



HERNANDO COUNTY WATERWAYS ADVISORY COMMITTEE REGULAR MEETING AGENDA



Date: Wednesday, February 16, 2022

Time: 7:00 P.M.

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

Advertised: Friday, February 11, 2022, The Hernando Sun (CLK22-024)

Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability, or family status. In accordance with the Americans with Disabilities Act, persons with disabilities needing a special accommodation to participate in this proceeding should contact Tina Duenninger, Hernando County Department of Public Works, 1525 East Jefferson Street, Brooksville, FL 34601, telephone (352) 754-4060, no later than three (3) days prior to the proceedings. If hearing impaired, please call 1-800-676-3777 for assistance.

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>

Upcoming Meeting(s):

The next regular meeting of the Waterways Advisory Committee will be held on Wednesday, April 20, 2022, at 7:00 P.M.



**HERNANDO COUNTY WATERWAYS ADVISORY COMMITTEE
REGULAR MEETING AGENDA
FEBRUARY 16, 2022**



CALL TO ORDER

Pledge of Allegiance

ELECTION OF OFFICERS – Election of Chairman, Vice Chairman, and Second Vice Chairman

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

SUNSHINE LAW AND CODE OF ETHICS OVERVIEW – Presentation by Assistant County Attorney
Maureen Sikora

APPROVAL OF MINUTES – December 15, 2021

MARINE PATROL REPORT – Corporal Steve Kelly

NEW BUSINESS – Withlacoochee River Hazards

OLD BUSINESS

1. Revisions to Proposed Ordinance on Mooring of Commercial Vessels at Boat Ramps
2. Updates to Weeki Wachee River Dredge and State Road Canal Dredge Projects
3. Hunters Lake Aquatic Plant Maintenance
4. Coastal Conservation Association Partnership for 2022 Artificial Reef Projects
5. Chuck Morton Farewell

INFORMATIONAL ITEMS

1. Hunters Lake Canal Dredging
2. Weeki Wachee Springs Protection Zone
3. 2022 Meeting Schedule Reminder

CITIZENS' COMMENTS

WATERWAYS ADVISORY COMMITTEE / STAFF COMMENTS

1. Kathryn Birren, Vice Chairman
2. Mike Fulford, Member
3. Sarah Hill, Member
4. Mike Senker, Member
5. Chris Licata, Member
6. Keith Kolasa, Aquatic/Waterways Services Manager
7. Scott Herring, Department of Public Works Director/County Engineer

OTHER – Waterways Advisory Committee Agenda Requests for Future Meetings

ADJOURNMENT



**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 Sheriff'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 and shrimping vessels docking or 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 or less of any public ..."
- Add language to include "commercial sponging vessels, including shrimping vessels, 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 Townsen 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 Fish and Wildlife Conservation Commission

SPRINGS PROTECTION ZONES

NEW LEGISLATION

SB 1086 Signed into Law June 29, 2021

Section 327.45, Fla. Stat. directs the Commission to establish springs protection zones that prohibit anchoring, mooring, beaching, or grounding of vessels or restrict the speed and operation of vessels to prevent harm to certain springs, spring groups, and their associated spring runs. The Commission is adopting rules to implement this provision.

THE PROCESS

Similar to Established Process Already in Use

This rule creates a process similar to the local government boating restricted area application process. Applications for spring protection zones from governmental entities will be approved only when competent substantial evidence submitted by the applicant demonstrates that the spring, spring group, or spring run is suffering negative impacts as a result of vessel speed or operation, or the anchoring, mooring, beaching, or grounding of vessels.

PROTECTION ZONES

New Rule Does Not Establish any Zones

This draft proposed rule does not establish springs protection zones, rather, it establishes a process by which state, county, and municipal governments and water management districts may apply for a springs protection zone.

WHO APPLIES?

State, County and Municipal Governments and Water Management Districts

Applications for spring protection zones from governmental entities will be approved only when competent substantial evidence submitted by the applicant demonstrates that the spring, spring group, or spring run is suffering negative impacts as a result of vessel speed or operation, or the anchoring, mooring, beaching, or grounding of vessels.

