

## HERNANDO COUNTY WATERWAYS ADVISORY COMMITTEE MEETING MINUTES – DECEMBER 15, 2021



Date: Wednesday, December 15, 2021 Time: 7:00 P.M.

Location: Hernando Beach Marine Group Inc. Training Center

4340 Calienta Street, Hernando Beach, FL 34607

Advertised: Friday, December 3, 2021, The Hernando Sun (CLK21-229)

The meeting agenda and back-up material are available online at:

https://www.hernandocounty.us/departments/departments-n-z/public-works/aquatic-services/waterways-advisory-committee/agendas-and-minutes

#### **CALL TO ORDER**

Chairman Chuck Morton called the meeting to order at 7:04 p.m.

Attendee Name	Title	Attendance
Chuck Morton	Chairman	Present
Kathryn Birren	Vice Chairman	Present
Michael Senker	Member	Present
Mike Fulford	Member	Present
Sarah Hill	Member	Absent
Wayne Dukes	Commissioner / Liaison	Absent
Scott Herring	Department of Public Works Director / County Engineer	Present
Keith Kolasa	Aquatic / Waterways Services Manager	Present
Steve Kelly	Corporal / Marine Patrol Officer	Absent
Tina Duenninger	Co. Administration / DPW Executive Office Manager	Present

#### PLEDGE OF ALLEGIANCE

Chairman Chuck Morton requested New Business Item 1. Red Tide Overview, be presented by Ms. Brittany Hall-Scharf at this time so that she may leave the meeting as soon as possible.

#### **NEW BUSINESS**

#### 1. Red Tide Overview - Brittany Hall-Scharf, IFAS/Florida Sea Grant

Ms. Brittany Hall-Scharf provided a brief overview on red tide bloom and monitoring utilizing a PowerPoint presentation. The presentation covered red tide algae, samples collected, monitoring, and descriptions of concentrations.

Ms. Hall-Scharf reviewed certain seafoods not consumable during red tide blooms due to poisonous toxins and provided information for citizens to get involved. A brief Q&A followed.

Ms. Hall-Scharf left the meeting at this time.

#### APPROVAL OF MINUTES - OCTOBER 20, 2021

**MOTION:** Mr. Mike Fulford motioned to approve the minutes of the October 20, 2021 Waterways Advisory Committee meeting. Vice Chairman Kathryn Birren seconded. The motion carried and was approved unanimously.

#### APPROVAL / MODIFICATION OF AGENDA (Limited to Staff and Committee Only)

New Business Item 1. Red Tide Overview, was moved up on the agenda following the Pledge of the Allegiance. Mr. Mike Fulford requested a brief status on the Weeki Wachee River Dredge project be added to the agenda under New Business. There were no other changes made to the agenda.

#### MARINE PATROL REPORT

Corporal Steve Kelly was not present at the meeting.

#### **NEW BUSINESS**

#### 2. Proposed Ordinance on Mooring of Commercial Vessels at Boat Ramps

Mr. Keith Kolasa noted the Proposed Ordinance on Mooring of Commercial Vessels at Boat Ramps was included in the agenda packet for the Committee's review and feedback before the item moved forward. He noted more recently, a shrimping boat had been docked at the boat ramp doing repairs for an extensive period of time. The County had determined this to be constant occurrences in the past few years and deemed it necessary to revise the existing Ordinance to add language and enforce associated fines. A copy of Mr. Kolasa's comments on the proposed Ordinance were highlighted and provided in the agenda packet for review.

Vice Chairman Kathryn Birren requested the Ordinance should include all vessels, not just commercial vessels, and that the same rules and fines should apply to both commercial and recreational vessels. Mr. Scott Herring advised the Ordinance was being proposed to include sponging vessels and not commercial vessels actively fishing. He further advised the non-commercial vessels were already prohibited. Mr. Mike Fulford clarified the purpose of the Ordinance was to allow for enforcement by the Sherriff's Office and impose fines. He expressed he was comfortable with the wording in the Ordinance packet.

Mr. Scott Herring clarified certain sections of the Ordinance for Vice Chairman Kathryn Birren. Vice Chairman Birren requested wording to include "actively launching and recovering" vessel. Mr. Mike Fulford requested a glossary within the Ordinance defining vessel to include dockage to be assembled with the addition of motor to transport.

In conclusion, the following recommendations were made by staff and committee members:

- Add language to include "commercial sponging <u>and shrimping</u> vessels <u>docking or</u> blocking boat ramps in Hernando County for extended period of time when not actively engaged in commercial fishing; and"
- Add language to include "within 150 feet <u>or less</u> of any public ..."
- Add language to include "commercial sponging vessels, <u>including shrimping vessels</u>, are commercial fishing vessels ..."
- Treat ALL vessels the same (same rules and fines should apply to both commercial and recreational vessels).

- Allow time for boat owner to get their vehicle and pull boat out of the water.
- Wording to include prohibition against anchoring or mooring within 150 feet or less of a boat ramp does not apply "while actively launching and recovering" vessel.
- Concerns regarding assembling docks and tying up boat ramp, i.e., docks being put
  together at the ramp. Wording to include docks in the vessel description or as a separate
  commercial activity use of the ramp; or
- Include glossary within Ordinance defining vessel to include "dockage to be assembled with the addition of motor to transport".

Mr. Scott Herring advised he would forward all recommendations to Legal.

**MOTION:** Mr. Mike Fulford motioned to accept with the performance conditions stated. Mr. Mike Senker seconded. The motion carried and was approved unanimously.

#### 3. Member Replacement for Chuck Morton

Chairman Chuck Morton welcomed newly appointed committee member Mr. Chris Licata, who was present at the meeting as a citizen.

#### 4. 2022 Meeting Schedule

The new dates proposed to the 2022 meeting schedule of the Waterways Advisory Committee were reviewed.

**MOTION:** Mr. Mike Fulford motioned to approve the new dates to the 2022 meeting schedule of the Waterways Advisory Committee. Vice Chairman Kathryn Birren seconded. The motion carried and was approved unanimously.

#### 5. Weeki Wachee River Dredge Project

Mr. Keith Kolasa advised bids had been received for the Weeki Wachee River Dredge project, and the Southwest Florida Water Management District was in the process of selecting a contractor. The project consisted of a two-mile section on the river from Rogers Park to Richardson Drive and was anticipated to begin prior to the State Road Canal Dredge project.

#### **OLD BUSINESS**

#### 1. Aquatic Preserve Boundary – Pine Island

Mr. Keith Kolasa shared the Aquatic Preserve Boundary map for Pine Island, which was included in the agenda packet. Upon query by Mr. Chuck Greenwell, Mr. Scott Herring responded previously approved RESTORE projects were exempt from changes to the Aquatic Preserve, and Pine Island would be moving forward slowly and handled by the new project manager when onboard.

#### 2. State Road Canal Dredge

Mr. Keith Kolasa noted a pre-bid meeting on the State Road Canal Dredge project was held a few weeks ago. Bids are due in early January and the project is anticipated to begin after April 1 once Manatee season is done.

#### 3. Lake Townsen Boat Ramp

Mr. Keith Kolasa advised the contractor was working on acquiring feedback on permitting from the Florida Department of Environmental Protection for the Lake Towsen Boat Ramp project.

He further advised the County will be requesting more grant funding from the State for construction and that design was nearly complete.

#### **INFORMATIONAL ITEMS**

#### 1. Revisions to Marine Construction Code Ordinance – Marginal Docks

Mr. Aaron Pool, Zoning and Code Enforcement Administrator, introduced himself and clarified the marginal docks in the riverine, indicating there would not be a 500 ft. maximum for marginal docks in areas that are not covered in the riverine protection Ordinance.

#### 2. Hernando Beach Christmas Boat Parade

Mr. Keith Kolasa displayed pictures taken at the Hernando Beach Christmas Boat Parade held on December 11, 2021. He stated it was an honor having the U.S. Marines and active service work on the toy collection boat and having the residents donate Toys for Tots. Committee members expressed Mr. Kolasa did a great job playing Santa.

#### 3. Volunteer Reef Ball Build Event

Mr. Keith Kolasa announced 18 cubes and four reef balls were built at the Volunteer Reef Ball Build event held on December 4, 2021. A couple yards of cement was donated for the event.

Prior to Citizens' Comments, Mr. Scott Herring thanked Chairman Chuck Morton for his service and all that the Chairman, along with the Port Authority, and now the Waterways Advisory Committee, had done throughout the years. He advised the Board of County Commissioners had prepared a letter and certificate of appreciation but had not been able to get it signed in time for the meeting. Mr. Mike Fulford also thanked Chairman Morton for his service, who was presented with a gift basket by Vice Chairman Kathryn Birren from the members and the community. Chairman Morton thanked everyone and encouraged all to participate.

#### **CITIZENS' COMMENTS**

Mr. Sarge Dendy queried what were Code Enforcement's goals relative to enforcement of tagging for derelict docks and boats along the canals. Mr. Aaron Pool responded he has been with the County for seven months and has not been able to see the code enforcement cycle for a full year. He advised there has been a lot of enforcement on the waterways relative to the riverine protection Ordinance. He further advised there were only five code enforcement officers and requested he be notified of any dangerous docks and boats.

