

Dear neighbors and Islamorada Council people,

Summer is basically here. I live right on White Marlin Beach, and the arrival of summer is also the arrival of the party beach season. What this means is detailed in the letter below, *What Would You Do?*, written to the local papers in the summer of 2015. The situation has not changed, gotten worse actually, and this season, if the last two weekends are any indication, will be even worse. This year, as before, I will try to document the party boat activity on the beach as I have in past years. This is my note from last Sunday.

May 21, Sunday, about 20 boats at 2 pm, largest concentration, 12 to 15, in front of the White Marlin Beach Home Owners beach, loud music, country rock, Hispanic rock, and nasty ghetto rap. Called the sheriffs office as we were instructed to do when the music was unbearable; at 4 pm, an officer came by at 4:30 and talked with me, he said he was sorry but there was nothing that he could do, although, if I would like him to do so, he would call the FWC and ask them to send a boat and tell them to turn down the music. I said, yes, please do so. So far at 5:30 pm, there is no sign of any additional law enforcement activity.

Somehow, somehow, the good people of Lower Matecumbe have to get some relief from this summer time debacle, environmental destruction, and obliteration of the beautiful and meaningful covenant that the Village of Islamorada made with its residents upon its foundation.

To Protect the Resident's Right to Quiet Enjoyment of Life

To Plan for Enhancing Our Village Character

To Preserve Our Community; Its People, Natural Resources, and Pride

To Provide Basic Services to Support our Quality of Life

It is easy to forget about this social and environmental problem during the winter months when things are usually quiet with only local residents using this broad stretch of beach, but in the summer when things get “out of hand” every weekend and many weekdays as well, and when there are 200 boats, with about 1000 people, present on the the half mile of Port Antigua and White Marlin Beach for most of the day and on into the evening on holiday weekends. Nearly all the boats are from areas outside of Islamorada and outside of the Keys, and as restrictions become more intense up on the mainland, Keys visitation on Keys “party beaches” will become greater and greater. At present, there are fewer boats on “normal” summer weekends but 50 to 80 boats is not unusual. Even though “there is nothing we can do about it...” This is not acceptable! The Coast Guard, The FWC, The Florida Keys National Marine Sanctuary, The State of Florida, and the Village of Islamorada all have something to say about what goes on along the shorelines of the Florida Keys. This problem is not unique to Islamorada, it is present and growing in pretty much every Keys community. What is unusual is the consistent

great number of out-of-community party boats that travel to these areas and the large number of government entities that have some authority over the affected areas and their difficulty (total lack of) of achieving consensus, method, and responsibility for enforcement. I hope it doesn't take a serious accident with a fatality before effective methods of control over behavioral and environmental problems on these party beaches are enacted.

The problems are greater than just disturbance and distress to local residents. Consistent and extensive visitation to these near shore areas create environmental damage and distress to adjacent seagrass meadows and hard bottom areas and are continuously enlarging the sand bottom areas where the boats congregate. And these party areas also have no facilities for capture and removal of bodily waste and party trash, all or most of which enters the environment, sometimes in great quantity. This creates its own environmental and health hazards not only to the party goers but also to the residents of these areas. If this activity occurred in terrestrial areas, empty lots, open acreage, and public parks, it would not be tolerated, there would be (are) permitting for events, port-a-potties, trash containers, and the presence of enforcement to properly control and manage the event. How does 100 feet of shallow water obviate the need for such reasonable and responsible control? Patrols by law enforcement boats and occasional equipment checks and citations for overloaded boats by FWC officers helps a lot, but it doesn't control the problems.

The only recourse available to residents is to go out to the boats and ask them politely to please turn down that ear splitting noise, err "music", to levels than can't be heard while hunkered down in a closet with a pillow over your head. OK, that's an exaggeration, but at 6:00 pm on a nice summer evening going out in the kayak and asking a group of over-served revelers to please turn down their music results in an offer of a beer and an invitation to join the party. (Been there, done that; just the asking)

Is there any recourse available to the residents of communities near to these party boat areas? Solemn concern, and "Gee, I wish there was something we could do about it." just doesn't do the job. Calling and hosting the police every week doesn't do it. Frequent letters and contacts with State and Village authorities doesn't do the job either. How many years do we have to put up with this offense to our quality of life, it's been at least 10 years so far and without effective control it will continue and only increase. I know that in my area most residents are very upset and concerned about this problem. It seems like, maybe..., if the party boaters have the inalienable right to play extremely loud music within a few hundred feet of a residential community, and it occurs on pretty much two days of every summer week, then residents should also have the right to equip their boats with 125 decibel sirens and cruise around this same sacred party area when the offense to the Right to Quiet Enjoyment of Life; the Preservation of Our Community; Its People, Natural Resources, and Pride; and lack of the Preservation of Basic Services to Support our Quality of Life, becomes more than we can bear. Not that we would do this... just saying...

Martin Moe

What would you do?

