

# Sebastian Inlet Tax District

Wednesday, February 12, 2020 4:00 p.m.

Regular Commission Meeting

Sebastian Inlet District Office

Indianapolis, Florida

## Minutes

Present at the meeting were Chairman Jenny Lawton Seal, Vice Chairman Michael Rowland, Commissioner Chris Hendricks, and Commissioner Beth Mitchell. Commissioner Lisa Frazier was excused absent. Also in attendance were: Executive Director James Gray, Contracts & Accounting Manager Dave Kershaw, Public Information Associate Michelle Malyn, SID Legal Counsel Jack Kirschenbaum, Dr. Peter Fallon (North Beach Civic Association), Tuck Ferrell (North Beach Civic Association), Don Deis (Atkins), Jennifer Schull (NOAA/NMFS), Zack Valeroo (ATM), Peter Seidle (ATM), and Sebastian Inlet State Park Manager Jennifer Roberts.

### Under Agenda Item I

Call to Order – Chairman Lawton Seal called the meeting to order at 4:02 p.m.

### Under Agenda Item II

Approval of the Minutes of the regular Commission meeting of December 11, 2019 – Chair Lawton Seal noted a correction in the minutes; Mike Schneider from Gray Robinson attended rather than SID Legal Counsel Kirschenbaum. Commissioner Rowland made a motion to approve the minutes with amendment. Commissioner Mitchell seconded the motion. **Motion carried 3-0.**

*Commissioner Hendricks arrival noted for the Minutes at 4:42 p.m.*

### Under Agenda Item III

#### Information and Discussion Agenda

A. Media and Information – There was no discussion of the contents of the media packet.

B. Executive Director's Reports

1. Update on Beaches and Future Management Discussions

*Agenda item delayed for arrival of Peter Seidle, ATM, and Commissioner Hendricks.* Mr. Gray presented a PPT with photos to review current beach conditions between R-10 and R-17. SID has been actively monitoring the condition of those beaches within SID's defined project area, and as impacted by several strong back-to-back Nor'easters in January and early February. SID currently has approximately 50,000 cubic yards of sand stockpiled in the Dredged Material Management Area (DMMA) for future beach placement and emergency response. On January 13, SID received a letter from the North Beach Civic Association expressing concerns regarding the current beach conditions, requesting that the SID Commission consider using sediment stored in the DMMA to repair the dunes. A copy of the letter was provided to each Commissioner. From December - February, there have been 6 additional, long-duration weather events with 5+ foot wave impacts. Mr. Gray showed photos at R-11.5 with large escarpments and deflated beach profile. At R-12.5, the main concern is the slumping of the dune with collapsed vegetation indicating dune retreat. At R-14, a similar situation with flat beach profile and significant escarpment. At Ambersand beach park/access, southern most area within the project template, impacts not as severe. Survey data has confirmed that we are back to a pre-project beach profile with isolated spots of further erosion (sand bypass/beach nourishment project that occurred Jan.-June 2019). The worst areas being identified as R-12 to R-14. Mr. Gray is recommending that the Commission consider a truck haul project in November/December 2020 using the sand in the DMMA. That type of project will count towards SID's annualized FDEP sand bypassing requirement. Discussion ensued. Commissioner Mitchell suggested that these types of situations were the reasons SID built the DMMA, to include being able to respond to hurricane-related impacts to the beaches. Commissioner Mitchell suggested that defining a policy with protocols moving forward would be prudent, and also suggested to Chair

Lawton Seal that Commissioners hear from Dr. Fallon and Mr. Ferrell, North Beach Civic Association. Mr. Gray had begun drafting a policy that was geared towards post-hurricane/emergency response. It is not final, and needs further discussion and modification. Commissioner Mitchell asked for a cost estimate for a truck haul project of the 50,000 cubic yards. Mr. Gray indicated it would cost roughly \$500,000-\$750,000. She then asked for confirmation that SID had \$300,000 earmarked in FY 19-20 budget for emergency storm response. Mr. Kershaw confirmed that figure. Mr. Gray stated that in his opinion, it does not qualify as an emergency project, rather that funds were available in the FY 19-20 sand bypassing line item and the project would qualify for state cost-share/reimbursement at 75%. Dr. Fallon and Mr. Ferrell reiterated the concerns expressed in their letter; severe erosion, dune impacts/retreats and potential impacts on sea turtle nesting this season. Discussion ensued on natural sand transport and the many renourishment projects happening now in Brevard County, the effect that may have with sand bypassing the inlet and migrating into the project area.

Motion made by Commissioner Mitchell to approve a truck haul project using DMMA sediments for dune repair and/or beach placement within the defined SID project area in November/December 2020.

