

# **September 27, 2023 Harbor Capacity Study Steering Committee Meeting Agenda**

**WEDNESDAY, SEPTEMBER 27, 2023**

**5:30 PM**

- 1. CALL TO ORDER**
- 2. ROLL CALL/PLEDGE OF ALLEGIANCE**
- 3. APPROVAL OF MINUTES**
  - A. April 10, 2023**
  - B. May 2, 2023**
  - C. June 29, 2023**
- 4. NEW BUSINESS**
  - A. Continuing Authorities Program (CAP) 107**
- 5. PUBLIC COMMENTS**
- 6. NEXT MEETING DATE: TBD**

If a person decides to appeal any decision made by the City Council, committee, board, panel, or agency with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she will need to ensure that a record of the verbatim record of the proceedings is made, which record includes the testimony and evidence upon the appeal is to be based. "Persons with disabilities who require assistance to participate in this meeting are requested to notify the City Clerk's Office 850.837.4242 at least 48 hours in advance".

**MINUTES  
HARBOR CAPACITY STUDY  
STEERING COMMITTEE MEETING  
WEDNESDAY, APRIL 10, 2023  
DESTIN CITY HALL ANNEX CHAMBERS  
5:30 PM**

**1. CALL TO ORDER/PLEDGE OF ALLEGIANCE**

The Harbor Capacity Study Steering Committee met in regular session with the following members and City staff present:

**2. ROLL CALL:**

**Members Present**

Capt. Jim Green  
Michael Dombrowski  
John Stephens  
Ian Blaise  
Eddie Morgan  
Patrick Wilson

**Staff Present**

Community Development Director Louis Zunguze  
Deputy City Clerk Kim Montgomery  
Principal Planner Steven O'Connor  
Senior Planner Daniel Butler

**Members Absent**

Mike Buckingham

**3. CALL TO ORDER**

Chairman Green called the meeting to order at 5:30 PM.

**4. AGENDA APPROVAL:**

**Motion by Committee member Stephens, seconded by Committee member Blaise, to approve the agenda. The motion passed 6-0.**

**5. APPROVAL OF MINUTES: APRIL 21, 2022**

**Motion by Committee member Stephens, seconded by Committee member Dombroski, to approve minutes of the April 21, 2021, meeting passed 6-0.**

**6. NEW BUSINESS:**

Mr. Zunguze spoke of the challenges that were encountered in the past almost three years to get to this point.

The three strategic goals of the study are:

- Promote the safety and enjoyment of the Destin harbor and the surrounding waterways
- Promote environmental health of the harbor and the surrounding waterways
- Promote and economic viability of the Destin harbor

Their task is to review and discuss the findings of the study to formulate a series of recommendations to City Council. Their overall goal of their recommendations is to ensure that the Destin harbor remains the World Class Destination for the residents and visitors to enjoy. With that, the need to find and establish the delicate balance between ensuring environmental health as well as safety and enjoyment for everyone, citizens, and visitors alike as well as promoting economic viability for all the businesses in the harbor.

### ➤ **Study Overview**

Authorized under Section 22 of the Water Resources Development Act of Florida 1974, as amended, which authorizes the Corp to partner with local and state entities to provide technical assistance supporting efforts related to the management of the State Water Resources. The partnership agreements for this study was signed in November of 2021 to identify:

- Carrying capacity of the harbor
- uses of the harbor
- the existing and future conditions of the harbor and the magnitude of PS Level Scope
- Develop the recommendations under the local strategic objections in order to promote safety, enjoyment and environmental health of the harbor and economic health for the businesses along the harbor and its surrounding waters

All of the above aligns with Destin's strategic goals set forth in the Destin Comprehensive Plan 2020 to Enhance the Quality of Life.

The Carrying Capacity Approach, the following data was acquired:

- Vessel traffic
- Slip occupancy
- Vehicle parking lot occupancy
- Boat trailer parking
- Results of the surveys

She pointed out that the data collected was not entirely for just the harbor, but the adjacent waterways was included in the results as well, with the dates being collected over the summer of 2022, with a mix of weekends, holidays and regular weekdays for a consistent results in order to observe any trends. The total collection was 12 holiday weekend days, 9 regular weekend days, and 10 regular weekdays.

The following eight vessels were classified on their data collection sheets, characteristic of the fleet that frequent and operate in the Destin harbor:

- Fishing Charters
- Tour Charters
- Livery Pontoons

- Personal Pontoons
- Personal Vessels – excluding jet skis & pontoons
- Sailboats
- Jet skis inclusive of personal and livery
- Non-water recreational crafts – kayaks and stand up paddle boards

Harbor slip facilities were determined by:

- Physical accessibility by the survey team
- Concentration of businesses operating along a portion of the harbor district (tour charters) from the mouth of the harbor to the Destin Yacht Club

She spoke of the challenges met in the study regarding the varying size of the slips and the layouts made it difficult to obtain a correct count from the ground level because of the fact that there are some slips that have more than one vessel mooring. Noting that pontoons were typically rafted up in sometime three to four at a time. With these challenges, it's hard to determine if they were occupied or over occupied therefore, to address those inconsistencies, they considered each slip to be occupied with a vessel of 20-feet overall, which helped uniformize the slip inventory for the total estimate of slips, which came out to be 335 for the area they observed.

Vehicle parking facilities were determined by the following by the proximity to the services along the harbor boardwalk, from Margaritaville east to Destin Yacht Club and access to Norriego Point with a total of approximately 1,400 parking stalls. The total north of the harbor was determined to include Marler Parking Lot, public parking in the harbor CRA district and Joe's Bayou and those totaled 83.

### ➤ **Carry Capacity Analysis Results**

Vessel Traffic Count for the summer showed that three different types of vessels rivaled for entry and exit out of the harbor with Livery Pontoons and Personal Vessels counted at approximately 53,000 and jet skis at approximately 38,000. In regards to the harbor slip capacity, they looked at the average slip occupancy percentage based on their counts while the teams were in town observing and collecting data, was analyzed by the time of day, being morning, afternoon, and evening; with the highest occupancy being observed at 6 PM with 80-90% of the slips being occupied. Being that the fishing and trip charters and liveries were in by that time. Additionally, the 10 AM to noon timeframe showing the most being vacant because of the fact that the vessels were out.

