

Shell Island Hearing Reveals New Park Policies on Rules for Boaters Sunday, September 17, 2006

In response to public outcry over numerous restrictions suddenly being enforced at Shell Island, Florida Department of Environmental Protection (DEP) officials traveled to Panama City on Tuesday, Sept. 12 to take public comment on the issue.

At the meeting, which was attended by more than 150 people, most of whom voiced their concerns over what they consider a sudden and unnoticed restriction of their longstanding recreational activities, DEP officials admitted that some of the enforcement activities may have been in areas outside DEP's jurisdiction. A large swatch in the middle portion of Shell Island is a patchwork of County-owned and platted private lots and lots purchased from private landowners by DEP.

The controversy began around Memorial Day when Florida Park Service officials charged several visitors to Shell Island with second-degree misdemeanors for infractions varying from having an open alcoholic beverage to having the family dog on the beach. In June, DEP Park Patrol Captain David King stated publicly that all State Park rules were in effect even in the waters surrounding the park, out 400 feet from the shoreline. Law enforcement officials were observed waving people in from the waters to give them warnings and tickets, which seemed to substantiate the claim.

Word spread quickly among boaters, business owners and visitors to Shell Island, prompting the creation of a grassroots organization called Bay Families with Dogs. The organization approached the Bay County Commission about creating a County-managed area on Shell Island in the County-platted subdivision called Spanish Ante. In July, the Bay County Commission voted unanimously to work with the state to try to reach a solution to allow Bay County residents to continue to use a portion of Shell Island in the way that they always have.

At Tuesday's meeting, which lasted nearly four hours, the overwhelming majority of the more than 70 people that testified told DEP they were in favor of allowing people to have their dogs in certain areas at Shell Island. Local business owners also testified, expressing their concerns that DEP's enforcement actions this past summer were damaging to Bay County's tourism industry and to their businesses. Two owners of private lots at Shell Island also spoke of their concern about DEP enforcing these restrictions on land not owned by the state.

One owner of some of the approximately 40 private lots that still remain in the Spanish Ante subdivision- platted decades ago in the center of the island - explained that the summer crackdown has caused other Shell Island property owners to reconsider ever selling their lots back to the government for conservation. She pointed out that along with the private lots, there are county roads running throughout the subdivision, and that DEP's ownership of some of the lots doesn't make the subdivision a state park. She reminded officials that DEP is simply a landowner in the same way that they would be if it owned lots in a subdivision in town, and that it cannot enforce its rules on its neighbors.

The opposition to people with dogs on Shell Island came mostly from Audubon Society members, several of whom traveled from southern Florida and Tallahassee to speak at the meeting. The birders' position was that dogs may scare birds or harm their nests. Members of the Bay Families with Dogs organization countered this argument with studies and comments from a bird biologist casting doubt upon the Audubon Society's claims. They also pointed out that the island is very large – more than 1,200 acres – with plenty of room for recreation and wildlife, and that Tyndall Air Force Base maintains undeveloped wildlife habitat for 15 more miles contiguous with the State Park recreational area.

At the meeting, speakers reminded DEP that Shell Island is no longer an island and that mainland predators such as coyotes are the real threat to birds and their nests. They also reminded officials that the center portion where vendor boats bring more than 100,000 tourists a year is already an area greatly impacted by humans who are admittedly more harmful to any fragile wildlife that may exist. This area, speakers noted, is frequently over-washed from hurricanes and, combined with the tourism impact, is likely a less favorable habitat for any wildlife. Several speakers also told DEP officials that the ATVs used to patrol the island were potentially more harmful than pet dogs.

Speakers submitted photos that depicted the ways in which the families with dogs enjoyed the island, showing families with their dogs playing at the water's edge, in the water and on the beach.

After more than three hours of testimony, some of it heated, DEP Park Planning Director Albert Gregory stated that DEP has only "limited authority" in waters extending out from the beach. He said that the park boundaries are at the mean high water line, which is where the water ends during the highest tide. He and other officials went on to say that anywhere there was "wet sand," the park rules did not apply. When asked if that meant that people would not be ticketed if they had their dogs or alcohol, for example, on wet sand or in the water, the park officials agreed.

Mr. Gregory also stated that the DEP would not attempt to enforce their State Park rules on private property, or on the county roads that run through the property. He also said that if they were unsure whether a visitor was on State Park property, DEP would not try to enforce park rules on that person.

Three County Commissioners attended the meeting, and one commissioner, George Gainer, formally addressed the group. Commissioner Gainer spoke out in support of families who have been doing a very good job of "taking care of Shell Island for over 50 years." He also asked DEP officials to treat the citizens of Bay County with dignity – that if the people are not doing something right, to let them know. He stressed that he did not want to see another "repeat of what happened out there this past summer," and was assured by Gregory that it would not.

DEP said that they had not made any decisions about any additional changes at the island, but they would take into account fully the testimony and information that had been provided at Tuesday's meeting.

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