Commissioner Hendricks seconded the motion. **Motion carried 4-0.**

2. Update on Upland and Submerged Easements

Mr. Gray noted Coastal Systems International is assisting SID with modifying, consolidating and renewing the submerged and upland easements within SISP. FDEP has received all requested surveys from SID and is reviewing them along with the easement renewals with FDEP attorneys and Division of Recreation and Parks staff. Surveys were specific to Coconut Point and the lot next to the DMMA, based on SID's interest in adding those as staging areas. FDEP also had some concerns related to the expansion of the footprint of the R-8 access point, so that area was surveyed as well. Barring any challenges, Coastal Systems International anticipates project completion by April.

3. Update on North and South Shoreline Stabilization Projects

Mr. Gray indicated that under a sub-contract to Applied Technology Management (ATM), Environmental Science Associates (ESA) has been working on designs to stabilize the north and south shorelines. USACE and St. John's River Water Management District have been notified and have suggested that once a permit application is submitted, a permit could be issued in 30 days. Mr. Gray noted that once the designs come in from ESA, he will meet with SISP Manager Jennifer Roberts to review the plans and discuss scheduling. Mr. Gray expects that SID could be ready to move forward with construction by August. Commissioner Mitchell asked what kind of alternatives were being considered as part of the project design. Mr. Gray indicated that some rock revetment/armoring will be needed, but ESA has been instructed to incorporate living shoreline concepts where possible. Particularly since the north shoreline area is heavily utilized fishing area. The project area on the north shoreline was defined as a up to 200-foot area at the end of the tidal pool roadway and where remnants of the old steel bulkhead can be seen. Commissioner Mitchell indicated that ideally, the design would incorporate less armoring and more living shoreline. Commissioner Mitchell asked which shoreline would be addressed first and Mr. Gray indicated likely the north. The south shoreline project should be qualified as a repair project, focused on certain areas, and easier from that perspective. Commissioner Mitchell suggested proceeding with the south shoreline first as an "easier" fix to allow more time for the design phase for the north shoreline, if needed.

4. RFQ #2020001-Engineering and Biological Support Services for Maintenance of the Sebastian Inlet Dredged Material Management Area (DMMA)

Mr. Gray noted SID has solicited requests for qualifications for the management and maintenance of the DMMA to include exotic and nuisance vegetation treatment and control, gopher tortoise relocations, and general DMMA maintenance. Three firms submitted proposals that have been review/ranked by a Selection Committee for presentation at the regular Commission Meeting scheduled for March.

5. HB 483-Rep. Randy Fine

Mr. Gray reported that HB 483 - a bill that called for residents within SID boundaries to receive free entry into the Sebastian Inlet State Park - never advanced from the Local Administration Subcommittee, and Lewis,

Longman & Walker confirms that the bill is dead this legislative season. Commissioner Mitchell asked SISP Manager Jennifer Roberts if there had been any feedback on her side. Mrs. Roberts confirmed preparing an analysis of the bill's impact, but that no further action has been taken and no additional discussions have been had.

6. FDOT/Sebastian Inlet Bridge Project

Mr. Gray and Mrs. Malyn attended a preliminary meeting organized by FDOT on January 15 re: the proposed Sebastian Inlet Bridge project. FDOT has begun project marketing to potential consultants for a Project Development and Environment (PD&E) study, expected to commence in June 2020. The PD&E process typically takes 18-24 months. FDOT expects a project to be under construction by 2025/2026 with scope, scale, design, process and timeline to be determined. Commissioner Mitchell asked about the SID easements in that area and Mr. Gray noted that he had visited with SID Legal Counsel Kirschenbaum for guidance on alerting FDOT to those impacts, as well as the impacts of bridge construction on future SID sand bypass projects. Mr. Kirschenbaum suggested that he will work with Mr. Gray to submit formal letter to FDOT.

7. Channel Marker #30 Downed

Mr. Gray received a call last Saturday from the USCG re: the downed Channel Marker #30 as a serious navigation hazard, likely struck by a vessel. Mr. Gray and Commissioner Rowland were able to go out Sunday with temporary buoys to mark it and Summerlin Marine has been notified an emergency repair is needed. Dayboards will be salvaged as possible. Dayboards #30 and #29 are very important markers that mark the entrance to the navigation channel to the inlet at the intersection with the ICW. SID put out public notifications on social media and on the website on Sunday. Some discussion ensued re: emergency buoys, whether some were in storage at SISP.

