

**ENVIRONMENTAL PROTECTION COMMISSION**  
**OF HILLSBOROUGH COUNTY**  
**THURSDAY, APRIL 6, 1995**  
**COMMISSIONERS BOARD ROOM**  
**6:30 P.M.**

**SPECIAL SESSION**  
**AGENDA**

**ITEM**

**I. PUBLIC HEARING**

Purpose: To consider adoption of amendments to Part III of Chapter 1-11, Rules of the Environmental Protection Commission of Hillsborough County, to provide further restriction in the Cockroach Bay Aquatic Preserve for a temporary 5 year period pursuant to recommendations of the Cockroach Bay Aquatic Preserve Management Advisory Team (CAPMAT).

- A. CAPMAT recommendations
- B. Water monitoring results - Dr. Dawes
- C. Aerial Photographic monitoring results - Dr. Ehringer

**II. PUBLIC COMMENT**

**III. EXECUTIVE DIRECTOR'S RECOMMENDATIONS**

**NOTICE OF PUBLIC HEARING  
ENVIRONMENTAL PROTECTION COMMISSION of HILLSBOROUGH COUNTY**

**CHAPTER 1 - 11, Wetland Rule**

**PURPOSE:** To consider adoption of amendments to Parts II and III of Chapter 1-11, Rules of the Environmental Protection Commission of Hillsborough County, to provide further restrictions in the Cockroach Bay Aquatic Preserve for a temporary 5 year period pursuant to recommendations of the Cockroach Bay Aquatic Preserve Management Advisory Team.

**SUMMARY:** The proposed rule amendments would change the boundary of the designated recovery areas of Cockroach Bay and restrict access of all boats operating with internal combustion engines (with the exception of approved enforcement and research vessels): boats with engines up and not running, as well as boats poling or operated with electric motors would not be restricted; canoes would be allowed if operated with electric motors or paddles; air boats would be prohibited. The rule would also continue the monitoring of seagrass conditions and damage; institute a seagrass propcut restoration program; provide for additional boat traffic when restoration has been shown to have successfully restored at least 75% of the current damage; and provide for severability and an effective date.

**SPECIFIC LEGAL AUTHORITY UNDER WHICH THE ADOPTION IS AUTHORIZED AND THE LAW BEING IMPLEMENTED, INTERPRETED, OR MADE SPECIFIC:** Chapter 84-446, Laws of Florida, as amended.

**NOTE:** Any person who might want to appeal any decision made by the Environmental Protection Commission respecting any matter considered at the forthcoming public hearing is hereby advised that he will need a record of the proceedings and for such purposes he may need to insure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be based.

A public hearing will be held:

**TIME:** 6:30 P.M.  
**DATE:** April 6, 1995  
**PLACE:** County Commission Board Room  
2nd Floor, County Center  
601 East Kennedy Blvd  
Tampa, Florida 33602

Joe Chillura, Chairperson  
Environmental Protection Commission  
of Hillsborough County

**ATTEST:**  
RICHARD AKE  
CLERK

By: \_\_\_\_\_  
Deputy Clerk

# C A P M A T

*Cockroach Bay Aquatic Preserve Management Advisory Team*

---

February 20, 1995

Environmental Protection Commission  
of Hillsborough County  
Attn: Commissioner Joe Chillura, Chairman  
P.O. Box 1110  
Tampa, Fl. 33601

Dear Commissioner Chillura:

In its February 16, 1995 CAPMAT member approved by a vote of 7 to 2 to recommend that further restrictions are necessary to protect the seagrass beds of portions of the Cockroach Bay Aquatic Preserve.

CAPMAT members recommend that further restrictions are necessary for a temporary period of 5 years to protect and restore the seagrasses in the portions of the Aquatic Preserve as shown on Exhibit 1 attached to this document. This recommendation comes as a progressive "next step" based on CAPMAT's reception of public comment in a special meeting in Ruskin and in this February CAPMAT meeting. The recommendation is also based on a review of the scientific monitoring results under the existing EPC Ch 1-11 management plan for seagrass closure areas in the Preserve. If implemented the further restriction would consist of "RESTRICTION FOR A PERIOD OF FIVE YEARS TO ALL BOAT OPERATING WITH INTERNAL COMBUSTION ENGINES ( WITH THE EXCEPTION OF APPROVED ENFORCEMENT AND RESEARCH VESSELS) FROM THE MARKED AREAS DEPICTED ON THE ATTACHED EXHIBIT. BOATS WITH ENGINES UP AND NOT RUNNING AS WELL AS BOATS POLING OR OPERATING WITH ELECTRIC MOTORS WOULD NOT BE RESTRICTED, AND CANOES WOULD BE ALLOWED IF OPERATED WITH ELECTRIC MOTORS OR PADDLED. AIRBOATS WOULD BE PROHIBITED.

CAPMAT FURTHER RECOMMENDS THAT THE HCEPC CONTINUE ITS MONITORING OF THE CONDITIONS AND EXTENT OF SEAGRASS DAMAGE AND INSTITUTE AN ACTIVE SEAGRASS PROPCUT RESTORATION PROGRAM IN ORDER TO RESTORE THE DAMAGED AREAS AND ALLOW BOATERS ADDITIONAL ACCESS TO THE PRESERVE AFTER RESTORATION HAS BEEN SHOWN TO HAVE SUCCESSFULLY RESTORED AT LEAST 75% OF THE CURRENT DAMAGE.

Comm. Chillura  
February 20, 1995  
Page two

ADDITIONALLY, CAPMAT RECOMMENDS THAT THE BOCC FORWARD A REQUEST TO THE FLORIDA MARINE FISHERIES COMMISSION THAT THEY TOO RESTRICT THE SAME AREAS AND PARTICIPATE IN THE ENFORCEMENT PROGRAM AND IN THE RESTORATION PROGRAM IN ORDER TO APPLY THE LESSONS LEARNED TO OTHER DAMAGED SEAGRASS BEDS IN FLORIDA AND PROVIDE FUNDS FROM THE COLLECTION OF THE SALT WATER FISHING LICENSE TO: (1) ASSIST WITH THE MONITORING AND RESTORATION PROGRAM AND (2) PROVIDE FOR ONE FULL TIME EQUIVALENT (INCLUDING VEHICLE AND BOAT) MARINE PATROL OFFICER TO MONITOR AND ENFORCE ALL STATE AND LOCAL REGULATIONS WITHIN THE COCKROACH BAY AQUATIC PRESERVE AS FIRST PRIORITY, AND ADJACENT AREAS AS TIME ALLOWS.