Suppose you lived in a quiet, residential, beach side community of good people and good neighbors. And suppose that community was fortunate enough to have a homeowners private beach that serviced that community. And suppose the word got out for a hundred miles each way that that beach was an excellent place to bring a boat with all your friends and relatives and party long and loud far into the night. And suppose that every summer weekend, most summer weekdays, and of course on holiday weekends, boats flocked to that stretch of beach, oh let's say maybe 8 to 12 boats on a weekday, usually no problem, and maybe 30 to 80 boats on a Saturday, a few less on a Sunday, well, yeah, then that's kind of a problem because it only takes one or two boats to crank up the "music" to house shaking levels. And then on holiday weekends the top blows off the party pot and 150 to 200 boats show up. And with each boat averaging maybe 5 to 7 people, that becomes about 300 people on a weekend and up to 1500 people on a holiday weekend on a quarter mile stretch of shallow sandbar beach within 300 feet of shoreline bordered by private homes, and that's a big problem. The activities at these boat parties include drinking (a lot of drinking), LOUD "music" (that can be heard inside homes within a half mile of the beach), cooking on grills (often under shade tents set up in shallow water) young people having fun, shouting and yelling to be heard over the "music", and these parties often extend into the night with blue mood lights and flood lights. Of course there is no permit for such a public event, no permitting agency would ever issue such a permit, and there are no public facilities available for participants so they either have super bladders and high capacity bowels, or.....

Now suppose that you think that the environmental damage to the grass and sand bottoms of the Florida Keys National Marine Sanctuary that occurs on a perpetual basis from the anchors and activities of these parties, and the distress, and disturbance of the peace that plagues the nearby residents of this area becomes so severe that weekends are dreaded by residents. Some leave their homes for the day and some just "hunker down" seeking refuge from the noise and stress behind closed doors on what otherwise would be a pleasant day by the beach, and some sell their homes and move away. So if you think that such unplanned, unsanctioned, and unregulated party events should not occur on the nearshore areas of the Keys, especially on waters in residential areas, what would you do? Well you would probably go to the local, State. and Federal agencies and governments, describe the problem, provide graphic evidence of the extent and frequency of the outrage, and expect help and action to redress your grievances. And you would be disappointed! There would be concern for the situation, exploration of possible solutions, and the fact that the problem exists would be funneled up the chain of government. A solution would be searched for. However, people from other unaffected areas, most many miles away, would protest to their State representatives that they have the right to party on aquatic public property even late into the night despite the rights of residents to the peace and quiet of their homes and property. And the problems exist out on the water, out of reach of land based law

officers. They can only stand on the dock and figuratively shake their finger at the partiers and tell them to turn down the “music” and if they persist in blaring “music” with obscene and racially derogatory lyrics they will be arrested and charged for public obscenity, but only if the officer could go over 30 feet of shallow water to get out to the offending boat. You would also find out that different government agencies have different regulations and enforcement mandates, and partying boats seem to fall outside of the regulations and enforcement capabilities of any one agency, and so the most that can be done is a routine patrol of the area from about 1 to 5 pm on the worst days by local law officers to at least have a controlling presence in the area; and the willingness of local law enforcement to respond to a disturbance of the peace call, and do what they can from shore to reduce the disturbance. You would appreciate this modicum of assistance, but it would be way short of resolving the problem for you and your neighbors.

Well this situation is not in the area of supposition for the residents, including me, of Lower Matecumbe Key, especially in the communities of Port Antigua and White Marlin Beach. It is real and it is ongoing. We have worked and/or tried to work with The State of Florida, the Village of Islamorada, Monroe County, the FKNMS, the FWC, the Coast Guard, and several other agencies and have not found even a reasonable direction toward a solution. At this time last year Islamorada council persons went as high as Governor Rick Scott’s Chief of Staff to find a solution, but none was found.

It has even been brought up that perhaps the Keys should have “sacrificial boat party zones” where only the very basics of law enforcement would be present to “protect and serve” the partiers from property destruction and personal injury during the event. The thought is that this might preserve fragile wildlife and residential areas while still providing an outlet for boat party expression. However, I fear it would only encourage the growth of boat party gatherings now fueled by the huge population centers to the north of us, and the new restrictions now in place on boat gatherings in those areas. And a “sacrificial beach party zone” could not be anywhere near a residential area, property values would plummet, lawsuits would flourish, and as the population of boaters increases, the problems would also increase and spill over in to other areas would occur, as is now the case.

So what would you do? Evidently the normal course of action in such situations on land is not available at least not at this time. There have been a few suggestions, most in one of two camps. The first is to “Live and let live, let them party, go sit on the beach and enjoy the “music” (that won’t happen), you have other days where there’s peace and quiet, there’s tons of seagrass in the Keys, loss of an acre or two won’t matter...” and in the other camp, “Gawd, I wouldn’t put up with that for a day, much less for the whole summer, train some sharks and stingrays to stay in the area, pour some nasty fish oil on the water, call the cops, fire a shot over the bow of their boats”, and on and on in that vein... Of course neither approach is tenable. the first only exacerbates the problem and the second can only start very unpleasant conflicts and law enforcement nightmares. So is there a solution that will preserve the ecosystems and peace of the Keys and still allow responsible enjoyment of the marine environment that is the life

blood of the Keys economy? I think the answer lies somewhere in the middle of restricted access of place, time, and numbers, environmental education, and effective on the water law enforcement. Without this, including the funding that can make it happen; and with the inevitable increases in people and boats here in the Keys, the Keys will not be a nice place in the summer time unless a solution is found to curb the excess of the boat party situation. So if you had this problem in your own back yards, what would YOU do? Please give it some thought so that when it happens in your back yard, you'll know what to do.