- **Vehicle Occupancy**

These counts are represented by the day of the week, which shows that the highest occupancy being in the evening at approximately 80% and that the results show that it was nearly full but did not exceed above 90%, these counts were only for the harbor only.

The counts for north of the harbor were taken during a typical week at Joe's Bayou Capt. and Leonard Destin Park, for kayak and paddle board launching. The highest occupancy for parking at these location was 12 PM, especially on weekends.

To summarize, given the scope and the length of the study, they based the variances on a typical week of the four determining factors:

- Facility carrying capacity is full
- Social carrying capacity is also full
- Spatial carrying capacity has exceeded its capacity
- Ecological carrying capacity

The scope for the harbor is at full capacity reflected on the slips in the harbor. The parking lots and the launches were determined to be at 75% on the weekends.

- **Approach of the Data Collection**
- **Perception Survey Results**
- **Planning Process**
  
- **Open Discussion**

Committee member Stephens spoke of his concern for water quality provided data from the CBA analysis discussed that by looking at the numbers, they are overall very good with just two spikes in the turbidity which could be related to weather. He also spoke of how there is currently no waste oil disposal is available - noting that the Harbor and Waterways Board is currently working on a fuel contingency and oil abatement plan with the Coast Guard to come up with some recommendation for regulations.

Chairman Green spoke of the importance of widening the channel and dredging the shoal would help with the water quality.

Committee member Blaise questioned the WALRUS coefficient and questioned the benchmark that Destin is being compared to and spoke of how he feels the one acre per vessel seems very liberal.

Ms. Eva explained that it has been used in several other national studies and that the range is very broad to account for the different characteristics specific to a harbor or lake type city. Noting that it requires the speed of each type of vessels that are utilized in the body of water being studied.

Committee member Blaise questioned that validity because of the idle speed requirements in the harbor and now a there would not be a vessel speeding up next to a kayaker. He then asked, if Destin is considered an urban harbor, how can it be compared to other larger harbors in the state. Additionally, he feels that this study was deemed invalid with the large marina that is coming in across the harbor.

Chairman Green pointed out to Committee member Blaise that the marina he is referring to was approved prior to the study and is private marina with a submerged land lease.

According to Ms. Eva the WALRUS methodology only describes it to being an extensively developed and populated city and some metropolitan spaces where virtually all land spaced contains manmade structures. Therefore, to her the classifications are relative to suburban and rural developed.

Mr. TJ of ACOE stated that in regards to the WALRUS model, in consideration of livery vessels, the model operates as a closed system and the one acre, even though there are wake zones, those are not always adhered to and when there is a pontoon boat that does not have a skilled operator, it not a lot room for the comparison.

Chairman Green asked that maybe they went with the uncertainty, they may have elevated the numbers to account for that uncertainty.

According to Ms. Eva, she admitted that they know they underestimated the numbers and spoke of how if they were to conduct a sensitivity analysis, they could decrease the numbers by 10-15%, they still would not change much, and given all that, there is a lot of nuance inside the harbor itself, with the private marinas, which they have not control. However, what they did look at is what was applicable and suffice for the analysis is that there is this limited number of acreage, whether the people are docking or just passing thorough to get to a certain location in the harbor. Continuing that it's what the spatial demand is on the very limited demand of surface, serviceable waters. Additionally, she explained she wanted to provide that information to point out that the no wake zones contribute to spatial carrying capacity density, that could not be calculated. They try very hard to not just come out with numbers, that what they provided is a range. Additionally, if they were to look at it from a sensitivity analysis prospective, the density would not change much because there would still be a lot of traffic and bottlenecks at the mouth of the harbor. Additionally, she pointed out that they were not able to consider the existing conditions mentioned for the harbor pump in detail and would be considered in a Section 107 Study and is why that is a recommendation.

Committee member Blaise asked about the study of the slips in the harbor and asked if only a fraction of the harbor was studied in just the harbor district. Ms. Eva confirmed that statement. Committee member Blaise asked if the peak capacity of Crab Island was addressed and if they addressed all the number of boats that do not come into the harbor.

Ms. Eva stated that is another reason why they understated the numbers because it was based on the numbers observed entering or exiting the harbor and, there was no way for them to determine the origins of all the vessels, acknowledging that there are vessels coming from all the other adjacent cities on the Choctawhatchee Bay.

According to Committee member Stephens, he recalls safety videos being discussed and spoke of how the Okaloosa County Water Sports Operators Coalition has created a Navigational Water Safety video and last year, a Waverunners Safety video, a Pontoon Operators Safety video is being created this year. Additionally, a checklist is being created to go over with all of the renters. He mentioned there was a safety meeting earlier in the year Coast Guard Auxiliary attended and spoke of the importance for all the businesses to have all of their vessels inspected by them.

Committee member Dombroski pointed out that in their surveys, they did not address where the vessels originated or going to and the also, out of the 1200 surveys they sent out, they only got back 230. Additionally, in terms of the study itself, he spoke of how he didn't see the harbor entrance being addressed, which to him, is one of the biggest limitations of the harbor itself, in terms of navigability, safety wise, and asked if they were going to do anything further to address that.

According to Ms. Eva, the scope of the study already had a couple of different components to it, which was to collect the data, to process it and to conduct the survey. In developing the recommendations, they did look at the harbor entrance and there were six iterations that will be addressed. However, they did look at some of the alternatives and what they would call alternatives, but immediately, they ran up against scope constraints. To look at the harbor entrance and the channel in a more robust way would require another study.

Mr. TJ spoke of one of the constraints they encountered during the study was Norriego Point project that had just been completed that included some Federal funding. The methodology of changing the geometry of the channel entrance without immediately going back and reducing the land mass that had been created. And one of the things that he saw was when there is Federal funds involved, there are shore bird habitats that have to be considered.