Respectfully submitted,

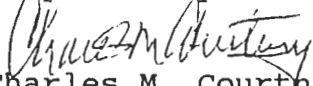




  
Charles M. Courtney  
Chairman

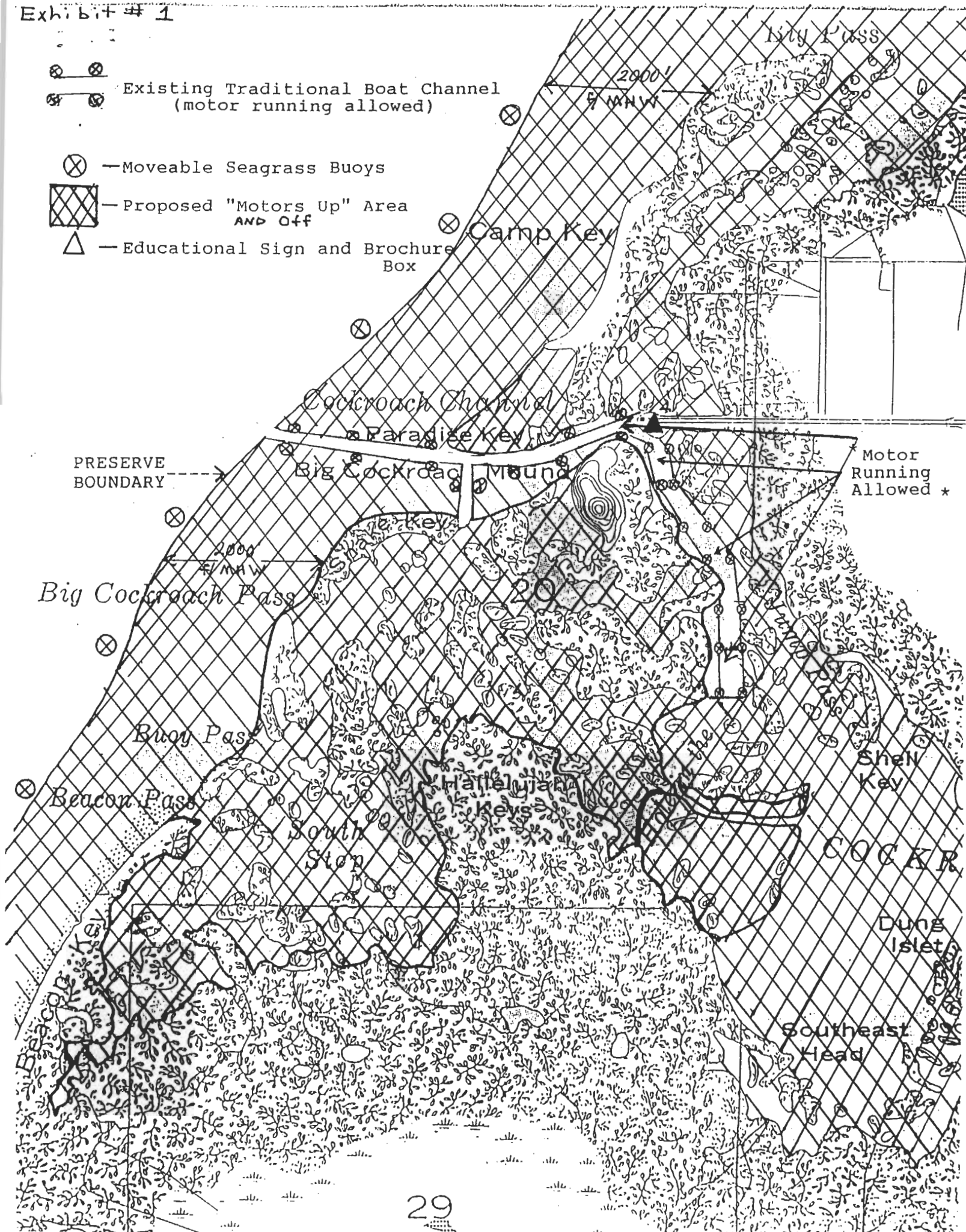
Exhibit # 1

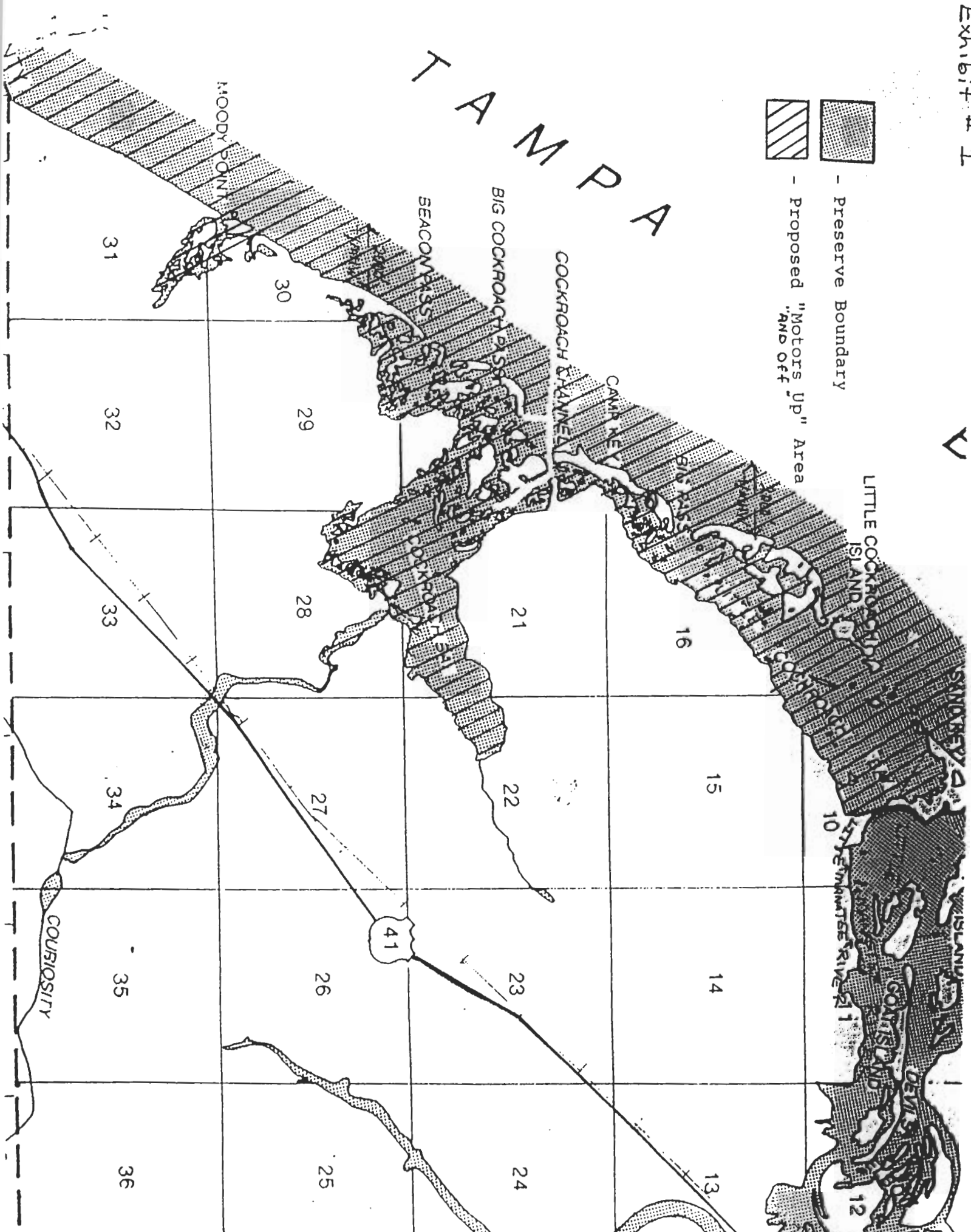
 Existing Traditional Boat Channel  
(motor running allowed)

