



**A Summary of the Locality Roundtable Forum**  
Jim Fletcher<sup>1</sup>, Bob Swett<sup>2</sup>, and Chris Combs<sup>3</sup>

**INTRODUCTION**

On Friday, July 29, 2005, Brevard County Commissioner Helen Voltz convened a “Locality Roundtable Forum” to discuss issues of marina siting and public access to waterways. Counties participating included: Brevard, Broward, Citrus, Collier, Duval, Indian River, Lee, Martin, Palm Beach, Sarasota, St Lucie, and Volusia. Others participating in the forum included: Canaveral Port Authority, City of Titusville, and University of Florida\IFAS\Extension. A round robin of important issues gave each county’s representative an opportunity to present cases or specific situations that reflect strengths and weaknesses concerning marina siting and public access in their county. Participants were asked to consider economic and environmental issues as well as ancillary impacts of zoning, water dependent uses and boating use patterns in their comments. County representatives presented recent examples, both successes and challenges, related to marina siting and public access to waterways.

**EXECUTIVE SUMMARY**

The fundamental problem experienced by all counties is loss of public access to waterways coupled with increasing demand. Both problems are attributed to rapid growth and development. Population growth in Florida brings an increase in boat registrations, however limits placed on expansion of existing marinas/boatyards, and addition of new marinas/boatyards, or public boat ramps with adequate parking, have not met the demands of the increased growth.

Rapidly increasing property values, particularly along waterfronts, complicate the issue by encouraging the conversion of existing privately owned marinas and boatyards into more lucrative residential waterfront developments. Often, neither county nor city governments have the necessary resources available to purchase good boating access sites when suitable waterfront land becomes available. Therefore, strategies are needed to address funding issues: examples include creating new revenue sources such as bonds; increasing current revenue, such as registration fees; or reallocating existing revenue, such as utilizing a greater proportion of the gas tax paid by boaters. In conjunction with these options, working with the Florida Legislature to provide a dedicated funding source to purchase land for public access should become a priority.

Participants expressed frustration with reactive, rather than proactive, laws and ordinances that have contributed to current access limitations. Participants agreed that greater weight should be given to scientific information and methods during the decision-making process. To make informed decisions, officials require a research-based framework that would include, for example, a characterization of recreational boating

<sup>1</sup>Brevard County Extension, Univ. Florida, Cocoa, FL 32926, <sup>2</sup>Department of Fisheries and Aquatic Sciences/Florida Sea Grant, Univ. Florida, Gainesville, FL 32611, <sup>3</sup>Brevard County Extension, Univ. Florida, Palm Bay, FL 32909

activities and a quantification of the supply of and demand for public access facilities.

The results from such analyses would facilitate siting public access facilities and assist with policy decisions and the development of effective regulations. In addition, such information would (1) identify legislative issues that need to be reexamined, (2) expedite the permitting process, and (3) assist lobbying efforts to secure additional funding.

To prevent duplication of efforts and to encourage innovation, a policy toolkit could be developed to facilitate sharing knowledge and experiences between localities. Toolkit contents could include successful or proposed models ordinances, resolutions, comprehensive plan policies, data collection methodologies, and standard action plans. In addition, legislative issues affecting multiple localities could be consolidated to facilitate broader support and faster and more effective action. It was suggested that the Center for Governmental Responsibility at the University of Florida Levin College of Law could assist in developing this policy toolkit and that they, or Florida Local Environmental Resource Agencies, Inc. (FLERA), might maintain the toolkit website.

Participants also recognized multiple opportunities for intergovernmental coordination to improve current program efficiencies and effectiveness. Examples of successful standardized and joint enforcement at the local, state, and federal levels should be expanded. There was consensus within the group that coordinated marine environmental and boater education programs are needed to address boating safety, water quality, and environmental and conservation issues. Regional cooperation across city and county lines could address waterway access needs that frequently cross jurisdictional boundaries. Legislative priorities that would benefit marine and freshwater jurisdictions should be circulated statewide to facilitate a coordinated lobbying process.

Finally, participants agreed that a high priority is to formalize a working group or coalition that consists of the localities that participated in the forum and invite representatives from other localities to join the coalition. This working relationship will allow localities to discuss common issues and develop solutions to issues relating to public access to waterways.

## **LOCAL GOVERNMENT COMMENTS (Grouped by Subject)**

### **Regulatory Issues and Options**

- Participants expressed a strong need to work regionally on many of these issues.
- As public access is lost, e.g., lost marina slips, one locality sees an increasing problem with derelict vessels because of increasing numbers of long-term anchored vessels. Cost for removal of derelict vessel currently is approximately \$150/foot, therefore the state should re-establish adequate funding to the Derelict Vessel Removal Program, Florida Fish and Wildlife Conservation Commission (FWC) Div. of Law Enforcement, Office of Boating and Waterways, to properly address the problem of derelict vessels.
- Several county commissions are very sensitive to the need to preserve public access in conjunction with new development.
- Many localities have Coastal High Hazard Zones, so hurricane evacuation and safety concerns dictate the limits to development that occur within these jurisdictions. In many localities waters are shallow, and water bodies are classified as Essential Fish Habitat. The emphasis of the State Greenways program on multiple uses has been beneficial, because it allowed for the construction of public ramps/access on Greenways public land. Localities that have extensive public land holdings, such as along barge canals, are the only ones that feel future public access is assured.