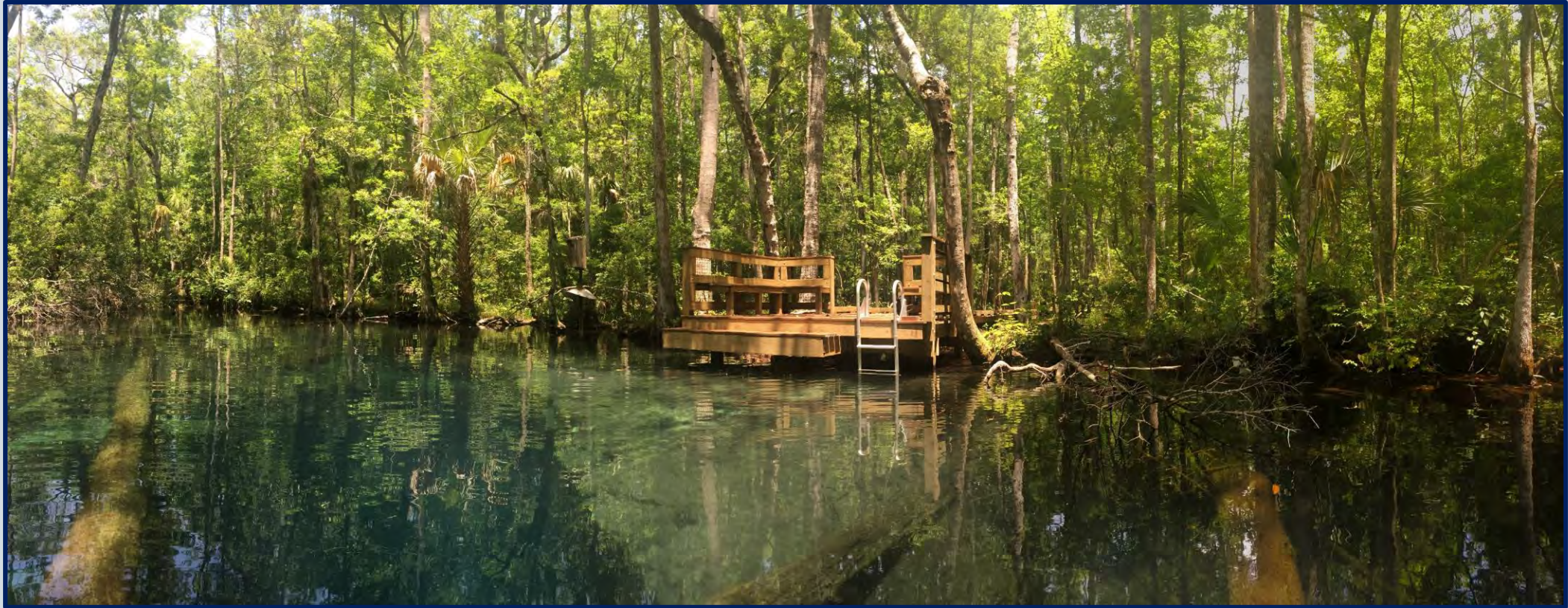
MULTI-AGENCY REVIEW

Substantial Competent Evidence

Similar to the process used for boating restricted areas, municipalities will be required to present competent substantial evidence within their application, which will be reviewed by the FWC, DEP and the relevant water management district for sufficiency. Each springs protection zone will be adopted separately by rule following review of an application showing that the zone is necessary to prevent harm by vessels to the spring, spring group, or spring run. This rule does not create any springs protection zones.

For comments, questions and additional information, please contact the FWC Boating and Waterways Section at XXX-XXX-XXXX or XXXXXXXXXXXX@MyFWC.com

Springs Protection Zones



August/September 2021 Workshops



Florida Fish & Wildlife Conservation Commission

Section 327.45, Florida Statute

Establish Springs Protection Zones

- First, second and third magnitude springs and spring groups and their associated spring runs
- Restrict speed/operation
- Prohibit any or all:
 - Anchoring
 - Mooring
 - Beaching
 - Grounding



Application Process



- Similar to boating restricted area application process in place for local governments
- State, county, and municipal governments and water management districts may apply
- Competent, substantial evidence of harm and that harm is caused by vessels