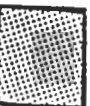
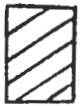
 - Moveable Seagrass Buoys

 - Proposed "Motors Up" Area  
AND Off

 - Educational Sign and Brochure  
Box





-  - Preserve Boundary
-  - Proposed "Moters Up" Area

TAMPA

MOODY POINT

SEACOMPASS

BIG COCKROACH PASS

COCKROACH CHANNEL

CAMP NE

LITTLE COCKROACH ISLAND

LITTLE COCKROACH ISLAND

MANATEE RIVER

DEVIL'S ISLAND

CURIOSITY

31

32

33

34

35

36

30

29

28

27

26

25

21

22

23

24

16

15

14

13

12

41

**A RULE**

**AMENDING PART III OF CHAPTER 1-11, WETLAND RULE, TO CHANGE THE BOUNDARY OF THE DESIGNATED RECOVERY AREAS OF THE COCKROACH BAY AQUATIC PRESERVE; RESTRICTING ACCESS OF ALL BOATS OPERATING WITH INTERNAL COMBUSTION ENGINES, EXCEPT FOR APPROVED ENFORCEMENT AND RESEARCH VESSELS AND SPECIFIED CHANNEL AREAS; CONTINUING SEAGRASS MONITORING; DEVELOPING AND IMPLEMENTING A SEAGRASS PROPCUT RESTORATION PROGRAM; PROVIDING FOR ADDITIONAL BOAT TRAFFIC WHEN 75% RESTORATION HAS BEEN SUCCESSFUL; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, the Environmental Protection Commission of Hillsborough County is empowered by Chapter 84-446, Laws of Florida to adopt and amend from time to time rules to protect the waters of the county, and

**WHEREAS**, the County's Cockroach Bay Aquatic Preserve Management Advisory Team (CAPMAT), upon review of the scientific monitoring results under the existing management plan for seagrass protections in Cockroach Bay, and upon hearing public comment regarding the program, recommends additional measures to protect and restore the seagrasses, and

**WHEREAS**, the Commission determines that it is reasonably necessary for the effective implementation of Chapter 84-446, Laws of Florida to amend its rule and management plan for protecting Cockroach Bay, and

**WHEREAS**, the Commission published due notice of its intent to consider adoption of amendments to its Wetland Rule, Chapter 1-11, in Hillsborough County,

**NOW, THEREFORE**, the Environmental Protection Commission of Hillsborough County, in regular public meeting this \_\_\_ day of \_\_\_\_\_, 1995, enacts the following:

1     **Section 1.**       Section 1-11.30 of Chapter 1-11 of the Rules of the Commission is amended to read as  
2 follows:

3     **1-11.30        INTENT REGARDING COCKROACH BAY RECOVERY AREAS**

4                   It is the Commission's intent to temporarily restrict and regulate boating activities within the  
5 Cockroach Bay area so that the marine wetlands and seagrasses have an opportunity to recover and restore  
6 themselves as a significant public resource. The designation of restricted recovery areas made in this part  
7 is limited to five ~~three~~ years and shall expire at the end of said time without further action of the Commission,  
8 unless shortened or lengthened by subsequent act of the Commission. At such time as the propcut

1 restoration plan achieves restoration of at least 75% of the damage existing on April 6, 1995, as determined  
2 by the Commission, additional boating access will be permitted.

3 **Section 2.** Section 1-11.31 of Chapter 1-11 of the Rules of the Commission is amended to read as  
4 follows:

5 **1-11.31 DESIGNATION OF COCKROACH BAY RECOVERY AREAS**

6 1. With the exception of the marked portions of Cockroach Channel to the boat ramp, the  
7 marked channel to Snake Key, and the marked channel to Hole-in-the-Wall Pass, the portion of the  
8 Cockroach Bay Aquatic Preserve extending from the Hillsborough-Manatee county line northward to Sand  
9 Key at the mouth of the Little Manatee River, is designated as the Cockroach Bay Recovery Area.

10 1. ~~Recovery Area #1 includes the area of shallow depths extending from the southern point~~  
11 ~~of Camp Key to Cockroach Channel and around Paradise Key, excluding Cockroach Channel.~~

12 2. ~~Recovery Area #2 includes the broad area within Cockroach Bay of interconnected~~  
13 ~~mangrove islands, shallow depths exposed at lowest tides (e.g., South Stop and the area between Big~~  
14 ~~Cockroach Pass and Hole in the Wall Pass), and numerous constricted passes (e.g., Buoy Pass, Beacon~~  
15 ~~Pass).~~

16 3. ~~Recovery Areas #3 and #4 include the shallow depths on both the north and south sides~~  
17 ~~of Hole in the Wall Pass in Cockroach Bay, excluding a 20 foot wide channel through the pass.~~

18 4.2. The boundaries of the above designated Recovery Areas will be depicted on maps of the  
19 Cockroach Bay area, made available at the Commission offices and posted at various boat ramps, public  
20 docks and mooring facilities; and will be further identified by channel markers and tide markers located at  
21 the appropriate sites.

22 **Section 3.** Section 1-11.32 of Chapter 1-11 of the Rules of the Commission is amended to read as  
23 follows:

24 **1-11.32 PROHIBITIONS**

25 1. Except for authorized research and law enforcement vessels, all watercraft operating with  
26 internal combustion engines are prohibited in the designated Cockroach Bay Recovery Areas #1, #3 and  
27 #4. The marked navigation channels to of Hole-in-the-Wall Pass, the portion of Cockroach Channel to the  
28 boat ramp, and the channel to Snake Key are not included in this prohibition. Boats with engines up and  
29 not running, as well as boats poling or operating with electric motors, and canoes if operated with electric  
30 motors or paddles, are not restricted. Airboats are prohibited. All watercraft with internal combustion  
31 engines, except for authorized research and law enforcement vessels, are prohibited in designated area #2.

1           2.       Any vessel found within the a designated Cockroach Bay Recovery Area at any time, must  
2 identify itself, its home address, and the vessel registration number upon demand by a law enforcement  
3 officer, the preserve manager or Commission staff. Failure to provide the appropriate information shall be  
4 in violation of this rule and subject to enforcement.

