

**MINUTES OF THE  
FLORIDA INLAND NAVIGATION DISTRICT**

**Board of Commissioners Meeting**

**9:00 a.m., Saturday, November 19, 2016**

**Hutchinson Island Marriott Beach Resort and Marina**

**555 N. E. Ocean Boulevard**

**Stuart, Martin County, Florida 34996-1620**

**ITEM 1. Call to Order.**

Chair Cuozzo called the meeting to order at 9:03 a.m.

**ITEM 2. Pledge of Allegiance.**

Chair Cuozzo led the Pledge of Allegiance to the Flag of the United States of America.

Chair Cuozzo asked for a moment of silence and prayer for Commissioner Dritenbas who is struggling with illness at this time.

**ITEM 3. Roll Call.**

Secretary Donaldson called the roll and Chair Cuozzo, Vice-Chair Netts, Treasurer McCabe and Commissioners Blow, Isiminger, Sansom, and Williams were present. Commissioners Chappell, Crowley, Dritenbas and Osteen were absent. Secretary Donaldson stated that a quorum was present.

**ITEM 4. Consent Agenda.**

Chair Cuozzo asked if there were any comments or questions regarding the Consent Agenda. There were none.

Vice-Chair Netts made a motion to approve the Consent Agenda as amended. The motion was seconded by Commissioner Blow. Chair Cuozzo asked for discussion. Hearing none, a vote was taken and the motion passed unanimously.

**ITEM 5. Additions or Deletions.**

Chair Cuozzo asked if there were any additions or deletions to the meeting agenda.

Mr. Crosley stated that he would like to delete from the agenda: Item 12, Presentation, Intracoastal Waterway Setback Policy and update Item 13, Scope of Services and Fee Proposal for Engineering Services for Maintenance Dredging of the Intracoastal Waterway in the Vicinity of Jupiter Inlet, Palm Beach County, FL, by changing the total

project cost from \$85,000.00 to \$51,500.00. He would like to add to the agenda: Item 19B, Scope of Work, Fee Quote and Agreement for the Relocation of a Permanent Access Road Entrance at Maintenance Spoil Area (MSA) 641A, Palm Beach County, FL.; and, Item 19C, Florida Fish and Wildlife Conservation Commission (FWC) request to designate Spoil Island V-7, Volusia County, FL as a Critical Wildlife Area (CWA).

Treasurer Donaldson stated that he would like to add to the agenda: Item 6A, letter of resignation from Commissioner Dritenbas.

Commissioner Williams stated that he would like to add to the agenda: Item 20A, District Emergency Storm Program.

Treasurer McCabe made a motion to approve the final agenda as amended. The motion was seconded by Commissioner Blow. Chair Cuozzo asked for discussion. Hearing none, a vote was taken and the motion passed unanimously.

**ITEM 6. Public Comments.**

Chair Cuozzo asked if there were any public comments on issues that are not on today's agenda. There were none.

**ITEM 6A. Letter from Commissioner Dritenbas.**

Treasurer Donaldson read into the record a letter of resignation from Commissioner Dritenbas. The letter will be attached to the Minutes.

**ITEM 7. Board Meeting Minutes.**

Chair Cuozzo asked if there were any comments or questions regarding the October 14, 2016 Finance & Budget Committee and Board Meeting Minutes. There were none.

Commissioner Sansom made motion to approve the October 14, 2016 Finance & Budget Committee and Board Meeting Minutes as submitted. The motion was seconded by Commissioner Blow. Chair Cuozzo asked for discussion. Hearing none, a vote was taken and the motion passed unanimously.

**ITEM 8. Staff Report on Martin County Area Projects.**

Mr. Crosley stated that Phase I of the Dredged Material Management Plan (DMMP) for the 21 miles of the Intracoastal Waterway in Martin County was completed in 1993. He stated that Phase II of the DMMP was also completed in 1993 and all major land acquisition was completed by 2001.

Mr. Crosley stated that the 50-year dredging projection for the IWW is 1.4 million cubic yards and the storage projection is 2.7 million cubic yards. Maintenance Dredging in Reach II in the Crossroads area is 85% of the dredging volume and dredging occurs every three (3) years and was last dredged in the summer of 2013.