Review and Approval

- Reviewed by FWC, DEP and relevant Water Management District
- If evidence demonstrates a springs protection zone is necessary, it will be adopted in rule by the Commission
- Upon approval, FWC marks springs protection zones with uniform waterway markers



Rule Language

- FWC working in collaboration with DEP
- Zones no larger than necessary to regulate those specific areas
- If necessary for navigability, a portion of the springs protection zone may be slow speed minimum wake.
- Competent substantial evidence demonstrates:
 - Identifiable harm
 - The harm is a result of vessel activity
- Competent substantial evidence may include:
 - Carrying capacity studies
 - Vessel traffic studies
 - Water quality studies
 - Any facts or data that are of a type reasonably relied upon by scientists, environmental professionals, or engineers



Public Comment



BACKGROUND REPORT
FINAL RULE
Springs Protection Zones – 68D-24.0035
October 7, 2021

68D-24.0035 Springs Protection Zones.

- (1) State, county, and municipal governments of the State of Florida and Florida water management districts may apply for a springs protection zone for a first, second, or third magnitude spring or spring group, including associated spring runs, within their jurisdiction in accordance with section 327.45, Florida Statutes.
- (2) Applicants shall submit applications on the Commission’s Application for Florida Springs Protection Zone form, form FWCDLE 248AR (October 2021), which is hereby incorporated by reference. The Application is available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-xxxxx>.
- (3) Applications shall be submitted by mail or in person to Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, Boating and Waterways Section, 620 South Meridian Street, Tallahassee, Florida 32399-1600, or by electronic mail to xxxxxxx@myfwc.com.
 - (a) The Boating and Waterways Section shall not process partial or incomplete applications.
 - (b) Once an application is received, the Boating and Waterways Section shall determine if the Application is complete.
 1. If the application is not substantially complete or has not been completed substantially correctly, the Boating and Waterways Section shall return it to the applicant with a statement of the items that are missing or that must be corrected.
 2. If the application is substantially complete and only minor additions or corrections are required, the Boating and Waterways Section shall notify the applicant of the apparent errors or omissions and request the required additional or corrected information. If the requested additional or corrected information is not received within 60 days, the Boating and Waterways Section may deny the application without prejudice.
 3. Within 10 days following receipt of a completed application, the Boating and Waterways Section shall provide notice of such receipt to the applicant by mail or by electronic mail.
 4. The Boating and Waterways Section shall, within 120 days following receipt of a completed application, notify the applicant of its intent to recommend the approval of the application to the Commission or notify the applicant of its denial of the application.
 - a. The section leader of the Boating and Waterways Section is delegated authority to deny such applications, and such denial shall constitute final agency action. Any substantially affected person may request review of a denial; the request must be received by the Commission within 21 days of receipt of the denial.
 - b. The Florida Fish and Wildlife Conservation Commission, sitting as agency head at its next available regularly scheduled meeting, shall review any recommendation made by the Boating and Waterways Section for approval of a springs protection zone. If the Commission approves a springs protection zone, it shall be adopted in rule.
- (4) Applications for spring protection zones shall be approved only when competent substantial evidence submitted by the applicant demonstrates that the spring, spring group, or spring run is suffering harm of the type identified in subsection 327.45(2), Florida Statutes, as a result of vessel speed or operation, or the anchoring, mooring, beaching, or grounding of vessels.
 - (a) Springs protection zones shall be no larger than necessary to regulate those specific areas where negative impacts to the spring, spring group, or spring run on an application can be shown to occur from the vessel activity sought to be regulated. Applications seeking to regulate areas larger than are supported by competent substantial evidence to show the spring, spring group, or spring run is being harmed by the vessel activity for which regulation is being sought will be denied.
 - (b) To ensure that a springs protection zone created pursuant to this rule does not completely cut off all navigability into, through, or out of a waterway, a

BACKGROUND REPORT
FINAL RULE
Springs Protection Zones – 68D-24.0035
October 7, 2021

portion of the springs protection zone may be created as slow speed minimum wake, as defined in Rule 68D-23.103, F.A.C.