5       **Section 4.**     Section 1-11.33 of Chapter 1-11 of the Rules of the Commission is amended to read as  
6 follows:

7       **1-11.33           MANAGEMENT PLAN FOR COCKROACH BAY RECOVERY AREAS; MONITORING**

8           1.       Public education programs identified in the final Task Force Report and 1994 Annual Status  
9 Report, including signage, pamphlets, and notices, shall be implemented in coordination with other agencies,  
10 specific to Cockroach Bay and its associated ecological functions.

11           ~~2.       Hole in the Wall Pass will be marked so that vessels will be able to identify and remain within~~  
12 ~~its boundaries.~~

13           ~~2. 3.~~     Tide markers will be designed and installed at the perimeters of the Cockroach Bay  
14 Recovery Areas to alert boaters of the restrictions and aid in navigating unrestricted channels.

15           ~~3. 4.~~     Marine Deputies and an Aquatic Preserve Manager shall work together to assure a maximum  
16 reasonable regulatory presence in the designated recovery areas, day and night. In the course of their  
17 responsibilities, they will make available to the public educational materials regarding the importance of  
18 marine ecosystems and seagrasses.

19           ~~4. 5.~~     The aerial photographic surveillance A monitoring plan which was ~~shall be~~ developed to  
20 determine and demonstrate the effectiveness of prohibiting boat traffic in the Cockroach Bay Recovery Areas  
21 shall be continued. ~~The Task Force Report and 1994 Annual Status Report identify aerial photography,~~  
22 ~~identification of reference sites, and regular monitoring of specific parameters for comparative purposes.~~  
23 Commission staff and/or an authorized contractor shall implement the monitoring plan and make  
24 appropriate reports to the Commission.

25           ~~5. 6.~~     On site monitors shall concentrate on evaluating the success of restoration experiments for  
26 propeller scars in formerly designated recovery areas 1-4. ~~Appropriate parameters and technical criteria~~  
27 ~~regarding vegetative cover, species diversity, and biomass will be developed and monitored to determine~~  
28 ~~the recovery success of the four designated recovery areas.~~

29           ~~6.~~       A restoration plan shall be developed and implemented to encourage the recovery of the  
30 existing seagrass damage in formerly designated recovery areas, as identified by annual monitoring reports  
31 referenced in paragraph 4.

32           7.       Periodically, or at least annually at about the anniversary date of the designation of

## EXECUTIVE SUMMARY

- Heavy scarring of the entrances to Area 2 and to the whole of Area 4 led to tighter restrictions on the experimental Area 2 in September, 1994.
- Photographic surveillance over the 2 year boater restrictive period shows a cumulative loss to prop scarring of 13,746 l.f. in Area 4, and 3,163 l.f. in Area 2.
- Heaviest rates of scarring have occurred during the winter commercial mullet roe season and during the spring and fall open snook seasons.
- The rate of scarring has, however, decreased over time.
- Current velocities were higher in prop scars vs. unscarred seagrass (Turtle grass) beds.
- Macroalgae outcompete seagrass for nutrients and light during the winter months.
- There was no significant difference in the characteristics of seagrass growth morphology between propeller cuts and natural seagrass beds.
- Seagrass biomass was found to peak in early winter and at a minimum in late winter.
- Grassbed sediments contained more smaller sized particles and more total organic carbon than prop scar sediments.
- Sediment nutrients were lower in prop scars than in natural seagrass beds.
- The rate of recovery for a prop scar is calculated to average on the order of 4.31 years.
- There is no definitive link between the experiments thusfar attempted to stimulate the rate of recovery using "fertilizers" and an increased rate of recovery.
- CAPMAT recommendations on how to proceed are included (see pp. 100-104). These recommendations have aroused a belated public response and alternative proposals may be presented by user groups in the next public hearing:
  - Enlarge restricted area substantially.
  - Continue monitoring.
  - Shift financing and enforcement to State.

DRAFT amended 3/16/95

1 Cockroach Bay Recovery Areas, the Commission shall consider at a regular meeting, the effectiveness of  
2 the management plan in assisting recovery of seagrasses, and make such changes to the plan as necessary.

3 **Section 5.** It is declared to be the intent of the Environmental Protection Commission that the  
4 provisions of this rule be severable. If one or more of the sections, subsection, sentences, clauses or  
5 provisions are held invalid, for whatever reason, the remaining portions shall not be affected.

6 **Section 6.** This rule shall be effective upon approval in accordance with law.

[rules\1-11\1995.amd]

APRIL 6, 1995 - ENVIRONMENTAL PROTECTION COMMISSION

The Hillsborough County Environmental Protection Commission (EPC) Public Hearing concerning amendments to Part III of Chapter 1-11, the Environmental Protection Commission of Hillsborough County (W Rule), regarding restrictions in the Cockroach Bay Aquatic Preserve scheduled for Thursday, April 6, 1995, at 6:30 p.m., in the Board County Center, Tampa, Florida.

The following members were present: Chairman Joe Chillura and Co Dottie Berger, Phyllis Busansky, Chris Hart, Jim Norman, Ed Turan Sandra Wilson (arrived 7:30 p.m.)

Chairman Chillura called the meeting to order at 6:32 p.m. He advised Commissioner Wilson would be late, being a participant in a lecture hosted by Tampa General Hospital. Chairman Chillura then proceeded with the agenda item continued from the EPC special meeting of April 5, 1995.

RESOLUTION OF THE EPC OPPOSING "THE MELALEUCA CONTROL ACT OF 1995 REQUESTING THAT THE ACT BE WITHDRAWN BY ITS SPONSORS IN THE FLORIDA SENATE AND HOUSE OF REPRESENTATIVES; AND PROVIDING FOR AN EFFECTIVE DATE OF ADOPTION." Counsel Sara Fotopulos advised the Commission that the proposed resolution would allow the destruction of wetlands that contained 50 percent or more melaleuca within their boundaries and to treat those areas not as wetlands but as uplands. That treatment would be contrary to the EPC Wetland Rules. Broward County had requested adoption of the proposed resolution. If adopted, it be sent to the Senate and House representatives and the Legislative Delegation, expressing the Commission's opposition to the resolution. Commissioner Busansky moved to endorse the resolution opposing the resolution, seconded by Commissioner Berger and carried six to zero. (Commissioner Wilson had not arrived.)

INTRODUCTION AND OVERVIEW OF PUBLIC HEARING - Chairman Chillura stated that a compromise had been talked about and that might eliminate the need for the public testimony. The compromise would be discussed and that all of the public signed up would not feel the need to speak. The hearing was scheduled to end at 9:30 p.m. Chairman Chillura set out the agenda and what experts, staff, and organizations he intended to be heard in order in which they would be heard. He set out the purpose of the hearing: to consider adoption of amendments to Part III of Chapter 1-11, Rules of the Environmental Protection Commission of Hillsborough County to provide further restriction in the Cockroach Bay Aquatic Preserve for a temporary five-year period, pursuant to recommendations of the Cockroach Bay Aquatic Preserve Management Advisory Team (CAPMAT).

