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JACKSONVILLE WATERWAYS COMMISSION

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March 4, 2004

9:00 a.m.

The monthly meeting of the Jacksonville Waterways Committee was called to order at 9:00 a.m., Thursday, March 4, 2004 in the City Council Chamber, by the Chair, Council Member Lynette Self.

The minutes of the February 5, 2004 meeting of the Commission were approved and the Chair requested that those minutes be posted on the City's website.

Jeff Cunningham, Managing Engineer, Public Works Department, Engineering Division, updated the Commission on Fishing Creek. It had been brought to the attention of the Commission that construction materials from a nearby FDOT construction project had run off into Fishing Creek causing resulting in siltation. Mr. Cunningham reported that permit applications to the Army Corps of Engineers and the (Fla) Department of Environmental Affairs have been submitted for the project and that a pre-application meeting is impending to discuss a permitting time-line for the project. DEP is expected to expedite the permitting process.

Cynthia Perez, Project Manager, U.S. Army Corps of Engineers, provided the Commission with an update on Eco-Restoration projects. The Corps has decided that it will not proceed with the White Shell Bay project, that the project will be terminated. The City of Jacksonville had been co-sponsoring the dredging project with the Army Corps of Engineers. Ms. Perez discussed the environmental concerns that had become a determining factor. In order to restore/re-establish the eco-system in the bay area, culverts under Hecksher Drive had to be re-opened. The Timucuan Preserve, exercising its riparian rights, was concerned that any water from the bay going back into the Preserve area would result in an imbalance to the ecological equilibrium state that the Preserve currently maintains. In addition, the Florida Fish & Wildlife Commission advised the Corps that current habitat in the Bay would be harmed by an eco-restoration project, that restoring the habitat would be too costly, that there would be no environmental benefits. According to Ms. Perez, environmental agencies say that the value presently in the eco-system at the bay would be lost if we dredge the bay and the bay silts up; the restored habitat would not survive. Commissioner Tullis suggested that the Corps, DEP and the Florida Marine Patrol meet with Timucuan Preserve. Commissioner Bryan said that the issue is not with the Corps but with the Timucuan Preserve and the use of the culverts. Ms. Perez said that the Preserve's position was adamant, that they wanted no water from the bay going back to the Preserve (or vice versa). The Corps will be sending out letters to the White Shell Bay residents apprising them of the reasons why the dredging project is being abandoned.

On the matter of Hogan's Creek and Big Fishweir aquatic habitat restoration projects, the Corps has had to suspend work. Funding has been exhausted. The Corps has reached a funding cap of \$25 million for Section 206 aquatic eco-system restoration projects.

Section 206 restoration projects are those where the projects' costs are shared by the Corps (65%) and the sponsor (e.g., the City, 35%). The Congress capped 206 work at \$25 million for projects nationwide. The Hogan's Creek project manager reported that considerable work and progress had been made, that we were at the point where community feedback was being sought and that the Corps would be ready to resume and complete work when new funding was available in 2005. When money for Section 206 projects is restored, there would be no need to re-apply for funding. The projects are already in the budget and once additional funding is available, the Corps picks up where they left off. There is a priority for projects already under construction.

Commissioner Bryan stressed that we need to get the Mayor involved with dredging projects in the interest of preserving our waterways and tributaries. Commissioner Bryan said that dredging projects need to be an ongoing budget item in the Mayor's Annual Budget. Moreover, town meetings could be held to rouse public opinion, to encourage letter writing to press our Congressional Representatives for relief in the form of legislation to fund our dredging projects.

Commissioner Tullis made a motion to have a resolution drafted that the City Council could send to our Congressional delegation imploring them to look for funds for our dredging projects. The motion was approved by a unanimous vote. Commissioner Bailey suggested that the Commission's Eco-Restoration Subcommittee meet with the Corps on the dredging issues and then with the Mayor.