Mr. Steve Barton requested the Waterways Advisory Committee place an agenda item on the February 16 meeting to discuss the oil pollution problem in the main channel and come up with solutions.

Mr. Chuck Greenwell stated that it was not clearly defined the differences between water dependent land uses, which involve code enforcement, and water dependent uses that really don't relate to zoning. He further stated there was substantial amount of work involved in regulating docks and water uses in Hernando Beach that Planning & Zoning was not in tune with or equipped to handle as well as the Waterways Advisory Committee and expressed that since the Board of County Commissioners was now the acting Port Authority, may want to get clarified with Planning & Zoning.

There were no other citizens' comments.

#### WATERWAYS ADVISORY COMMITTEE / STAFF COMMENTS

- 1. Chuck Morton, Chairman
- 2. Kathryn Birren, Vice Chairman
- 3. Mike Senker, Member
- 4. Mike Fulford, Member

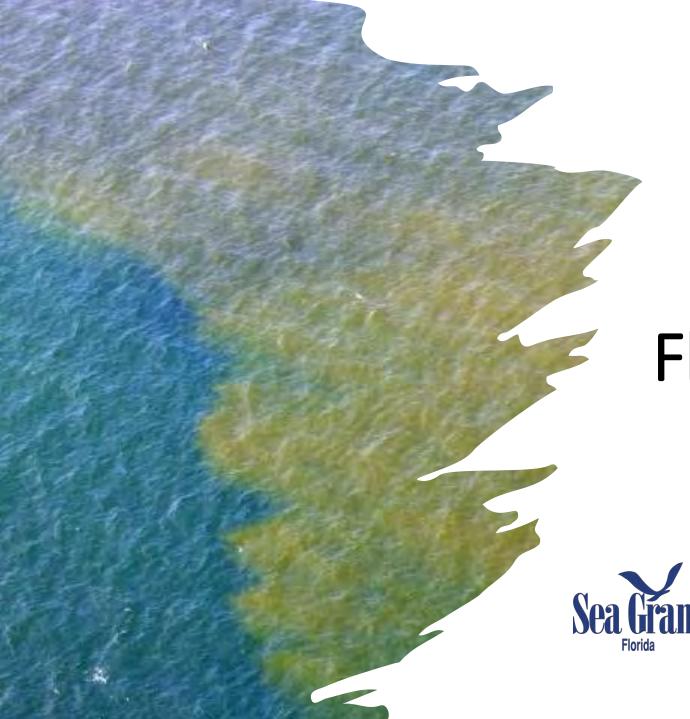
- 5. Sarah Hill, Member
- 6. Keith Kolasa, Aquatic/Waterways Services Manager
- 7. Scott Herring, Department of Public Works Director/County Engineer

#### **ADJOURNMENT**

The meeting was adjourned at 8:43 p.m.

#### **Upcoming Meeting(s)**:

The next regular meeting of the Waterways Advisory Committee will be held on Wednesday, February 16, 2022, at 7:00 P.M., in the Hernando Beach Marine Group Inc. Training Center, 4340 Calienta Street, Hernando Beach, FL 34607.



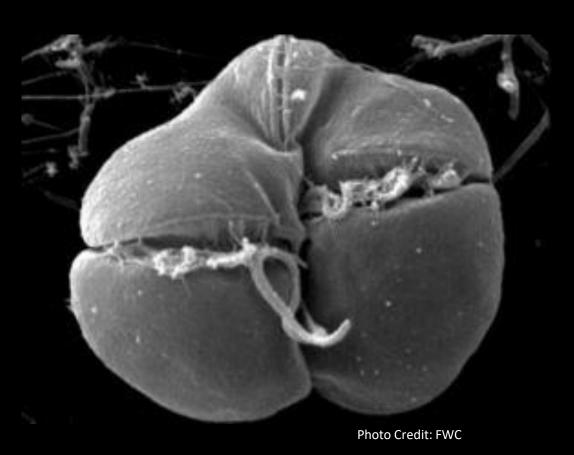
## Florida's Red Tides

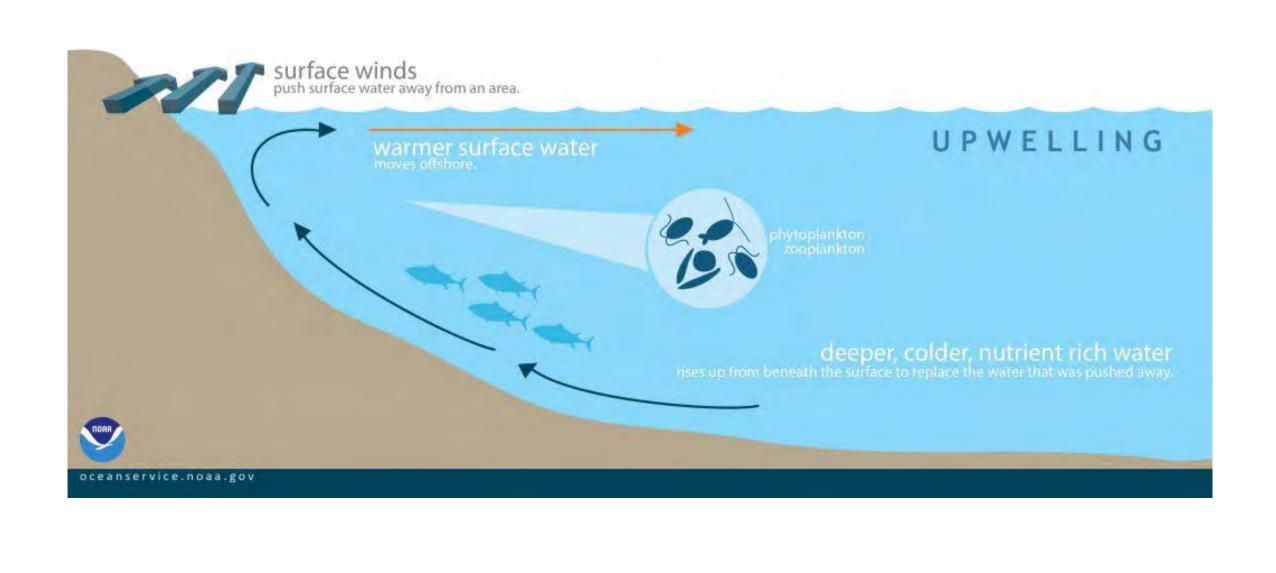
**Brittany Hall-Scharf** 



## Red Tide

- Overgrowth of algae *Karenia brevis* 
  - Not bacteria
- Natural occurrence
  - Colonial period
  - Scientifically documented in 1844
- Develop offshore 10-40 miles
  - Not caused by nutrient pollution
  - Cells in bottom waters brought to surface
- Not in freshwater systems







## Brevetoxins

- Toxic chemical that can affect humans and organisms
- Neurotoxin that targets central nervous system
- Wave action breaks open cells and release toxin



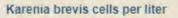








Legend



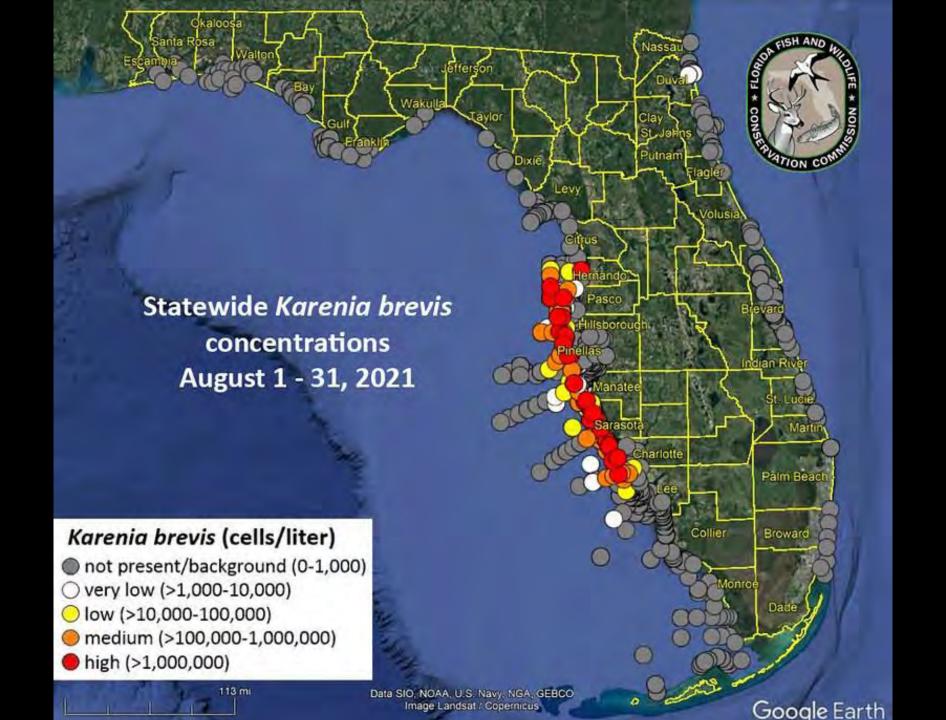
- not present/background (0-1,000)very low (>1,000-10,000)
- low (>10,000-100,000)
- medium (>100,000-1,000,000)
- high (>1,000,000)
- \* Click dots for Sample details.