8. Discussion of Consent Agenda

a. Authorized work for Commission Review:

i. Work Order No. 1920-008-ATM-Applied Technology & Management, Inc. – 2020 Sand Compaction Testing

Mr. Gray authorized this permit-required sand compaction testing by ATM, opting for the sand compaction testing rather than tilling as it was a more cost-effective alternative. Total cost associated with this work order is \$4,090 with funding available under Sand Trap Dredging, Permit Related Costs/Monitoring Account No. 5372-470. These services are eligible for a 75% State cost-share and reimbursement. Sand compaction testing is required by permit for three years following a dredge event and after submitting testing results to the regulatory agencies, they confirmed no tilling was required.

b. Recommended for Approval:

i. Work Order No. 1920-009-ATM-Applied Technology & Management, Inc.-2020 Post-Construction Monitoring

Mr. Gray outlined the permit-required Year 1 post-construction monitoring under contract with ATM and associated with the 2018-2019 Sand Trap/Channel Maintenance Dredging and Beach Placement project. Ecological Associates, Inc. (EAI) and CSA Ocean Sciences (CSA) are under subcontract with ATM to conduct the Year 1 post-construction sea turtle/shorebird and nearshore hardbottom monitoring, respectively. Mr. Gray indicated that monitoring occurs for 3 years, post-project and when considering pre-project monitoring requirements and the fact that SID projects occur every 4-5 years, he noted that monitoring is essentially ongoing. Total cost associated with this work order is \$270,626 with funding available under Sand Trap Dredging, Permit Related Costs/Monitoring Account No. 5372-470. Commissioner Rowland verified that sea turtle monitoring services would cost \$100,000 annually. Mr. Gray confirmed \$100,000 for sea turtle and shorebird monitoring, \$100,000 for nearshore hardbottom monitoring, with the remainder for ATM's services related to the beach, management and submission requirements.

Commissioner Mitchell asked if these services were eligible for cost-share. Mr. Gray confirmed that up to 50% would be eligible for FDEP cost-share/reimbursement.

ii. Work Order No. 1920-010-LSS-Land & Sea Surveying-2020 March/April Hydrographic Survey

On a semi-annual basis, SID conducts hydrographic surveys of the beaches/offshore (30,000 feet North and South of the inlet), the inlet system and the flood tidal shoal/backwaters. This work order authorizes Land & Sea Surveying to provide services as early March and based on weather. Total cost associated with this work order is \$94,000 with funding available under Winter Hydrographics Account No. 5373-310. This data is an important component of the work being done by Dr. Zarillo and Florida Tech related to the annual State of the Inlet report.

iii. Work Order No. 1920-011-ATM-Applied Technology & Management, Inc.-2020 USACE Dredge and Fill Permit Application

Mr. Gray indicated this work order would authorize engineering services necessary to complete the Federal Permit application process. The U.S. Army Corps of Engineers (USACE) Permit that Federally authorizes SID's dredging and bypass activities expires on May 4, 2020. An active USACE permit is required to continue work associated with the last project, as well as future sand bypassing projects undertaken by SID. This is not inclusive of the required State permits. Mr. Gray noted that the Federal and State permitting process had been bifurcated with separate timeframes, applications and approvals. Total cost associated with this work order is \$80,197 with funding available under Sand Trap Dredging, Permit Related Costs/Monitoring Account No. 5372-470. Commissioner Mitchell asked how long the permit would remain valid, once approved. Mr. Seidle from ATM confirmed it would be a 15-year permit. Mr. Gray noted that this was eligible for cost-share funding/reimbursement.

C. Public Outreach Activities – Mrs. Malyn referred to a summary of activities in the Commission packets. The family-friendly community event and centennial celebration canceled last September was rescheduled for Saturday, May 2 from 10:00-4:00. Mrs. Malyn detailed event plans, having now fully confirmed all partner/vendor participation. Event promotions will begin in early March and we are preparing for 1,750-2,000 people on the north side of SISP that day. Mrs. Malyn appealed to the Commissioners to assist her in identifying volunteers for the day-of that could help with the fishing clinic, surfing clinic and at the SID informational booth handing out 100<sup>th</sup> goody bags. The Educational Lecture series schedule has also been revised because we were rained out in December. Extended a month into May. Mrs. Malyn handed out promotional flyers for the May 2 Event and the ongoing Educational Lecture series.

