIGH IMPACT ON SAFETY AND QUALITY OF LIFE. Cost is estimated at **\$6,000** for buoys to mark both beaches. Authorization will again require ordinance<sup>1</sup> and authorization from FWC which will want to ensure marking system is uniform and the act is needed to ensure the safety of those participating in swim areas.

**Fund Additional Marine Law Enforcement Presence:** LOW LEVEL OF DIFFICULTY (other than budgeting funds) - VERY HIGH IMPACT. We recommend funding be made available to hire at least one additional deputy with assurances that at least 40 hours a week of patrol time be on Village Near Shore Waters. Estimated cost for fully loaded deputy is **\$75,000** or less depending on date of hire. This will require Sheriff Roth's agreement and a clear statement of understanding with Captain Leiter that these hours are exclusively for Village Near Shore Waters unless needed to respond to an emergency outside of our waters. A second full time marine enforcement deputy should be considered for FY 2003-2004. Additionally, we feel the fewer deputies used for Marine enforcement the better, thus giving a few officers maximum time on the water to develop a close, community minded relationship with our near shore water users. During peak problem periods we would hope that the full time deputy and a second deputy using over time could be utilized.

**Relocate Buoys Along US 1 Bay Side Between Papa Joe's and Robbie's:** LOW LEVEL OF DIFFICULTY - MEDIUM IMPACT. The current marked channel essentially runs along the shoreline beside swimmers, snorkelers and people launching wind surf boards and such. By placing the markers further from shoreline, public safety will be enhanced. Cost estimates to relocate markers is **\$3,000**. This effort will require working with Pat Wells from the State Park Service.

**Designate The Channels of Snake Creek and Tavernier Creek, The Little Basin, The Wheel Ditch and Bay Side Whale Harbor Channel as 30 MPH Speed Zones:** LOW LEVEL OF DIFFICULTY, - MEDIUM IMPACT. This will require application to the FWC and documentation that the areas are subject to unsafe levels of vessel traffic and present a risk of collision or a risk to public safety. An estimated cost for signs and sign holding devices is **\$10,000**. The Village should determine the best means to use current posts, beams, etc. and attempt to keep costs at a minimum while also ensuring clarity pertaining to the speed zones.

**Close And Mark Two Suicide Cuts:** MEDIUM LEVEL OF DIFFICULTY - MEDIUM IMPACT TO SAFETY. In order to designate these areas as vessel exclusion zones, application will need to be made to the FWC. This might require we designate the cuts as a canoe or Kayak trail or proof that the areas pose a risk to public safety. Estimated costs for markers are **\$4,000**. We don't think it is necessary to close the cut within Snake Creek NW bayside, as we plan to mark the cut with caution sign, slow down signs and it is much shorter in length than other cuts recommended for closing.

**Install Recommended Danger And Caution Signs:** MEDIUM LEVEL OF DIFFICULTY - MEDIUM IMPACT TO SAFETY. We have many dangerous curves, bends, water depths that need signage for boaters in the sake of public safety. FWC approval required to ensure request is valid and signage is uniform. Estimated cost for markers is **\$5,000**.

**Mark Our Smaller Channels And Cuts:** UNSURE OF LEVEL OF DIFFICULTY - HIGH IMPACT TO ENVIRONMENT AND SAFETY. As you know, many of our small cuts are marked with confusing PVC, plastic jugs, etc. The marking system is totally confusing to non-local boaters. The Everglades park has implemented a very low cost system that is environmentally non-obtrusive and safe to boaters that might hit a marker. Because these markers do not fit into the uniform marker system, we are not sure how the FWC will act on our request for approval. Estimated costs are **\$4,000** for the affordable plastic arrow markers. In the future, a much more uniform marking system for small cuts and channels needs agreed upon which will require a coordinated effort by several agencies with the FWC probably being at the lead.