Mr. Roger Stewart, Executive Director, EPC, advised that three EPC staff was tasked to accomplish: 1) to sponsor research to determine seagrass recovery and other aspects of seagrass growth or demise in the Cockroach Bay area; 2) to provide public outreach and education about the problem area; and 3) to determine if enforcement in the area was appropriate if goals had been met. In addition, a full-time Preserve Manager position has been established in the Parks and Recreation Department to deal with local problems. The Commission board had asked that CAPMAT make recommendations about what would be the next step in the protection of the area.

preserve. Those recommendations were the subject of the hearing.

CAPMAT RECOMMENDATIONS AS APPLIED TO THE WETLAND RULE - Attorney advised that the current Rule related to four designated protecti The Rule set out that, except for authorized research and law enf vessels, all watercraft were prohibited in areas 1, 3, and 4. The navigational channel of Hole-in-the-Wall Pass was not included in prohibition. As for designated area 2, all watercraft with inter combustion engines, except for authorized research and law enforc vessels, were prohibited. The discussion at the meeting would in if to change that currently existing situation.

WATER MONITORING RESULTS - Dr. Clinton John Dawes, Professor, Bio Department, University of South Florida, advised that he was repr EPC program as a researcher, carrying out a study on Cockroach Ba Commissioner Turanchik added that when the issue arose, the EPC b designated him as a representative to work with the community. T community meeting took place at East Bay High School. At that ti question appeared to be who or what was causing seagrass damage a seagrass would grow back on its own. Thereafter, Pollution Recov (PRF) were allocated for scientific research on the subject by Dr Dr. Nick Ehringer. Commissioner Turanchik concluded by saying th reason the scientists were being heard. To give the public more information, Commissioner Busansky asked that Mr. Chuck Courtney, and former CAPMAT chairman, read the CAPMAT membership list by ca

Dr. Dawes reported that he and Dr. Ehringer had commenced their s January 1993. Prior to that date, he had done a preliminary stud help of undergraduate and graduate students, during the preceding half. The USF group had primarily been studying the seagrass bed found Cockroach Bay to be a typical estuary system, with a fairly stable salinity. Because of the area being an estuary bay, the s were under stress from the changes in tidal depths, temperature, salinity. Any further impact on the seagrasses could cause probl seagrasses were important for many reasons, primarily because the a habitat and food source for marine life. Dr. Dawes had researc effect of propeller (prop) scarring and devastation on the seagra communities and why they were so slow in recovering. The sedimen different in a thriving seagrass bed than in a bare area or withi cut. Grids were set up over the prop cut beds and recovery studi seagrasses were recovering differently in different prop cuts and recovery at the rate of 1.74 years to 7.26 years, with a mean ave about 4.1 years throughout Cockroach Bay. Dr. Dawes compared th estimates of prop cut recovery in the Keys at 2 to 5 years, and p recovery at Weeden Island, Tampa Bay, at a recovery rate of 3.6 i That indicated, if Cockroach Bay were left totally alone, with no no more damage, in about 4.1 years better than 50 percent of the should have totally recovered. If the seagrass beds kept getting further, there would be no recovery.

Dr. Ehringer, Professor of Ecology, Hillsborough Community Colleg photographs of existing prop damage scars. They were existing whe commenced the study and there were plenty more there now. Over t years, on an every other month basis, he had taken thousands of a photographs of Cockroach Bay. The photographs were computerized

for accuracy by physically getting in the water and measuring the the prop scars. Boats coming from Tampa Bay had damaged or destr seagrasses within Cockroach Bay over a two year period as follows D, over 29,000 square feet; entrance E, 42,000 square feet, and a the north, over 68,000 square feet. Looking at the seasonal loss seagrasses inside area 2 in a cumulative fashion, from a total of million square feet, only a small amount of damage showed, decrea year. Boaters appeared to be getting the message in the back par Bay, and were avoiding those areas, although boats could be taken high tide. He attributed any decreased losses in that area to bo education and enforcement procedures. Area 4 had considerable da amounting to about 13,746 square feet two years ago, but the dama decreased over a two-year period of time. Signs were posted sayi allowed, but there remained a significant amount of damage. Dr. concluded there continued to be some scarring to the seagrasses b rate of scarring was going down.

REPORT ON MONITORING BY THE SHERIFF'S OFFICE - Enforcement Deputy currently assigned by the Sheriff to Cockroach Bay, said when he commenced his enforcement activities the program was to temporari and regulate boating activities within the Cockroach Bay area to seagrasses, of vital importance to the marine estuary, an opportu recover. From December 1992 through March 1995, the Sheriff's Of spent approximately 2,000 man hours and had made contact with or approximately 1,994 vessels, resulting in 41 restricted area viol of which were written warnings, and three misdemeanor arrests. T also two outstanding warrant arrests and numerous boating law vio Efforts had been directed toward educating the public by issuing boaters within restricted areas and then to criminally charge the misdemeanor arrests on repeat offenses.

Commissioner Turanchik recalled that Mr. Robin Lewis, CAPMAT memb addressed the subject at an EPC meeting two years previous and ad Commission board of the danger of the loss of all seagrass if mea not taken to commence a protection program. The research had bee accomplished, as outlined by Dr. Dawes and Dr. Ehringer. A progr commenced to undertake enforcement, education, and protection of already heavily damaged by creating recovery areas without any bo The intent was, if those measures had not worked, the resource wo be protected with more stringent actions. It was thought that pr work, but in those past two years, four acres of seagrasses had b Over one quarter of a million dollars in taxpayer and pollution r funds had been expended in trying to deal with a voluntary respon issue. CAPMAT held a meeting in South County during January, whe research results were presented, to find out what the citizens wi The meeting was not well attended. Mr. Courtney would present th recommendation. There was an alternative approach available which Toth, Cockroach Bay Aquatic Preserve Manager for Hillsborough Cou and Recreation Department, Resource Management, would outline. C Busansky thought the program, which had resulted in cutting the 1 percent, had been quite good, and perhaps a less stringent path s undertaken.

CAPMAT RECOMMENDATIONS - Mr. Courtney complimented the CAPMAT gro very hard working. The group, after conducting the Ruskin meetin

with the following recommendations: restriction for a period of to all boats operating with internal combustion engines (with the of approved enforcement and research vessels) from the marked are on the attached exhibit; boats with engines up and not running as boats poling or operating with electric motors would not be restr canoes would be allowed if operated with electric motors or paddl Airboats would be prohibited. Capmat further recommended that th continue its monitoring of the conditions and extent of seagrass institute an active seagrass prop cut restoration program in orde the damaged areas and allow boaters additional access to the pres restoration had been shown to have successfully restored at least of the current damage. Additionally, CAPMAT recommended that the forward a request to the Florida Marine Fisheries Commission that restrict the same areas and participate in the enforcement progra restoration program, in order to apply the lessons learned to oth seagrass beds in Florida. Funds from the collection of the salt fishing licenses would be used to: (1) assist with the monitori restoration program; and (2) provide for one full time equivalent patrol officer (including vehicle and boat) to monitor and enforc and local regulations within the Cockroach Bay Aquatic Preserve a priority, and adjacent areas as time allowed.

