



Jacksonville Waterways Commission Lynette Self, Chair

The monthly meeting of the Jacksonville Waterways Commission was called to order on Thursday morning, December 7, 2006, in the City Council Chambers, by the Commission's Chair, Council Member Lynette Self.

The minutes for the November 2, 2006 Commission meeting were approved.

The Beach Marine marina facility was discussed at length. Daniel D. Richardson, Esq., Lewis, Longman & Walker, P.A. provided the Commission with the historical background of Beach Marine and explained his client's request for the release of the easement deed. His contention was that the easement represented a hurdle for his client that needed to be surmounted.

Beach Marine is located at the northeast corner of the intersection of Beach Boulevard and the Intracoastal Waterway. In 1937, according to the background sheet that Attorney Richardson distributed, "...a prior owner of the upland property granted an easement to the United States to construct a turning basin at that location." The "expressed purpose (for the easement), approved by the U.S. Congress," was to construct a facility that would enable vessels to discharge cargo, namely road building material. In 1961, the Chief of Engineers requested that the 1937 easement authorization be rescinded. In the interim, private parties had developed the privately-owned marina and neither the federal government nor FIND had done anything to implement the 1937 project. The Army Corps of Engineers had, by 1961, deactivated the project.

The marina that was ultimately constructed was built by private, local funds. Attorney Richardson contended that his client, the current owners of Beach Marine, have been stymied in exploring opportunities to further develop their property because the 1937 Easement Deed had become "a cloud on their title" that discouraged potential investors, lenders and

developers.

Roy Paxon, Assistant City Manager, Jacksonville Beach, spoke in opposition to the release of the easement deed, feeling that such a move was somewhat premature in view of the fact that the development plans of the applicants were unclear. Mr. Paxon raised concerns about public access to the water. He said that it was imperative to preserve waterfronts for recreation and commerce. At issue, according to Mr. Paxon, was no one actually knowing what the future use of the property would be.

The easement is held by FIND. The FIND staff had recommended the release of the easement.

Though Commissioner Busey recused himself from voting on the issue, he joined Commissioners Grandin, Bryan and Lamb in calling for the release of the easement deed. The purpose of the easement has ceased to exist. The Corps of Engineers never pursued or implemented their project. The Commission Chair, Council Member Self, raised the issue of diminishing public access to marinas.

FIND will make the ultimate decision and is soliciting the input of both Jacksonville and Jacksonville Beach.

Commissioner Bryan offered the motion that the Jacksonville Waterways Commission supports Beach Marine's proposed release of an easement deed in exchange for the marina providing additional public access; additional transient vessel slips; working with the current owners to provide additional parking. The Commissioners **approved** the motion on a 10-1 (King) vote, with Commissioner Busey abstaining. Assistant General Counsel Greg Radlinski was directed to draft the resolution for transmittal to the City Council.

In addition to the approved motion that will be sent along to the City Council, the Commission Chair, Council Member Self, will be sending a letter to the Mayor advising the administration of the Waterways Commission's recommendation.

Dr. Gerard Pinto, Jacksonville University, apprised the Commission on the status of the Draft State Manatee Management Plan. A particular concern that the Draft Management Plan addresses is the phenomenon of warm

water areas in the proximity of power plants that are disappearing and affecting manatees accordingly. Manatees are leaving these areas (like the dismantled JEA Southside Generating Station).

In the monthly manatee update, Dr. Pinto reported that the State has approved the Manatee Protection Plan. On the last aerial flight, seven (7) manatees were sighted in the river, one (1) in the Intracoastal. Water temperatures are dropping reducing the number of manatees in the area's waterways. There were no reported manatee deaths. On December 4th, there was a manatee death at Hood's Landing, likely the result of the cold weather. During 2006, there were six (6) water craft-related manatee deaths out of a total of eleven (11) deaths.

A discussion ensued on why five (5) deaths triggered State action. The point was made that there is no consideration given to the increased boats and increased boating activity and no consideration of the County's vast size in weighing factors for manatee fatalities. Why is the number five (5) so arbitrary? There were no considerations in distinguishing whether fatalities were the result of manatee encounters with commercial or recreational vessels.

Greg Radlinski, Office of General Counsel, and Captain Jim Suber, Waterways Commission Coordinator, discussed their attendance at the Stem to Stern – Boating and Waterways Management in Florida conference in Cocoa Beach. Greg Radlinski specifically addressed the ten points raised in a conference follow-up memorandum to the Commission's Chair dated November 8, 2006 and distributed to the Commissioners and the public. Captain Suber noted that all of Florida's counties with waterways are experiencing the same problems that we in Duval County are addressing, i.e., public access to waterways, development, abandoned vessels, etc.

In the FIND Update, Jody McDaniels, Planning/Grants Coordinator, Parks, Recreation, Entertainment & Conservation Department reported on the highlights of putting the dredging project for Goodby's Lake out to bid.

On Pending Legislation, on RESO 2006-1240, Apv 2006 Duval County Manatee Protection Plan (2nd Edition), the Commissioners voted to recommend **approval**. On RESO 2006-1243, Apv Proposed Semi-Annual Revision to FLUM Series on N/S of Atlantic Blvd bet San Pablo Rd & Intracoastal Waterway to CGC-moody Land Company was recommended

for **approval**, as amended. On ORD 2006-1359, Approp \$60,000 (FIND grant & matching funds) for “Sister’s Creek Marina Canoe Launch Phase I, the Commission voted to recommend **approval**. On ORD 2006-1360, Approp \$263,000 (FIND grant and matching funds) for “Palm’s Fish Camp Acquisition” Proj, the Commission voted to recommend **approval**. On ORD 2006-1366, Approp \$42,500 (FIND grant and matching funds) for “Mandarin Park Boat Ramp Parking Lot Phase I & II” Proj., the Commission voted to recommend **approval**.

In Old Business, it was announced that JEA is researching the unlighted obstruction in the St. Johns River that was a matter of concern raised at the last Commission meeting.

Buoys and lighted markers have been placed in the Ortega River.

The dredging project for Goodby’s Lake is being expedited to take advantage of the fact that there are virtually no manatees in the area during the winter season.

The next scheduled meeting of the Jacksonville Waterways Commission is Thursday, January 4, 2007.

John J. Jackson, Research Division,
Jacksonville City Council (904)630-1729