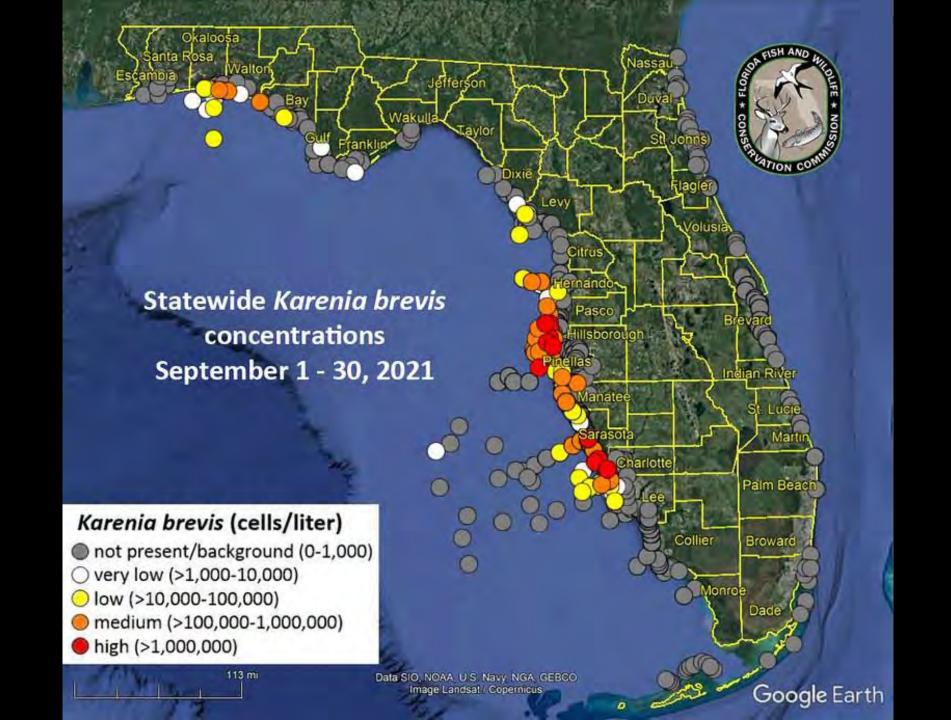


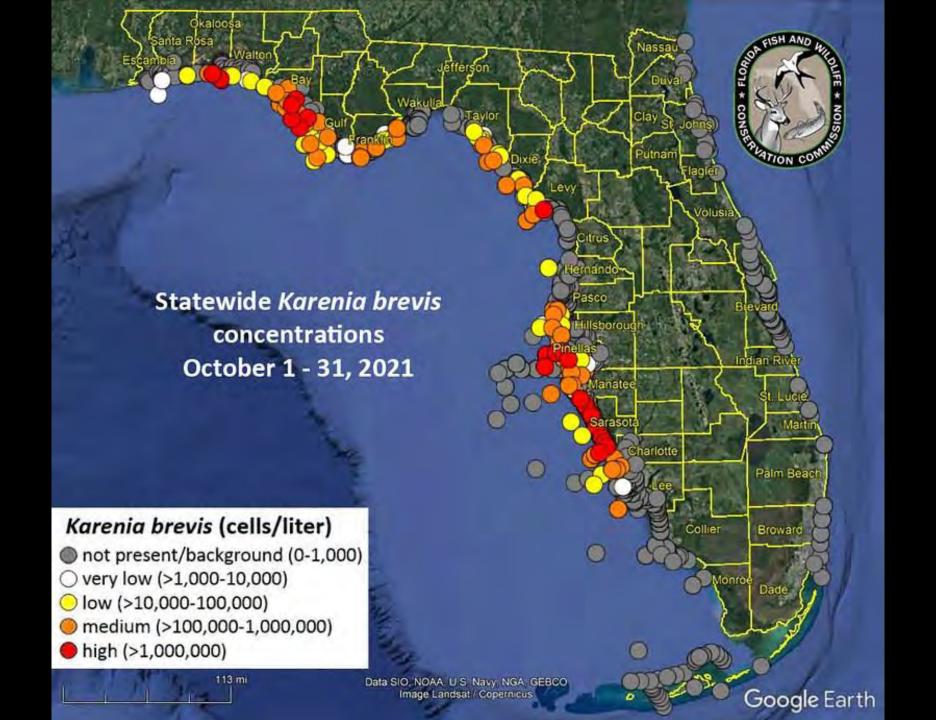


Description	K. brevis abundance	Possible effects (K. brevis only)
NOT PRESENT- BACKGROUND	background levels of 1,000 cells or less	no effects anticipated
VERY LOW	> 1,000 - 10,000 cells/L	possible respiratory irritation; shellfish harvesting closures when cell abundance equals or exceeds 5,000 cells/L
LOW	> 10,000 - 100,000 cells/L	respiratory irritation; shellfish harvesting closures; possible fish kills; probable detection of chlorophyll by satellites at upper range of cell abundance
MEDIUM	> 100,000 - 1,000,000 cells/L	respiratory irritation; shellfish harvesting closures; probable fish kills; detection of surface chlorophyll by satellites
HIGH	> 1,000,000 cells/L	as above, plus water discoloration























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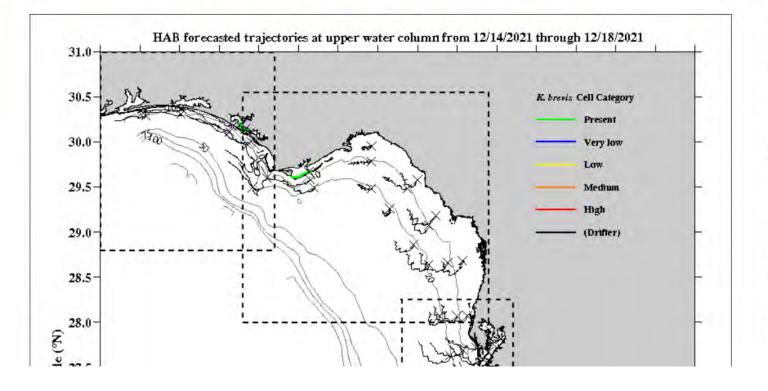
**Data Analysis Tools** 

Operations

**Pictures** 

**Former Products** 

#### Red Tide Prediction and Tracking on the West Florida Shelf



#### **HAB Tracking**

#### USF

College of Marine Science
COMPS Real Time Data
Collaboration for Prediction of Red
Tides

#### **Related Links**

HAB Tracking for the West Florida Shelf Region

HAB Tracking for the Tampa Bay Region

Seasonal Prediction of Red Tide Bloom

FWC Red Tide Page

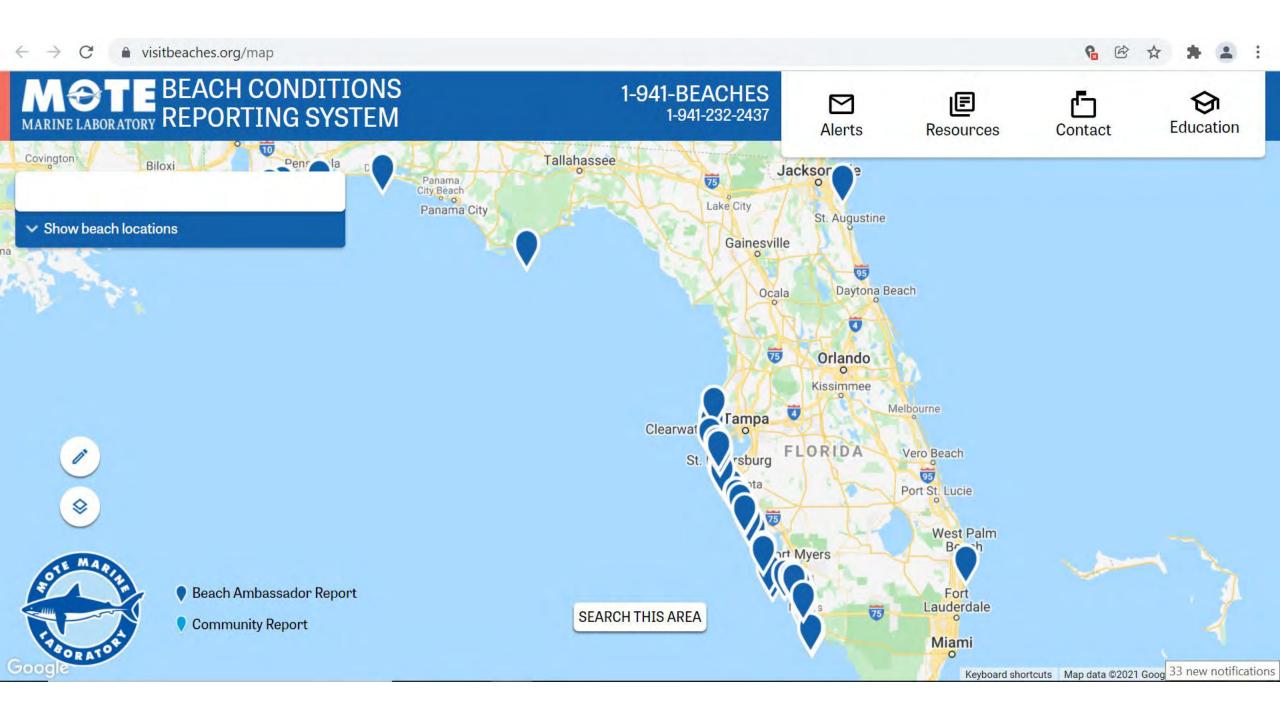
Red Tide Facebook Page

Mote Beach Conditions Page

#### **Archived Plots**

**Base Map Archives** 

Danhandla Archives





Can I eat seafood during a red tide event?