- (5) (a) Competent substantial evidence may include carrying capacity studies, vessel traffic studies, or water quality studies, for example, but may also include any facts or data that are of a type reasonably relied upon by scientists, environmental professionals, or engineers.
- (b) Competent substantial evidence necessary to establish a springs protection zone may include any combination of evidence that demonstrates:
1. Harm of the type identified in subsection 327.45(2), Florida Statutes, is occurring to all portions of the spring, spring group, or spring run for which regulation is being sought;
 2. The harm occurring to the portion of the spring, spring group, or spring run for which regulation is being sought is a result of vessel speed; vessel operation; or anchoring, mooring, beaching or grounding of vessels; and
 3. Establishment of the springs protection zone requested will regulate only that type of vessel activity that is causing harm to the spring, spring group, or spring run.
- (6) Complete applications will be evaluated by the Commission, the Florida Department of Environmental Protection, and the relevant water management district to determine whether competent substantial evidence has been submitted sufficient to show harm is occurring to the identified spring, spring group, or spring run; whether competent substantial evidence has been submitted sufficient to show such harm is a result of the vessel activity sought to be regulated; and whether sufficient competent substantial evidence has been submitted to show that all portions of the spring, spring group, or spring run for which regulation is being sought are experiencing the harm caused by the vessel activity.
- (7) Following the Commission’s adoption of a springs protection zone by rule, the zone will be enforceable once the Commission posts uniform waterway markers notifying the public of the regulations applicable in the zone.

Notice of Change/Withdrawal

FISH AND WILDLIFE CONSERVATION COMMISSION

Vessel Registration and Boating Safety

RULE NO.: RULE TITLE:

68D-24.0035 Protection Zones for Springs

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 47 No. 242, December 16, 2021 issue of the Florida Administrative Register. The Summary of Statement of Estimated Regulatory Costs was incomplete. The Summary is amended to read as follows:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The nature of the rule and the preliminary analysis conducted to determine whether a SERC was required.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

Additionally, paragraph (3) of the rule language was missing a period at the end of the sentence. The language is amended to add that non-substantive change, as provided below:

THE FULL TEXT OF THE PROPOSED RULE IS:

68D-24.0035 Protection Zones for Springs.

(1) The Commission will establish a springs protection zone restricting speed and operation or prohibiting anchoring, mooring, beaching, or grounding of vessels within a first, second, or third magnitude spring or spring group, and associated spring runs when evidence demonstrates that a zone will protect or prevent the spring, spring group, or spring run from harm of the type identified in section 327.45, Florida Statutes.

(2) Evidence of the need for spring protection or to prevent harm may include vessel carrying capacity studies, vessel traffic studies, vegetation or water quality studies, or any facts or data that are of a type reasonably relied upon by scientists, environmental professionals, boating professionals or engineers.

(3) Any person may provide evidence to the Commission for use in the evaluation of a spring, spring group, or spring run under subsection (1).

(4) Springs protection zones shall be no larger than necessary to protect or prevent specified harms to springs, spring runs, and spring groups.

(5) Following the Commission's adoption of a springs protection zone by rule, the zone will be enforceable once the Commission posts uniform waterway markers notifying the public of the regulations applicable in the zone.

Rulemaking Authority 327.04, 327.45 FS. Law Implemented 327.45 FS. History—New _____.



Application for Florida Springs Protection Zone

1. APPLICANT INFORMATION		
Applicant:		
Project Manager Name:	Project Manager Title:	
Mailing Address:	City:	Zip Code:
Telephone:	Fax:	Email:

2. Spring, Spring group, or spring run for which regulation is sought:

3. Type of Springs Protection Zone Requested (select all that apply):

- | | |
|--|--|
| <input type="checkbox"/> Speed Restriction | <input type="checkbox"/> Mooring Prohibition |
| <input type="checkbox"/> Operation Restriction | <input type="checkbox"/> Beaching Prohibition |
| <input type="checkbox"/> Anchoring Prohibition | <input type="checkbox"/> Grounding Prohibition |

4. If requesting a vessel speed or operation restriction, please explain exactly what restriction(s) you are requesting. If additional space is needed, you may attach additional sheets.

5. Attach maps sufficient to show the Applicant's legal jurisdictional boundaries.



HERNANDO COUNTY WATERWAYS ADVISORY COMMITTEE
2022 MEETING SCHEDULE



Meetings are held the third (3rd) 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

December 21, 2022