

BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: Wed. December 16, 2003

Division: BOCC

Bulk Item: Yes No

Department: Commissioner Rice, District 4

AGENDA ITEM WORDING: Approval of utilization of Boating Improvement Funds to install no wake markers at Duck Key at the request of the Duck Key Property Owners Association.

ITEM BACKGROUND: The Duck Key Property Owners Association has obtained the necessary permits from the National Marine Sanctuary for installation of the no wake markers. The Federal Government passed legislation authorizing idle speed only within 300 foot of shore for all of Monroe County. They are asking for \$5,000 from the BIF to pay for the signage and installation.

PREVIOUS RELEVANT BOCC ACTION:

CONTRACT/AGREEMENT CHANGES:

STAFF RECOMMENDATIONS:

TOTAL COST: \$5,000.00

BUDGETED: Yes No


COST TO COUNTY: \$5,000.00

SOURCE OF FUNDS: BIF monies

REVENUE PRODUCING: Yes No **AMOUNT PER MONTH** _____ **Year** _____

APPROVED BY: County Atty OMB/Purchasing Risk Management

DIVISION DIRECTOR APPROVAL:



(David P. Rice, Commissioner, District 4)

DOCUMENTATION: Included To Follow Not Required

DISPOSITION: _____

AGENDA ITEM # 016



U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE
MARINE SANCTUARIES DIVISION
Florida Keys National Marine Sanctuary
P.O. Box 1083
Key Largo, FL 33037
(305) 852 - 7717 Voice
(305) 853 - 0877 Fax

September 9, 2003

Mr. Roy Enquist
23047 Old Government Trail
Nisswa, Minnesota 56468

RE: Uniform Waterway Marker Permit
PERMIT 20-068 CFR 922.163

Dear Mr. Enquist:

This is in reference to your request for assistance in obtaining the required permits to place uniform waterway markers to clearly delineate the 100-yard idle speed only zones adjacent to your residential shoreline. On your behalf, the Florida Keys National Marine Sanctuary (FKNMS) has obtained the required permits to allow the installation of 10 uniform waterway markers and 2 signs at the locations specified in the attached permit documents. The USACOE, State of Florida/ Office of Enforcement Planning and Policy, Division of Law Enforcement and DEP has approved this permit for uniform waterway markers under Sanctuary Regulation Part 922.163 no-wake idle speed within 100 yards (300 feet) of a residential shoreline.

It will be the responsibility of the homeowner to make arrangements with a licensed and insured contractor for uniform waterway marker installation(s) and payment of services. Furthermore it will remain the responsibility of the homeowner to maintain and replace any lost or damaged markers under this permit for your area. Failure to maintain and/or replace uniform waterway markers may result in revocation of this permit.

In electing to move forward with the contracting and installation of the markers, you will work with the contractor to adhere to the terms and conditions specified in this permit. Conditions include, but are not limited to: provisions for taking precautions to avoid harming manatees during construction activity; installing the markers in accordance with the prescribed specifications; and the reporting and correcting of any discrepancies of any marker(s) in a timely manner. Please review the permits carefully before committing to an installation contractor.

FKNMS reserves the right to have an observer(s) on location during all activities authorized by this permit. The FKNMS Observer(s) may document the activities and actual site of installation for each marker to confirm the accuracy of the marker spacing and positioning and to allow for an assessment of potential physical resource damage. All permitted activities are to be conducted in accordance with the terms and conditions of this permit and the applicable statute and regulations. The FKNMS Observer(s) will not be present for the purpose of safety, nor for the purpose of approval of activities not specifically authorized by this permit. You may elect to



arrange for Mr. John Halas, Resource Manager (305) 852-7717 x34 to meet with a contractor of your choosing prior to effecting any installations for a site survey. It is incumbent upon you to select and employ a contractor capable of constructing and installing the regulatory markers in accordance with the specifications prescribed by FKNMS and attached to this letter. Uniform waterway markers must be installed using embedment type anchors approved by FKNMS to assure the stability of the system. Markers shall be set at approximately one tenth of a mile apart (600 feet). FKNMS reserves the right to inspect the markers prior to, during, and after installation. Any required corrections found necessary based upon these inspections will be your responsibility to have corrected.

The permittee shall notify FKNMS Upper Region office at least 24 hours in advance when work has been scheduled with an installation contractor.