**Acquire a 2d Police Boat:** LOW LEVEL OF DIFFICULTY (other than funding), HIGH IMPACT. We need a second vessel for peak periods, for back up, for use by code

compliance officers and for emergency response. We got our first vessel for free and see no reason grants, gifts or donations could not be used again. We have experience in this regard and history found the task to be easy once a source for funding was found. In the event no help can be found, allocate **\$30,000** for the purchase, but we recommend the Staff be asked to try their best to achieve the objective at no cost to the Village. 2

**Designate 4 critical flats as No Combustible Motor Zones:** MEDIUM HIGH LEVEL OF DIFFICULTY - HIGH IMPACT ON THE ENVIRONMENT AND REDUCING USER CONFLICT. The flats are: Checca flat, the flats on Windley Key (oceanside), the bayside flats essentially running from behind PYH to Snake Creek and flats around the Little Basin. The FKNMS has experience in this regard and should be consulted. Some of the flats are outside of our waters. The FKNMS has used Wildlife Management Areas as a basis to accomplish the same objective on many flats. We think they will fully support us if we help pay for markers and with enforcement.<sup>1</sup> Only planning should occur this FY and no money for markers should be budgeted this year. FY 2003-2004 budget should contain funds for implementation.

**Allocate Funds for Legal Assistance and Research:** We estimate \$10,000 for legal costs. Perhaps to craft a broad based near shore nuisance ordinance, to craft ordinances for marker permits and fine structures for violations. If our attorneys work smart and don't try to reinvent the wheel each time they draft an ordinance, these fees could be less. Of course, our budget estimate does not anticipate litigation costs.

**Other:** LOW DIFFICULTY - MEDIUM IMPACT - Items such as having a staff member truly focus on derelict vessels and pressuring the proper agencies for removal or passing an engine noise ordinance that mirrors the state statutes requires no budget, just staff time prioritization. Other examples include forbidding the overnight anchorage with a live aboard (sunrise to sunset) of vessels within 300 feet of our residential and commercial shorelines and a junked vessel ordinance. There is more leg work to be done and our committee can and will help once the staff is directed to get going on approvals. Exact Lats/Lons need determined and exact locations for buoys for example. Most of what we are recommending is low risk, low complexity stuff. Some of our recommendations do require other agency approvals, but our staff should be expert at this given we need DCA approval for about every improvement our Village seeks.

**Summary:** We are requesting funds be made available in the FY 2002-2003 budget for education; i.e., markers and public outreach materials for **\$83,000**. An additional \$25,000 in grant money can be expected for buoy purchases. Other than buoy

and marker maintenance, only updating and reprinting of maps and brochures would be an on-going expense. **Additionally, we recommend \$30,000 be allocated for a second police vessel, but again, the staff should be challenged to find a way to acquire the boat for significantly less money.** Finally, we **recommend one additional full time deputy be provided Marine Enforcement** within our nearshore waters at a fully loaded cost of **\$75,000.**

In FY 2003-2004 additional funds will need to be allocated to continue the three year buoy marker program, to mark no-motor zone flats, to continue our public outreach campaign, and to provide for adequate marine law enforcement staff.

We sure hope this provides you the information you wanted. While your request for more clarity around priorities and investments required was excellent, we struggled a bit with the proper format. As you can imagine, most of our recommendations need to be worked simultaneously, not sequentially, with the last steps being the actual expenditure of money.

Respectfully yours,

James E. Trice, Chair, For the Committee

1. Essentially all suggestions that require markers will require an ordinance. We think the ordinance allowing for markers is a boilerplate, routine ordinance that will simply have different lat/lons and justification in them. One ordinance could cover all of our needs, but we recommend the each request to the FWC be supported by separate ordinances to prevent possibly delays to matters which need not be delayed.
2. The Village should assign a member of the staff to seek, write and obtain grants for near shore water improvements. There are many grants available, however, we will often have to work through the County to obtain the grants.
3. An ordinance will need to be developed to craft the fine structure which we recommend be the maximum allowed by law and include community service and boater education.
4. Please also be aware that the Village will need to work with the FWC and keep the USCG, DCA, DEP and Army Corps of Engineers informed as we proceed with obtaining authorizations. We also recommend a very close working relationship with Mr. George Garrett and FKNMS leadership and staff as we proceed.