After the recommendations were published by CAPMAT, it had receiv from the public. Mr. Gus Muench had also submitted a formal prop

FIRST ALTERNATE RECOMMENDATION - Commissioner Turanchik asked per Mr. Toth to give an alternate recommendation. Mr. Toth observed the Cockroach Bay Users Group (C-BUG), concerned citizens in gene Commission board, and staff were all working for the same thing-- seagrasses proliferating throughout Cockroach Bay a hundred years When the CAPMAT recommendation was released, it triggered an inte reaction. No-boat recovery areas, tide restricted recovery areas complete internal combustion engine restricted areas had been tri mixed results. Considering everything that had taken place since recommendation had been released, an alternate plan had been put follows: scaling back the motors up and off recovery area sugges CAPMAT to include the recovery areas 2 and 4, extending out into Cockroach Bay to Dung Islet. Recovery area 3 would be expanded o Point and then up to Jump Pass to the Cockroach Bay boat ramp. R 1 would be expanded along Camp Key up through Little Cockroach Ba Mars Lake/Mars Point area. The flats, 2,000 feet from the mean h waterline, would not be included, along with the upper portions o Cockroach Bay and the eastern portion of Big Cockroach Bay. Coc channel and the deep water leading to Hole-in-the-Wall and Hole-i Pass would be left open for all uses. In the motors up and off a internal combustion engines on all boats would be required to be Electric trolling motors, paddles, and push-pulls could be used t the area. Along with the alternate plan of a scaled back motors recovery area, would be incorporation of improved ways to enforce recovery area, floating seagrass markers, and an aggressive resto program. Also, as both Gus Muench and C-BUG had suggested, there good communication between the public, the County, and CAPMAT. T continue to look for workable solutions to reduce seagrass damage public awareness to seagrass damage, increase the overall educati throughout the area, and make the public aware of the problems an

associated with the use of Cockroach Bay.

Mr. Toth acknowledged the alternative entailed a great deal of work with everyone contributing the effort could be put together and what right could be done for the Cockroach Bay Aquatic Preserve.

Commissioner Turanchik assured the public he respected their different opinions, but his interest was foremost in protecting the resource to minimize the impacts on its use. While there was nothing better to prevent crime than the Neighborhood Watch, there was nothing better to protect the seagrasses than to have the local citizen users monitor. Elaborating on Mr. Toth's alternative, Commissioner Turanchik outlined the suggested program as follows: A motor up and off requirement be implemented for the mangrove areas on Cockroach Bay Aquatic Preserve that Mr. Toth identified. That restriction to become effective immediately and in place until December 31, 1995. That CAPMAT, Mr. Toth, and C-BUG would work together to develop a plan for marking the 18-inch low tide or sea level in the Bay, but outside the motors up area. People would then know when they were entering a low water or seagrass area and education could place emphasis on that. Mr. Toth should work with CAPMAT, C-BUG and other representatives of the public to come up with programs for citizen participation and education, monitoring, and enforcement of the motor up areas as well as education to prevent destruction of seagrasses in Cockroach Bay and Tampa Bay, in general. Programs to be devised within the following 60 days. That CAPMAT would be consulting with C-BUG and other interested groups and the citizen representatives of Hillsborough County to recommend whether the motors up areas should be modified, reduced, expanded, or eliminated after December 31, 1995.

Commissioner Turanchik thought that plan to be consistent with the protection of the resource. A wetland was a wetland, whether being destroyed a little or 1 percent; it was against the Clean Water Act to destroy wetlands and against the local Wetlands Rule to destroy wetlands. Everyone has a responsibility to protect the resource.

Chairman Chillura said he would refer to the CAPMAT proposal as the Commission's and Commissioner Turanchik's as the alternative proposal. He next asked Stewart to outline the printed draft, "Charting the Course for Tampa Bay," published by the Tampa Bay National Estuary Program in cooperation with the U.S. Environmental Protection Agency, Region IV (EPA). Mr. Stewart said that he, Mr. Courtney, Mr. Lewis, and representatives from St. Petersburg, Tampa, Clearwater, and others present had been parties to the National Estuary Program (NEP) locally. The draft of the final working plan from the NEP after several years' effort, contained excerpts specifically dealing with seagrasses and prop scarring. This information was made available to the Commission to reveal there was interest in the subject baywide.

SECOND ALTERNATE RECOMMENDATION - Attorney Robert Foster, Jr., representing C-BUG, advised that the users of Cockroach Bay had, what he believed, a common sense and practical approach. They also wanted to educate and mobilize the community because they were in danger of losing a resource that local residents had enjoyed all their lives. C-BUG intended to be launching structures, and handout documentation to educate the users of Cockroach Bay. Cockroach Bay was a fishing area for commercial and recreational fishing, and for crabbing. Those were the traditions of Cockroach Bay and the residents did not want to lose their aquatic

It was important to recognize that about 72 percent of the voters ban commercial netting. Attorney Foster submitted to the record signed by more than 1,000 people, which requested the Commission present proposal. The third proposed option was as follows: Tab present CAPMAT recommendation. Take a one-year study from July 1 June 30, 1996. C-BUG wanted to educate, regulate, and seek better enforcement. The 2,000-foot provision set out in proposition one unreasonable and unjust and had little or no community support by residents. Seek further discussions to have a measure to put into something C-BUG could support. He wished C-BUG to be involved in planning. C-BUG wanted to have depth markers, no wake zones, marker channels, and motor up zones. Widen the C-BUG membership and post stickers conspicuously on the boats, so there could be an eye and water.

Attorney Foster reiterated that nobody wanted to lose that preservation asked for a chance to prove the people could take care of it. Co Turanchik did not think the C-BUG recommendation was that different first alternative and questioned why not take a month and return on May 4, 1995, at an evening public hearing for final disposition. Foster answered he did not know what everyone at C-BUG wanted, but know they thought they could monitor the situation. Commissioner a resolution at the meeting and favored empowering C-BUG people to charge of the protection and education pertaining to their area along with all the agencies on a common solution.