Also within 24 hours it is the responsibility of the permittee to report to the FKNMS Upper Region office of the successful completion of the marker installation(s).

Under the requirements of the State of Florida, Office of Enforcement Planning and Policy, Division of Law Enforcement, Uniform Waterway Markers must comply with these specifications: markers must be of white reflective background with an international orange border and geometric symbol. Characters must be black block at least 3" in height. Markers must extend a minimum of 36" above the waterline. **Each marker must also be identified with the proper permit number by division (see below).** Permit numbers must be firmly affixed to the lower portion of each marker in black block no smaller than 1" in height.

There are three divisions of the FKNMS; Upper, Middle and Lower Regions, which will be identified by permit number:

PERMIT 20-055 CFR 922.163

The Upper Region permit area begins at Angelfish Creek in the northern shoreward end of the Sanctuary and extends down to the Long Key Viaduct.

PERMIT 20-068 CFR 922.163

The Middle Region begins southward from the Long Key Viaduct and extends to Spanish Harbor, a point just before Big Pine Key.

PERMIT 20-069 CFR 922.163

The Lower Region permit area begins southward at Spanish Harbor and covers the remaining portion of residential shoreline within the southern boundaries of the FKNMS.

All persons associated with the project shall be instructed of the potential presence of manatees and the need to avoid collisions with manatees. All construction personnel are responsible for observing water-related activities for the presence of manatees.

There are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act of 1972, the Endangered Species Act of 1973, and the Florida Manatee Sanctuary Act of 1978. The permittee and/or the contractor may be held responsible for any manatee harmed, harassed or killed as a result of construction activities.

All vessels associated with the project shall operate at "no-wake/idle speeds at all times while in water where the draft of the vessel provides less than four feet clearance from the bottom and those vessels shall follow routes of deep water whenever possible.

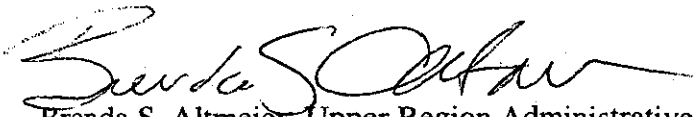
If a manatee is sighted within 100 yards of the project area, all appropriate precautions shall be implemented by you/the contractor to ensure protection of the manatee. These precautions shall include the operation of all moving equipment no closer than 50-feet of a manatee. Operations of any equipment closer than 50-feet of a manatee shall necessitate immediate shutdown of that equipment. Activities will not resume until the manatee(s) have departed that project area of its own volition.

Any collision with and/or injury to a manatee shall be reported immediately to the "Manatee Hotline" at 1-800--DIAL-FMP (1888-342-2580). Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1904-232-2580) for North Florida or Vero Beach (1561-562-3909) in South Florida.

To report permit activities or for questions please contact Brenda Altmeier directly at (305) 852-7717 x22 or Mr. John Halas x34.

We hope that the costs and effort associated with the installation of these shoreline markers will be of benefit in habituating vessel operators to the idle speed zones off your shoreline. Please let us know if we can be of further assistance in your planning for this project.

Sincerely,



Brenda S. Altmeier, Upper Region Administrative Assistant
Florida Keys National Marine Sanctuary