Mr. Crosley noted that the District is also the local sponsor for navigation of the 97 miles of the Okeechobee Waterway (OWW) in Martin and Palm Beach Counties. Phase I of the DMMP for the OWW from the Crossroads to the St. Lucie Lock was completed in 1998, and the DMMP from the St. Lucie Lock to the western Martin County line was completed in 2007. Phase II of the DMMP from the Crossroads to the St. Lucie Lock was completed in 2001, and the Phase II Plan from the Lock to the western county line was completed in 2009.

Mr. Crosley stated that the 50-year dredging projection for the OWW is 1.5 million cubic yards and the storage projection is 3 million cubic yards.

Mr. Crosley stated that the acquisition of four Dredged Material Management Areas to serve the section of the OWW from the Crossroads to the St. Lucie Lock was completed in 2006. The acquisition of DMMA LT-4A, which serves the section of the OWW from the St. Lucie Lock to the western Martin County line was completed in 2008. The initial condemnation of a proposed site near OWW Route 2 (DMMA LT-13) has been suspended to evaluate a more cost-effective alternative for the low dredging volumes associated with this section of the waterway.

Mr. Crosley stated that to date, one of the seven upland Dredged Material Management Areas in the county has been fully constructed. Sites MSA 524B and MSA 504 were cleared in 2010. Site DMMA O-7 was undergoing permitting and a final design by Taylor Engineering. Development of the site in 2017 will be undertaken with the assistance of the U. S. Army Corps of Engineers (USACE).

Mr. Crosley noted that the other DMMA sites are in various phases of pre-construction, environmental permitting, engineering, or design.

Mr. Crosley stated that the partial offloading of M-5 by Lucas Marine for the Ft. Pierce Waterfront Protection Project has been completed in 2013. Approximately 110,000 cubic yards of material was offloaded at no expense to the District to assist with the construction of barrier islands offshore of the Fort Pierce Marina. Minimal damage to the

existing gabion mats at M-5 occurred during the offloading and was repaired by the contractor. He stated that a full replacement of these mats will be forthcoming in the next few years.

Mr. Crosley stated that dredging a portion of Routes 1 & 2 of the Okeechobee Waterway within the OWW was completed in 2012, removing some small but critical shoals totaling about 6,700 cubic yards of material. Dredging of the Crossroads Area of the IWW and OWW was completed in 2010, again in the summer of 2013, and is scheduled for dredging in 2017. The District is coordinating with the USACE to determine the feasibility of limited Hopper dredging of the area in the near-term. Reach IV of the OWW will be dredged in 2017 following the construction of DMMA O-7. He asked for questions, there were none.

**ITEM 9.      Comments from the U.S. Army Corps of Engineers.**

Ms. Shelley Trulock, the Intracoastal Waterway (IWW) Project Manager with the U.S. Army Corps of Engineers (USACE), stated that \$2.6 million of Work Plan funding will go towards the St. Augustine and Matanzas IWW dredging projects. Development of the Plans and Specifications for the St. Augustine and Matanzas reaches of the IWW have been completed and certified. She stated these projects will be moved up because Work Plan funding cannot be carried forward. The land use agreement for placement of material within Anastasia State Park has been approved by FDEP Parks and the permit modification has been received. The permanent easements for Summerhaven Beach placement have been approved by St. Johns County.

Ms. Trulock stated that the St. Augustine contract was advertised on July 28, 2016 and awarded to Weeks Marine on September 30, 2016. The Notice to Proceed (NTP) was issued on November 2, 2016. Based on damages incurred in the Vilano/South Ponte Vedra Beach area from Hurricane Matthew, FIND has requested that the Corps investigate the cost of changing the placement area for the St. Augustine reach to the beach north of the Inlet, in lieu of placing material on the State Park south of the Inlet. If FIND agrees to fund the cost change, if any, the IWW FDEP permit will be modified to add a placement area and the county will finalize required easements. Weeks Marine has confirmed that they would not seek monetary compensation for delaying commencement of dredging operations until February 2017, to allow a decision to be made on the shift in placement

area and the need to obtain the permit modification and real estate interests. She hopes to bring these changes to the Board in December 2016.

Commissioner Blow referenced monuments R17 to R14 and stated that the residents and the county are working very hard to get homeowners to execute the required temporary construction easements. He stated that he mentioned to residents that the easement form is a USACE form and they cannot make changes to that form.

