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**JACKSONVILLE
WATERWAYS
COMMISSION**

JACKSONVILLE WATERWAYS COMMISSION
December 9, 2004
9:00 a.m.

The monthly meeting of the Jacksonville Waterways Commission was called to order at 9:00 a.m., December 9, 2004, in the Council Chamber, by Commission Vice Chair, Council Member Sharon Copeland.

The minutes for the November 4, 2004 Commission meeting were approved, as amended. (A reference, in the last paragraph, to crab traps in the St. Johns River affected by the hurricanes, raised by Commissioner Grey was corrected).

Sgt. Jim Suber, Supervisor of the Jacksonville Sheriff's Office Marine Unit, made a brief presentation. He introduced the two newest Marine Officers that the Sheriff had recently appointed, Pete Goody and Richard Palmer. The JSO Marine Unit now numbers 6, the highest ever. Sgt. Suber also noted the recent kick-off of the River Watch Program. He thanked Commissioner Pitman whose family's dock was made available for the press contingent that covered the program's kick-off. Sgt. Suber discussed the objectives of the program and the need and value

of citizen outreach and participation to enhance the program's success.

On updating the status of Goodby's Creek Boat Ramp, Dave Hahn, Manager of the City's Contract Administration Section, Engineering Division (of Public Works), reported that we are at the point of selecting a consultant for dredging at the site. The ramp itself is about 30% complete. Commissioner Bryan inquired as to *what* dredging component since there are actually two, the dredging needed at the ramp itself and the dredging for that body of water from the ramp on into the river. Mr. Hahn was unable to provide that information. The Chair indicated that the matter needed clarification.

The Chair welcomed former City Council President Matt Carlucci and invited him to provide the Commission with the history and background of the boat ramp under construction at Goodby's Creek. Work is coming along though the hurricanes held up some of the work and debris had to be cleared out. The Chair, C/M Copeland, raised the concern about the needed dredging at the mouth of the creek, having heard that work might not be done until 2007. One of the reasons for the concern was the recent manatee fatality that occurred between the bridge and mouth of the creek. Commission Grey raised traffic concerns, egress and ingress issues. It was suggested that a reserved, designated mooring for law enforcement vessels be established; there are already reserved spaces for law enforcement personnel trailers. Commissioner Bailey, noting that traffic in the area will double when the ramp is opened, expressed concern that since there are a considerable number of manatees and calves in the creek, manatee fatalities will be inevitable inviting law suits and threatening the closing of the ramp. What do we do in the period from the time the ramp opens and when the creek is dredged (possibly August 2007)?

Mr. Carlucci discussed the legislation that he sponsored in 2001 that set up a revolving fund for the removal of derelict vessels. Assistant General Counsel Greg Radlinski advised the Commission that while the Carlucci legislation was enacted, the printer failed to add that ordinance to the Ordinance Code and that if you look to the green books where the code and supplements are located, you will not find the Carlucci enacted legislation.

Commissioner Lowe suggested that the County call on Captain Allen Richardson of the Florida Fish and Wildlife Conservation Commission's Office of Boating and Waterways for funding for the removal of the derelict vessel that C/M Holland's bill (Ordinance 2004-1304) focuses on. C/M Holland noted that the funding (Florida Fish & Wildlife) that Commissioner Lowe references is a reimbursement fund. The County has to spend money upfront removing a derelict vessel and then apply to the State for reimbursement.

Bob Baughman, Director of Parks, Recreation & Entertainment, reported to the Commission that the dredging from the overpass/bridge on San Jose Blvd to the mouth of the Creek could be funded either by FIND grant resources or private resources. Selecting a design consultant was currently underway. A year would be needed for permitting. Using FIND funding, the dredge project would be completed in November 2007. If private funding were used, the project could be completed in June 2007. If we could expedite the permitting process, time for the project's completion could be shortened. Jim Maher of DEP had indicated his willingness to work with the City officials, the Army Corps of Engineers and others to expedite the permitting and problems that the Creek poses. A pre-permitting meeting would be held to answer questions and provide necessary information regarding permitting. That meeting could be scheduled after the design consultant is selected; likely, March.

Commissioner Lowe raised the question/issue of whether or not the funding that the City had expended on the Arlington River dredge project could be recouped since the funding for that dredge project had been deauthorized. The Commissioner suggested that we act quickly in applying to FIND and the Florida Boater Improvement Program to keep those funds here in the County and possibly allocated them for the dredging needs of Goodby's Creek. Director Baughman said that while the design money that the City had funded for the Arlington River dredge project is likely lost, the FIND funding will be returned to an account where funding is earmarked for the City and that the City would have to re-apply for funding another, different dredge project. Could not remember if FIND ever allowed the use of funding for one project being approved for use on another, different project.

