

**Jacksonville Waterways Commission**

**Lori Boyer, Chair**

**JACKSONVILLE WATERWAYS COMMISSION**

**MEETING MINUTES**

April 10, 2019

City Council Chamber

1st floor, City Hall

9:30 a.m.

**Attendance:** City Council MembersLori Boyer (Chair), Al Ferraro (Vice Chair) and Bill Gulliford**;** Garrett Barket, Robert Birtalan, Matt Brockelman, Jed Davis, Steven Davis, Ray Pringle, Marshall Adkison (ex officio), Bobby Baker (ex officio)

**Excused:** Lindsey Brock, Steve Swann, Rep. Cord Byrd

**Also in attendance:** Dr. Quinton White and Dr. Gerry Pinto – Jacksonville University; Susan Grandin – Office of General Counsel; Jim Suber – Waterways Coordinator; Jessica Matthews, Jessica Smith and Melanie Wilkes– Legislative Services Division; John Jackson – Council Research Division

Chairwoman Lori Boyer called the meeting to order at 9:32 a.m. and the attendees introduced themselves for the record.

Approval of Minutes

The minutes of the Waterways Commission meeting of March 13, 2019 were **approved as distributed**.

Review of the Updated Task Assignment List

The commissioners reviewed a handout grouping previously-discussed Waterways Commission topics into several focus areas with the intention that one Commission member be designated as the point person for all the topics within each focus area. Ms. Boyer expressed the hope that this document would be a source of continuity for the commission, as two of the three City Council members depart in June at the end of their terms of office, and for the next commission Chair. Commissioner Adkison volunteered to be the lead on item #2 (expanding and improving water access facilities) and to assist Commissioner Brockelman on #4 (artificial reefs). Commissioner Brockelman volunteered to work on #16 (downtown waterfront experience) and #8 (paddling guides). Commissioner Barket volunteered for the Liberty Street basin portion of #2 (water access facilities) and #1 (communications and marketing). Commissioner Pringle volunteered for #3 (accessible facilities) and for accessibility issues within other focus areas, particularly #15 (Mayport redevelopmenet) and #2 (water access facilities). Commissioner Birtalan volunteered for #9 (dredging). Commissioner Stephen Davis volunteered for #6 (Arlington rowing center) and #12 (signage and trail markers). Commissioner Ferraro asked about the correct focus area for “no wake zone” and other regulatory signage; Ms. Boyer said that the signage issues previously discussed had more to do with identifying available resources than with regulatory signage. Mr. Ferraro is interested in #2 (water access facilities) as it relates to the installation of new docks. Commissioner Jed Davis volunteered for #2 (water access facilities) and #16 (downtown waterfront experience) and said that he would be providing reports at the May meeting on Zoo dock access and the water taxi update. Volunteers are still needed to work on #11 (water related events), #13 (increase the number of concessionaires/ vendors), and #14 (nature experiences). Ms. Boyer said that she would communicate with the commissioners not present today to ask their preferences, then would update the list with the volunteers and circulate it to the membership. She offered to meet individually in noticed meetings with any commissioners to discuss their topic areas. Ms. Boyer announced that the effort to develop a rowing center on the Arlington River by swapping parcels of land with the state is progressing and she has a meeting in the next few weeks to discuss the project. Parking lot design on the swapped parcel is underway.

Legislation Review

**2019-160** (adopting a small scale future land use amendment on Heckscher Drive from WD/WR (water dependent/water related) to LDR (low density residential)) for 6 lots on the St. Johns River at the mouth of Brown Creek. Ed Lukacovic of the Planning and Development Department reviewed the land use and zoning history of the site, all of which were legally conforming lots before the Comprehensive Plan was adopted in 1990 that made them non-conforming because of the application of the water dependent/water related land use category. The properties were included in, and then subsequently removed from, the Industrial Preservation Overlay Zone. The area is primarily developed as single-family residences with one restaurant and a fish camp in the area and a boat docking facility adjacent to one side. The Planning Department staff report recommends approval of the change, and Commissioner Adkison said that the Planning Commission unanimously agreed with that recommendation.

Public comment: John Nooney expressed support for approving the ordinance.