Ms. Trulock stated that the new breach in the Summerhaven area is located approximately 200 yards north of the placement area, and the exact location where the USACE had envisioned the pipeline to come over to the breach. Taylor Engineering is currently under contract with the St. Augustine Port, Waterway and Beach District (Port District) for the Summerhaven River restoration and they have also been contracted to close the breach. The breach should be closed before commencement of dredging in February 2017.

Mr. Crosley noted that Agenda Item 14 is for an agreement with the St. Augustine Port, Waterway and Beach District (Port District) for material removal at District Site DMMA SJ-1 in St. Johns County. The Port District will remove up to 50,000 cubic yards of material for beach erosion mitigation, and close the Summerhaven Breach at no cost to the District.

Commissioner Blow stated that the Port District initially planned to take material out of the Summerhaven River basin to place on the beach. Now the county may have to use some of that material to close the breach. The Port District is in negotiations with the contractor to dredge additional material to close the breach. This option would be more cost effective than offloading District Site DMMA SJ-1. The Port District may elect to not offload DMMA SJ-1. This Change Order with the contractor is for \$400,000.00.

Secretary Donaldson stated that FEMA will help with the costs of this project. Commissioner Blow stated that the county has hired a FEMA expert to help with funding reimbursement.

Ms. Trulock stated that the contract for construction of DMMA O-7 was advertised on May 13, 2016, with the contracting tool being small business set aside, least cost technically acceptable. Due to the need to amend the contract a multitude of time to address issues associated with the access road, bids were delayed until October 14, 2016. The

source selection team was convened on November 7, 2016 to begin the review process of bids received. Award is currently tracking for November 22, 2016. She will coordinate the pre-construction process with the District staff.

Ms. Trulock stated that the Plans and Specifications for construction of DMMA O-23 will kick off on December 1, 2016. NEPA activities were started and are extensive. There is a federally listed plant, reindeer lichen, which grows in scrub areas and is present on the site. There are about 10 to 20 square feet of the species on the site that will have to be relocated out of the construction area. The USACE team has verified that the land adjacent to this site is compatible as a relocation area for the reindeer lichen. An FDEP exemption will be obtained since this is upland construction. Project design concepts will be the same as DMMA O-7. She anticipates a Work Order being presented to FIND at the June 2017 Board Meeting.

Ms. Trulock stated that there are approximately 10,000 cubic yards of problematic shoaling within the Crossroads reach of the IWW. The plans are to utilize a Corps hopper dredge to remove this small quantity, which she is negotiating with the USACE Wilmington District. FDEP in Tallahassee has permitted the modification of the existing permit held by Martin County to allow for IWW dredged material to be placed into the settling basin within the St. Lucie Inlet. Martin County would then use the material for beach placement south of the inlet. Martin County would be happy if even more material were removed from the area as they need it for additional beach re-nourishment. She expects receipt of the permit modification by mid-December 2016. This project will be funded with Federal funding.

Mr. Crosley stated that because the FIND office has been receiving complaints about critical shoaling in the Crossroads area, which is a -8-foot project that is currently at -6-feet, he would like to get the USACE hopper dredge to take care of this small amount of shoal soon. This would buy approximately one-year in time to obtain the permit for the widener and complete the entire main dredging project. If the hopper dredge cannot be on site by March of 2017 at the latest, the District is ready to expedite the original project without the widener.

Secretary Donaldson stated that placement of material in the impoundment basin is okay because the impoundment basin is set for the material to be removed by this summer.

Commissioner Sansom asked if silt comes with the Lake Okeechobee releases. Secretary Donaldson stated that the Lake Okeechobee releases do also move material, and that material does contribute to channel shoaling.

Ms. Trulock stated that the USACE is moving forward with permitting the IWW Broward Reach I dredging project. The current path forward is to dredge with a Wilmington District inlet hopper dredge, unless it is determined that the quantity is large enough to justify standard procurement. Discussions with the Hillsboro Inlet Chairman, Mr. Jack Holland, led to the suggestion that the USACE should consider placing the dredged material within the existing Hillsboro Inlet Settling Basin, a permanent sand transfer station. This would alleviate the need to obtain National Environmental Policy Act (NEPA) approval on a new nearshore placement area. The Hillsboro Inlet dredge would then move the material to the beach south of the inlet. In order to do this, the USACE would still need a Florida Department of Environmental Protection (FDEP) permit and possible NEPA coordination, since IWW material has never been placed in this disposal location. The work order will be presented to the FIND Board in February 2017.