- The low level of staffing at federal regulatory offices has caused significant permitting delays in several localities, therefore permitting remains a major issue.
- Workshop participants expressed a strong interest in statewide implementation of the concept of "No-Net-Loss" of public access to waterways.
- In at least one locality, because land use directly impacts waterfront use, new coastal developments must build boat ramps with adequate easement, then ramps and easements are turned over to the locality, which then maintains it. This locality also characterizes the need for boat ramps based on the number of boaters who live within a 2 mile radius of current ramps.
- During discussion, Monroe County was referenced as considering rezoning as one method to address loss of public access.
- Localities would like to see an analysis of supply/demand economic impacts (before and after), i.e., how does the loss of a facility affect the county/region economically? Lee County is serving as the pilot county for a statewide boating facility inventory and economic study being conducted by the FWC Office of Boating and Waterways.
- While a few areas are increasing access capacity (such as recent approval for 967 dry storage units at one locality), the ability to modify existing infrastructure modifications is a major concern. The locality where permission was granted has limited upland parking/support space to accommodate further increases.

### **Economic Issues**

- Localities need more wet slips, dry slips, boat ramps, and parking spaces. As access becomes more limited, there is a tendency for access inequities to lead to social justice issues.
- Rapid loss of public access to waterways has reached crisis proportions. Recent sales of large marinas/boatyards, together with rapid population increases, yields an increasing rate of loss of public access to waterfronts, and a net loss of wet-slips. Most dry-storage boats are not used very much, so waterways impacts are diminished. Most private docks are not used as much as docks as they are as "back porches," so waterways impacts are minimized.
- One locality cited a multi-author 1986 Florida Sea Grant paper that addressed water issues in Florida and that forecast today's waterfront access issues. Since then, municipal and county governments have been priced out of the waterfront real estate market. This locality needs more boat ramps because most boats are trailered. Owners of trailered boats comprise the most affected group, thus, "discrimination" is a reality. The locality is presently revamping one public boat ramp, permitting one boat ramp, and has bought a privately-owned ramp for \$3.5 million.
- One county implemented a countywide cap on the number of boat slips; once the limit is reached, future private property owners will be denied permission to install new slips. Once the cap is reached, a legal challenge is expected; the locality is proposing "slip-banking/slip-trading," which effectively creates a market.
- One county has seen a 20 percent reduction in overall slips because of conversion (aggregation) of slips for mega-yachts. County boat registrations are flat and the reason is unknown. Some cities are passing ordinances prohibiting citizens from keeping boats in their yard.
- One locality is losing dry storage slips by conversion to large wet slips for yachts.

- In one county, state implemented speed zones eliminated three of only four boating-related recreation zones
- A major problem being experienced by one locality is due to effects on commercial and recreational fishing of freshwater discharges from Lake Okeechobee into the Indian River Lagoon. Fishing supports many local access points economically (e.g., marinas) and to the extent that freshwater discharge (quantity, quality, and timing) disrupts or diminishes fishing, then waterfront conversion may take place to preserve economic solvency.

### **Land Acquisition Comments**

- One county has not seen a public to private conversion problem over the past three years. This locality was prescient enough to issue a \$20 million bond ten years ago to purchase public access properties. Today they have 10 public boat ramps and 50 private boat ramps.
- One county recently issued a \$50 million bond to purchase land for public access, but that amount no longer equals large purchasing power. Economics has become the primary driver of loss of public access. Federal and local buyouts of development rights, with some property purchases, are methods to improve public access.
- One locality recently started a land acquisition program, and intends to develop a waterfront access program.

### **Data Acquisition Needs**

- All localities need science-based information upon which to base development of Manatee Protection Plans (MPP). Most localities do not have adequate data. What is carrying capacity? How do we evaluate critical mass? No standard methodologies have been established.
- One locality has a MPP, and manatee speed zones, originally based on “hard” data and analysis, including a 10-year database of manatee observations and mortality data. Manatees do not occur year-around because this locality is too far north. Their problem: Federally imposed speed zones that resulted from litigation and that make “absolutely no sense” (e.g., one Slow Speed Zone is located in an area with 60 foot depths where no mortalities were reported during the 10 year monitoring period). The Federal zones occur in areas where no manatee mortality has occurred, and these litigation-imposed zones were not based on existing and recently available manatee population data and data analysis.
- Several localities used manatee-tracking databases to create their MPPs. A benefit of data-based MPPs is that they can provide certainty, through a level of predictability, when development plans or applications are reviewed. One locality’s MPP was based on analysis of large and long-term data sets, supplemented by new data sets incorporated every five years. This regular, periodic, one-time analysis lowers overall costs, since it does not need to be repeated for each subsequent development application. Recently, a \$16 million waterfront property purchase by one locality was made possible by access to immediately available updated data. One locality MPP classifies facilities as Preferred, Conditional, or Non-preferred; no further evaluation for permitting is needed for Preferred facilities.
- One locality MPP does not yet include a marine facility-siting component. In 2003, the FWC ruled that this locality could not site any more marinas until the marina facility-siting component of their MPP was completed.

