

**Sebastian Inlet District**  
Regular Commission Meeting  
Wednesday, 4:30 PM, May 14, 2025  
Sebastian Inlet State Park Fishing Museum  
Vero Beach, FL, 32963

Minutes

Present at the meeting were: Chairman David Barney, Commissioner Lisa Frazier (Vice Chair), Commissioner Michael Rowland (Secretary/Treasurer), Commissioner John Campbell and Commissioner TJ Marshall. Also, in attendance were: Executive Director James Gray, SID Public Outreach Associate Ed Garland, SID Legal Counsel Shawn Demers, Ken Torres (SISP), Marie Yarbrough (AtkinsRéalís), Bryan Flynn (ESA), Kylie Yanchula (IRC), Eric Charest (IRC), William Gonzalez (ATL), and Kyle Horstman (ATL).

Under Agenda Item I

Call to Order – Chairman Barney called the meeting to order at 4:30 p.m.

Under Agenda Item II

The Commission discussed the minutes of the regular Commission meeting of April 9, 2025 and approved them without changes or corrections.

Under Agenda Item III

Additions and Deletions

Commissioner Frazier made a motion to move Consent Agenda Item V A2 to XI A. Commissioner Campbell seconded the motion. **The motion carried 5-0.**

Under Agenda Item IV

Presentations

There were no presentations.

Under Agenda Item V

Information and Discussion Agenda

A. Executive Director's Reports

1. Update on the 2024/2025 North Jetty Revetment Improvements Project – Phase 1  
Mr. Gray gave a slideshow presentation updating the Commission on the progress of the first phase of the 2024/2025 North Jetty Revetment Improvements Project. The slideshow images captured a timeline of the progress of the project since its commencement in November 2024. Mr. Gray said 1,800 tons of armor stone are in place and the pier walkway is poured. The webcam will be reinstalled and the site will be restored prior to the reopening of the north jetty in June 2025.
2. Update on the 2024/2025 Sand Trap Dredging and Beach Placement Project  
The Commission voted to move this agenda item to XI A.
3. Update on District Staffing – Senior Contracts/Accounting Manager Position  
Mr. Gray said the District has hired a Senior Contracts/Accounting Manager, Stacy Busche, and she will begin work on May 16, 2025. She replaces David Kershaw, who retired in February.

Under Agenda Item VI  
Consent Agenda

A. Authorized Work for Commission Review  
No items.

B. Recommended for Approval

1. Memorandum of Understanding between Indian River County and Sebastian Inlet District for Coordination of Supplemental Downdrift Nourishment and Related Coastal Activities  
Mr. Gray gave a slideshow presentation showing the history of the MOU between Indian River County and the District as well as the proposed updates in the draft MOU for the Commission to consider for approval. The draft MOU is available in the recorded minutes and on file at the District office. If approved by the Commission, the MOU would come before the Indian River County Commission for final approval in June. Commissioner Marshall questioned whether the District would receive credit toward its bypassing objective when Indian River County completes a sand placement project. Mr. Gray reviewed presentation slides he previously discussed with the Commission regarding the Florida Department of Environmental Protection (FDEP) 2024 Annual Inlet Report. Mr. Gray said the intent of the annual FDEP inlet report is to document statewide inlet bypassing volumes, including the District's bypassed sand onto the Indian River County Sector 1 and 2 beaches. Mr. Gray discussed that in some cases FDEP recognizes that beach nourishment projects adjacent to inlets have mitigated some or all of the inlet effects. Mr. Gray summarized all sand projects completed between 2000 and 2024 and the total placement volumes. Responding to Commissioner Frazier, Mr. Gray said the District's sand bypassing projects will be recognized in the Annual Inlet Report. Moving forward, the District should not have a concern over perceived past sand deficits.

**Recommended Action:** Staff recommends that the Commission approve the updated Memorandum of Understanding between the Sebastian Inlet District and Indian River County and authorize Chairman Barney and Mr. Gray to sign on behalf of the District.