Ms. Trulock stated that the Town of Hillsboro Beach has requested that the sand be placed on the beach north of the inlet, and the Town has offered to offload the sand and truck it to the beach area. She stated that the FDEP permit would have to be modified and she will meet with the Town to discuss this option.

Ms. Trulock stated that the IWW Bakers Haulover continues to be one of the highest frequency dredging needs within the IWW. The current plan is to take advantage of regional sediment management practices and dredge Bakers Haulover as a borrow source for the Miami-Dade County shore protection project. An FDEP permit for either the IWW or the shore protection project must be modified if the area of placement is not specifically what is currently permitted for placement. She has been in discussion with the FDEP for this modification, and FDEP approves of the project modification. Funding for the action would be from FY 2016 carryover funding or FY 2017 Work Plan funding. The USACE survey boat will check the area to determine changes from Hurricane Matthew. She anticipates contract advertisement for the Sunny Isles Beach project in April of 2017.

Ms. Trulock stated that for the next four months, she will be the temporary USACE Regulatory Branch Chief, for the South Branch. She stated that Milan Mora may temporarily work her position.

**ITEM 10. Presentation and Update on the Okeechobee Waterway and Crossroads Channel Widener and Realignment Effort.**

Chair Cuozzo introduced Dr. Mike Kabiling, with Taylor Engineering, to make a presentation about the Okeechobee Waterway (OWW) channel widener (advanced maintenance basin) in the Crossroads area where the Intracoastal Waterway (IWW), the St. Lucie Inlet, and the Okeechobee Waterway (OWW) converge in Martin County.

Dr. Kabiling stated that this effort also looked at realignment of the existing OWW channel to naturally occurring deeper water. This area is one of the District's most frequently dredged areas. The establishment of the widener will reduce the District's dredging frequency from its current three (3) year dredging cycle to a five (5) year dredging cycle, allowing for costs savings.

Dr. Kabiling stated that the project area extends from the west side of Lake Okeechobee east to Stuart, will be eight-feet deep and includes OWW Cut's 1, 2 and 3. A large portion of dredging includes the St. Lucie River and the North and South Fork areas. Dredged material will be placed on DMMA M-5. He discussed several channel re-alignment alternatives. Alternatives CR-1 and CR-2 can provide a deeper navigation channel with almost the same performance and costs. He recommends proceeding with the permitting, engineering and design of either Alternative CR-1 or Alternative CR-2. Future bathymetric surveys should include the OWW Cuts 1W, 2, and 3 to establish shoaling rates at these locations.

Vice-Chair Netts stated that this project would require less frequent dredging but that the cost savings would be in mobilization. Dr. Kabiling answered yes and stated that the material would then be moved to the beach on Jupiter Island. Also, moving the channel would help eliminate the material from migrating back into the channel as quickly.

Chair Cuozzo asked about realigning the current channel to meet natural deep water. Dr. Kabiling stated that was looked at, and it was determined that it would not reduce dredging frequency. Short-term analysis shows that channel re-alignment to natural deep water would increase dredging.

Commissioner Blow asked if DMMA M-5, has the capacity to handle this dredged material. Dr. Kabling answered yes.

Chair Cuozzo stated that he is disappointed that technically there is not a better solution for this area. He feels that it may not be worth spending the money on design and permitting to re-align this channel.

Vice-Chair Netts stated that the cost savings for alternative 1 is \$830.00 per year and he questioned what this study cost. He also questioned the costs associated with re-aligning the channels, such as real estate right-of-way, markers that will need to be moved and other costs. Mr. Crosley stated that the bottom line is that if the channel is not re-aligned and the only channel markers are moved, the cost is negligible.

Commissioner Sansom stated that what needs to be looked at is the amount of navigation benefit from widening the channel versus re-aligning the channel. The study show the physical impact on FIND activities, not boater benefit from channel widening.

Dr. Taylor stated that the report should include the realized economic benefit from the channel widener project. Dr. Kabling stated that if the channel is widened and re-aligned to naturally deep water, the overall savings per year would be \$30,000.00 to \$40,000.00.