## **Intergovernmental Coordination**

- A need was indicated by participants to unify efforts among counties by forming a working coalition with common goals and an action plan.

## **PRIORITY ISSUES AND OPTIONS**

Following the round robin discussion of issues, participants listed high priority issues that could be addressed through further group action. Proposed options are summarized below, but not prioritized, into six main areas.

### **Land Acquisition Options**

1. Provide tax relief/incentives for working waterfronts
2. Purchase development rights from working waterfronts
3. Pass local bond referendum to purchase waterfronts for public access
4. Work with the State legislature and agencies to develop dedicated funding source; for example, lift the cap on the marine fuel tax, raising boat registration fees and/or expanding them to include non-motorized vessels, or seeking dedicated document stamp revenues
5. Advertise local government desire to purchase waterfront land for public access from willing sellers

### **Regulatory Options**

1. Add permitting staff to speed permit reviews
2. Develop and utilize density credits for the provision of public access on private lands
3. Develop slip aggregation/consolidation and trading plans
4. Require “No-Net-Loss” of working waterfront
5. Prohibit zoning or land use changes that result in loss of public access
6. Develop a policy tool kit

### **Data Acquisition Needs**

1. Collect scientific and economic data
2. Data, not politics, should drive decision-making

### **Intergovernmental Opportunities:**

1. Enforcement – local, state and federal enforcement teams working on collective priorities through standardized means
2. Boater education, including via a state-mandated boat-operator license
3. Joint lobbying efforts - Florida Association of Counties, League of Cities, FLERA
4. Cooperate across local jurisdiction lines to develop regional access through joint facilities

### **Policy Toolkit Ideas**

1. Develop and share sample/model ordinances and comprehensive plan policies
2. Provide a common location to view all local ordinances/plans (e.g., a web-based clearing house)
3. Uniform methodologies for data collection
4. Develop and share draft/model resolutions
5. Create action plan

## **Other Issues Suggested**

1. Equity/social justice issues
2. Water quality
3. Mitigation
4. Use causeway right-of-ways to develop public access boat ramps and parking
5. Unified regulations, and uniform waterway markers statewide.
6. Develop inland parking, work areas, and dry stacks with rail delivery to the water for public access and hurricane evacuation
7. Prohibit increases in development intensity within the Coastal High Hazard Zone
8. Require a percentage of public access slips at new private developments
9. Develop mooring fields and gain local authority to remove derelict boats
10. Allow a greater dry stack to shoreline ratio, since dry stack boats launch less frequently than do boats launched from marina wet slips or boat ramps
11. Water Quality Improvements/Restoration – one locality needs clean water for mitigation
12. Reach out to all waterfront municipalities and counties for collective action by becoming a part of this working coalition

## **TOP PRIORITIES**

Forum participants agreed upon the following four priority areas; however, it was agreed that the priorities should be fleshed out in the near future using a consensus-based approach. Several group members suggested forming a coalition of municipalities and counties impacted by public boating access issues, and developing a coalition Mission Statement

### **1. Create an Action Plan to increase State funding for land acquisition, etc.**

*Interested localities should unify and organize a lobbying effort that works with legislative delegations to generate broad support for the establishment of a dedicated funding source to purchase public access rights to waterways. Successful implementation of such a dedicated State funding program will require action plan elements that estimate land acquisition needs, and develop uniform criteria for prioritizing the annual expenditure of available funds.*

### **2. Dedicated funding for public access, improving water quality, and enforcement**

*Expand lobbying efforts to also address water quality and enforcement issues. Concern was expressed about requesting too much at once from the legislature and getting nothing as a result. The group could develop an action plan (timeline) for how and when to best address critical needs, especially building on current, coordinated, multi-agency enforcement initiatives.*

### **3. Utilization of the land for public access**

#### **a. Criteria for exemptions**

*Considerable support exists for the development of a policy toolkit that contains successful and proposed local government policies and programs that provide incentives (1) to retain working waterfronts and (2) for new developments, or changes in existing use, to maintain some level of public access. Multiple localities expressed interest in creation of an internet-based clearinghouse to house the policy toolkit.*

### **4. Development issues/impact fees**

#### **a. Education**

*Improve public awareness of development issues, and boater awareness of aquatic resource issues, with a goal to encourage better stewardship of marine and coastal environments.*