Committee member Dombroski pointed out that what he meant was, in looking at the existing navigation channel and the width, depth and the speeds of the boats, they could then go through and get what the carrying capacity is of the channel along with the impediment of the shoal, to determine how many vessels can get in and out on an hourly basis. In talking about removing the shoal, how would that increase the navigability and the safety within the harbor itself. He spoke of how he has been a big proponent of removing the shoal, which would increase the flushing capacity of the harbor by almost 10%. He spoke of how he feels this is something that needs to be addressed and to him, what a carry capacity study is, what is the maximum that the system can support. Looking in this study, he is still trying to find how many more boats can get in the harbor. It's a very informative study, but there is nothing that he can find that shows the carrying capacity number of boats that the harbor can ultimately support.

Mr. TJ, ACOE Representative stated that in looking at this study, they are looking at the number of conditions. And when you start talking about large structural measures, and changing

the shape of the mouth, you get in a cap 107 study. The work they did is on what the existing shape of the harbor, getting into the overall carrying capacity study, she spoke of how on a holiday day in the middle of the day, such as the fourth of July, the mouth of the harbor is choked out, and he does not feel that removing the shoal would necessarily make a difference.

Chairman Green spoke of how he operates the largest boat in the harbor, and what they're trying to figure out is how much can it take and how much more can it withstand. He also spoke of how by law and insurance purposes, he has to stay in the 50-foot channel and they wanted to see if the channel is opened up through the bottleneck, would that help solve some of the problems that are currently out there, by possibly not allowing the boats to anchor on Norriego Point.

Mr. Dombroski stated that if they could open up the shoal at the mouth it would benefit in terms of safety and navigability. He also spoke of not agreeing with the numbers emphasizing that there are a lot of outside boats coming into the harbor that don't have a clue on what the rules are. He also spoke of how he knows its not the livery vessel businesses because he has witnessed them providing their renters with the necessary safety videos, explaining the no wake zone and the location of the channel markers in the harbor, and as soon as the renters get on their vessels, they go full throttle out into the harbor.

ACOE representative stated that in regards to the shoaling, when they get to the 50/50 cost share of the Cap 107 Study which is \$14M total for the study, they can get into some of the modeling capacity that the CORP has for harbor zone and can see what it looks like if they were to remove the shoal see what the channel would look like and what could be done with the capacity, but is outside of this study.

According to Committee member Dombroski stated that they would need to look at what a new channel configuration would look like outside of what the boundaries of channel relocation to address that issue.

Ms. Eva explained that brings them back to the strategic objective that was laid out for the carrying capacity study and place the sideboards on what all they looked at. She explained that when they chose to look at the parking lot facilities, as well as the harbor slips, their resources were shifted to look at it from those perspectives in terms of the navigational channel and how they would focus on a section 107 approach. She then introduced her supervisor, Mr. Tom Jester, and asked that he explain more on the CAP program.

Mr. Jester explained that based on the study they were approved for, they were not allowed to go any further into what a CAP 107 would have accomplished, which is a more extensive study. Additionally, if they would pursue that study, they would be able to implement the data collected in the Harbor Capacity Study.

Capt. Green asked about the general timeline for a CAP 107 Study.

Mr. Jester explained that a CAP 107 is not always funded by Congress or the President and the city would need to reach out to their Senators and Representatives to ensure that would happen. And that once they did get the necessary funding, it would be up to four years, just depends on how complex it would be.

Committee member Stephens asked if they did the CAP 107, would they be able to capture exactly how many slips there are actually in the harbor. According to Mr. Jester they would have to go back and do some more

ACOE representative explained that one of the things they do in the Corp. planning process is to get their best robust dataset that already exists and work their way backwards and determine the holes. So, one of the things that we come with that is the 107 study would be the small, boat harbor navigation. So anything that would affect that would be studied and could get within that study bounds that are set and are reasonable within cost, within modeling and reasonable within final construction costs of something like \$14 million again or something like that between the total I think it's 10 million total federal contribution but it's not a guarantee 10 million it would be the best buy that we can get with a cap of around 10 million.

Capt. Green stated that when this panel initially started, we discussed a lot of the things that we thought were good. It was we were going to find out exactly how many slips were in the harbor and what their specificity was. He spoke of how they should have been doing the 107 study from the beginning with some of the same goals and objections and how many more slips could the Destin harbor hold with the channel where it's currently located. Adding that when the results came out, they were expecting more of an inventory of what there, and these results instead of a sampling data set.

ACOE representative informed Capt Green that if they had done the 107 study, its strictly water and they would not have had the parking aspect and some of the other data collected wouldn't have been in it either.

Committee member Dombroski stated that since the entrance is a Federal Navigational Channel to Destin Yacht Club, and if Congressionally approved, could this study determine the channel location needs to be modified under a 107 or would it have to go back thorough a Congressional Authorization for that?

ACOE representative stated that a 107 is more of a navigational study. Additionally, we can then now set up where we can appropriately model the water quality as impacts from changing the navigation but the 107 looks at small boat navigation harbor. In discussing the difference between a 107 and a 302 study, Mr. Dombrowski asked if there is any difference in regards to timing.

ACOE representative stated that it depend on how much Congress had allocated, one of the things about CAP, which is the Continuing Authorities Program, a set of fund that's set up from congress. When we go to a large study, like when we did mobile harbor, we're doing a huge fish study on the Alabama River. The non-federal sponsor goes to congress and says we're going to do this whole study in congress has to approve that whole study. On cap. There's a existing pot of money that then gets delegated by either the Pentagon or the United States Headquarters level to be distributed to projects. One of the advantages that gets you though when you go to, if we say, okay we do need to move the federal channel. You'll have a full environmental work on that. So you'll have your National Environmental Policy Acts documentation, that's part of the feasibility report. So all of that will be analyzed as part of that study with like PAS. We don't even normally have environmental people on a PAS study. Destin's economics is tightly linked to the fishing and the water quality aspect.

