



# TRADEWINDS

*The source of information on the Miami Marine Community*

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## ***“Miami’s Old Men of The Sea”***

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*Herbert L. Markow – Small Boat Law*



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# PRESIDENT'S COLUMN

by Mike Karcher

## MANATEES AND BOAT DOCKS

I like manatees, and frankly, who doesn't. This time of year they show up under the docks here in Coconut Grove and, much like Canadian tourists, stay here for the winter. They are cute in a chubby sort of way. They will drink from a hose (although my marine science buddies tell me that it is not good for them), they let little kids watch them in awe, and mariners look at them as a sign of good fortune. However, they are at the center of a growing controversy in Florida.

The U. S. Fish and Wildlife Service has recently proposed new stringent regulations for manatee protection in Florida, beginning in the southwest section of the State. This proposal will translate into a curtailment of dock construction. Under the proposed rule making, there will be a moratorium on building new docks. What began as an effort to protect manatees from high-speed boats, has developed into a limitation of the number of docks, marinas and boat ramps in the State. This could have a drastic effect on the future of Florida boating.

As with most rule making, the results of the actions are not always fully appreciated, sometimes called the doctrine of unintended consequences. Congressman Porter Goss, from the Florida 14<sup>th</sup> District, has stated that, "The idea of not allowing the building of docks in southwest Florida is like saying the building of garages is responsible for road kill.". By stopping the building of docks it is recognized that housing values will drop, as the reason buyers want their houses on the water is so they can put a dock in the back, not just because they don't want to mow the lawn. (It is often said that a Florida environmentalist is someone that bought his or her waterfront property last year). There should be reasonable restrictions, not blanket prohibitions.

Florida manatees are a federally protected species under both the Endangered Species Act (ESA) and the Marine Mammal Protection Act (MMPA). These laws were developed to limit the taking of marine mammals, taking meaning to "harass, capture or kill...". Harassment has been defined as any pursuit, permit or annoyance which has a potential danger to a marine mammal or the potential to disturb a marine mammal, and incidental taking is an unintentional or accidental taking which might occur during an otherwise lawful activity. Under this broad definition base, developed in part to keep dolphins out of tuna nets, proposed rule making has now been used to regulate boating on the water (speed zones), construction of watercraft access facilities (docks and boat ramps), the operation of watercraft access facilities (marinas), or the operation of watercraft for other activities.

Here in Miami-Dade County it is hard enough to get a permit to build, expand or even just repair a dock under normal circumstances. This proposal, starting in southwest Florida, will eventually make its way to Miami-Dade and Broward County. Reasonable measures need to be addressed now.

It goes without saying that no one wishes manatees harm, certainly not boaters who are the ones to actually see them in the wild. It is especially difficult for the vast number of boaters who are not at fault when they realize that a large percentage of manatee deaths in this area come from the floodgates operated by the South Florida Water Management District. However, the unintended consequences of these actions by the U. S. Fish and Wildlife Service may have a disastrous effect on the economy of South Florida. Some sort of consensus needs to be reached and it needs to be reached soon.

Please take the time to write to Governor Jeb Bush, Senator Bob Graham, Senator Bill Nelson or your local congressman and let them know that such broad-brush strokes are not in the best interests of Florida. Limitations on docks and marine activities means loss of boat sales, loss of marine related businesses, loss of sales tax revenue to the State and loss of boating related tourism dollars. A ripple effect upon the State economy may begin with this limitation on boating.

Again, no one wishes the manatee harm. We have supported the Manatee Halfway House and boater education programs. In the words of Congressman Goss, "The issue is not boats or manatees — it is boats and manatees." We all need to work together on this issue, but many are having a hard time making the connection that the elimination of docks is the answer to the problem. Education, boater awareness, proper enforcement and reasonable restrictions are all part of the solution. **A broad-brush elimination of boating activities is not the answer.**



# Sunken Treasures Under the Sea

By Marella Crane

Off the coast of Florida lies nature's paradise for thousands of marine creatures. Many divers and fishers enjoy viewing the amazing marine fish and invertebrates at this beautiful site, also known as the coral reefs. Since the 1970s, artificial reefs in Florida have also been especially popular in addition to the natural reefs. In 1981 Miami-Dade County began to enhance its artificial reef habitat in Biscayne Bay and offshore by creating a partnership with a number of agencies, managers, scientists, and other interested groups.