Commissioner Gulliford suggested the need to consider establishing minimum elevation requirements for development in flood hazard zones; Chairwoman Boyer said that topic would be discussed later in the meeting.

The Waterways Commission **recommended approval of 2019-160** by a vote of 9-0**.**

Commissioner Ferraro briefly described the detrimental impact of the Industrial Preservation Overlay Zone on these properties and expressed the importance of this change to the families that have lived in those homes for decades.

**2019-252** (appropriating $311,863 from the Environmental Protection Fund for support of the production of years 12, 13 and 14 of the State of the River Report through September 2021. Two Ordinance Code waivers are requested to allow continuing funding for this project and the Procurement Code exemption for direct contracting is invoked to allow the contract to be directed to Jacksonville University to manage the project. James Richardson of the Environmental Protection Board staff explained the need for the waivers and the direct contracting exemption. He stated that the EPB recognizes that the Environmental Trust Fund balance is declining and that it may not be able to fund production of this study for more than the 3 years covered by this contract. Mr. Richardson explained that the Trust Fund’s revenue derives from fines for environmental violations and explained the 8 permitted uses of the fund, which imply (but do not directly state) that the uses should be for one-time items. Each ordinance providing funding for this report after the first allocation has included the continuing use waiver.

Ms. Boyer suggested that the Environmental Protection Trust Fund is not the appropriate funding source for this on-going report and that the City should fund a regular funding source not dependent on the EPB’s fine revenues. She requested that Mr. Richardson provide her with a 10-year report on the history of the Environmental Protection Trust Fund (revenues and expenditures) to see what percentage of the revenues are being spent on educational/ informational purposes versus the other authorized uses of the fund so that she can see how the fund is being spent. Commissioner Bobby Baker, the ex officio representative of the Environmental Protection Board, related that the EPB has had this same discussion and recognizes that it probably can’t continue funding the State of the River Report in perpetuity and believes that the City should pick it up with a steady funding source. In response to a question from Chairwoman Boyer, Mr. Richardson said that there are very few administrative expenses for the department made from the Trust Fund (no salaries and benefits, only some small amounts for training, dues and memberships, etc.).

Public Comment: John Nooney advocated for additional artificial reefs in the St. Johns River.

The Waterways Commission **recommended approval of 2019-252** by a vote of 9-0.

Algae Task Force

Michelle Tappouni, until recently a member of the Environmental Protection Board and co-chair of the Waterways Commission’s Algae Task Force, and Melissa Long, Chief of the Environmental Quality Division, presented the findings of the Task Force. Ms. Tappouni noted that several initiatives are taking place with regard to algae issues in state waters, including Governor DeSantis’ appointment of a statewide Blue-Green Algae Task Force and of state’s first Chief Science Officer. Ms. Long reviewed the variety of water quality standards from different agencies that apply throughout the St. Johns River’s various basins. In the Lower St. Johns River Basin there are 3 Total Maximum Daily Load (TMDL) standards (total nitrogen and total phosphorus in the freshwater river, and total nitrogen in the marine section) and a Basin Management Action Plan (BMAP) that covers how those three TMDLs will be achieved to meet water quality standards. There are separate BMAPs for tributaries to the river. The final deadline for completion of all projects contained in the BMAP for the main stem of the Lower St. Johns is December 2023. Many of the projects have already been completed and substantial nutrient reductions have been achieved.

The Middle St. Johns River Basin has one TMDL (which has target concentration levels for nitrogen and phosphorus) and one BMAP with several phases. The deadline for project completion for the Middle Basin is December 2028. The Upper St. Johns River Basin has a TMDL but not a BMAP. Their standards are for total phosphorus and biochemical oxygen demand (BOD) loading per year. In the Upper Basin the St. Johns River Water Management District and Army Corps of Engineers completed a flood control and wetlands restoration project in 2016 to help achieve that basin’s goals.

The report gives an overview of efforts to reduce nutrients in Doctor’s Lake in Clay County, encompassing increased treatment levels at sewage treatment plants, septic tank phase-outs, and nutrient reductions in septic tanks that remain. It notes that the U.S. EPA in 2016 published draft recommendations for water quality relating to cyano-toxins but there is currently no fixed deadline for finalizing those recommendations into formal regulations. The Florida Department of Environmental Protection has begun its triennial review and that may provide a clue as to whether the state intends to adopt regulations in this area, possibly in the form of beach closure standards relating to bacteria. The report also contains information on the work that has been done on oyster bed testing and monitoring.