2. Work Order No. 2425-015-GPI, GPI Geospatial, Inc. 2025 Shoreline Aerial Monitoring  
The proposed Work Order No. 2425-015-GPI collects aerial photography (40,000 feet north and 30,000 feet south of the Inlet) necessary for analysis of the inlet sediment budget, morphology, and permit-required physical monitoring of the District's sand bypass project areas. The total amount of the work order is for a lump sum fee of \$19,950.

**Recommended Action:** Staff recommends that the Commission approve Work Order No. 2425-015-GPI and authorize Mr. Gray to sign on behalf of the District.

3. Work Order No. 2425-016-GPI, GPI Geospatial, Inc. 2025 Inlet Shoal Aerial Monitoring  
Mr. Gray said this proposed Work Order will collect aerial photography needed to analyze seagrass coverage along the inlet shoals including permit required seagrass monitoring of the recently dredged Sebastain Inlet channel in 2025. The total amount of the work order is for a lump sum fee of \$11,950.

**Recommended Action:** Staff recommends that the Commission approve Work Order No. 2425-016-GPI and authorize Mr. Gray to sign on behalf of the District.

4. Revisions to Sebastian Inlet Tax District Conveyance Documents (Easements) to the State of Florida Department of Transportation for Construction of the Sebastian Inlet Bridge Replacement Project

Mr. Gray said the Commission approved several easements in November 2024 at the request of the Florida Department of Transportation (FDOT). The Florida Department of Environmental Protection (FDEP) has requested FDOT to extend the term of the subordination of Parcel 702.2R from October 2030 to October 2033. FDOT will pay for the easement recording and related fees at no anticipated cost to the District.

**Recommended Action:** Staff recommends that the Commission approve the revised Subordination — Parcel No. 702.2R (03/28/25) and authorize Chairman Barney to sign on behalf of the District.

5. Change Order No. 1 – Work Order No. 2425-007-ATK, AtkinsRéalis 2024-2025 Sebastian Inlet Sand Trap Dredging and Beach Placement Project

Mr. Gray said the proposed change order is necessary because the Commission on April 9, 2025 approved extending the District's contract with ATL for the Sand Trap Dredging Project until May 30. The extension provides additional time for AtkinsRealis to assist the District to provide a number of engineering and observation services for the District. AtkinsRealis' services under the work order are eligible for 50 percent state cost share under FDEP's Beach Management Funding Assistance Program. The total amount of the change order is \$55,580 and will be invoiced on a not-to-exceed fee basis only for the actual expended effort.

**Recommended Action:** Staff recommends that the District approve Change Order No. 1 to Work Order No. 2425-07-ATK and authorize Mr. Gray to sign on behalf of the District.

#### Under Agenda Item VII

##### Public Comment on Consent Agenda Items

There was no public comment on Consent Agenda items.

#### Under Item VIII

##### Board Vote on Consent Agenda

Commissioner Marshall requested additional discussion on Consent Agenda Item B 1. Commissioner Frazier made a motion to pull Item B 1 for discussion and to approve Consent Agenda Items B 2, 3, 4 and 5. Commissioner Marshall seconded the motion. **The motion carried 5-0.**

Mr. Marshall said his concern with the MOU is that he felt that it does not protect the District with regard to the cubic yard deficit referenced in FDEP's 2024 Annual Inlet Report. He said the District takes a risk signing the MOU. Chairman Barney countered that the MOU includes a provision that the terms cannot be modified or altered unless contained in a written document signed by both parties. He called the MOU a forward-looking document. Mr. Demers said he understood Commissioner Marshall's concerns but that Indian River County could address the issues. Ms. Yanchula said Indian River County's intent was to look forward. Mr. Gray, referencing Florida Statutes 161.142, said that mitigating the sand deficit on the beaches is a shared governmental responsibility between the state, Indian River County and the District. Commissioner Marshall maintained that the District faces a risk for a potential lawsuit from a homeowner by signing the MOU. Commissioner Frazier said a member of the public could sue the District regardless of the MOU's status and that the MOU is simply a document outlining how the District and Indian River County will manage the beaches together. Following additional discussion among the Commissioners, Commissioner Marshall stated for the record that he was concerned that the District is not recognizing what the state says about the District's 800,000 cubic yard deficit in its agreement with Indian River County and that it could come back and bite the District.