PUBLIC COMMENT - Mr. William A. Durrance, C-BUG, 1201 Hereford Road spoke in opposition to closing outboard motor usage from the Little River to the Manatee County line. The proposal from CAPMAT had been needed wake-up call for many and their report on seagrass destruction helped alert all to the possible long-term effect careless boat usage on the waterways might have. Mr. John E. (Skip) Davis, director of C-BUG and liaison with law enforcement, spoke of the money spent in two years with little enforcement taking place. Through some legislation the County law enforcement could not use the Universal Boating Code utilized by the Marine Patrol. C-BUG hoped to get the community involved. Since the present closed areas could not be enforced, it was unlikely increasing the scope of the closed areas would lead to better enforcement. Chairman Chillura called for any speakers in favor of the advertisement recommendation. Mr. Robin Lewis, Lewis Environmental Services, C-BUG member, advised that he had started the trouble almost ten years ago when he became aware of prop damage to seagrass. He had appeared before the Commission years ago with a warning as to what was going to happen and certain actions or measures had been taken. The reason the 3 percent loss was reduced to 1 percent loss, over the last couple years, was the implementation of a very active program and spending of a quarter million dollars in enforcement. Some people had suggested this evening that the Commission do everything as was and wait another year. Commissioner Turanchik alternative proposal was to add to the existing closure area by a 10 percent. Continuing, Mr. Lewis pointed out that Tampa Bay, as a whole, had lost about 80 percent of all of its seagrasses that had ever existed. At the time there existed about 80,000 acres of seagrasses--now there were 15,000 acres. He spoke of the 80 percent loss as commencing with the turn of the century. The pristine waters of Cockroach Bay, by 1954, had lost 30 percent of all its seagrasses, and that was

come before the Commission with a warning. The cause had not been due to propcuts, but water quality deterioration and other impact the program, the rate of loss had been reduced; however, there had been additional loss. Mr. Lewis had made a motion at a CAPMAT meeting the back of Cockroach Bay and Mr. Toth had modified that proposal to the 2,000-foot restriction. He was in support of what C-BUG intended and concurred in its proposal to add one year and keep the restrictions they presently existed. Mr. Lewis made the final point to have them approach the State Marine Fisheries Commission, which controlled enforcement and ask for some help. The money would be used for monitoring an enforcement. He reminded that the County, every year, sent over dollars of saltwater fishery licensing funds to Tallahassee. He thought it was unreasonable for the State to assign a marine patrol to the aquatic preserves over the long-term.

Mr. Jeff Mathias, CAPMAT member and Tampa Bay chair of the Sierra Club stated the issue had not reached the Sierra Club and he would see it addressed at the next meeting. His chief interests were native fauna and, in looking at the purpose of the recommendation, it was those seagrasses that had been lost. He heartily supported the C-BUG proposal. Perhaps it could be looked in four years, rather than a necessity to let those grasses reestablish in the larger area that, the C-BUG proposal could come into being.

Commissioner Turanchik proposed that Mr. Toth, in consultation with the County, mark all those areas in Cockroach Bay to the effect that if a boat was in the subject area and was destroying seagrasses an arrest would be made. The intent was to stop destruction of seagrasses, why not mark those areas and empower someone to make arrests. Attorney Foster responded that the place were not being enforced. This was not the citizens' fault, the fault of the deputies either--it was required to fund full time enforcement and the people would not break the laws. All his good saying was, the proposal this evening ought not to become a new law. It should not take away the rights those people had enjoyed historically. Commissioner Turanchik intended to make a motion this evening having to do with the County lobbyist exploring the possibility of amending the State statute to allow for the issuance of UBC violation citations by the Sheriff's deputy. He questioned what would be wrong with C-BUG working with CAPMAT, to identify additional areas where runnings would destroy seagrass beds and marking those areas, subject to a violation. Attorney Foster responded C-BUG had just made the request for a year and address all of that a year from now. There was a problem with such restrictions in navigable waters and it remained to prove those violators were actually tearing up the seagrasses. Commissioner Turanchik maintained all of that had been done two years ago yet everyone was saying to do it again for another year.

Commissioner Berger commented that sometimes the signs that said "No Boats" were so distant they could not be read. In addition to better signs present signs should be reevaluated so the boaters could read the signs and they went into waters where they should not be. It seemed to Commissioner Busansky that the suggestions made were the kind that the present signs put together and make happen. Commissioner Busansky believed if the County was willing to continue to decrease the destruction of seagrass in Cockroach Bay, to continue the challenge to see if they could do that, as p

good will and high energy; and, if, in fact, a year from July 1, could not do that, they could not do that, and were willing to st Toth's suggestion, and those people were willing to sign their na they left the meeting, she was all for it; she was all for empowe to try their very best through peer pressure, through communicati direct liaison with the Board, with EPC, and with the Sheriff's O make it happen. That would be her motion. Commissioner Hart sec motion. Commissioner Norman commented that maybe there could be appropriate new signage such as "danger - seagrass"; perhaps, wit year, people in the group wanted to aggressively mark off some ar not think any EPC action was going to stop any endeavor by C-BUG could come together, and if those decisions were made in a very p way they would identify some areas which really needed protection could progress over the next year. He was saying to begin with identification, progress, working back and forth, and maybe more done. Commissioner Norman believed everyone would concur with wh proposed as a unit.

Mr. Ken Hartley, Pinellas Park, member of the Organized Fishermen and Pasco/Pinellas Roller Trawl Shrimpers Chapter, represented ow operators, and helpers of about 17 live bait shrimp boats that wo Bay for part or all of each year, as well as a number of wholesal live bait dealers, residing in Hillsborough, Pinellas, Manatee, a Counties. He commented that during July, August, and September t flats being considered for the internal combustible engine ban we particularly important to the live bait shrimp industry. During months, the south and the east sides of Tampa Bay were among the places in the State that produced shrimp. The wholesaler sometim the east coast of Florida, even as far as Miami. Considering the that live bait shrimping had endured, Mr. Hartley had become a me C-BUG, who was very well representing recreational fishermen and good ideas. There were a lot of ideas that were going to take ti had been looking at the issue for three years, and were asking fo restrictions. Mr. Hartley thought that something else needed to considered. Very few people knew about the changes that had been Cockroach Bay, particularly in Area 2; he was not aware of the ch getting involved with CAPMAT. He found that the signs were never until January 1995, and in February 1995 CAPMAT had requested mor restrictions.

Mr. Eugene McRoberts, a member of the Organized Fisherman of Flor Southeast Fishing Association, National Fish Institution, and the Council of Canada, spoke of being involved with Commissioner Tura Lewis, a gentleman from the Tampa Port Authority, and others, in boundary lines. He had been appointed to serve on CAPMAT to repr commercial fishermen. He was born in the subject area, and his f also been a commercial fisherman. Mr. McRoberts spoke of having traveled the area with Commissioners Wilson and Berger and pointi some of the signage was not readily visible. There were channels the prop scars were going into Beacon Buoy Pass and into the Sout He believed a lot of progress had been made. Assuming the commer fishermen were causing the damage, as of July 1 there was not goi more commercial fishing permitted in the area, so everything ough stable. He would prefer to retain what was in place and try to m that, and he would continue to communicate with the interested gr

regarding CAPMAT actions. He would fully support the C-Bug proposition passed.

Mr. Gus Muench, 3031 Southwest Manatee Avenue, Ruskin, spoke of his join C-BUG. He commented about having resided in the Cockroach Bay 25 years, and of having a recreational fishing boat, a gill net crab boat, and he knew what happened to seagrasses in Cockroach Bay. He had been speaking about destroyed seagrasses in Cockroach Bay. He had been speaking about damage for years. There was extensive damage taking place and needed to be enacted to stop the destruction. The damage was done by gill net boats because the mullet were caught on the low tide, but going to stop. He thought that everyone present, if asked, would help this year in seeking solutions.