- Bivalve filter feeders accumulate toxins in gut
- Cooking or freezing does not eliminate toxins
- Takes 2-6 weeks to purge toxins from tissues
- Clams, oysters, and mussels sold in stores and restaurants safe

# Can I eat seafood during a red tide event?

- Crabs, shrimp, lobsters and finfish generally safe to consume
- Do not consume guts or tomalley
- Do not consume dead or distressed animals





Red tide, Karenia brevis, is caused by an accumulation of a harmful microscopic algae.

Red tide blooms originate offshore and move inshore with tides and currents.

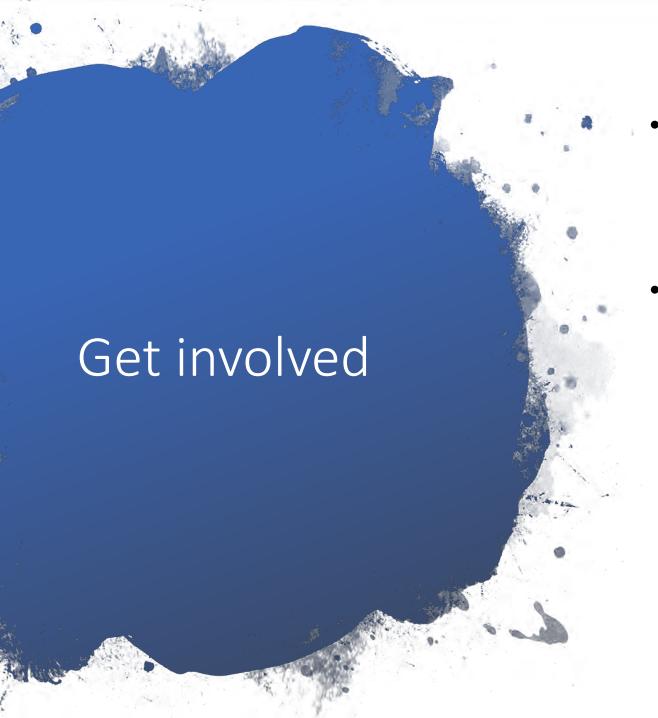
Toxins produced by red tide can be harmful to fish and wildlife.

Report fish kills and local beach conditions:

- Florida Fish and Wildlife Conservation Commission (800-636-0511)
- Mote Marine Beach Conditions Reporting System (visitbeaches.org)







- Report local beach conditions to hotline (1-941-232-2437)
  - (https://visitbeaches.org/)
- Help reduce nitrogen and phosphorus input to nearshore waters
  - Apply proper amount of fertilizer at right time of year
  - Create a native buffer around waterways using native trees and plants
  - Don't dump lawn clippings into storm drains or waterbodies

# Thank you!

Brittany Hall-Scharf

Marine Agent III

UF/IFAS Extension Hernando County – Florida Sea
Grant

16110 Aviation Loop Drive Brooksville 34604

bhallscharf@ufl.edu

DRAFT DO F:\1 COUNTY ATTORNEY'S OFFICE\KJB\Legal Requests\2021-520 Ordinance for Mooring of Commercial Vehicles at Boat Ramps\Draft 2 - Ordinance for mooring of commercial vessels at boat ramps.wpd, October 29, 2021 (10:49am) NOTE:

additions \_\_elections = language proposed for addition/deletion to existing Code provisions.

0	ORDINANCE NO.: 2021-o
2 o	AN ORDINANCE MODIFYING THE LANGUAGE IN CHAPTER 7, ARTICLE 0
3 o	II OF THE HERNANDO COUNTY CODE OF @RDINANCES TO PROHIBIT o
4 o	THE MOORING AND DOCKING OF COMMERCIAL VESSELS AT BOAT O
5	RAMPo BY ADDING SECTION &-26; PROVIDING FOR OEVERABILITY; o
6 o	PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR THE REPEAL o
7 o	OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE. o
8 o	WHEREAS, there have been recent incidents of mmercial spoin gvessels blocking boat o
9 o	ramps in Hernando County for extended periods oo time when not actively engaged in commercial o
0 о	fishing; and o
0	WHEREAS, Chapter 7, Article II oothe Hernando County Code oo Ordinances sets forth the o
2 o	boating regulations in Hernando County; and o
3 o	WHEREAS, Chapter 327 of the Florida Statutes regulates vessel safety in the waters oothe o
4 o	State ooFlorida; ano o
5 o	WHEREAS, Section 327.02(48) ootho Florida Statutes defines "waters of this state" as any o
6 o	"navigable waters of the United otates within the territorial limits of this state, the marginal sea o
7 o	adjacent to this state and the high seas when navigated as part oo a journey or ride to or from tho o
8 o	shore oothis state, and all the inland lakes, rivers, and canals under the jurisdiction oothis state"; and o

## Summary of Comments on mooring ord

### Page: 1

Number: 1 Author: KKolasa	Subject: Highlight	Date: 11/5/2021 6:15:46 AM -04'00'		
and shrimping vessels. These vessels have also been docking at the boat ramp docks for extended periods of time. Should say docking or blocking for				
extended periods since both	is occurring			
Number: 2 Author: KKolasa	Subject: Highlight	Date: 11/5/2021 6:22:06 AM -04'00'		
Number: 3 Author: KKolasa	Subject: Highlight	Date: 11/5/2021 6:22:05 AM -04'00'		
Transer, 3 Addior, Ricolasa	Subject. Highlight	Dutc. 11/3/2021 0.22.03 AWI 04 00		
	6 1 2 4 112 112 14	D + 44/5/2024 C 24 50 ANA 04/201		
Number: 4 Author: KKolasa	Subject: Highlight	Date: 11/5/2021 6:21:59 AM -04'00'		

DRAFT DOCUMENT: F:\1 COUNTY ATTORNEY'S OFFICE\KJB\Legal
Requests\2021-520 Ordinance for Mooring of Commercial Vehicles at
Boat Ramps\Draft 2 - Ordinance for mooring of commercial vessels
at boat ramps.wpd, October 29, 2021 (10:49am) NOTE:
additions/deletions = language proposed for addition/deletion to
existing Code provisions.

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WHEREAS, anchoring or mooring of a vessel "within 150 feet of any public or private marina, boat ramp, boatyard, or other public vessel launching or loading facility" is prohibited by Section 327.4109 (1)(a) of the Florida Statutes; and WHEREAS, the prohibition against anchoring or mooring within 150 feet of a boat ramp does not apply to "a commercial fishing vessel actively engaged in commercial fishing"; and WHEREAS, pursuant to Section 327.02(6) of the Florida Statutes, a "commercial fishing vessel" is "a vessel primarily engaged in the taking or landing of saltwater fish or saltwater products or freshwater fish or freshwater products, or a vessel licensed pursuant to s. 379.361 from which commercial quantities of saltwater products are harvested, from within and without the waters of this state for sale to the consumer or to a retail or wholesale dealer"; and WHEREAS, commercial sponging els are commercial fishing vessels because all classes of sponges are "saltwater fish" as defined by Section 379.101(34) of the Florida Statutes and regulated by Rule 68B-28 of the Florida Administrative Code; and WHEREAS, Chapter 327.70 of the Florida Statutes provides that the Division of Law Enforcement of the Fish and Wildlife Conservation Commission and its officers, the sheriffs of the various counties and their deputies, municipal police officers, and any other law enforcement officer

enforce the prohibition of anchoring or mooring within 150 feet of a boat ramp; and

### Page: 2

Number: 1 Author: KKolasa	Subject: Highlight	Date: 11/5/2021 6:22:31 AM -04'00'
150 ft or less		
Number: 2 Author: KKolasa	Subject: Pencil	Date: 11/5/2021 6:19:27 AM -04'00'
Number: 3 Author: KKolasa	Subject: Highlight	Date: 11/5/2021 6:05:55 AM -04'00'
Number: 4 Author: KKolasa	Subject: Highlight	Date: 11/5/2021 6:18:03 AM -04'00'
Does this mean offloading products can occur at the public boat ramp?		
Number: 5 Author: KKolasa	Subject: Sticky Note	Date: 11/5/2021 6:09:54 AM -04'00'
also shrimping vessels		

DRAFT DOCUMENT: F:\1 COUNTY ATTORNEY'S OFFICE\KJB\Legal
Requests\2021-520 Ordinance for Mooring of Commercial Vehicles at
Boat Ramps\Draft 2 - Ordinance for mooring of commercial vessels
at boat ramps.wpd, October 29, 2021 (10:49am) NOTE:
additions/deletions = language proposed for addition/deletion to
existing Code provisions.