Ms. Tappouni said that the report did not contain any surprises or “aha!” revelations of previously unknown facts, but confirmed many things already known about water quality. It identifies that numerous agencies are all performing different functions and collecting data into different databases, and overall coordination is important. She noted that the State of the River Report discussed earlier is a great resource to citizens, and has been specifically reformatted in recent years to make it very user friendly and informative to citizens about their particular neighborhood or area of interest. She noted that the “It’s My River” public service announcement campaign seemed to be successful in helping citizens realize the direct connection between themselves and their lifestyles and the condition of the city’s waterways. There is a Florida Friendly fertilizer awareness program that could be better publicized, particularly in retail outlets selling fertilizer to the consumer. The EPB recognizes the importance of outreach to school children through the Duval County Public Schools as a way to get their messages directly to families.

Chairwoman Boyer reviewed the history of the Waterways Commission’s charge to the EPB in 2017 to undertake a study of the river’s tributaries, in part due to the algae blooms that happened that year. The Commission wanted to know what was understood about what was causing the problems – septic tanks, fertilizer use, animal waste, other causes? She recently re-read the Ordinance Code section creating the Environmental Protection Trust Fund and found that the top priorities for use of the funds are for projects that affirmatively improve water quality, while use for educational purposes, while allowable, is the last of the listed uses. Chief Long said that the EPB decided that education to homeowners and businesses is an important way to change public attitudes and drive positive environmental change. Ms. Boyer noted that the City just hired a Public Affairs Officer from the world of television news who may have ideas about how to craft a television campaign to achieve the desired changes. In her opinion, doing outreach to attendees at the annual Environmental Symposium and to members of CPACs is “preaching to the choir” of people who already have knowledge about environmental policies and needs – what’s needed is a better way to reach the general public and change their attitudes. Ms. Long said that the EPB is working with the City’s Public Affairs Office on several public service announcement campaigns that will begin rolling out later this year.

In response to a question from Chairwoman Boyer, Chief Long said that it is difficult to determine the precise causes or percentages of multiple causes (fertilizer, septic tanks, pet waste, etc.) that lead to degraded tributary conditions, but her division is doing some enhanced sampling in several tributaries in an attempt to track the contaminants back to their sources. Ms. Boyer wondered whether increased street sweeping to collect leaves and pollen from gutters and storm drain inlets would help to reduce tributary contamination. Ms. Boyer returned to the importance of educational campaigns to influence public behavior with respect to environmental issues. She asked to meet with Ms. Long in the near future about potential projects that could be funded from the Environmental Protection Trust Fund.

In response to a question from Commissioner Ferraro about oyster beds, Dr. Quinton White of Jacksonville University’s Marine Science Research Institute said that the oyster harvesting issue presents a “Catch-22” situation – there is little interest in developing and seeding oyster beds unless there is a prospect of harvesting and eating those oysters, but until there are beds of oysters helping to clean the water by their filter feeding, the water quality may not be good enough to allow harvesting. He suggested that the Mill Cove area and the St. Johns River from Dames Point to the ocean would be good locations to try planting oyster beds along the shorelines, where they would also create living shorelines for erosion protection. Mr. Ferraro suggested that the Environmental Quality Division talk to the Mosquito Control Division about partnering on water quality sampling since they have a sampling program looking for mosquito larvae. Commissioner Adkison said that he has been keeping up with the oyster bed issue and those who are interested in re-opening oyster harvesting in the area are focused on Sister’s Creek and areas northward through the Timucuan Preserve toward Nassau County. He suggested that if the City is looking for projects in which to invest environmental protection funds to produce improved water quality, planting oyster beds may be a viable option, even if they can’t thereafter be harvested for consumption. Chairwoman Boyer said that she will ask for some preliminary research on costs for potential presentation at the May meeting.

St. Johns River Status Report – Water Quality and Manatees

Dr. White said that a JU marine science graduate student several years ago did research on oyster beds in Sisters Creek, Clapboard Creek and Pumpkin Hill Creek on the Northside and found that success of oyster beds is heavily dependent on a number of factors, including water salinity, wave action, level of active use, etc.