Mr. John McCranie, a resident of Fairfax Manor in Riverside, asked if it were possible for the City to come up with the necessary funding to finish the Project Management Proposal stage of the Big Fishweir Creek dredging project (\$22,000). The Chair inquired whether or not the Corps could accept this funding if the Council appropriated it. Ms. Perez responded that the Corps cannot accept money from a non-federal sponsor, that once the project was ready for actual construction, then the local sponsor would be asked to share the costs.

Commissioner Ed Grey provided the Commission with a report on the issues that the Docking Fee Subcommittee has been addressing. A written report on the Subcommittee's meeting and findings was provided to the Commissioners. The Subcommittee had looked at the docking rates of a number of other port cities such as Charleston, Savannah, Miami, Palm Beach.

Annapolis, San Diego and others. The Subcommittee was primarily interested in comparing user fees from other localities with coastal cruise ships, large yachts, historic and military vessels and non-for-profit vessels that we are hoping to have docking at our downtown facilities as opposed to the large passenger liners that guidelines in our Ordinance Code currently address. The Subcommittee recommends a complete overhaul of Resolution 92-1708-255.

City Council Auditor Richard Wallace discussed the Metropolitan Park Trust Funds and the fees that go into the trust: docking fees, fees from the Metropolitan Park boat show and fees from the water taxis. The Council Auditor suggested that a specific trust fund solely as a repository for docking fees could be set up. The Metropolitan Park Trust Fund money *must be used for Metro Park maintenance*.

Bob Baughman, Director, Parks, Recreation & Entertainment Department, addressed the issues of the Beach Marina Due Diligence and the Arlington River dredging project. Council Member Art Graham had previously asked the Director to update the Commission on the Beach Marina issue. At the Beach Marina, a developer wanted to build condominiums but was denied by the Jacksonville Beach City Council. This was a 149-acre site (the Taylor property). 122 acres were wetland, the rest upland. The Director felt that the City should not be involved in a market situation. On the Arlington River dredge project, Mr. Baughman said that the bids for the dredging project (now in Phase II) came back too high, too expensive for the Southbank Riverwalk and Arlington River dredge projects.

Commissioner Gary Anderson provided the Commission with an update on the Run-Off & Water Quality Subcommittee work. At the last subcommittee meeting, the emphasis was on the citizen's angle. Agencies like the FDOT are increasingly recognizing the problem and addressing the issues. We need to hear from the experts in the technologies involved with run-off issues. A workshop is forthcoming.

Dr. Gerard Pinto of Jacksonville University, made a presentation on the Cedar River/Ortega Rivers pertaining to manatees. There will be an April trip for Commissioners (and Council Member Davis whose district the river areas are in) to view the area by boat.

Steve Nichols, Waterways Coordinator and Dockmaster, updated the Commission on abandoned boats noting that there had been two abandoned boats in the Ribault River (at the New Berlin boat ramp) and two abandoned boats in Cedar River (an issue raised at the February Commission meeting).

Sgt Suber of the Jacksonville Sheriff's Office discussed the River Watch Program. Sgt. Suber likened the program to the Neighborhood Watch program, people keeping abreast of suspicious and potentially criminal activity on the river and reporting their suspicions to the authorities. A March 24th meeting is planned to implement the program. The meeting will be held at the FOP offices on Beach Boulevard at 10:00 a.m.

In response to a question raised at the previous Commission meeting, Attorney Greg Radlinski, Office of General Counsel, advised the Commission that the County cannot regulate anchorage in our waterways unless the vessels are either houseboats or live-aboards (primary residences). Key West is different. Key West has the authority to regulate and owns 600 feet of shoreline submerged land rights.

In the course of the Commission meeting, we were briefly joined by a delegation of visiting dignitaries from Bulgaria. Bulgaria will soon become a member of NATO and its visiting dignitaries wanted to view the relationship between a city with military installations in its midst, and the working relationship between the two.

The next meeting of the Jacksonville Waterways Commission will be Thursday, April 1, 2004, 9:00 a.m., Council Chambers.

John J. Jackson
Council Research Division