Jim Maher of DEP reiterated his department's intentions of working with the City and other parties in trying to expedite DEP's permitting process, though he felt that the Army Corps of Engineers was less optimistic about its ability to fast-track their permitting process.

The Chair moved to Agenda Item VI (Pending Legislation) to accommodate Council Member Holland who was in attendance to address proposed legislation that he is sponsoring.

Ordinance Amendment Changing Manatee Protection Speed Zones was deferred. Reverse, Deauthorize, Reimburse & Rescind Approp from FNID & Fla Boater Improvmt Fund for Arlington River Dredge Proj recommended for approval. Approp from Fla DCA for Thomas Creek Park Dock, Camp Milton Trailhead, Jax Baldwin Trail, Castaway Island Preserve & Tree Hill Nature Ctr Projs, CIP Amend to Authorize Priority 1 Status for Projs deferred. Expressing Intent to Use of Uniform Method for Collecting Ad Valorem Spec Assessment for Hogpen Creek Dredge Proj recommended for approval.

2004-1265 Expressing Intent to Use Uniform Method for Collecting Ad Valorem Spec Assessment for Isle of Palms Dredge Proj recommended for approval

2004-1266 Expressing Intent to Use Uniform Method for Collecting Ad Valorem Spec Assessments for Tarpon Cove Dredge Proj recommended for approval, as amended. (Technical Amendment correcting references to exhibits)

Approp from Fla Boaters Improvmt Prog to Remove a Derelict Vessel from the Intracoastal Waterway near Entrance to Queen's Harbor substituted and re-referred.

The Substitute changes the funding source. C/M Holland was advised that the Fla Boaters Improvmt Prog funds were not an appropriate source. The substitute appropriates \$ 50,000 from the Derelict Vessel Removal Fund and \$40,000 from the Council Reserve. The City would then apply to the State for reimbursement once the vessel removal project is completed. Greg Radlinski, Office of General Counsel made two observations. The State has not been funding the removal of derelict vessels program. And, before the City can get a grant for vessel removal expenses, the State Law Enforcement

Division (Fish & Wildlife Comm) has to determine and declare a vessel to be derelict.

Approp FIND Grants & Matching Funds for Chas Reese Mem Park Boat Ramp, Palms Fish Camp Boat Ramp, Ortega/St. Johns River Dredging, Mandarin Park Boat Ramp, & Castaway Island Preserve Dredging; CIP Amend to Authorize Priority 1 for projs recommended for approval, as amended, as an emergency.

Parks, Recreation & Entertainment Department Director Baughman gave the Commission an update on FIND grants. In a hand-out, Director Baughman discussed the outline of various projects for which applications had been made: the specific projects, the project description, the grantor award and the City's match, the total amount of the award and the status of the project/grant. (the Mandarin Park Canoe Launch, Phase I Proj had been changed to the Mandarin Park Boat Ramp proj).

In the monthly Manatee Report, it was reported that there were no October or November manatee deaths reported. The warmer weather has keep the water temperature warmer. Aerial viewing is still underway. A draft of the annual manatee report was distributed for the Commissioners' review. Waterways Coordinator reported that two (2) of the five (5) manatee deaths in Duval County that triggered the State's concern had actually occurred in the Intracoastal Waterway.

Jim Maher of the Department of Environmental Protection gave the Commission a presentation on Thermo Clime in the Ortega River. The warmer temperature in the river bottom attracts manatees to the Ortega River Basin and this presents a problem because the river bottom is not an actual refuge because there is no food at the bottom. Problems occur when manatees surface to cold water. Wastewater treatment facilities around the Ortega River causes the water at the river's bottom to become extremely salty. This condition, in turn causes heat to get trapped into a halocyln, which, in turn, creates the thermo clime.

In Old Business, Commissioner Grey stated that the Florida Fish & Wildlife Commission was supposed to have looked into crabtrap floats in the river that he had raised at the previous Commission meeting. JSO Marine Unit officers present indicated

that they would look into the matter.

In New Business, Commissioner Lowe reported that the Coast Guard had not yet announced Super Bowl activities for boaters--
-what activities would be available and what restraints would be and what was to be expected of boaters.

The Downtown Dock Lottery Program was explained and discussed.

In Public Comments, Pastor Ruth Taylor implored the Commission to investigate the poor condition of the Ribault River that was rendering the area unsafe for manatees.

John J. Jackson
Council Research Division