The St. Johns River is warming and has passed the 70 degree threshold that generally signals the return of manatees and better fishing conditions. Salinity remains low and the water level remains higher than normal, which he attributes largely to the continuing impact of Hurricane Irma and the huge amount of fresh water is deposited in the area from that storm. Rainfall has declined in recent weeks from normal levels for this time of year. The river reefs continue to show impacts from Hurricane Irma as well; additional sampling is planned for May and June. Dr. White reported that use of boat ramps has been very high this spring but virtually none of those people are fishing – the rest are pleasure boating. He reported that an IAngler fishing tournament will be held between Memorial Day and the Fourth of July encouraging fishermen to fish the river reefs, photograph their catch and post the pictures to social media as a means of finding out what species of fish are using the reefs. Despite distributing numerous flyers to fishermen asking for information about their experience around the reefs, Dr. White has yet to receive any responses to those flyers. He reported that meetings are ongoing to design the docks and upland facilities at Mayport for use by the Ocearch research vessel that will be homeported there. City Council recently approved the ordinance authorizing the lease for the dock and facilities by JU for Ocearch. Dr. White also reported that Florida’s Secretary of the Department of Environmental Protection would be in Jacksonville at the end of the week to give Jacksonville University an award for environmental stewardship. That will occur on JU’s Charter Day, a celebration of the university’s founding in April of 1934, during which students will perform a variety of community service projects throughout the city.

Dr. Gerry Pinto of JU’s Marine Science Research Institute said that there has been no manatee activity yet this month, but the water temperature is reaching a level that should indicate their return very soon. Manatee Media Day will be held on April 19th to inform boaters about the manatees’ return and to advise caution on the water. There have been no manatee deaths thus far this year. Commissioner Birtalan said that he is an avid fisherman and after the last dredging a couple of years ago in his community’s canals off Mill Cove, within 6 months he began seeing fish species that had never been seen in those waters before (snook, flounder, tarpon, etc.) and the quality of the oyster beds improved tremendously over the next couple of years. He suggested that a public investment in eco-restoration in creeks and canal systems would produce great water quality improvements. Chairwoman Boyer suggested to Dr. White that one way to publicize the location and availability of the in-shore reefs would be to get Mayor Curry, an avid fisherman, to fish the reefs and publicize them via his Twitter account.

New Business

Council Member Ferraro said that since the replacement of a bridge over Shads Creek in his district, the boating speed limit and no wake zone signage that was removed for the construction project has not been replaced and boaters are speeding through the area, destroying docks, bulkheads and banks. He asked Assistant General Counsel Susan Grandin to investigate how to get the signage replaced and whose responsibility it is to ensure that it happens. She will report back at the next Waterways Commission meeting. Chairwoman Boyer said that there was a North Florida Transportation Planning Organization meeting later in the week at which Florida DOT personnel would be present and she would pose the question to them. Mr. Ferraro said he is still experiencing great difficulty in getting a definitive answer on who is responsible for repairing road and bridge damages caused by the truck traffic accessing a dredge spoil site on Black Hammock Island and requested the assistance of Ms. Grandin and anyone who might be able to help him with this problem.

Commissioner Pringle announced that the equipment for the Hanna Park adaptive kayak launch has been delivered and should be installed in the next week or so.

Commissioner Barket reminded the group that the Blessing of the Fleet will take place on Sunday, April 14th at 2:00 p.m. on the Southbank Riverwalk.

Commissioner Adkison asked for an update from the Department of Parks, Recreation and Community Services on the status of the Joe Carlucci Boat Ramp dock project, which he understands is being delayed by a contracting issue. Bob Skalitzky of the department reported that the bid was awarded and the contract documents and bond were received last week, but the contract was not signed by the contractor. The Office of General Counsel agreed to accept an electronic signature, but he has not heard if that has yet been received. There was some confusion in the contracting process about when the bond would be due, whether before or after the contract was signed. Commissioner Adkison says he hears numerous complaints about why projects take so long in the contracting process once they’re approved. He noted that this year the Kingfish Tournament will overlap with the 5 days per year allowed by the federal government for red snapper fishing, so he anticipates that every boat ramp providing access to the ocean will be jammed for that week. Mr. Adkison urged that everyone involved in the project be held accountable for making sure things move more quickly. Chairwoman Boyer said that the City’s procurement and contracting processes seem very slow and need to be speeded up, including penalizing or replacing contractors who don’t get projects underway speedily. Commissioner Ferraro asked Mr. Skalitzky to relay a message to Daryl Joseph, Director of the Parks and Recreation Department, that he would like to resume their bi-weekly project progress meetings.