Commissioner Wilson wanted to highlight whether or not the aerial could be continued, and what, if any, kind of research EPC could see what was occurring with regard to regrowth; if those two things implicit in the motion, she wanted to lend support. Commissioner concurred. Mr. Mathias expressed a desire for the motion to include checking to ensure the interested people were taking action. Commissioner Busansky agreed about the monitoring.

Ms. Sandra R. Council, 3201 24th Street, S.E., Ruskin, read excerpt letter presented to CAPMAT on behalf of the Ruskin Chamber of Commerce. Closing of the Bay would be a premature step. More boater education and stricter enforcement should occur before such a drastic step was taken. As vice president of economic development for the Ruskin Chamber, she remarked that over the past few years agriculture had been the backbone of the economy in South County. Because of that, the Ruskin Chamber and other area chambers and civic groups began working on a strategic development plan for South County. Through guidance of the Planning Commission, the area strengths were identified and industries targeted upon those strengths. Because of the large parcels of Environmental Acquisition and Protection Program (ELAPP) land in South County, the pristine designation of the Little Manatee River and the Cockroach Aquatic Preserve, one of the industries targeted was eco-tourism. Because of the natural resources located in South County, the new plan that would be presented to the Board of County Commissioners would further the industry's potential. With the new Florida Aquatic Preserve lighting ecosystems, the interest in developing the eco-tourism industry greatly increased, and the County was on the cutting edge of that industry. The Chamber was working with the Tampa-Hillsborough County Visitors Association, Days Inn Bahia Beach, the Aquarium, and other recreational businesses in the local area on tour packaging. One of the goals of eco-tourism was that through education man and nature could co-exist. The recommendation from CAPMAT would greatly impact the potential of the said industry by restricting the use of the aquatic preserve. Council understood the proposal was a pilot program that was being implemented by other coastal communities and agencies across the State. Instead of promoting a management program that banned the use of the coastal area, she asked if it would be a feather in their caps to showcase a program demonstrated through commitment of the public, private, and scientific communities working together that an effective management plan could be implemented which encouraged continued economic health by preserving historical and traditional uses of the coastal area.

Commissioner Turanchik also believed the CAPMAT recommendation was expansive; that was why he thought the alternative worked better with another piece of the Cockroach Bay area that was difficult to protect. From all the information gathered thus far, the belief was that the area had been shifted from north of Hole-in-the-Wall Pass. Therefore, an attempt should be made to protect that area as well. Commissioner Turanchik responded that the reality was, if there was to be seagrass recovery, the C-BUG group had to work together. The Sheriff's Office could not make the program successful.

Commissioner Busansky stated the motion was for Mr. Foster's recommendation to be accepted, to spend a year, move forward from July 1, and take up the challenge of decreasing destruction of seagrass and helping the restitution and growth of new seagrass, using all the available vehicles in place of the current community, as a group--communication, education, et cetera--and, by the end of a year from July 1, the community and group had not made a commitment that Mr. Toth's alternative recommendation would be accepted. Commissioner Chillura noted Mr. Foster's recommendation was July 1, 1995, to July 1, 1996, at which point he perceived the Board would receive a formal presentation and report, so staff was going to be expected to monitor accordingly. He determined that debate and discussion had been enough. The motion carried six to one, with Commissioner Turanchik voting

Commissioner Turanchik moved to make explicit, action items that would happen: the second and third points of the memorandum. Ask CAPMA, Nick Toth, and C-BUG to work together to develop a plan for marking all areas of Cockroach Bay Aquatic Preserve where the operation of a boat was likely to cause seagrass damage, and to appropriately mark those areas, and that Nick Toth and CAPMAT, with C-BUG, within 60 days, establish a program for citizen participation and education, monitoring, enforcement, and present regulations. Commissioner Busansky seconded the motion. Commissioner Turanchik stated the other portion would be to expand the monitoring of seagrasses for all Cockroach Bay--the aerial digital monitoring knew what was going on, and to authorize the Legislative Delegation to pass an amendment of State law to allow the issuance of a UBC (Uniform Boating Code) in aquatic preserve areas where activities violated local ordinances. The last portion of the motion was that there would be a technical change to the Uniform Boating Code, so it would allow, in the recovery area or someplace, the Sheriff's deputy to give a citation like a traffic ticket. Commissioner Turanchik thought that was the Sheriff's Office. Deputy J. D. Hill, Sheriff's Office, stated that in the past the problem had been proving intent, because as was previously stated maybe the people did not see the signs. Commissioner Turanchik concurred, and stated the last piece was to seek appropriation of dollars from salt water license fees to help fund the Sheriff's Office's monitoring. He added that the legislative liaison, Helen Levine, was already checking into that, because of conferring with some of the people and the Sheriff's Office, anticipating the debate, they had determined if there was any legislation. Ms. Levine checked but did not know if there was a vehicle to do so; however, she had been told by Commissioner Turanchik that the issue would be addressed in this public hearing to determine whether or not there was authorization for Ms. Levine to do so; she had conferred with her about 4:00 p.m. earlier in the day.

After further discussion, Commissioner Turanchik clarified that it was to direct Nick Toth, after consultation with CAPMAT and the C and other interested citizens, to mark all areas in Cockroach Bay Preserve where the operation of a boat was likely to cause seagrass and to develop the appropriate signage and markings to indicate that

Chairman Chillura suggested that Commissioner Turanchik's inclusion directed to the groups outlined, to give them an opportunity for the interim before the next EPC meeting, April 26. Commissioner moved to continue the second motion to the next EPC meeting, seconded by Commissioner Norman. Commissioner Turanchik wanted to separate the motion about authorizing the legislative liaison to find the money to carry out the program and do the UBC. Commissioner Busansky stated that the two parts were separate. The motion to continue the marking portion was carried two to one, with Commissioners Turanchik and Wilson voting no.

Commissioner Turanchik stated the last motion was to direct the legislative liaison to do the UBC and try to find money from the salt water fishing license to pay for these programs, seconded by Commissioner Busansky and carried seven to zero.

Mr. Stewart noted that mention had been made of some things that needed money; a possible source of money had been mentioned. He saw a short intervening time in which there was no money, but it was needed, and he would like to work with the group. He would like to have staff work with the group and the group involved, the citizens, and to remind that they could use PRF money, and he would like to present the EPC with a staff recommendation in that regard, in cooperation with the interested people.

Chairman Chillura asked that Attorney Foster be responsible between the public hearing and the next EPC meeting to be responsible for the sheet referred to by Commissioner Busansky that obligated everyone to commit to the one-year period. Mr. Foster agreed.

There being no further business, the meeting was adjourned at 9:20.

READ AND APPROVED: \_\_\_\_\_  
CHAIRMAN

ATTEST:  
RICHARD AKE, CLERK

By: \_\_\_\_\_  
Deputy Clerk

cMc/dml