Artificial reefs are made from environmentally friendly materials that are safe and sturdy, usually concrete or steel. Some of these man-made reef objects are built from commercial airplanes, steel hauled ships, and army tanks. They are placed on the bottom of the ocean where they can provide a suitable habitat for reef-building plants and animals usually consisting of clams, barnacles, sponges, and corals. These creatures help to create the building blocks of the marine food chain by providing food and shelter to fish habitats. Over a period of time, these reef-building creatures will take over the entire man-made structure, providing all the similar benefits of a real artificial reef.

Artificial reefs provide numerous benefits to the marine ecosystem.

Deploying these man-made materials (artificial reefs) into Biscayne Bay and offshore helps enhance habitats for marine creatures such as fish and invertebrates, reduces the loss of marine habitat from coastal development, mitigates or repairs damage to ocean habitats from severe storms or boating accidents, and enhances recreational fishing and diving opportunities.

In addition, artificial reefs make a successful contribution to our economy. They provide adventures in diving and plentiful fishing opportunities for tourists. People want and will pay to see sunken airplanes, freighters, and army tanks. The popularity in this underwater world has generated \$17.5 and 128.3 million for Miami-Dade County, though these figures do not include the value of the reefs to operators of charter fishing and diving boats. In 2001, Miami-Dade County had fourteen permitted offshore reef sites, and 10 sites within Biscayne Bay containing over 150 individual reefs.

Many scientists have contributed to the evolution and understanding of artificial reefs over the past few decades. Major research projects that have taken place include enhanced production of stone crabs through improved habitat, increased fish stocks, and better understanding of reef design and assemblage. Other significant factors that scientist study are the location, reef design, bottom substrate, and season that influences artificial reefs' ability to create suitable fish habitat.

Artificial reefs have become an important component of our marine ecosystem. They have contributed to the tourists and recreational industry resulting in economic benefits for the county and State. Artificial reefs have provided scientists with the opportunity to create new habitats and more fish. Artificial reefs are a positive environmental, economic, and social success to Florida.

When visiting reef sites for fishing and diving, remember to practice common sense while operating a boat around others in and on the water. Be courteous to other divers or fishers using the reef site. Also, exercise caution when diving to avoid damaging the artificial reefs, as they are an important component to our natural ecosystem. Please don't splash your trash, and observe all size and bag limits while fishing. Catch and release is strongly encouraged at all reef sites. Remember, conservation is the key to help sustain our living world under the sea.



## FLORIDA HOLDS OFF CALIFORNIA AS TOP BOATING STATE

According to Boating Industry International Online, "Florida received some tough competition from a West Coast rival but managed to hold onto the position as the country's top boating state, according to statistics from the National Marine Manufacturers Association (NMMA)."

"Florida had U.S. \$1.514 billion in combined boat, motor, trailer and accessory purchases, allowing the Sunshine State to hold onto the No. 1 position. California charged ahead and became a much closer second than last year, with U.S. \$1.450 billion in combined sales. That compares to U.S. \$1.094 billion from the NMMA stats released at this point last year."

"In the rest of the top 20, Texas and Michigan held onto the No. 3 and 4 positions, with U.S. \$883 million and U.S. \$625 million, respectively, but Minnesota (U.S. \$595 million) jumped ahead of New York (U.S. \$586 million) to grab fifth and relegate the Empire State to sixth. North Carolina (U.S. \$477 million) leaped ahead of Wisconsin (U.S. \$474 million) for seventh. Wisconsin was eighth, followed by Washington (U.S. \$464 million) and New Jersey (U.S. \$368 million)."

NMMA also tells us that "In the number of registered boats, Michigan still leads with California second and Florida close behind. Rounding out the top five are Minnesota and Texas. Of Florida's 902,964 registered boats, at least 1/5 are in South Florida." And, "of the 852,400 boats sold in the country last year, 307,900 were motorboats and 24,900 were sailboats. The rest were kayaks, canoes and personal watercraft. Of all of the boat categories, the sailboat category was the only one showing a year over year increase."

