

PALM BEACH VESSEL TRAFFIC STUDY CONSENSUS GROUP
SOUTH FLORIDA WATER MANAGEMENT DISTRICT
3301 GUN CLUB ROAD, WEST PALM BEACH, FL.
RICHARD RODGERS CONFERENCE ROOM
JANUARY 21, 2009 – 4:30P – 5:30P

The consensus group meeting was called to order at 4:30 p.m. by Captain Carol Keyser.

Members of the Boating and Waterway staff in attendance were: Captain Carol Keyser, Lieutenant Ed Cates, Ms. Tara Alford, and Mr. Ryan Moreau, FWC - GHQ, Tallahassee; and Mr. Bill Sargent, FWC - St. Petersburg.

Local FWC Law Enforcement in attendance was: Lieutenant Atwell Pride, FWC - West Palm Beach. Other attendees included: Ms. Joy Blinn and Mr. Roger Anderson, PBS&J; Mr. Joe Embres, USCG; and Dr. Russell Watkins and Dr. Charles Sidman, UF - Sea Grant.

Consensus Group attendees were: Mr. Gene Folden, Ms. Val Kattel, Ms. Amy Tolderund, Dr. Ted Schiff, Mr. Mark Tamblyn, Mr. Gerald Ward, and Mr. Leonard Rubin. Not attending were Captain Bill Taylor and Ms. Jena Bradley.

Questions and comments from the consensus group are listed below.

Mr. Leonard Rubin – Advised that most of the people concerned about the Bert Winters Park area gave their input at the first workshop. He asked if we could send out the matrix exercise to those individuals who are not here so that their input is included.

Dr. Ted Schiff – Agrees with Mr. Rubin's statement concerning Bert Winters Park.

Mr. Gene Folden – Asked how we will handle those folks who are attending more than one meeting and voting more than once, and how we will handle additional areas of concern which come up in these meetings? His area of concern is not addressed in the vessel traffic study, and he would like consideration of those areas.

Dr. Russell Watkins – Advised he would send an e-mail to the missing individuals in an attempt to get their input.

Dr. Ted Schiff – Advised the Bert Winters Park residents are entirely for establishing a 'No Wake' zone.

Mr. Gerald Ward – Advised he would not support a 'No Wake' zone in this area because the model does not support it. If you read the minutes from the last meeting, twenty-some people support a boating restricted area, but that doesn't mean it's in accordance with the law.

Mr. Gene Folden – Advised it would be helpful if we look at all the options available. Law enforcement should address individual violators and the situations, and not

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penalize all the boaters. There was a bad situation in the south part of the county; a 'Slow Speed – Minimum Wake' zone during weekends and daylight hours only solved the problem. The other part of this is enforcement of the signs. What has your community done to put enforcement on the water? What are your own officers doing? Unless you're willing to do that, you are not part of the solution. What actions have you taken with your City Council and County Commission? You can't expect FWC to do it alone; they are grossly undermanned.

Dr. Ted Schiff – Believes that due to budget cuts, there will be less enforcement in the future. Self enforcement is a solution.

Mr. Leonard Rubin – Believes it's a resource issue. Agrees with Dr. Schiff that self-enforcement is the best solution.

Ms. Val Kattel – Advised that in North Palm Beach there is one guy and one boat. The money is just not there. They can't do it all; they're not going to do it. This one guy can't be everywhere at once.

Mr. Gerald Ward – Advised he doesn't see a shortage of the Sheriff's Office.

Mr. Leonard Rubin – Believes the citations and accidents in the vessel traffic study are underreported. To use a report that he and the residents he represents believes is inadequate for setting up regulatory zones is problematic. The study doesn't take into account the narrowness of the area.

Mr. Gerald Ward – Advised that assimilation of data is a neat way to work on things later on. It worked very well in Martin County, and that's certainly available. He has pointed out several errors to UF, and he's never seen the UF staff not be receptive to making corrections.

Mr. Leonard Rubin – Advised he is organizing a group to gather additional data (citations and accidents), but it does take time.

Mr. Gerald Ward – Advised we have a whole page of law that tells people how to report accidents: 327.301, Florida Statutes.

Dr. Ted Schiff – Advised his group plans to query each of the local agencies to ascertain their boating citations and boating accidents.

Lieutenant Ed Cates – Advised the biggest problem is reporting the accidents. There are two independent groups that track boating accidents. We follow every avenue we can to ensure reports are taken. A boating accident has to fit certain criteria as references in 327.301, Florida Statutes. Failure to report a boating accident is a violation of law.