Mrs. Malyn reported that the new SID website went live in late January and is now fully compliant with the standards set forth by the Florida Department of Economic Opportunity's *Special Districts Accountability Handbook*. FDEO is the oversight agency that administers the Special District Accountability Program, and serves as the centralized source of information about the 1,700+ special districts in the State to include mandatory compliance requirements. Website requirements fall into two categories: 1-ADA accessibility and 2-Content. Determination made to transition to a Florida Association of Special Districts (FASD) approved web vendor - Streamline - who offers this online web platform specific to special districts and with built-in dashboards to help ensure compliance. Staff managing the site will still need a comprehensive understanding of the requirements and technical expertise to maintain compliance, moving forward (ie: timing requirements for posting of notices and budgets, remediation of documents for screen readers, process for adding alt tag to photos). Mrs. Malyn provided Commissioners with requirement examples in both categories and noted the impetus for creating @sitd.us email addresses for each Governing Body Member was a Content requirement. As part of this process, SID also transitioned all IT, web and email support services to one, local vendor, Indian River Networks (IRN). Mrs. Malyn quickly toured the new site, offering to have further discussion with any Commissioner interested in more information. Discussion ensued related to Public Records

Requests, and Mr. Gray confirmed that all emails sent to @sitd.us are auto-archived through new email hosting/IT services provided via IRN.

#### Under Agenda Item IV

##### 2019 Seagrass Monitoring Presentation – Don Deis, Atkins

Mr. Deis detailed the findings of groundtruthing/biological field work of the seagrass beds on the western tidal flood shoal conducted by Atkins in July 2019. From 2018 to 2019, an additional 7.86 acres of seagrass coverage was verified in the 6 zones of protected area, marked by SID installed signage. Total current seagrass coverage in the 145-acre protected areas is 108.71 acres. The dominant species are shoal grass and Johnson's seagrass with manatee grass returning to the flood tidal shoal as a possible sign of recovery. Mr. Deis shared lagoon-wide data with the Commission, in stark contrast with the gains seen at Sebastian Inlet. This monitoring event also verified 34 prop scars from boaters with the majority appearing in Zone D and adjacent to a popular anchoring area. Permit-required post-construction monitoring was also part of this year's scope of work for analysis and comparison to pre-construction data. 46 transects were examined and showed no impacts from the recent sand trap and channel dredging. Areas of growth were observed in both pre- and post-monitoring, and areas of new growth were identified during post-monitoring as a positive indicator. Six of the 7 different types of seagrass found in the IR Lagoon were observed in the field and Mr. Deis was also encouraged to see the drift algae, as a nutrient sump, come back as an important component related to health of the lagoon. (SEE ATTACHED PPT & FORMAL REPORT FOR DETAIL)

Commissioner Mitchell suggested this presents an opportunity for public education to help prevent prop scars within this sensitive habitat. Mrs. Malyn indicated they had a press release prepared for dissemination tomorrow, after formal presentation to the Commission, and will be doing boater education on social media as well. Some discussion ensued on the protective signage SID installed as part of the channel creation project in 2007-2008 and how to maintain that moving forward.

#### Under Agenda Item V

##### Park Matters – Jennifer Roberts, SISP Park Manager

Mrs. Roberts had several items to share. On Jan. 25, a surfing competition was held at the Park and went extremely well, qualifying kids for the children's Olympics. On Feb. 8, the Park Service 85<sup>th</sup> Anniversary Event was held at SISP with daytime concert and ranger programs and activities. SID Historical Coffee Table book sales have been going extremely well, especially at the Fishing Museum Gift Shop. A North Atlantic Right Whale was spotted offshore just North of the N. Jetty last week. There was also an incident where a boat capsized this past Monday. Mrs. Roberts reported that he was retrieved from the water safely and unharmed.

#### Under Agenda Item VI

Legal Counsel Update – Nothing at this time.

#### Under Agenda Item VII

Public Comment Period – Dr. Peter Fallon and Mr. William Ferrell signed-in to address the Commission and shared their comments during Agenda Item III, B1.

#### Under Agenda Item VIII

Consent Agenda – Motion to approve the Consent Agenda made by Commissioner Mitchell. Seconded by Commissioner Rowland. **Motion carried 4-0.**

#### Under Agenda Item IX

Commissioner Items –

Commissioner Mitchell reiterated that the Executive Director and SID Commission need further discussions to craft a policy related to usage of sand resources within the DMMA in the future. She asked Mr. Gray to give it additional thought and bring it back to the Commission for discussion and review, noting that the policy should be written in a way that allows flexibility in responding to different types of event impacting the beaches, not just emergencies typically thought of as hurricanes.

Commissioner Hendricks, nothing noted.

Commission Rowland would like to do an inventory of existing buoys and consider purchasing any needed buoys and a flashing light to be affixed to the SID vessel for safety.

Commission Chair Lawton Seal referenced the Grant Seafood Festival on Feb. 29 and March 1.

Under Agenda Item X

Unfinished Business – Nothing at this time.

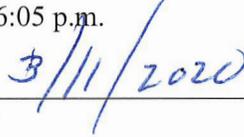
Under Agenda Item XI

New Business – Nothing at this time.

Under Agenda Item XII

Adjournment – Chairman Lawton Seal adjourned the meeting at 6:05 p.m.

  
Secretary/Treasurer

  
Date