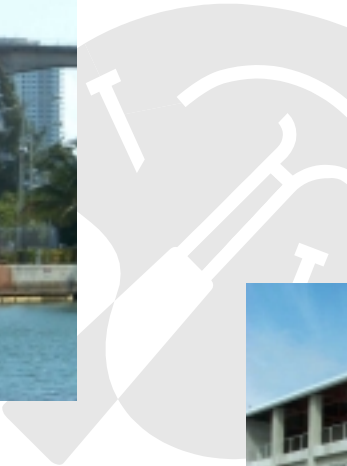
# MIAMI'S WATERFRONT -



**Neo Lofts**



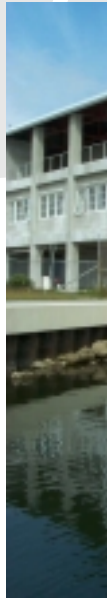
**2nd Avenue Bridge**



**Grove Harbour Marina**



**River Lofts**



# UNDER CONSTRUCTION

## One Miami



## One Riverview



## Shake-A-Leg Community Watersports Center

## PORT OF MIAMI SETS SAIL ON RESTORATION PROJECT

The Port of Miami has embarked on a mangrove restoration project within the Florida Oleta River State Park. This is a result of an agreement between the Florida Department of Environmental Protection (FDEP) and Miami-Dade County, to mitigate for seagrass impacts associated with the Port's dredging activities for expansion.

The Oleta River State Park is located in Northeast Miami-Dade County along the Biscayne Bay. This mitigation project consists of restoration work to bring back native mangroves and tidal pools to a 25-acre section that is currently an unusable marina and exotic vegetation. This work will also enhance an adjacent 20-acre mangrove restoration area. The Port will also be mitigating with mangroves an additional 17.5 acres throughout the Park. Construction is expected to start during the Fall of this year with project completion in 2005.

Part of this project will include the recruitment of volunteers to assist with mangrove planting in 2004. So, if you would like to contribute or know of a group that would like to contribute with this environmental enhancement project sponsored by the Port of Miami, please call Becky Hope, Environmental Manager, at (305) 347-4890.



# MIAMI'S OLD MEN OF THE SEA

Both men featured in this issue of TradeWinds in the Miami's Old Men of the Sea article have definitely made a difference on the Miami waterfront. One, John Brennan, is a sailor who found a way to make things better for his fellow boaters. The other, Herb Markow, is a lawyer and a teacher who was fascinated by stories of cases involving small boats. The Marine Council wants to congratulate both of them on their accomplishments and over fifty years of membership in the Marine Council.



## Herbert L. Markow – Small Boat Law

Herb Markow originally came to Miami in 1942 for Army Air Corps Basic Training. A “fugitive from the subway,” he was born in Brooklyn and had graduated from NYU Law School. He never dreamed that he would spend his life here and would find his life’s passion. His quick promotion from Buck Private to Drill Instructor gave him his very first taste of teaching. He says that, “Teaching becomes a disease. If you have the will to teach, it goes on

forever and you search out those willing to learn.” After WW II, he was a Prosecutor for the Nuremberg Trials (SS Division for concentration camp cases). Afterwards, he returned to Miami to practice Bankruptcy Law.

One day as he paused to witness a fender bender, his former military roommate drove by and invited him to attend a Marine Council meeting. The year was 1950. Herb joined and took a boating course. He was called back to the Air Force for Korea, but returned to join the Power Squadron in Hollywood, Florida where he became Squadron Commander. When his fellow members asked him, “Why can’t we get monthly lectures on boating law?” it started something that would grow into a lifetime commitment – that of teaching and writing books on the developing problems of a water based society.