Mr. Dombroski asked when the completion date was being considered.

According to Ms. Eva, they are aiming towards a report handover in early May, and we were, we were in discussion of a second meeting about around that time.

Committee member Blaise asked since the National Park Service is 1/3 of the zone that was studied, if they would be provided the information on the MPS Study that conducted.

Committee member Morgan asked in regards to Objective One, in regards to safety and the videos that are shown to the livery vessel renters, although their effectiveness is questionable, if there are new channel markers put in place and they are noticeable without a doubt, they can still go over the channel because they are not bound to be within the channel like the charter boat captains are. So, to him, he feels this would make the issue worse and asked how that is to be balanced and he feels that these type of vessels are being more encouraged and therefore making a bigger problem.

According to the Chairman, as a mariner he know where the channels are marked and can see them, but most people don't see the channel because it's not very well marked in certain areas. Noting that the channel was put in place in the 40's when there was no traffic at all and using the natural contours to navigate however now, its limiting how far docks can be built and where the waterway actually is and is putting everyone in a bind. He stated that he would like to see the city work more on what is needed to get Congress to allow the channel to be redefined and realizes that it's going to take years and a lot of funding, but it needs to be done.

#### ➤ **Public Comments**

Ms. Maya Shoulder of 45 Ferry Road in Fort Walton Beach asked what the reasoning was for separating the personal pontoons and personal vessels in the summer vessel entry/exit totals.

Chairman Green stated it was asked by the city because there was a concern that there was an overcapacity over utilization of lively vessels in the harbor and one of the core reasons why it was counted that way.

Greg Fischer, 1242 Emerald Bay Drive asked to make sure that half of the BUI that were reported were private boaters. He then asked that when the moratorium was put in place four years ago, ideally no more livery vessels should have been added to the harbor, but asked wouldn't it be true that currently there is still a problem with pontoon boats and it's a lot worse. Making his point, he stated that he knows it's a lot worse because he books boats all over the county and they are being brought in from Walton County, Fort Walton Beach, Niceville and other areas and that in the past two years about 300 have opened. Emphasizing that even though there is a moratorium in Destin, all those boats will still be coming into the harbor and they can't be stopped. He pointed out how when Hwy. 98 was at capacity, another lane was installed and has helped out with the traffic, and asked how else is the harbor going to get fixed in capacity and traffic unless other cities have moratoriums in place in the county or something is done to widen the channel.

Capt. Green pointed out there were other reasons for the moratorium and pushing out the other industries that have been in Destin since its inception was the concern. With an over proliferation of uses including food trucks, the spill over into adjacent properties, parking was becoming an issue.

Mr. Chuck Hires 360 Harbor Blvd owns Happy's Water Sports spoke of how even if the moratorium is lifted, there aren't any slips available for more boats. He spoke of how he runs a big boat, it's Boogie's glass bottom boat for 149 passengers, and how he sees the issues right at the mouth of the harbor. He mentioned how he backs out three times a day of four times a day with the fireworks and yes, it gets congested, but I can probably count on one hand how many times maybe boats have bumped. He spoke of how it does get crowded and people are going a bunch of different directions, but sitting there every day, all day, it's not as bad as its being portrayed. Additionally, being in the livery business, although they stress safety and show the videos, they're not all going to be perfect, but the tourist that come to the harbor, want the crowds, and to go out to Crab Island to hang out with the people. Maybe the boat captains and mates can't see it that way and don't want that. However, lets not lose the fact of what's bringing people here Crab Island, fishing, the beaches are bringing people here. They want to be on the water and yes, we need to figure out some ways, maybe opening up the channel.

Mr. Claude Perry spoke of how he has lived on the harbor for 50+ years and drives his boat almost daily and they cannot make regulations based on July 4<sup>th</sup> and Memorial Day. He said that to him, there is plenty of capacity and the harbor is very safe. He spoke of the mention on page 57 regarding the practice of protecting vehicular parking for the patrons is creating inefficiencies for parking, and he does not agree with that logic. He spoke of how some places charge \$20 for parking and some only \$10. He spoke of how he does not agree with the city raising their parking to \$20 per day from \$5.00. He spoke of the need for a Harbor Master and

some emphasis to getting Channel Markers, put in by the Coast Guard, since that is a Coast Guard function and they should readily do that. He feels the city is being neglectful in managing the harbor and the waters and that needs to be considered.

There was a brief discussion on the past city employee who patrolled the harbor and his duties as well as there being a presence from the Coast Guard, the FWC and the Sheriff's Department and how the usual problems most likely stem from intoxication.

Mr. Charles Duplantis, 3810 Indian Trail spoke of how it was mentioned earlier about more than one boat being moored in a boat slip. He stated that when he opened his business he had to pay both the city and the state for his business but was never told that he had to have four piling put in per boat. Emphasizing that he feels that they need to figure out how many slips are actually in the harbor and how many are allowed to be in there.

Ms. Eva addressed Mr. Perry's comment regarding the part of the report that he was referring to parking lot facilities. She stated that she wants to clear that in 10.0 they were articulating that while the parking lot data, or the figures are showing that it's been maintained at an average of 80% capacity. It doesn't take into consideration the excellent work that all of these restaurants and businesses are doing to deter non patron parking. That also leaves kind of the question as to whether there are some folks that are being deterred and that they were not being accounted for. Therefore, that may possibly be also affecting the percent capacity observed. That there may be more folks, more vehicles that are frequenting but because a lot of these parking lots are rightfully regulated by the staff of these businesses that we are not accounting for them. She clarified that that it wasn't a point against the practice, it was just one of the nuances of the count.

According to Mr. Perry, it sounds like to him that they are saying that a lot of people are not coming to the harbor because they cannot find a place to park. He feels that more emphasis needs to be placed on parking garages, and that is something that he has been advocating for 20-years and give it some consideration.