1 WHEREAS, Section 327.4109(5) of the Florida Statutes provides that a violation is 2 punishable as a noncriminal infraction pursuant to Section 327.73(1)(bb) of the Florida Statutes; and 3 WHEREAS, Section 327.72 of the Florida Statutes provides that failure to pay the civil 4 penalty for noncriminal infractions is a misdemeanor of the second degree; and 5 WHEREAS, it is intended to amend the Hernando County Code of Ordinances to prohibit 6 commercial vessels, such as commercial sponging Nissels, from blocking or interfering with the 7 public use of boat ramps in Hernando County by anchoring or mooring within 150 feet of said boat 8 ramps. 9 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY 10 COMMISSIONERS OF HERNANDO COUNTY: 11 Section 1. Modification of Chapter 7, Article II of the Hernando County Code of 12 Ordinances. Chapter 7, Article II of the Hernando County Code of Ordinances is hereby amended 13 to add Section 7-26 as follows: 14 7-26. - Incorporation of state law by general reference. 15 The provisions of state law prohibiting the anchoring or mooring of vessels within 150 feet 16 of any public or private marina, boat ramp, boatyard, or other public vessel launching or loading facility related to Section 327,4109 of the Florida Statutes are hereby incorporated by general 17

### Page: 3

Number: 1 Author: KKolasa and shrimping vessels

Subject: Inserted Text Date: 11/5/2021 6:10:28 AM -04'00'

DRAFT DOCUMENT: F:\1 COUNTY ATTORNEY'S OFFICE\KJB\Legal Requests\2021-520 Ordinance for Mooring of Commercial Vehicles at Boat Ramps\Draft 2 - Ordinance for mooring of commercial vessels at boat ramps.wpd, October 29, 2021 (10:49am) NOTE:

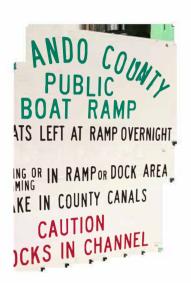
additions/deletions = language proposed for addition/deletion to existing Code provisions.

reference as they may exist and be amended from time to time. To the extent that the provisions of 1 2 this article are more stringent than those of state law, then this article shall apply. 3 Section 2. Severability. It is declared to be the intent of the Board of County Commissioners that if any section, subsection, clause, sentence, phrase, or provision of this 4 5 ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the 6 validity of the remaining portions of this ordinance. 7 Section 3. Inclusion in the Code. It is the intention of the Board of County Commissioners of Hernando County, Florida, and it is hereby provided, that the provisions of this Ordinance shall 8 9 become and be made a part of the Code of Ordinances of Hernando County, Florida. To this end, the 10 sections of this Ordinance may be renumbered or relettered to accomplish such intention, and that 11 the word "ordinance" may be changed to "section," "article," or any other appropriate designation. 12 Section 4. Conflicting Provisions Repealed. All ordinances or parts of ordinances in 13 conflict with the provisions of this ordinance are hereby repealed. 14 Section 5. Effective Date. This ordinance shall take effect immediately upon receipt of official acknowledgment from the office of the Secretary of State of Florida that this ordinance has 15 16 been filed with said office. BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF 17 18 HERNANDO COUNTY in Regular Session this day of 2021.

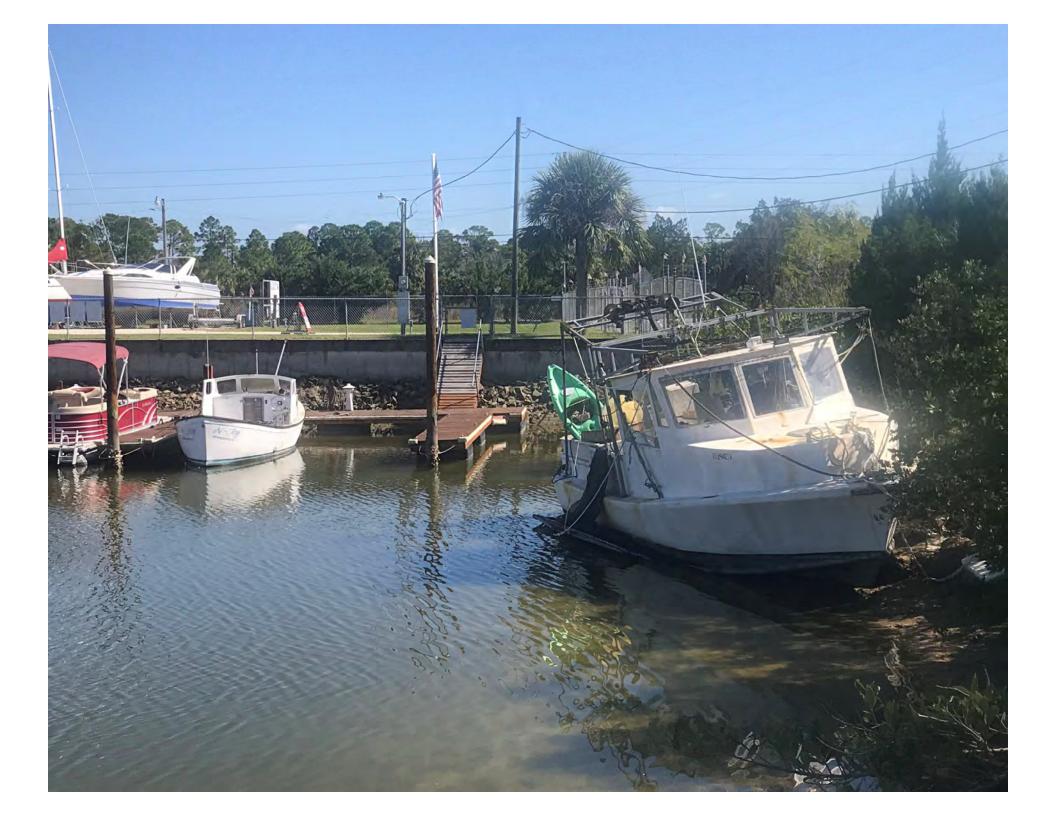
DRAFT DOCUMENT: F:\1 COUNTY ATTORNEY'S OFFICE\KJB\Legal Requests\2021-520 Ordinance for Mooring of Commercial Vehicles at Boat Ramps\Draft 2 - Ordinance for mooring of commercial vessels at boat ramps.wpd, October 29, 2021 (10:49am) NOTE:

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	BOARD OF COUNTY COMMISSIONERS HERNANDO COUNTY, FLORIDA
Attest: DOUG CHORVAT, JR. Clerk	By:
Approved for legal form and sufficiency:	
Kyle J. Bendas Assistant County Attorney	









#### Tina R Duenninger

**From:** Tina R Duenninger

Sent: Tuesday, December 7, 2021 12:15 PM

**To:** Tina R Duenninger

**Subject:** FW: LR 2021-615 - Commercial Fishing Vessel Parked at End of Snapper Canal

**Categories:** Committees

From: Keith Kolasa < KKolasa@co.hernando.fl.us > Sent: Monday, November 22, 2021 8:53 AM

To: Scott Herring < SHerring@co.hernando.fl.us > Cc: Jeannie Austin < JeannieA@co.hernando.fl.us >

Subject: FW: LR 2021-615 - Commercial Fishing Vessel Parked at End of Snapper Canal

This will be timely for the upcoming WAC meeting.

Fortunately, the vessel has moved but we don't know where it has moved to.

Keith

From: Kyle Benda < KBenda@co.hernando.fl.us > Sent: Friday, November 19, 2021 3:44 PM

To: Keith Kolasa < KKolasa@co.hernando.fl.us > Cc: Pamela Hare < PHare@hernandocounty.us >

Subject: LR 2021-615 - Commercial Fishing Vessel Parked at End of Snapper Canal

Hey Keith,

You submitted a legal request asking the following questions:

- 1. What are the options for the County to enforce a commercial fishing vessel parked at the end of the Snapper Canal?
- 2. Can the County post a no trespassing sign in County ROW at the end of the canal?