In 1969, Herb first approached Miami-Dade Community College (MDCC) about teaching a class on the subject of Small Boat Law. By the end of his teaching career, he had taught at MDCC, FIU, and Broward Community College. His students included lawyers, professors, Coast Guard Officers, steamship operators, marina operators and others in the industry along with a scattering of pleasure boaters including John Brennan. His Small Boat Law books (a 435-page paperback with three supplements) found wide acceptance throughout the United States. Many organizations including National Fisherman and The Florida Bar Journal commented very favorably on them. Herb gave his last class in 1991.

Herb says that his favorite boat was “buddy’s.” In other words, when he got involved in Miami’s boating world, he quickly figured out that “if I did a little cleaning up, I got invited back as a guest.” The funniest thing that every happened to him involving boats was out at Watson Island. It seems that the Power Squadron had adopted a 158’ long LCI (Landing Craft Infantry Boat). Although it was a “rusty” bucket,” the members were quite fond of it. One day, the bowline was accidentally released. Herb arrived just in time to see a member frantically trying to hold the boat to the dock simply by hanging on to the gangplank. As the fellow doing the holding only weighed 150 lbs., it was almost a losing battle. The ship was rescued and the comical story still brings a smile to Herb’s face. To Herb, it represents the “magic of the water.”

At the age of 87, Herb still has some interesting small boat law cases to talk about. His passion for this subject has certainly made a difference in our community. Thank you, Herb, for putting your brain to work for us.

## John A. Brennan – Waterfront Activist

John Brennan is, and has always been, a boater. Born a block from the water in Warwick, Rhode Island, he sailed as a kid and even built his own small skiff. Up north, he worked for New England Bell. He was a Merchant Marine radioman in WWII. In 1954, he brought his family to Miami where he worked briefly in the kitchen cabinet industry. In 1958, he built a pram with son



Dave. His sailboat, a 17’ Wee Scott moored at Coconut Grove Sailing Club (CGSC), was named “The Kitten.” John eventually got a job with Southern Bell and worked there for 35 years before retiring “early.” He was active in the Boy Scouts both up north and down here and has been an Assistant Scout Master for Troop 21 from 1964 to this day. His four kids cover all the angles with one a sailor (Dave), one a “tree man” (Bob) and two daughters, one a nurse and the other in business.

John always had an interest in the Miami marine community and became really active once he retired. He spent years teaching sailing to adults and kids at CGSC, and many raced on his sailboat. He rose up the ranks to become Commodore in 1979. John joined the Marine Council and has been a member for more than 50 years. He is a founding member of the City of Miami Waterfront Advisory Board where he is affectionately known as “Chairman Emeritus.” His philosophy at Board meetings is “The more you talk, the less time we have at sailing.”

Several years ago, John heard the complaints from boaters trying to leave the Dinner Key area to get to the open Bay. With only two channel markers on the South Channel and all of the anchorage boats along the barrier islands, sailing out was like going through a minefield. It was especially difficult for sailors who had to tack back and forth trying to slip between the anchored boats. There had to be a solution. John, never one to shirk from work, took on the challenge and started working with the City of Miami, the US Coast Guard, the Army Corps of Engineers and the State of Florida. His goal was to create a real channel. Although it took two years, John did not let the bureaucracy get him down. After the paperwork was done, John personally oversaw the installation of the channel markers himself. The new channel is 50 yards wide and ½ mile long.

On February 8, John was honored by the City of Miami when Mayor Diaz dedicated the South Channel of Dinner Key as the John A. Brennan Channel. There were speeches and accolades by many, including City of Miami Commissioner Johnny Winton (who said that “John is a real leader in this community”). John, 78 years young, then boarded one of several boats along with about fifty friends, fans and relatives and went out to the channel. There, everyone watched John cut a 200-foot long ribbon to officially name the channel. Boating in Miami will always be better, thanks to John Brennan.