The Mayor spoke of how he has been in conversations with Alex Fog the Resource Manager with the County and feels that if the city want to go that route, it should be designated as a safety harbor or a mooring harbor, that would give the city a little more teeth and allow us to be on a boat and have our own rules and regulations outside of what the state does. He advised that if they wanted to make that recommendation, both the Harbor and Safety committee also make that recommendation, it would definitely be a big help. He spoke of how he agrees that the city should be able to handle the waterways of the harbor and the only way to do that is to designate the harbor, as one of the many options out there, it goes to the FWC, the DEP, and it would take several years. However, with an end date in mind and a solution at the end he feel that it could happen.

Committee member Stephens asked the Mayor was each to does?

According to Mayor Wagner, he does not know too much of the Safety Harbor but, a mooring system in the harbor would allow the city to enforce mooring and if people wanted to be in the harbor, they have to be chained up to a mooring ball and if they're on the mooring ball, that would come with regulations, timelines and potentially even fees. Allowing specific people to be in there versus how it is right now, and if they're not in the navigable water, they're able to stay there for two weeks but with the caveat of if they leave and come back, their the timeline resets. This allows the city to have a more parameters of where they can be set up, how long they are there and a little bit more control. It would enable a Harbor Master a little bit more control and oversight. Versus right now, where it is really more at the State level.

Committee member Stephens asked if the city would have to start offering a live-aboard in the harbor?

According to the Mayor, he could not speak on that, being a non-expert. However, he is going to get Mr. Fog to come in and give us a briefing at the city level and obviously, go through the proper channels at all the different committees as well, and making the recommendations where needed. So we're hoping to find out all the differences and what would be best served for the citizens and the local businesses in the harbor.

The Chairman suggested having Mr. Fog come to their next meeting to hear what he suggests. The Mayor agreed.

Mr. Kent Houston, 732 Harbor Blvd., spoke of how there are tables of information readily available in relation to speed and distance on the water, tables with reaction times for which could be incorporated and be weighed to perhaps with the possibility of alcohol being involved in. He mentioned that what's important is that in any finite space, regardless of the organisms, when there is overcrowding, the behavior becomes apparent. In this case, the effective over capacity would also be apparent. Noting that first, there would be an increase in close calls, and then there would be an increase in more serious accidents and absent those, while a specific capacity cannot be determined and without additional analysis, the results suggests that there is not an overcapacity presently.

## **ADJOURNMENT**

Having no further business at this time, the meeting was adjourned at 7:45 PM.

---

**Jim Green, Chairman**

**MINUTES  
HARBOR CAPACITY STUDY  
STEERING COMMITTEE MEETING  
TUESDAY, MAY 2, 2023  
DESTIN CITY HALL ANNEX CHAMBERS  
5:30 PM**

**1. CALL TO ORDER/PLEDGE OF ALLEGIANCE**

The Harbor Capacity Study Steering Committee met in regular session with the following members and City staff present:

**2. ROLL CALL:**

**Members Present**

John Stephens  
Capt. Jim Green  
Patrick Wilson  
Ian Blaise (**Arrived: 6:55 p.m.**)

**Staff Present**

Community Development Director Louis Zunguze  
City Clerk Rey Bailey  
Principal Planner Steve O'Connor  
Senior Planner Daniel Butler  
City Engineer Ryan Scott  
Land Use Attorney Kimberly Kopp

**CALL TO ORDER**

Chairman Green called the meeting to order at 5:30 PM.

The Land Use Attorney announced that since the committee does not have a voting quorum present at this time, they can only express a general consensus but not take an official vote on any matters before them.

**NEW BUSINESS**

The US Army Corp of Engineers (USACE) presented the following recommendations divided into the Study Objectives as follows:

**Objective 1: Promote Safety and Enjoyment of Local Waterways**

- 1. A1.** Install better defined channel markers equipped with “NO MOORAGE” signs.
- 2. A10, A3.** Regulate livery vessel traffic operations to ensure each livery vessel is properly registered. Concurrently identify pre-existing, appropriate City Action Plans to leverage and promote the shuttling of visitors to primary destinations around the Harbor via water taxis and/or tour boats as an alternative to livery vessels.
- 3. A9, A10.** Revisit regulations on issuing vessel permits to minimize over issuance, in

combination with regulating livery vessel traffic operations to ensure each livery vessel is properly registered.

**4. A1, A6, A7.** Install better defined channel markers equipped with “NO MOORAGE” signs, in combination with the creation of a Destin safety video to cover boating, traffic safety, and boating under the influence, in combination with an increase in law enforcement presence to avoid BUIs on vessels and jet skis.

**5. A6, B8.** Create a Destin safety video and implementation strategy to cover boating, traffic safety, and boating under the influence, in combination with the Coast Guard Auxiliary/Nonprofits conducting vessel inspection trainings.

**It was the consensus of the committee members present to support the following recommendations under Objective 1: 1, 3, 4, and 5**

**Objective 2: Promote Environmental Health of Harbor and Surrounding Waterways**

**6. B9.** Incorporate a more robust water quality monitoring system in the Harbor.

**7. B10.** Conduct a hydrographic study to optimize pump usage.

**8. B11.** Study the current effectiveness of the pump system to gather baseline data that could then inform decisions regarding changes to the pump system and its operations.

**9. B7.** Conduct a comprehensive water quality study (CWQS), including a hydrographic flow study on the pump, to provide baseline data and optimize pump usage.

**It was the consensus of the committee members present to support the following recommendations under Objective 2: 6, 7, 8, and 9**

**Objective 3: Promote Economic Development of Businesses Operating Along the Harbor**

**10.** Optimize slip configurations in the Harbor based on user demand and improve slip usage efficiency.

**11. C7.** Implement Comprehensive Parking Strategies to reassess existing parking lot usage to optimize current available parking.