Date

9/9/03

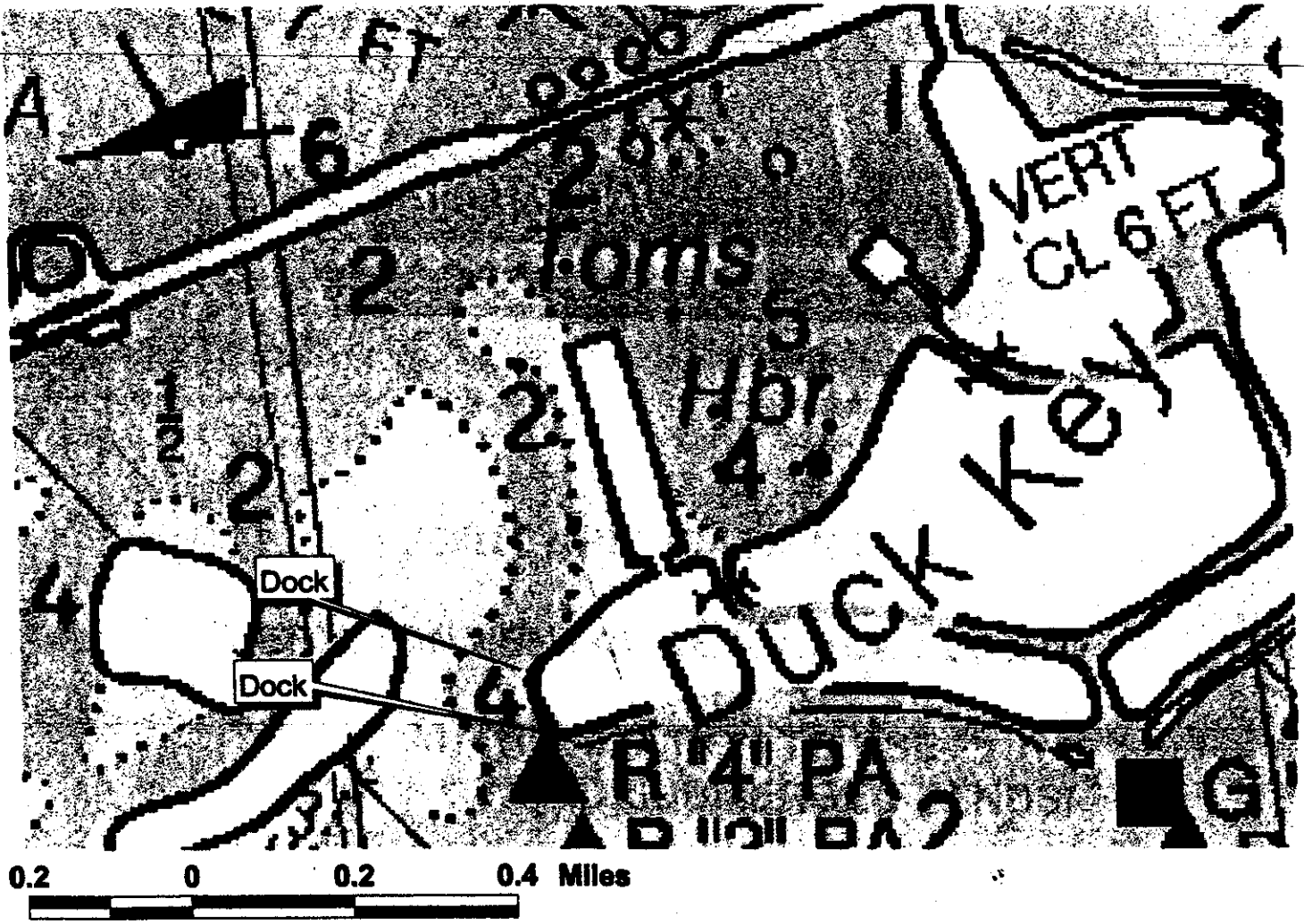
encl.

cc:

Billy D. Causey/FKNMS Superintendent
Dave Score/FKNMS Upper Region Manager
Anne McCarthy/FKNMS Lower Region Manager
John C. Halas/FKNMS Upper Region Resource Manager

Art Apkarian/ Duck Key Property Owners' Association, Inc., President
Ed Gottschalk/ Duck Key Property Owners' Association, Inc., Vice President

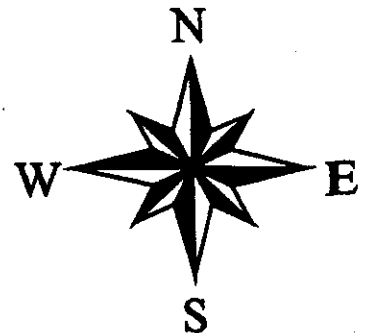
**Florida Keys National Marine Sanctuary
Regulatory Markers / Idle Speed No Wake
CFR 922.163
FWC - File Number 2009-0944-068BS
ACOE - NW1**