Commissioner Frazier made a motion to approve the draft MOU with Indian River County. Commissioner Rowland seconded the motion. **The motion carried 4-1, with Commissioner Marshall voting against the motion.**

#### Under Agenda Item IX

##### Public Outreach Activities

1. Mr. Garland gave an update on the District's outreach activities. His report included news clips about the District's Sand Trap Dredging and Beach Placement Project and North Jetty Revetment Improvements Project.

#### Under Agenda Item X

##### Park Matters — Ken Torres

Mr. Torres said summer crowds are busy on weekends and that SISF staff is excited about the progress at the north jetty project.

#### Under Item XI

##### Legal Counsel Update — Shawn L. Demers, Gray Robinson

- A. Notices to Contractor RE: The Sebastian Inlet District 2024/2025 Dredging and Beach Placement Project

Earlier in the meeting, the Commission voted to move Item V A 2 (2024/2025 Sand Trap Dredging and Beach Placement Project) to this location in the agenda. Mr. Gray gave a slideshow presentation updating the Commission on the status of the beach placement project. In Sector 1, ATL estimated that 75,000 to 90,000 cubic yards of sand was placed, failing to meet the anticipated 175,000-cubic-yard goal. Sector 2 is complete, with 92,000 cubic yards placed using upland sand. The contractor did not place any material in the DMMA. He also provided an update on sea turtle monitoring through May 13. Mr. Gray shared survey data indicating that the contractor may have dredging outside the boundaries of the prescribed template. The District is awaiting additional surveys from the contractor to determine the volumes dredged outside the template and whether benthic resources were impacted. Based on the available information, ATL placed an estimated total of 150,000 to 180,000 cubic yards of sand on the downdrift beaches. Mr. Gray responded to Commissioners' questions about the dredging process and ATL's mitigation for placing non-compatible material on the beach. Commissioner Frazier asked whether there is a deadline for removing sand from the sand trap. Mr. Gray said the sand trap is near capacity and that time is imperative to remove it, especially with FDOT commencing with the bridge replacement project in 2026. The District cannot dredge between May and October and the DMMA lacks the capacity to receive all of the sand from the sand trap. Chairman Barney said he was concerned about dredging the inlet channel and suggested pumping sand to the DMMA. Mr. Gray said the contractor has demobilized the equipment. Commissioner Campbell expressed concern that ATL failed to meet the volume and navigational clearance goals. Mr. Gray confirmed that ATL did not fully dredge the channel. Commissioner Campbell asked how much time was lost since the project began. Mr. Gray said the dredging window was only a month long. The original intent was to dredge between January and April.

Mr. Demers summarized a series of correspondence between Gray Robinson and the contractor and its attorney between April 17, 2025, and May 9, 2025. (The letters are included in the agenda packet). The purpose was to determine from ATL how it will mitigate the damages due to non-performance. There are several legal issues and mitigation options to be addressed during the Commission's June 11 meeting. A dredging project would be required in the fall since ATL was unable to complete the project by its May 30 deadline. Mr. Demers recommended a time extension into June. This would allow the District time to obtain and review data from ATL, which is necessary to determine mitigation requirements. Chairman Barney said the District needs

the survey data before the Commission can have a cohesive discussion. Commissioner Marshall said the District needs to set a good-faith deadline for ATL to provide the survey data if the Commission grants an extension for additional discussion. Mr. Demers said he is concerned that regulatory agencies could impose fines.

B. Executive Director Evaluation

This Item was tabled until the June 11, 2025 Commission meeting.

Under Item XII

Public Comment Period

Under Item XIII

Commissioner Items

Chairman Barney — Nothing

Vice Chair Frazier— Nothing

Secretary/Treasurer Rowland — Nothing

Commissioner Campbell — Recommended a ribbon-cutting event pending completion of the 2024/2025 North Jetty Revetment Improvements Project

Commissioner Marshall — Nothing.

Under Item XIV

Unfinished Business

No Unfinished business.

Under Item XV

New Business

Under Item XVI

Adjournment — Chairman Barney adjourned the meeting at 6:26 p.m.

Secretary/Treasurer

Date

6/11/25