**It was the consensus of the committee members present to support the following recommendations under Objective 3: 10 and 11**

**Multi-Objective Recommendations: Meets all three strategic objectives.**

**12.** This recommendation cuts across all three strategic objectives of public safety, environmental health and economic development of the study area. Throughout this technical assistance study, measures of navigational improvements were raised during public meetings and throughout the planning process. It was communicated that further investigation is required for

alterations to the existing navigation channel. Under the Continuing Authorities Program (CAP) USACE is authorized to plan, design, and construct small scale projects under existing project authority from Congress. Local governments and agencies seeking assistance may request USACE to investigate potential water resources issues that may fit a particular authority. A CAP project is conducted in two phases: a feasibility phase and a design and implementation phase. These two phases are cost-shared between the federal government and the City of Destin. The maximum federal limit is \$10 million per project.

The Section 107 Small Navigation Improvements of the Rivers and Harbors Act of 1960, as amended, is the authority that allows USACE to plan, design, and construct small projects for commercial navigation purposes such as channels, breakwaters, and jetties to ensure safe and efficient use of the nation's navigable waterways. Pursuing CAP Section 107 is recommended to the City of Destin.



The committee provided the following additional recommendations for the city council's consideration:

**Motion to recommend to the city council to have the city work with the county and the industry in reaching out to the National Park Service to determine their Crab Island regulatory guidelines and timelines and how the city, county, and industry can be involved in the regulatory process, passed 4-0.**

**Motion to recommend to the city council to direct staff to install petroleum absorption in stormwater runoff that is diverted into the Destin Harbor from US Hwy 98, passed 4-0.**

**Motion to recommend to the city council that a CAP Section 107 study be conducted with the Harbor Capacity Study data to further understand the amount and demographics of the slips available in the Destin Harbor along with adjusting the location and size of the navigable channel and ecological benefit of flushing the harbor with the sholes dredged to accommodate the modified channel's location; and using the BP Triumph funds where it can possibly be used, passed 4-0.**

**Motion to recommend to the city council to enact an 8-year livery vessel moratorium to allow time for further studies to be conducted to move and/or widen the navigable channel to provide property owners with the ability to expand their dockage as well as provide a balance of availability of commercial slips for other industries in the Destin Harbor, passed 4-0.**

**Motion to recommend to the city council to have the city reach out to the county to determine the feasibility of creating a county-wide livery vessel moratorium, passed 4-0.**

**Motion to recommend to the city council that under:**

**Objective 1, recommendation #1 – *Install better define channel markers equipped with “NO MOORAGE” signs – to add a “no wake” signs on the bridge along with the current recommendation from USACE.***

**Objective 1, item #3 – *Revisit regulations on issuing vessel permits to minimize over issuance, in combination with regulating livery vessel traffic operations to ensure livery vessels are properly registered – to add state’s definitions for livery, which includes boating clubs, kayaks and Paddleboards, bareboat charters, and peer-to-peer boat rentals. Also, to adopt some Okaloosa County regulations which includes requiring physical location/dock for livery, requiring chase vessel, increasing employee training requirements, requiring liveries to attend the Okaloosa County Pre-Season Watersports Meeting held by the county, increasing the rental customer operating requirements, adopting the vendors use of wristbands, and include the news FWC standards to include renter attestation checklist and insurance to cover renters.***

**Motion passed 4-0**

**Motion to recommend to the city council that under:**

**Objective 1, recommendation #5 – *Create a Destin safety video and implementation strategy to cover boating, traffic safety, and boating under the influence, in combination with the Coast Guard Auxiliary/Nonprofits conducting vessel inspection training - to direct staff to review the Watersports Coalition pontoon safety video with recommendations as soon as possible; to add more trash cans along the harbor and Norriego Point to prevent trash from being thrown into the harbor; and pushing forward with as Fuel Contingency Plan for all fuel facilities and certain businesses in the harbor.***

**Motion passed 4-0**

**Motion to recommend to the city council that under:**

**Objective 2, recommendation #6 – *Incorporate a more robust water quality monitoring system in the harbor – to have the city work with the Choctawhatchee Basin Alliance and/or city staff to conduct water testing in the harbor.***

**Motion passed 4-0**

**Motion to recommend to the city council that under:**

**Objective 3, recommendation # 10 – *Optimize slip configurations in the harbor based on user demand and city needs to improve slip usage efficiency* – that for any new dock construction or modification that a number of transient slips council deems appropriate be included in any commercial docks.**

**Motion passed 4-0**

**Motion to recommend to the city council that under:**

**Objective 3, recommendation #11 – *Implement comprehensive parking strategies to reassess current parking lot usage to optimize current available parking* – to analyze the current shared parking for the businesses to determine any overlap.**

**Motion passed 4-0**

**Motion to recommend to the city council to keep the current committee in place as a monitoring agency to evaluate the effectiveness of the recommendations that the city council ultimately decides to put in place, passed 4-0.**

## **ADJOURNMENT**

Having no further business at this time, the meeting was adjourned at 8:25 PM.

---

**Jim Green, Chairman**

**MINUTES  
HARBOR CAPACITY STUDY  
STEERING COMMITTEE MEETING  
THURSDAY, JUNE 29, 2023  
DESTIN CITY HALL ANNEX CHAMBERS  
5:30 PM**

**1. CALL TO ORDER/PLEDGE OF ALLEGIANCE**

The Harbor Capacity Study Steering Committee met in regular session with the following members and City staff present:

**2. ROLL CALL:**

**Members Present**

John Stephens  
Capt. Jim Green  
Michael Dombrowski  
Eddie Morgan

**Staff Present**

City Clerk Rey Bailey  
Principal Planner Steve O'Connor  
Land Use Attorney Kimberly Kopp

**CALL TO ORDER**

Committee Chairman Jim Green called the meeting to order at 5:30 PM.

**APPROVAL OF MINUTES**

- 1. April 10, 2023**
- 2. May 2, 2023**

The committee requested that approval of the minutes listed above be tabled at the next committee meeting to allow some of the members more time to review them.