100 Yard Markers

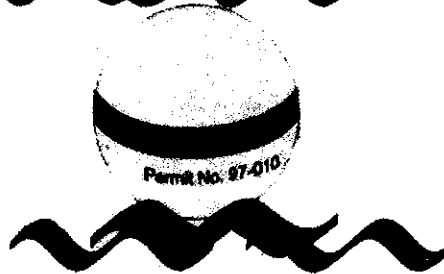
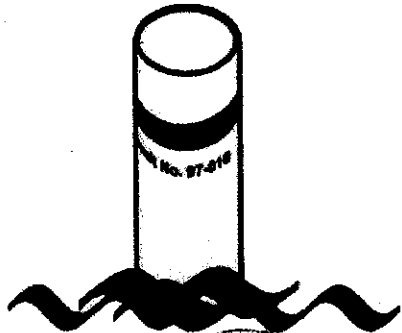
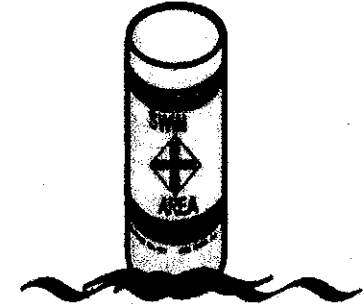
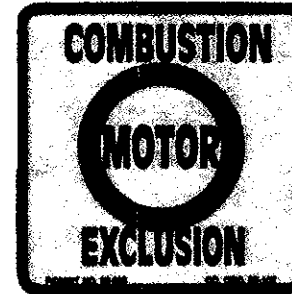
● Enquist.dbf

Image NOAA Chart 11452

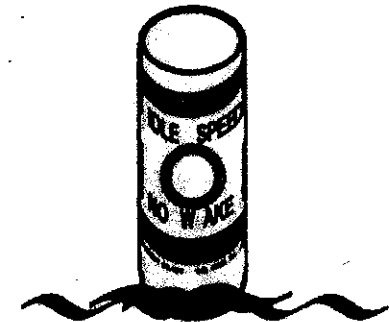


MOST TYPICALLY UTILIZED UNIFORM WATERWAY MARKERS

Signage



Signage must be a minimum of 3' X 3'. It must be of white reflective background with an international orange border and geometric symbol. Characters must be black block at least 1" in height.



Buoys must extend a minimum of 36" above the waterline and possess the same color characteristics as the signage.

DUCK KEY PROPERTY OWNERS' ASSOCIATION, INC.
P.O. Box 522606, Marathon Shores, FL. 33052

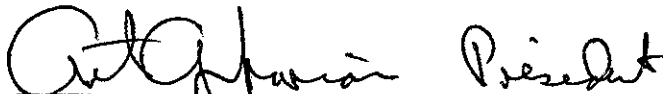
Art Apkarian - President - 289-0705
Ed Gottschalk - Vice President - 743-2799
Alene Teynor - Treasurer - 743-2983
Lore Grob - Secretary - 743-4984
Roy Enquist - Environment - 743-0115

Bill Morrell - Member at Large - 289-9945
Jo Ann Orr - Newsletter - 743-5437
Fran Showerman - Social Chairman - 289-7532
Dave Williamson - Beautification - 743-2151

Date: April 21, 2003

The Duck Key Property Owners' Association, Inc. Board of Directors passed the following motion on April 16, 2003.

Duck Key Property Owners' Association Inc. authorizes the placement of up to ten (10) no wake buoys as marked on the attached map in Tom's Harbor and the Harbor Island area. Two (2) no wake signs are to be placed on docks as indicated on the attached map.


Art Apkarian, President

AK:lg

OBJECTIVE: TO PRESERVE AND PROTECT THE RESIDENTAL COMMUNITY AT DUCK KEY.

