





Office of Attorney's Matters 10/24/2017
INDIAN RIVER COUNTY
ATTORNEY

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MEMORANDUM

TO: Board of County Commissioners

THROUGH: Richard B. Szpyrka, P.E., Public Works Director 

FROM: William K. DeBaal, Deputy County Attorney 

DATE: October 16, 2017

SUBJECT: Oslo Boat Ramp

The Oslo Boat Ramp lies at the east end of Oslo Road at the Indian River Lagoon. The existing ramp and dock were installed in 2007 and serve as the sole boat launch on the east side of the lagoon in the south part of the County. Due to the size of the ramp and shallow water conditions at the site, the Oslo Boat Ramp can accommodate only shallow draft boats, canoes and kayaks. It has long been a popular launch site for fishermen who want to fish the lagoon in southern Indian River/northern St. Lucie County.

Aside from the concrete ramp and wooden dock, the area around the ramp is largely unimproved. There is no organized parking or paved parking lot. There is an informational kiosk but no restroom, running water, electricity or fish cleaning facilities. The County proposed making certain improvements to the boat ramp including paving the road leading to the ramp, paving the parking lot with dedicated parking for cars and vehicles with trailers, addition of channel markers and removal of the muck that has accumulated in the channel.

The County applied for a permit from the St. Johns River Water Management District (St. Johns) and the US Army Corps of Engineers (Corps) to construct the improvements. The initial application submitted in 2007 called for 32 trailer spaces and 10 car parking spaces taking up five acres. The final submission in 2013 was pared down to 1.41 acres with 12 parking spots for trailers and 11 for cars. St. Johns issued a Notice of Intent to issue the permit to construct the improvements and the Pelican Island Audubon Society (PIAS) objected and challenged the issuance of the permit. The three day formal hearing between the County, St. Johns and PIAS was heard by an administrative law judge from the Division of Administrative Hearings on June 4-6, 2014. The Judge upheld the Notice of Intent and St. Johns issued the permit in late summer 2014.

It should be noted that the Corps has acknowledged receipt of the County's Oslo Boat Ramp permit application but has not taken final action on it. It has not been denied or approved, but is listed as "pending" on the Corps website.

After the permit to construct the improvements to the Oslo Boat Ramp was issued by St. Johns, the Board of County Commissioners asked for a presentation on the matter at its October 7, 2014 meeting. Beginning at 11 am and breaking at 1 pm and picking up again at 4 pm and continuing until 7 pm after taking testimony from over 20 people, the Board tabled a decision on the Project until its October 21, 2014 meeting. At that meeting, the Board voted 3-2 to table the Oslo Road Boat Ramp Project for 3 to 5 years. It is approaching three years since the matter was tabled at the Board's request.

At this time, the Board has several options.

1. The Board may vote to table the matter again for the remaining two years of the five year period. The St. Johns permit will expire if this option is taken.
2. The Board could ask for a cursory review of the area to determine if sea grass beds have increased or decreased, whether muck accumulations in the area have changed, whether interest in the Project still exists from fishermen and whether proposed costs of the Project have changed.
3. The Board could vote to perform parts of the Project such as muck removal, road paving or adding additional channel markers.
4. The Board could vote to terminate the Project if significant financial or environmental changes have occurred.
5. The Board could instruct staff to proceed with the Project as approved and seek final approval from the Corps.
6. Other options as deemed appropriate by the Board.

FUNDING: Although the project is not currently budgeted, funding in the amount of \$470,000 is available in the Florida Boating Improvements Fund/Cash Forward October 1st. This is the amount that was last budgeted for the project in fiscal year 2014/15.

RECOMMENDATION: Staff recommends the Board discuss its options with regard to the Oslo Boat Ramp Project.