I will try to answer your questions sequentially below:

1. Section 7-21(a) of the Code requires that all vessels operating in any waterways or water body be operated in a safe manner. The parking of the commercial vessel in the manner it is parked is not being operated in a safe manner in that the owner is using it in a dangerous, reckless, or careless manner that endangers the safety and welfare of people and property in the canal. The owner seems to be in violation of this Code provision. Further, it is a violation of 7-21(i) for a person to violate any provision of Chapters 327 or 328 of the Florida Statutes. There are specific requirements for where boats can be moored pursuant to Section 327.4109 of the Florida Statutes. Normally this is enforced through the Law Enforcement Division of FFWCC (so this should be reported to them for enforcement), but our Code also allows us to enforce those violations in any way that we could enforce provisions of the Code. Section 7-24 of the Code provides the different methods of enforcement that can be used. The County can do one of the following: (a) report this violation to be prosecuted as a misdemeanor where the punishment for the violation can be a fine of up to \$500 and imprisonment for up to sixty days; (b) we can pursue this a violation continues to exist; or (c) we

- can file a lawsuit asking the court for an injunction to enforce these Code provisions (and ask the Court to allow the County to remove the boat from the water and recover whatever costs are incurred from the boat owner).
- 2. Section 24-4 of the Code allows the County to place signs in County ROW because they are directly related to authorized uses of the public ROW. Moreover, Section 7-20 of the Code allows the County to play signage within or along any waterway ow waterbody as needed to effectuate any of the provisions of Chapter 7 of the Code. Also, Section 7-22 allows the County to establish and post areas to "prohibit or restrict entry, limit speed, or otherwise regulate vessels operating in any waters within the boundaries of the county . . . ."

In sum, you are free to post the no trespassing signs to deter other boats from doing what this boat is doing. You also have multiple options for enforcement, whether by the County enforcement or by referring it to the Sheriff's Office or FFWCC. Please let me know if you have any questions.

Best,



#### **KYLE J. BENDA**

Assistant County Attorney

County Attorney's Office
kbenda@hernandocounty.us

**A** 20 N Main St, Suite 462, Brooksville, FL 34601-2850 **P** 352-754-4122 | **F** 352-754-4001 | <u>www.hernandocounty.us/</u>

**NOTE:** Florida has a very broad public records law. Your email communications may be subject to public disclosure.

RECEIVED
OCT 1 8 2021

#### HERNANDO COUNTY BOARD OF COUNTY COMMISSIONERS BOARD/COMMITTEE APPLICATION

Hernando Jounty
Board of County Commissioners

Please type or print clearly Name of Board/Committee Waterways Advisory Committee **Full Member Position** Check one: **Alternate Member Position** Name Christopher Licata III (Your name must be listed as it appears on your voter registration card) THE FOLLOWING INFORMATION IS REQUIRED FOR COUNTY RECORDS AND BECOMES PUBLIC RECORD UPON SUBMITTING THIS APPLICATION. IF YOU BELIEVE THAT YOU QUALIFY FOR AN EXEMPTION TO THE RELEASE OF THIS INFORMATION, PURSUANT TO F.S. 119.07, PLEASE STATE THE BASIS OF YOUR EXEMPTION. YOUR FAILURE TO ANSWER FULLY AND TRUTHFULLY ALL QUESTIONS COULD RESULT IN YOUR APPLICATION BEING DENIED OR YOUR SUBSEQUENT REMOVAL FROM ANY BOARD/COMMITTEE IF APPOINTED. Address 3781 Bramblewood Loop City Spring Hill Zip 34609 Telephone 727-507-1152 (home) (business) E-mail address ChrisLicata3@gmail.com Are you a resident of Hernando County? Yes Voter Registration Number 118548840 Education Eight Years of Miltary Service / FL 2-15 insurance license (inactive) (Please include any certificates, awards, diplomas, degrees, professional license numbers, etc.) Employment History See Attached (Attach a resume if available) Licenses or Certificates Held Recently Expired DOD Secret Clearance Have you ever previously applied for a position on any County Board/Committee? NO If yes, please state the Board(s)/Committee(s) you applied for, when you applied, and whether you were appointed. Have you ever been convicted, plead guilty or no contest, or entered into PTI for a felony or 1st/2nd degree misdemeanor? NO Answering yes does not automatically disqualify you for consideration. If yes, what charges? NA Are you currently involved as a defendant in a criminal case? NO If yes, what charges? NA Have you ever been named as a defendant in a civil action suit? NO If yes, when and describe action. NA

Please state your reasons for applying to this Board/Committee _During my Nava	al Service I was a Navigator						
thus my level of knowledge of rules of the road, buoys, and marine life conservation would add insight.							
Please list three character references of persons NOT related to, NOT an employ your company, and whom you have known at least one (1) year. Please include a	ver, NOT an employee of you or addresses and phone numbers.						
State Senator Danny Burgess							
John Mitten  State House Representive Nick DiCeglie							
				I hereby request consideration as a committee/board appointee. It is my intention to familiarize myself to the duties and responsibilities of the office to which I may be appointed, and to fulfill the appointment to the best of my ability, exercising good judgement, fairness, impartiality, and faithful attendance. By my signature below, I hereby authorize Hernando County to check my references and my background, including, without limitation, obtaining a criminal history check. I also agree to file a Financial Disclosure form as required by State law, if applicable, and abide by provisions of the State Sunshine Law.			
I hereby swear and affirm, under Penalty of Perjury, that the above information  Applicant s signature	is true and correct.						

(Please direct all inquiries to the County Administrator's Office at 754-4002.)

Completed applications may be submitted to the County Administrator's office, 20 North Main Street, Room 263, Brooksville, Florida 34601, or faxed to 352-754-4477.



# Hernando County Background Consent / Release Form

As a volunteer applicant, I understand and acknowledge that an investigative report may be compiled on me. This report may include information regarding any criminal records, and from various public and private sources including law enforcement agencies at the Federal, State or County level, courts record repositories, sexual offender registries and any other source required to verify information that I have voluntarily provided.

PERSONAL INFORMATION						
Legal Name:	Christopher Licata III					
Date of Birth:	03/20/1991					
Other Names Used:						
	(Legal Name) First	M.I.	Last	t		
Dates Used (from/to):	Used (from/to):					
Home Phone #:						
Cell Phone #:	727-507-1152					
E-mail Address:	ChrisLicata3@gmail.com					
Are you 18 years of age or older?						
GEOGRAPHIC INFORMATION						
Current Address:	3781 Bramblewood Loop					
City, State, Zip:	Spring Hill, FL, 33776					
Time at this address:	3 Years	M	lonth			
Previous Address:	Previous Address:					
City, State, Zip:						
Time at this address	Years	M	onth			
By signing below, you hereby authorize, empower and release from all liability, without reservation, any agency contacted by Hernando County to furnish the above-mentioned information. You further authorize ongoing procurement of the above-mentioned information at any time during your relationship with Hernando County. You agree that a fax or photocopy of this authorization is to be considered and accepted with the same authority as the original.						
Applicant's Signature Date						

## **Christopher Louis Licata III**

727-507-1152

ChrisLicata3@Gmail.com
Prior Secret Clearance
Brooksville, Florida

A Motivated Navy Veteran and Certified Lean Six Sigma Green Belt

#### **Experience:**

#### Pasco County Government Project Coordinator II & III

Aug 2020 to Current

Designing schedules, assessing risks, monitoring staff, budgeting, tracking progress, coordinating with other departments.

#### Greater Hernando County Chamber of Commerce — Business Development Analyst

Jan 2020 to Aug 2020

Membership Director, Events Coordinator and COVID-19 Task Force Chair.

#### Licata Consulting Solutions - Owner and Operator

2019 to Current

• Licata Consulting Solutions is a boutique Risk Analysis, Parliamentary Services, Public and Government Relations Agency.

#### Northwestern Mutual - Financial Advisor

2017 to 2019

Complete various complex financial analysis on an individualized level based on client's needs.

#### **US NAVY - Port Operation Controller and Navigation Specialist**

October 2009 to May 2017

- Ensure safety and security of 15 home ported US Navy warships, various guest ships, and the installation.
- Coordinate all port sea traffic including work boats, tugs, ships, and security forces via radio communication and schedule ship movement in an ever-changing mission environment.
- Navigated ship through the 120 nautical-mile Suez Canal making course correction recommendations directly to the captain every two minutes for 18 hours.
- Updated secret topographic data daily, resulting in 92,000 nautical miles traveled without incident.
- Advised Captain on navigation hazards and strategic contingencies via 40+ navigational presentations.
- Awarded twice by the Secretary of the Navy for meticulous attention to detail in the exceptional performance in leadership
  of junior sailors.
- Performed maritime security to the Red Sea during the Spring of 2015 protecting global trade routes and to the southern
   Mediterranean during the Fall of 2012, while providing surveillance of North African coastal areas.
- Humanitarian Aid Mission to eight West African Countries.

#### **Education:**

Admiral Farragut Academy, Graduated, High School Diploma
Saint Leo University, 3+3 BA Political Sci & Law School, Unified Program, Incomplete



# HERNANDO COUNTY WATERWAYS ADVISORY COMMITTEE 2022 MEETING SCHEDULE



Meetings are held the third (3<sup>rd</sup>) Wednesday of the specified month at 7:00 P.M.