Chairwoman Boyer reported that the Mayor’s Resiliency and Stormwater Planning Task Force, which resulted from a resolution of the Waterways Commission, has been meeting on a bi-weekly basis and heard a report recently from the Army Corps of Engineers about projections for sea level rise and from Jacobs Engineering (under contract to the JEA to evaluate the safety and resiliency of the utility’s facilities). The two sets of projections about sea level rise were fairly consistent and led to the thought that Jacksonville needs to revise its building standards regarding bulkhead elevations and stormwater facility planning. Other jurisdictions in Florida have begun building public facilities at higher elevations and requiring private construction to gradually meet a new standard reflecting the lifespan of the project being built. Ms. Boyer said that Task Force will also generate legislation regarding a revision in the definition and regulation of maximum impervious surface coverage of lots and subdivisions. She is in contact with the Northeast Florida Builders Association about the standards being used in surrounding jurisdictions. Ms. Boyer reported that she has also met with representatives of the Public Works and Planning Departments to discuss updating the City’s floodplain management ordinance to address setback requirements from floodways. The group discovered that many regulations in place in other jurisdictions are also in Jacksonville’s development code, but have never been implemented here. Commissioner Gulliford suggested the wisdom of requiring a higher minimum elevation requirement on new construction to deal with both sea level rise and occasional storm flooding. Ms. Boyer said the Task Force is looking at that idea, and there appears to be great momentum on making these changes statewide at both the local and state government level.

Commissioner Baker cautioned that raising bulkhead heights and changing floodplain standards are somewhat mutually contradictory – increasing bulkhead height in one location moves water to another location where the floodplain storage capacity will need to be greater to handle the compensatory storage. Speaking from his engineering perspective, he said that there are rules of thumb about how much impervious surface to plan for in new development (85% for commercial development). Ms. Boyer said that the appropriate percentage varies widely based on the type of development (residential vs. commercial, small lots vs. large lots). Commissioner Adkison said that small lots seem to be problematic because they have a much higher impervious coverage ratio. Commissioner Gulliford suggested that mechanisms be developed to allow higher impervious surface ratios on lots if the owners contribute to the City’s cost of collecting and treating the extra stormwater being produced.

Old Business

None

Public Comment

Geoff Sample of the St. Johns River Water Management District reported that the District board recently approved the annual cost share program encompassing 21 projects in 10 counties for $16.2 million, one of which is $1.5 million in cost share funding for Jacksonville’s McCoy’s Creek restoration project.

Lisa Rinaman, St. Johns Riverkeeper, applauded the group on the Algae Task Force report and said that it will be very useful by a variety of parties for advocacy on the river’s behalf. She reported that Governor DeSantis has committed to appointing separate task forces to deal with both red tide (already activated) blue/green algae blooms (not yet activated). She asked that if the blue/green algae task force is not activated by the Waterways Commission’s May meeting, that the commission consider passing a resolution urging that activation. Regarding the biosolids legislation pending the Florida Legislature, Ms. Rinaman said that she was pleased to report that the bills are making progress, but they do not give North and Central Florida waters the same level of protection as mandated in South Florida. A real-time water quality monitoring requirement has been added to the bill which is very positive for DEP’s enforcement authority.

John Nooney lamented that during the Public Comment period at last night’s City Council meeting the live stream on the internet shut down. He said that he wants to be a cheerleader for more public access to the river downtown, but proposed new developments are not providing much. He questioned how many members of the general public attended or even knew about the work of the Algae Task Force. He believes the publicity for a fishing tournament on the in-shore reefs will be very helpful. Downtown is a hotspot for fishing.

There being no further business, the meeting was adjourned at 11:50 a.m.

Jeff Clements, Council Research Division

jeffc@coj.net 904-630-1405

Posted 7.29.19 5:00 p.m.