**NEW BUSINESS**

- 1. Committee Recommendations for Reprioritization Based on Recent City Council Actions June 29, 2023 Recommendations of the Harbor Capacity Study Steering Committee (“HCSSC”)**

The city’s Land Use Attorney and Principal Planner provided the following information to the committee that included current directions from the city council as well as actions already taken by the council based on the committee’s recommendations:

- At the May 15, 2023 city council meeting, council approved through separate motions to adopt or approve the following HCSSC recommendations:

- Motion to recommend to the City Council that a **CAP Section 107** study be conducted with the Harbor Capacity Study data to further understand the amount and demographics of the slips available in the Destin Harbor along with adjusting the location and size of the navigable channel and ecological benefit of flushing the harbor with the shoals dredged to accommodate the modified channel's location; and using the BP Triumph funds where it can possibly be used.
- Motion to recommend to the City Council to keep the current Harbor Capacity Steering Committee in place as a monitoring agency to evaluate the effectiveness of the recommendations that the City Council ultimately decides to put in place.
- Motion to recommend to the City Council to enact a 5-year Livery Vessel Moratorium to allow time for further studies to be conducted to move and/or widen the navigable channel to provide property owners with the ability to expand their dockage as well as provide a balance of availability of commercial slips for other industries in the Destin Harbor.
- Recommendation was made to have the City Staff reach out to the County to determine the feasibility of creating a County-wide Livery Vessel Moratorium. *(This was a recommendation from the HCSSC and was moved to Priority 1 based on the discussion from the regularly scheduled City Council meeting on May 15, 2023)*
- At the June 5, 2023 city council meeting, the council approved a motion to have city staff and the committee review the actions council has already undertaken based on the committee's recommendations and bring back a simplified and updated Final and Prioritized Harbor Carrying Capacity Study Recommendations list of actions City Council can undertake.
- Below is the original prioritization of all of the committee's recommendations. The committee is being requested to:
  - Simplify the recommendations.
  - Reprioritized each based on recent city council action.

**Priority 1 Recommendations:**

- Motion to recommend to the city council to direct staff to install petroleum absorption in stormwater runoff that is diverted into the Destin Harbor from US Hwy 98.
- Motion to recommend to the city council that a CAP Section 107 study be conducted with the Harbor Capacity Study data to further understand the amount and demographics of the slips available in the Destin Harbor along with adjusting the location and size of the navigable channel and ecological benefit of flushing the harbor with the shoals dredged to accommodate the

- modified channel's location; and using the BP Triumph funds where it can possibly be used. **NOTE: Council has approved this recommendation, so no action is required by the Committee.**
- Motion to recommend to the city council to enact an 8-year livery vessel moratorium to allow time for further studies to be conducted to move and/or widen the navigable channel to provide property owners with the ability to expand their dockage as well as provide a balance of availability of commercial slips for other industries in the Destin Harbor. **NOTE: Council has approved this recommendation, so no action is required by the Committee.**
- Motion to include under Objective 1, recommendation #1 – *Install better defined channel markers equipped with “NO MOORAGE” signs* – to add a “no wake” signs on the bridge along with the current recommendation from USACE.
- Motion to include under Objective 1, recommendation #5 – *Create a Destin safety video and implementation strategy to cover boating, traffic safety, and boating under the influence, in combination with the Coast Guard Auxiliary/Nonprofits conducting vessel inspection training* - to direct staff to review the Watersports Coalition pontoon safety video with recommendations as soon as possible; to add more trash cans along the harbor and Norriego Point to prevent trash from being thrown into the harbor; and pushing forward with as Fuel Contingency Plan for all fuel facilities and certain businesses in the harbor.
- Motion to include under Objective 3, recommendation # 10 – *Optimize slip configurations in the harbor based on user demand and city needs to improve slip usage efficiency* – that for any new dock construction or modification that a number of transient slips council deems appropriate be included in any commercial docks.
- Motion to recommend to the city council to keep the current committee in place as a monitoring agency to evaluate the effectiveness of the recommendations that the City Council ultimately decides to put in place. **NOTE: Council has approved this recommendation, so no action is required by the Committee.**
- Motion to recommend to City Council to establish a new city position for a Harbor Master to help with compliance and enforcement of City regulations as well as County and State water regulations to the extent possible and to have Staff work with the Committee and the Harbor and Waterways Board to develop the roles and Responsibilities.

### **Priority 2 Recommendations:**

- Motion to recommend to the city council to have the city reach out to the county to determine the feasibility of creating a county-wide livery vessel moratorium. **NOTE: Council has approved this recommendation, so no action is required by the Committee.**
- Motion to include under Objective 1, item #3 – *Revisit regulations on issuing vessel permits to minimize over issuance, in combination with regulating livery vessel traffic operations to ensure livery vessels are properly registered* – to add state’s definitions for livery, which includes boating clubs, kayaks and Paddleboards, bareboat charters, and peer-to-peer boat rentals. Also, to adopt some Okaloosa County regulations which include requiring physical location/dock for livery, requiring chase vessel, increasing employee training requirements, requiring liveries to attend the Okaloosa County Pre-Season Watersports Meeting held by the county, increasing the rental customer operating requirements, adopting the vendors use of wristbands, and include the new FWC standards to include renter attestation checklist and insurance to cover renters. Passed 4-0

### **Priority 3 Recommendations:**

- Motion to recommend to the city council to have the city work with the county and the industry in reaching out to the National Park Service to determine their Crab Island regulatory guidelines and timelines and how the city, county, and industry can be involved in the regulatory process.
- Motion to include under Objective 2, recommendation #6 – *Incorporate a more robust water quality monitoring system in the harbor* – to have the city work with the Choctawhatchee Basin Alliance and/or city staff to conduct water testing in the harbor.
- Motion to include under Objective 3, recommendation # 10 – *Optimize slip configurations in the harbor based on user demand and city needs to improve slip usage efficiency* – that for any new dock construction or modification that a number of transient slips Council deems appropriate be included in any commercial docks.
- Motion to recommend under Objective 3, recommendation #11 – *Implement comprehensive parking strategies to reassess current parking lot usage to optimize current available parking* – to analyze the current shared parking for the businesses to determine any overlap.