Location: Hernando Beach Marine Group Inc. Training Center 4340 Calienta Street, Hernando Beach, FL 34607

Original Proposed

January 19, 2022

March 16, 2022

May 18, 2022

July 20, 2022

September 21, 2022

November 16, 2022

New Dates Proposed

February 16, 2022

April 20, 2022

June 15, 2022

August 17, 2022

October 19, 2022

December 21, 2022



# HERNANDO COUNTY WATERWAYS ADVISORY COMMITTEE 2022 MEETING SCHEDULE

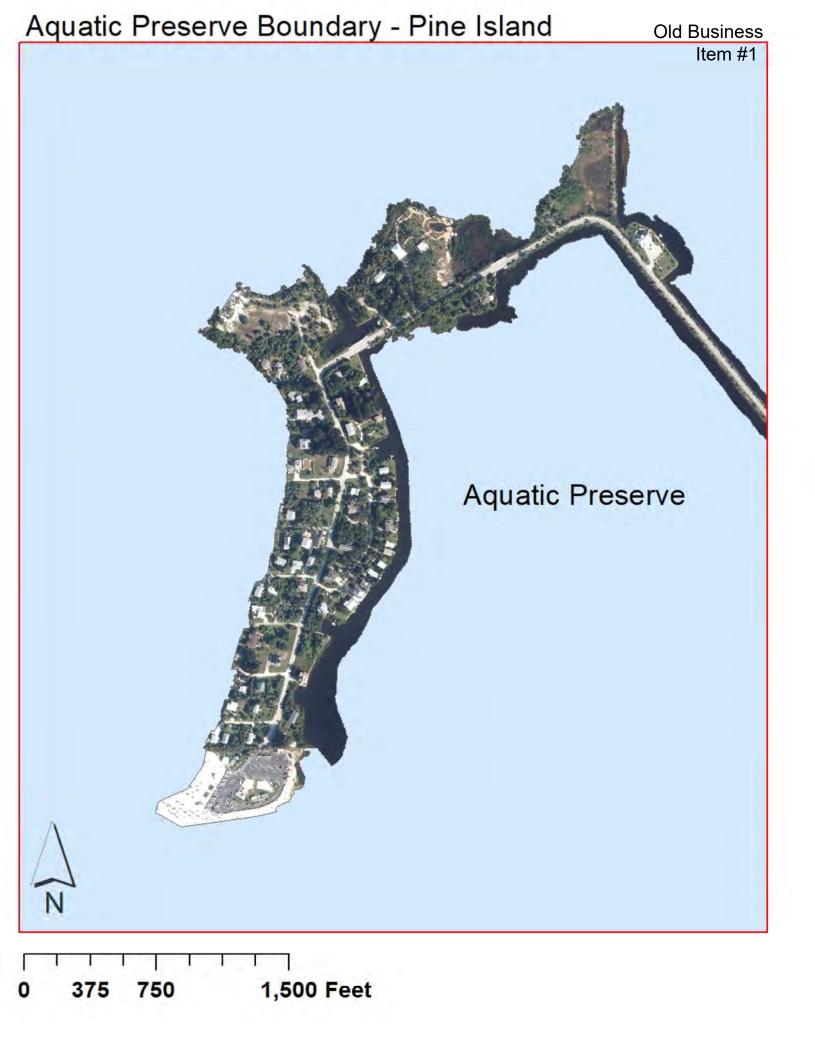


Meetings are held the third (3<sup>rd</sup>) Wednesday of the specified month at 7:00 P.M.

Location: Hernando Beach Marine Group Inc. Training Center 4340 Calienta Street, Hernando Beach, FL 34607

#### **Approved Dates**

February 16, 2022 April 20, 2022 June 15, 2022 August 17, 2022 October 19, 2022



1	ORDINANCE NO.: 2022					
2	AN ORDINANCE AMENDING CHAPTER 8 (BUILDING AND BUILDING					
3	REGULATIONS) ARTICLE V (MARINE CONSTRUCTION CODE), SECTION					
4	8-247 (STANDARDS) OF THE HERNANDO COUNTY CODE OF					
5	ORDINANCES REGARDING THE REGULATION OF MARGINAL DOCKS;					
6	PROVIDING FOR SEVERABILITY; PROVIDING FOR SEVERABILITY;					
7	PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR THE					
8	REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN					
9	EFFECTIVE DATE.					
10						
11	NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY					
12	COMMISSIONERS OF HERNANDO COUNTY:					
13	Section 1. Modification of Chapter 8, Article V, Section 8-247 of the Hernando County Code					
14	of Ordinances. Chapter 8 (Building and Building Regulations), Article V (Marine Construction					
15	Code), Section 8-247 (Standards) of the Hernando County Code, is hereby amended as follows					
16	with underlined verbiage added and stricken language deleted:					
17	Sec. 8-247 Standards					
18	The following standards shall be applicable in this article:					
19	(1) Waterbody measurements shall be made from mean low water line.					
20	(2) Docks shall not extend more than thirty (30) feet into a waterbody for a dock with					
21	a boat lift, or no more than twenty-five (25) feet for a floating or fixed dock.					

- 1 (3) No dock structure with a boat lift shall extend more than twenty (20) percent of
  2 the width of the waterway into a waterbody, or no more than seventeen (17)
  3 percent for a floating or fixed dock.
  - (4) Marginal docks may be allowed. A marginal dock is a platform that runs parallel to the shoreline and does not contain an accessway. A marginal dock shall not exceed six (6) feet in width and must be less than five hundred (500) square feet in area within one (1) mile of either side of the edge of the Weeki Wachee, Mud, Withlacoochee, and Little Withlacoochee Rivers. No marginal dock shall exceed more than five hundred (500) square feet in area.
  - (5) A residential dock shall not accommodate more than two (2) boats for permanent mooring.
    - (6) Main access ramps shall be limited to a maximum width of six (6) feet.
    - (7) For a waterbody measuring sixty (60) feet or less in width, docks shall be alternated from one (1) side of waterbody to the dock on opposite side.
      - (8) Side yard setbacks shall be a minimum of five (5) feet to the nearest point of the structure.
      - (9) In waterbodies where property lines exceed mean low water line, the mean low water line will govern seawalls and docks. Where mean low water lines exceed property lines, the property lines shall govern seawalls and docks. Notwithstanding the foregoing, any permit to construct a seawall may require that

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the seawall be constructed in such a manner as to be consistent with the location of any adjacent or nearby seawall or seawalls on the same side of the affected waterbody, unless the applicant demonstrates the existence of hardship, including, but not limited to, water depths in the relevant portion of the waterbody, the location of property lines, or clearly excessive construction costs; provided, however, that consistency may be required where hardship approval would result in a hazard to navigation or would be likely to cause water quality degradation.

- (10) No docks or moored vessel shall hinder navigation upon the waterways or be constructed to block a neighbor's waterway access to their property.
- (11) Single pilings (mooring) shall not extend beyond the side setback or beyond the maximum distance into a waterbody twenty (20) percent, or thirty (30) feet, whichever is less. Single pilings (mooring) shall be installed and maintained with reflective material visible from all directions.
- (12) Terminal platforms, floating or fixed, shall be no more than one hundred thirty (130) square feet and the maximum dimension shall not exceed sixteen (16) feet for marine construction within one (1) mile either side of the edge of the Weeki Wachee, Mud, Withlacoochee, and Little Withlacoochee Rivers.
- (13) Stakes at mean low water line may be installed to assist permitting authorities in verifying setbacks. If a precise determination of either the mean low or mean high water line becomes necessary in measuring or verifying setbacks for purposes of this article or any other provision of the Code, it shall be the responsibility of the

- applicant to provide a current survey meeting all statutory and rule standards for
   such determination.
  - (14) Common ownership docks may be permitted, and may be centered along a common property line without meeting the side yard setback provided appropriate reciprocal easements, restrictions and covenants are filed in the public records of the county.
  - (15) Seawalls can only be located along non-vegetated shorelines unless permitted by all state and federal agencies with jurisdiction. Where permitted, the footer of all seawalls shall be faced with riprap as defined by FDEP.
  - (16) The administrative official may vary these standards provided that a navigational hazard is not created, and a sworn affidavit of no objection is obtained from the adjacent property owners. If the required sworn affidavit of no objection from adjacent property owners is not obtained, or the administrative official chooses not to vary these standards, the applicant may request a public hearing before the board of county commissioners in accordance with the procedures and public notice requirements of article V, section 3 of appendix A of the Hernando County Code of Ordinances.
  - **Section 2. Severability.** It is declared to be the intent of the Board of County Commissioners that if any section, subsection, clause, sentence, phrase, or provision of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of the remaining portions of this ordinance.