#1 DEPTH 4.8 ft.
2446.476 N
8055.347 W
GRASS + SAND

#2 DEPTH 3.7 ft.
2446.424 N
8055.221 W
SPARSE GRASS

#3 DEPTH 2.4 ft.
2446.313 N
8055.173 W
SCATTERED GRASS

#4 DEPTH 3.8 ft.
2446.249 N
8055.169 W
SCATTERED GRASS

#5 DEPTH 4.3 ft
2446.249 N
8055.076 W
SCATTERED GRASS + SAND

#6 DEPTH 3.4 ft
2446.297 N
8055.035 W
SAND BOTTOM

#7 DEPTH 3.2
2446.398 N
8055.980 W
SCATTERED GRASS

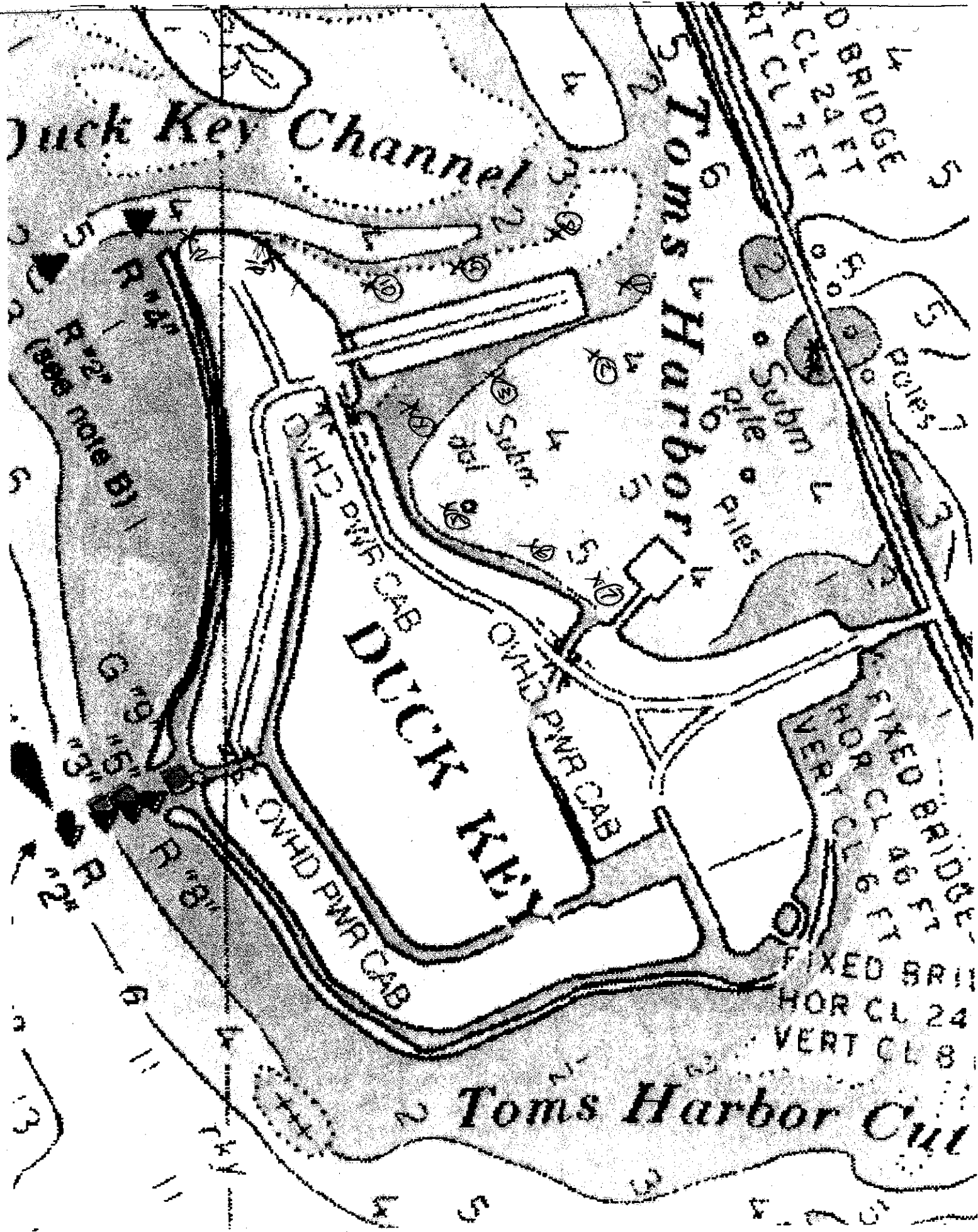
NW
COR
#8 DEPTH 3.4
2446.365 N
8055.405 W

#9 DEPTH 3.5
2446.282 N
8055.369 W
SCATTERED GRASS
OPP
DAMUCKY

#10 DEPTH 2.0 ft,
2446.183 N
8055.347 W
SCATTERED GRASS

#11 - ROCK SIGN

#12 ROCK SIGN



Duck Key Channel

Toms Harbor

DUCK KEY

Toms Harbor Cut

BRIDGE
FIXED BRIDGE
HOR CL 24
VERT CL 8

See note B11

BRIDGE
HOR CL 24
VERT CL 8

Subm
pile

OVHD PWR CAB

OVHD PWR CAB

OVHD PWR CAB

piles

BRIDGE

BRIDGE

BRIDGE

BRIDGE

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50