**The following constitutes the committee’s response to the council’s direction. It is a simplified and updated list of recommendations in two priority groups that was unanimously approved, 4-0, by the committee.**

\

## **PRIORITY GROUP ONE RECOMMENDATIONS:**

1. Improved Signage
  - a. Increase the visibility of existing “No Wake” signs (by increasing their size or height).
  - b. Install additional “No Wake” signs from the Destin bridge, alongside Crab Island and the North Channel.
2. Increased differentiation between channel and Point recreation area
  - a. From the Point to the S Turn, install 3 red/nun buoys identifying the channel along the Harbor Side of Norriego Point in order to better identify the channel and distinguish it from the recreation area.
3. Amend the Code of Ordinances as follows: Livery vessel operators must require their employees and customers to watch safety videos (or have in person training) PRIOR TO DEPARTURE from the docks on: (i) Destin Pontoon Safety, (ii) Jet Ski Safety, and (iii) Navigation.
4. Add a minimum of 50% more trash receptacles along the Harbor Boardwalk (e.g., if there are 100 trash receptacles now, make it 150).
5. Adopt the “Destin Fuel & Pollutant Abatement Plan” recommended by the Harbor & Waterways Board.
6. Add oil absorption pads on the existing stormwater facilities at the Harbor (these are an accessory available from our current stormwater facilities manufacturer).
7. Revisit slip configuration issues at the Harbor upon completion of the Section 107 study (Study has been previously directed by Council).
8. Establish a Harbor Master as a new code compliance position, with duties to include:
  - a. Monitor city code violations from the Harbor (e.g., monitoring registered liveries, rogue vessels, illegal marine construction including unpermitted docks etc).
  - b. Reporting of Derelict Vessels
  - c. Overseeing the pump
  - d. Staff liaison to water quality sampling
  - e. Staff liaison to Harbor Waterways Board

## **PRIORITY GROUP TWO RECOMMENDATIONS:**

1. Modify city livery vessel ordinance for further consistency with county version, including adoption of vendor wristband system for boaters.
2. Direct staff to conduct an audit of existing shared parking agreements in the Harbor (compare what is actually there to what should be there per the agreements)

## **NOTES TO COUNCIL:**

1. The Harbor & Waterways Board and HCSSC will meet jointly to discuss incentives that can be offered to private property owners to include additional transient slips (with proper signage) as appropriate at commercial docking facilities and ensure no commercial use of transient slips.
2. The HCSSC will further discuss additional water sampling locations and continues information gathering on improvements to the water quality monitoring system.

3. The HCSSC supports the mayor and the city council efforts to work with Representative Matt Gaetz on regulatory guidelines for commercial vending at Crab Island with a local vendor preference.

## **ADJOURNMENT**

Having no further business at this time, the meeting was adjourned at 6:40 PM.

---

**Jim Green, Chairman**

## CITY OF DESTIN – COMMUNITY DEVELOPMENT



# AGENDA ITEM

**MEETING DATE:** September 27, 2023  
**BOARD/COMMITTEE:** Harbor Capacity Steering Committee  
**TYPE OF AGENDA ITEM:** Action Item  
**OUTLINE NUMBER:** 4.A.

---

**TO:** Harbor Capacity Steering Committee

**THRU:** Lance Johnson, City Manager

**FROM:** Louis Zunguze, Community Development Director  
 Kimberly Kopp, City Attorney

**DATE:** September 19, 2023

**SUBJECT:** Continuing Authorities Program (CAP) 107

---

**I. BACKGROUND:** On June 20, 2023, the City Council approved the **Final Recommendations and Prioritized List** for the **Harbor Carrying Capacity Study** as prepared by Harbor Capacity Steering Committee and authorized that the City apply for a **Continuing Authorities Program (CAP) 107, through the Army Corps of Engineers (USACE)**, to further evaluate the Destin Harbor. The CAP 107 is a program to plan and construct commercial navigation projects.

To facilitate the undertaking of the CAP 107 program, the Council approved a five-year temporary moratorium on livery vessel permits.

**II. DISCUSSION:** In order to initiate the process for consideration for a CAP 107 program, the City is required to make an application to the **Army Corps of Engineers (USACE)** pursuant to **Section 107 of the River and Harbor Act of 1960**.

The steps to proceed with initiating a CAP 107 are as follows:

- **Step 1:** The City of Destin is to submit a **Letter of Intent (LOI)** to request assistance in a CAP 107. The letter is to include specific issues and details that will help make the case to get SIR funds. Once complete, the LOI can be sent – as both a physical copy and a scanned, signed copy - directly to Jeremy Ladart, Chief of Planning and Environmental Division at the Mobile District. The CAP 107 Fact Sheet and Sample LOI is attached. The LOI does not depend on the PAS study closeout.

- **Step 2:** Once the LOI is received, the USACE team can request funding to develop the **Study Initiation Report (SIR)**.
  
- **Step 3:** The USACE team will complete the SIR with the City of Destin's assistance, submit it for approval, and then await funding to begin the **Federal Interest Determination (FID)**.
  
- **Step 4:** Once FID funds are received, USACE will communicate the initiation of the FID to the City of Destin and begin discussion and coordination of the **Federal Cost Share Agreement (FCSA)**. USACE will provide a template for the FCSA once FID funds are received and provide other updates as needed.
  
- **Step 5:** Once the FCSA is executed and signed, USACE will request full Feasibility funds from the Federal Government.
  - A. **Link to Strategic Goals / Objectives:** II Enhanced quality of life and safety for families.  
III Economic Development and Revitalization  
VI A green and sustainable environment
  - B. **Effect on Budget (EOB):** TBD
  - C. **Level of Service (LOS):** Improved Level of Service
  - D. **Legislative Sponsor:**

**III. CONCLUSION:** According to the Army Corps of Engineers (USACE), this process can be initiated by the City at any time. To that end, Staff has consulted with the Army Corps and received guidance on how to proceed.

**IV. RECOMMENDED MOTION:** I move that the Committee, pursuant to City Council's directive, coordinate with Staff to proceed with the application to initiate the CAP 107 Study.

Attachments:

None