# SHIPS CALENDAR

- March 3 – Miami River Commission at noon, United Way, 3250 SW 3<sup>rd</sup> Avenue  
March 11 – City of Miami Waterfront Advisory Board, 6:30pm at Miami City Hall  
April 5 – Miami Riverday  
April 30 – Surveyors Seminar

## NEWS FROM THE DOCKS

### Wagner Creek

The old-timers among us can remember when you could catch fish in Wagner Creek while watching the water bubble out of the freshwater spring. Unfortunately, times have changed. Just as the City of Miami was in the permitting stage to dredge and clean up the Creek and remove grocery carts, trash and polluted sediment, we find that the situation is worse than we thought. Scientists have discovered that there are dioxins in the sediment that are a threat to marine life and the ecosystem of the Miami River. Although they do not know all of the culprits, one possible blame can be put on the old city incinerator that was closed down in the 70s. The dredging may need to go deeper into the bedrock.

### Surveyors' Seminar

On April 30<sup>th</sup>, 2003, the Marine Council will hold its biannual (every other year) Yacht Surveyors' Seminar. It will include such topics as surveyor's liability, ISM and MCA requirements, working with the boatyard, environmental concerns and what the insurance adjuster wants from you.

The seminar is not only for yacht surveyors, but for boatyard managers, insurance claims persons, lawyers and other people who work with yacht surveyors. NAMS and SAMS credits have been applied for, as well as Florida Bar CLE credits for attendees. The seminar will take place at the University of Miami Rosenstiel School campus located on Virginia Key, beginning at 9:00 a.m. Afterwards there will be a reception in the Commons. This is an excellent chance to learn more about the surveying business, as well as meet and greet yacht surveyors, renew old acquaintances and exchange ideas in a congenial atmosphere.

The cost is \$95 per person, (\$75 for Marine Council members). The Marine Council Seminars in general, and the Surveyors' Seminar in particular, have always been an educational and entertaining event, filled with good speakers and lively question and answer periods. Contact the Marine Council office for information.

If you are interested in getting great exposure to the prestigious seminar audience through sponsorship of the event, please contact Nancy Morgan, Executive Director, at (305) 856-0206.

## Add Your Business Card To Our Marine Rolodex

All it takes is \$35 payable to the Marine Council, and you can get exposure in our next TradeWinds. Not only does it go to all of our members, but also it is distributed to the yacht clubs, marinas and boat stores all over Miami-Dade County. You have to be a Marine Council member to participate. In order to make our next issue, mail your check (payable to Marine Council) and business card to Wings Consulting, 1234 S. Dixie Highway, PMB 156, Miami, FL 33156. Take advantage of your Marine Council.

## NEW MEMBERS

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Office 305-810-2722

Erica Korpela, Atlantis Marine Towing  
(marine towing and salvage)  
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Miami, FL 33233  
Office 305-854-8702  
Fax 305-856-9865  
E-mail – vesselassistfl@AOL.com



**June 7-8, 2003**

Coconut Grove Expo Center  
2700 S. Bayshore Drive  
Coconut Grove, Florida  
Saturday, June 7 9 am – 9 pm  
Sunday, June 8 9 am – 6 pm

A 2-day event dedicated to supporting & growing Miami-Dade's boating community and economy:

- Improve **safety**.
- Protect **natural resources**.
- Promote **tourism & economic growth**.
- Increase access to insurance, financing and other boater **information & boat services**.
- Encourage growing Hispanic **boat ownership**.
- Develop **family boating** events & activities.



guardian of the marine community

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# APPLICATION

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Company \_\_\_\_\_

Address \_\_\_\_\_

City/Zip \_\_\_\_\_ Type of Business \_\_\_\_\_

Phone/Fax/E-mail \_\_\_\_\_

Marine Interests \_\_\_\_\_

Enclosed check amount \_\_\_\_\_

Signature \_\_\_\_\_

Membership levels are **Boater/Advocate \$100, Individual Business Owner \$150, Small Business Owner \$250, Corporate \$500**. For more information, please call (305) 856-0206 and ask for Nancy Morgan. With a variety of Marine Council Membership levels available to you, there is one that best suits your individual circumstances. Please complete this application and forward it to us today at 269 Giralda Avenue, Suite 302, Coral Gables, Florida 33134. We look forward to your participation in numerous opportunities for networking, educational programs, seminars and receiving up-to-date information about the marine industry, boating in general, as well as political and governmental issues. We welcome your membership, will appreciate your support and look forward to your active involvement.