1	Section 3. Inclusion in the Co	ode. It is the intention of the Board of County		
2	Commissioners of Hernando County, Florida, and it is hereby provided, that the provisions of this			
3	Ordinance shall become and be made a part of the Code of Ordinances of Hernando County,			
4	Florida. To this end, the sections of this Ordinance may be renumbered or relettered to accomplish			
5	such intention, and that the word "ordinance" may be changed to "section," "article," or any other			
6	appropriate designation.			
7	Section 4. Conflicting Provisions Repealed. All ordinances or parts of ordinances in			
8	conflict with the provisions of this ordinance are hereby repealed.			
9	Section 5. Effective Date. This ordinance shall take effect immediately upon receipt of			
10	official acknowledgment from the office of the Secretary of State of Florida that this ordinance			
11	has been filed with said office.			
12	BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF			
13	HERNANDO COUNTY in Regular Sessi	on this day of 2022.		
14				
15		BOARD OF COUNTY COMMISSIONERS		
16		HERNANDO COUNTY, FLORIDA		
17	Away	7		
18	Attest:	By:STEVE CHAMPION		
19 20	DOUG CHORVAT, JR. Clerk	Chairman		
21	CICIK	Chanthan		
22				
23				
24	Approved for Form and Legal Sufficiency			
25	- Control of the cont			
26	n6 (0001 -			
27	- May Sur			
28	Assistant County Attorney			
29				
30				
31				

#### Tina R Duenninger

**From:** Tina R Duenninger

Sent: Thursday, December 9, 2021 10:29 AM

**To:** Tina R Duenninger **Subject:** FW: Dock size issue

From: Chuck Morton < <a href="mailto:swampdad@outlook.com">swampdad@outlook.com</a>>
Sent: Wednesday, October 20, 2021 11:30 PM

**To:** Jeffrey Rogers < <u>JRogers@co.hernando.fl.us</u>>; Scott Herring < <u>SHerring@co.hernando.fl.us</u>> **Cc:** Keith Kolasa < KKolasa@co.hernando.fl.us>; Chris Linsbeck < CLinsbeck@co.hernando.fl.us>

Subject: Dock size issue

**CAUTION:** This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I don't know what happened but part of this was sent before I finished.

The Building dept is mis interpreting the Marine Construction code.

There is a 500 sq ft maximum on marginal docks on the rivers, Weeki Wachee and Chassahowitzka

It does NOT pertain to Hernando Beach where the lots are bigger and the canals wider and it is not a part of an OFW (Outstanding Florida Waterway).

I know the Building Dept is swamped, but it is in part of tier own doing. They are in need of reorganization.

I had an application in for a shed permit for 9 weeks before they responded (with John Alloco's assistance). I finally gave up when I received an offer on my property and purchased a place in Floral City.

Mr. Herring or Mr. Kolassa can fill you in on the details, but something needs to be done. I do understand that a new Director has been hired, but he probably is not aware of the facts. Mr. Linsbeck can also shed some light on the issue as he was instrumental in the Marine Construction Code revision a couple of years ago.

I will be glad to meet with you or other to get things straightened out. The citizens and builders are upset and it is costing Hernando County money by not getting improvements on the tax rolls.

Charles 'Chuck' Morton Chairman, Waterways Advisory Committee









# 2% Listing Commission



https://www.suncoastnews.com/news/scubanauts-get-together-in-hernando-to-build-homes-for-needy-fish/article\_42da66f8-5cfc-11ec-a634-7fc660645a88.html

FEATURED

## SCUBAnauts get together in Hernando to build homes for needy fish

By Nick Stubbs, Hernando Today Correspondent Dec 14, 2021



Young members of the SCUBAnauts prepare a concrete mold that will be filled with concrete to create reef domes destined to augment reefs in waters off Hernando County. The rubber balls inside the mold will create voids and entranceways for fish to swim inside.

Photos by Nick Stubbs

Twelve-year-old Audrey Brooks pushed the shovel deep into the wet concrete that filled a wheelbarrow nearly to the brim. She strained a bit to lift the heavy goop and swing the shovel to the waiting mold, dumping it through the opening at the top while other kids poked and packed it in with sticks and pipes.

Brooks, of Oldsmar, was one of 20 SCUBAnauts who gathered at Hernando County Aquatic Services in Hernando Beach on Dec. 4 to help build concrete reef domes, which are destined to be dropped offshore to expand the county's artificial reef system.

"It's very fun and it's a good thing because it serves the fish," Brooks said before quickly returning to her work.



The SCUBAnauts are kids 12 to 18 who are members of SCUBAnauts International, a nonprofit organization for youngsters who aspire to enter the field of marine sciences. They came out to help with Hernando's ongoing reef-building program at the invite of Keith Kolasa, who heads up Aquatic Services.

"It's great to have the community come out and help build habitats like this," Kolasa said, adding that project is a perfect fit for the SCUBAnauts, who have a long relationship with the county and its reef projects.

Kolasa said most of the SCUBAnauts are certified divers and dive Hernando's reefs to report their relative health, the types of fish inhabiting them, as well as fish populations.

"This is good, because now they are finding out how the domes they monitor are built," Kolasa said. "They are building (the domes) and they'll follow up later to see how they are doing."



The domes and other artificial reef materials are important, as the Gulf bottom along this stretch of coast lacks the natural coral reefs found in the Keys and warmer Caribbean waters. Hernando has built a number of reefs over the years, which help promote the county as a diving and fishing destination. The concrete domes are hollow and have multiple openings fish can use to swim inside. They augment other reef materials, which include concrete culverts, a sunken boat and even decommissioned U.S. Army tanks.

Hayden Ramsey, 17, came from Orlando to help shove concrete donated by Got Concrete of Spring Hill. He said artificial reef building is important to "reverse or stop the environmental impact" of lost marine habitat.

Paul Foisy, president of SCUBAnauts International, said this is the second time building the domes for some of the kids.

"It's a great experience and the domes are great for the environment because they bring more sea life to the area and benefit fishermen and divers."

The domes built by the SCUBAnauts will be carried offshore soon and divers in strategic places will place them around existing reefs. Kolasa said the county will continue to improve the reefs and hopes to build new ones. Among their goals is establishing a veterans memorial reef site with submerged statues and plaques. He also hopes to sink a 100- to 150-foot steel ship that would be a major draw for sport divers.

Kolas recently secured \$590,000 in funding to assess 30 prospective new reef sites between 12 and 35 feet of water. The money comes from federal RESTORE Act funds, a pool of money from fines collected from British Petroleum for the Deepwater Horizon oil spill in the Gulf of Mexico in 2010.





## NFW YEAR... NEW REEFS

ishing all the "Fishheads" out there a Happy New Year! With a new year brings new and exciting things?" you ask--new reefs to be deployed near the Bendickson reef better known as "the tanks." They will be deploying reef balls and cubes. "Where do these manmade reefs come from?" you ask--most will be made by a group of young volunteers called Scubanauts right here in Hernando

Beach. Scubanauts use scuba as a means to learn about marine environment. There are many projects these young divers are involved in like coral restoration, reef monitoring, seagrass monitoring, underwater and beach cleanups. A lot of these projects are done right here in our county.

The volunteer outreach event was held to construct both reef balls and homemade reef cubes to be deployed at the Bendickson artificial reef. This event was the sixth held since 2016. In attendance were teens, parents and leaders from Scubanauts International and also two residents of Hernando Beach. Residents Mike Fulford and Frank Santo provided instruction on making the reef balls. Eighteen reef cubes and 4 reef balls were constructed by the volunteers. The reef cubes, or large concrete blocks with a center space for fish, will be stacked by County divers in groups of 4 to 6 to provide a rectangular base or foundation to place reef balls. This method increases the vertical relief of the reef material for the purpose of attracting more baitfish and pelagic species.



Last year the County added 28 reef balls and 15 cubes at the Bendickson Reef to help create a connecting trail between two older reef deployments. This effort will increase connectivity for fish between the reef material while also enhancing diving by connecting reef sites. The material constructed on Dec 4th. will be added to the connecting trail in the late spring to early summer 2022 by County Waterways staff and a contractor. Concrete was donated by

Got Concrete of Spring Hill for the very worthwhile fisheries habitat project. Offshore fishing: Most of you know, gag grouper season ended on Dec. 31st. The good news is that red grouper season is now open. Most of the time, you will want to anchor on some kind of structure and bottom fish for them. I use the same gear as for the gags; 60-pound mono, a 4-ounce weight and a 7/0 circle hook. You can use cut bait, squid or live baits. The legal size to keep is 20 inches to the tail and 2 per person. With cooler water and the thousands of stone crab traps being set out, the grouper will begin to move in to shallower water.

Capt. Joel Gant operates Fishdaddy Charters out of Hernando Beach.
Coast guard licensed, insured and Federal permitted. He knows the local
waters like the back of his hand, and works both inshore and offshore trips.
Check him out on facebook or you can reach him at (352) 279-1615.
Visit his website, www.fishdaddycharter.com



5000 Calienta St., Hernando Beach, FL 352-610-9999 www.BluePelicanMarina.com

















2017 21' Make | Pro 21 Skiff CC Mercury 150hp 4st Great Fishing Boat! \$37,500



2022 23' Sylvan | Mirage 8522 Resorter Mercury 115hp 4st Loaded!! \$57,579



2015 11' Craigcat Evinrude 30 hp Fun little boat \$10,995