



THE CITY OF KEY WEST
City Marina at Garrison Bight

EXECUTIVE SUMMARY

TO: Jim Scholl, City Manager

FROM: Doug Bradshaw, Director of Port and Marine Services

CC: Greg Veliz, Assistant City Manager

DATE: January 31, 2018

RE: Temporary Use Agreement (TUA) for the Key West Mooring Field.

ACTION STATEMENT:

The purpose of this item is to approve acceptance of a Temporary Use Agreement (TUA) for the submerged lands designated as the Key West Mooring Field, BOT File #440346895, regulated by the Florida Department of Environmental Protection (FDEP). The TUA will remain in effect until a new submerged land lease can be established with the FDEP that identifies the operational requirements of the mooring field by the City.

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PROJECT BACKGROUND

The Key West Mooring Field is located on submerged lands owned by the State of Florida. The city had been managing the mooring field through a ten (10) year Submerged Land Lease/Management Agreement with FDEP since 2000. Prior to the expiration of the Agreement in December 2010, staff submitted a new application to continue managing and operating the mooring field.

On September 28, 2012, the City received a new submerged land lease. Upon review by legal and staff it was identified that the new submerged land lease required mooring field customers to move or relocate their vessel every six (6) months. This new requirement would severely affect a large percentage of existing mooring field customers that live in the mooring field year round and have for many years. Staff identified the concern to the FDEP and requested that the FDEP consider a change to the requirement.

Local FDEP officials concur that the six (6) month regulation may not be in the best interest of all concerned but the approval to change the regulation must come from the Florida Cabinet. FDEP and the City have initiated that process but a timeframe or a guarantee of approval is uncertain at this time. There is some indication that the issue may be addressed by FDEP's Office of the Secretary after November 2018.

In the interim, FDEP has issued Temporary Use Agreements to the City of Key West to continue operating the Key West Mooring Field under the same terms of the expired agreement while the issue of length of occupancy is determined.

Key to the Caribbean – Average yearly temperature 77° F.

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PURPOSE AND JUSTIFICATION

The Key West Mooring field is required by law to have a lease from the State to manage a mooring field on state submerged lands. The TUA will allow the City of Key West to manage the mooring field during the period needed codify the new submerged land lease between the FDEP and the City of Key West.

Key West has many recreational boaters who desire to use the mooring field for its safe mooring rigs and safe haven. The Key West Mooring field has provided for many years a managed facility that provides proper sewage sanitation removal and upland facilities for convenience to public users.

OPTIONS

1. The City Commission can approve the current Temporary Use Agreement and continue to effectively manage the Key West Mooring field while waiting for a new long term lease.
2. Accept an agreement with the maximum six (6) month regulation.
3. The City Commission may elect not to accept the Temporary Use Agreement or the submerged land lease as currently written and return the Key West Mooring Field submerged lands back to the State.

ADVANTAGES

The City of Key West should continue to operate Key West Mooring Field from state submerged lands, assisting visitors and local boaters who desire to use the mooring field versus anchoring and also protecting near shore sensitive bay bottom that could be damaged from conventional anchoring. The Key West Mooring field incorporates a more friendly mooring system that is sensitive to the environment and safe for public use.

DISADVANTAGES

Staff sees no disadvantage to receiving the Temporary Use Agreement while the new submerged land lease is negotiated. Staff does see issues with accepting the lease with the six (6) month provision as it will force long term mooring tenants to have to move or relocate their vessel every six (6) months.

FINANCIAL IMPACT:

There are no additional financial obligations regarding the TUA. The City has budgeted funds for the operation and maintenance of the mooring field.

RECOMMENDATION:

Staff recommends that the City Commission approve the TUA to manage the Key West Mooring Field until a long term submerged land lease is entered into with the State.