

**INDIAN RIVER COUNTY, FLORIDA
MEMORANDUM**

TO: Board of County Commissioners

THROUGH: John A. Titkanich, Jr., County Administrator

THROUGH: Eric Charest, Interim Natural Resources Director

FROM: Melissa Meisenburg, Sr. Lagoon Environmental Specialist

SUBJECT: Anchoring Limitation Area Update

DATE: April 26, 2024

DESCRIPTIONS AND CONDITIONS

Florida Statute 327.4108 grants a county the right to establish Anchoring Limitation Areas (ALA) prohibiting the anchoring of a vessel for more than 45 consecutive days in a six-month period. Anchoring limitation areas must be adjacent to urban areas with residential docking facilities and significant recreational boating traffic. Each designated area must be less than 100 acres with the cumulative ALA not to exceed ten percent of the county’s delineated navigable-in-fact waterway and may not include a mooring field or marina. The maximum number of acres eligible for ALA designation in the County is 1,648.

The designated areas must be marked with waterway signs and buoys permitted and installed in accordance with Florida Statutes 327.40 and 327.41 and Florida Fish and Wildlife Conservation Commission (FWC) rules. Required permits include FWC, Florida Department of Environmental Protection (FDEP), United States Army Corps of Engineers (USACE) and the United States Coast Guard (USCG). Signs must provide reasonable notice to boaters identifying the maximum duration of anchoring and the county’s ordinance. The size and shape of the anchoring limitation area will determine the number of signs and buoys. Waterway marker signs must be placed on each side or entry point within each designated zone of the ALA, with buoys placed every 175 yards or less to mark the boundary.

Under Florida Statute 327.4108, only a county is authorized to establish an ALA. Therefore, the City of Vero Beach, the Town of Indian River Shores and the City of Sebastian passed resolutions in 2023, requesting the Board of County Commissioners to adopt the areas set forth in the proposed maps (Attachments 1, 3 and 5) as areas of limited local anchoring. The establishment of ALAs requires the development of a county ordinance, a minimum 30-day notice to FWC of the proposed public hearing date and the adoption of the ordinance.

Jurisdiction	Acreage
City of Sebastian	291.33
Town of Indian River Shores	210
City of Vero Beach	183.1
Total	684.43

FUNDING

An established ALA will require FWC approval of the sign content, as well as sign and buoy placement. Sign placement is estimated to cost \$4,000.00 per piling, while buoys are expected to cost between \$500.00-\$1,000.00 per installed buoy. The following table provides the estimated amount for installation of signs and buoys within each municipality based on guidance from FWC and information obtained from Counties with established ALAs. The table does not include monitoring and maintenance costs of the signs or buoys.

Jurisdiction	Estimated Installation Costs
City of Sebastian	\$63,000.00-\$78,000.00
Town of Indian River Shores	\$43,000.00-\$50,000.00
City of Vero Beach	\$107,000.00-\$126,000.00
Estimated Total	\$213,000.00-\$254,000.00

There are two Interlocal Agreement options being proposed between the County and our municipal partners.

ILA Option I:

- The County will serve as the permittee with FWC for signs and buoy requirements for the adopted ALA.
- Each municipality will be responsible for permitting and permitting costs through USACE, USCG and FDEP for sign and buoy deployment.
- Each municipality will be responsible for the installation of the pilings, signs, buoys, and anchors within their respective ALA.
- Each municipality will be responsible for monitoring and maintaining the pilings, signs, and buoys within their ALA.
- Each municipality will serve as the primary enforcement agency within their jurisdictional limits.
- The County will partner with each municipality to reimburse 50% of the costs associated with the installation of the pilings, signs, buoys, and anchors.
- In the event a municipality fails to monitor, maintain, or enforce the ALA the County reserves the right to amend the ALA ordinance and permit to exclude the ALA.

Funding, in the estimated amount of \$106,500.00 to \$127,000.00, will be made available via a budget amendment in the Florida Boating Fund/Lagoon/Other Contractual Services account, number 13328337-033490.

Account Description	Account Number	Amount
Florida Boating Fund/Lagoon/ Other Contractual Services	13328337-033490	\$106,500.00 - \$127,000.00

ILA Option II:

- The County will serve as the permittee with FWC for signs and buoy requirements for the adopted ALA.
- The County will be responsible for permitting and permitting costs through USACE, USCG and FDEP for sign and buoy deployment. The County shall invoice the Cities for all costs associated with this effort.
- The County will be responsible for the installation of the pilings, signs, buoys, and anchors within the respective ALA. The County shall invoice the Cities for all costs associated with this effort.
- The County will be responsible for monitoring and maintaining the pilings, signs, and buoys within the ALA. The County shall invoice the Cities for all costs associated with this effort.
- Each municipality will serve as the primary enforcement agency within their jurisdictional limits.
- The municipalities will cover 100% of the costs associated with the installation of the pilings, signs, buoys, and anchors located within their jurisdiction.
- In the event a municipality fails to reimburse the County, monitor, maintain, or enforce the ALA the County reserves the right to amend the ALA ordinance and permit to exclude the ALA zone.

While option II is the requested preference by our municipal partners, there are additional considerations. Option II will require surveys of submerged land and easements for the County to acquire the necessary permits. In addition, if the County is the responsible party for the installation and maintenance of the pilings, signs and buoys, the County will take on all liability associated with the infrastructure including accidents caused by missing or damaged signs and buoys.

Funding for ILA option II will require approximately \$42,500.00 for the design, permitting paperwork, bid and mobilization in addition to the estimated amount of \$213,000.00 to \$254,000.00 for construction. This does not include the costs associated with the surveys required for the execution of the easements. Funds will be made available via a budget amendment in the Florida Boating Fund/Lagoon/Other Contractual Services account, number 13328337-033490.

Account Description	Account Number	Amount
Florida Boating Fund/Lagoon/ Other Contractual Services	13328337-033490	\$255,500.00 - \$296,500.00

RECOMMENDATION

Staff is seeking guidance from the Board of County Commissioners on the provisions to include in the interlocal agreements (ILA) between the County and the requesting municipalities based on the two options presented.

ATTACHMENTS

1. City of Sebastian Proposed ALA Map
2. City of Sebastian Resolution No. 23-29
3. City of Vero Beach Proposed ALA Map
4. City of Vero Beach Resolution No. 23-22
5. Town of Indian River Shores Proposed ALA Map
6. Town of Indian River Shores Resolution No. 23-13

APPROVED AGENDA ITEM FOR

May 7, 2024