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Dr. Ted Schiff - Advised he wants to query each accident in each local area. He has been interviewing people to do this. He and his group believe they are grossly underreported. If FWC is not going to address errors in the study, then we want to do this. He believes analyzing EMS calls will lead his group to find hundreds of accidents with injuries.

Lieutenant Ed Cates - Advised his records show 894 reportable accidents, 33 fatalities, 415 injuries, and \$22,886,840. in property damage, not just in this area, but in the whole county since 1998. West Palm Beach is ranked #3 in reportable accidents. If all reportable accidents were actually reported, he agrees the numbers would probably go up.

Ms. Tara Alford – Asked Dr. Schiff if his group would be using the same criteria that we're bound by and using. He advised yes.

Ms. Amy Tolderlund (Sea Tow) – Advised that not all of these accidents Lieutenant Cates is referring to occurred in the ICW. She provided comments to the effect that perhaps additional law enforcement (at the county level) could be used to address wake, speed, etc., issues along the ICW, and that enforcement of existing laws could very well alleviate the problem. By moving part of the task force from Peanut Island to the area in question, there would be a deterrent to the problem of unsafe/reckless operation and that this would be a place to start before instituting more regulatory zones. She also requested that the law firm gathering data for the area just north of the Parker Bridge not include accidents which occurred in other areas in with their statistics, since victims of accidents that occur in the ocean or other areas are usually taken to marinas, ramps, and/or private docks for emergency response; therefore these incidents should not become a part of their statistics.

Mr. Leonard Rubin – Wants to know why public marinas are included in the study but private marinas are not. Isn't safety an issue for both?

Mr. Gerald Ward – There is criteria that must be applied, such as fueling for public marinas. Mr. Rubin is referring to more general issues.

Mr. Gene Folden – Advised that Section 327.33(3) speaks to every operator being responsible for their own wake.

Dr. Ted Schiff – Advised that the FWC officer he spoke with doesn't stop people in this area because it's too dangerous to do so (did not mention specific name of officer).

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Lieutenant Atwell Pride – Advised that out of the 20 officers in this area some are supervisors. These officers have limited time on the water due to days off, leave, sick leave. He's intimately familiar with this area. His officers' area of responsibility is from the Martin/St. Lucie line down to Broward Palm Beach area over to Lake Okeechobee and out to the ocean. He only has five officers on his squad, and have at least that many boats. We're also responsible for the woods and wildlife management areas. It's not just the marine environment that we're responsible for.

Ms. Amy Tolderlund – Suggested that perhaps the SOs could hold task forces for a few weekends with their available units.

Dr. Ted Schiff – Advised that residents in his area have called the SO through the years, and simply can't seem to get them up there. The task forces would be a start, but would not be a long-term solution.

Mr. Gerald Ward – Asked if there have been any cameras posted out at Phil Foster or Peanut Island.

Mr. Roger Anderson – Responded that there were a couple cameras posted during the holidays in 2008. There is no lack of SO in the Peanut Island and Riviera Beach areas.

Mr. Gerald Ward – Suggested that each particular facility needs to do its own work. You need to protect against mooring facilities.

Dr. Ted Schiff – Simply adding seawalls is an oversimplification. We need to change the boating regulatory zones to make things more safe.

Ms. Val Kattel – FWC, your motto is 'Patrol, Protect, Preserve'. She wants to know what part of that has to do with making boaters happy. We need to do what's safe.

Dr. Ted Schiff – The area we're addressing one mile, not tens of miles. He wants to know if that will really interfere that much with getting through and out of the area. The boating 'season' here is every weekend. It's mostly busy in the summertime. Out-of-state boaters are going slowly. Our problem is the regular small boats whose operators live here year-round. Slowing the zone would inconvenience people by about six minutes. 'Slow Speed – Minimum Wake' would be OK. It doesn't have to be 'Idle Speed – No Wake'.

Ms. Tara Alford – Gave both definitions; read them verbatim from FWC law book: 68D23.103. She asked Mr. Rubin to look at the criteria in 68D23.105. 'Slow Speed' would probably be the one which best fits this area.

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Mr. Gerald Ward – Advised that people are measuring channel distance versus sight distance. This is the I-95 of the water. If there is a facility that is inappropriately located, then we need to file with Army Corps of Engineers for dock removal.

Dr. Ted Schiff – Advised there is rapid and swift current in this area: two to three knots.

Mr. Gerald Ward – Advised that two to three knots is not a lot of current; that is a miniscule current.

Ms. Tara Alford – Advised we are looking at Wednesday, March 18 for our next workshop in the south part of the county.

The consensus group meeting was adjourned at 5:30 p.m. by Captain Carol Keyser.