Secretary Donaldson stated that he feels that for this project, the channel wideners are the correct path to take. The county performs inlet surveying every two-years and a wider channel would allow more intensive surveying. This would allow the District to update the computer models with physical changes and fine-tune future management of this area, such as sedimentation rates and sediment movement in the area. The District may be able to manage sediment rates with additional information from management of the OWW, IWW and the inlet.

**ITEM 11. Scope of Services and Fee Proposal for Final Design and Bid Administration for Crossroads Maintenance Dredging, Martin County, Florida.**

Mr. Crosley stated that the design and permitting of the Okeechobee Waterway (OWW) channel widener has been completed, and the Crossroads area (confluence of the OWW, the Intracoastal Waterway (IWW) and the St. Lucie Inlet) is scheduled to be dredged. Taylor Engineering has submitted a scope and fee quote in the amount of

\$39,357.60 to finalize the design of this project, including the dredging of the advance maintenance area (new channel widener) and bid administration assistance.

Mr. Crosley stated that capacity is sufficient for this dredging event to utilize Dredged Material Management Area (DMMA) M-5. The proposal has been reviewed and is consistent with the previous work efforts, and it is necessary to continue this project.

Commissioner Isiminger made a motion approval of a proposal and fee quote from Taylor Engineering in the amount of \$39,357.60 for final design and bid administration services, Crossroads Maintenance Dredging, Martin County, Florida. The motion was seconded by Vice-Chair Netts. Chair Cuozzo asked for discussion. Hearing none, a vote was taken and the motion passed unanimously.

**ITEM 12. Presentation – Intracoastal Waterway Setback Policy Update.**

Item 12 was deleted from the agenda.

Chair Cuozzo stated that Items 19B and 19C will be discussed at this time.

**ITEM 19B. Scope of Work, Fee Quote and Agreement for the Relocation of a Permanent Access Road Entrance at Maintenance Spoil Area (MSA) 641A, Palm Beach County, Florida.**

Mr. Crosley stated that the District staff has been negotiating with a contractor to re-locate an ingress/egress access at Maintenance Spoil Area (MSA) 641A in Delray Beach. Negotiations with a previous company failed to produce a viable project and staff is recommending that the Board approve the scope and fee quote from SLB General Contracting, LLC. Construction is expected to take less than one month and should be complete by January. The final as-built will also be reviewed by the District engineer and all construction will be monitored.

Mr. Crosley stated that a letter will be sent to ZOM, the developer of the site next to MSA 641A, to cancel the District's contract to work with them.

Commissioner Blow asked if the apartments have been built on the site adjacent to MSA 641A. Originally the District's access easement was north of the apartments. Mr. Crosley stated that the apartments have been built and the District has the easement north of the apartments cleared and the pad has been built. The pad needs to be connected to the District's site with a culvert and gate.

Commissioner Blow made a motion to approve a scope of work and fee quote in the amount of \$60,985.00 from SLB General Contracting, LLC. for the relocation and

construction of a permanent access entrance at MSA 641A, Palm Beach County, Florida. The motion was seconded by Commissioner Isiminger. Chair Cuzzo asked for discussion. Hearing none, a vote was taken and the motion passed unanimously.

**ITEM 19C. Florida Fish and Wildlife Conservation Commission (FWC) request to designate Spoil Island V-7, Volusia County, Florida as a Critical Wildlife Area (CWA).**

Ms. Zimmerman stated that in June 2016 Spoil Island V-7 is located near the City of Port Orange, 200 feet south of the Dunlawton Bridge Boat Ramp, adjacent to the Intracoastal Waterway (IWW). V-7 has been identified by FWC as a regionally significant nesting area for brown pelicans. Staff has been coordinating with FWC on the potential designation of V-7 as a Critical Wildlife Area (CWA), which would allow for the establishment of a “no entry” buffer around the island that would be enforceable by local and state law enforcement. FWC is currently recommending a seasonal closure of January 1 through August 31, with a posted buffer around the island varies between 10-150 feet.

Ms. Zimmerman stated that Spoil Island V-7 is approximately 1.2 acres in size. The southern portion of the island has approximately 0.5 acres of mangrove nesting habitat. A smaller patch of mangrove nesting habitat consisting of 0.1 acres is present on the northern portion of the island. FIND has historically maintained its right to place dredged material on these islands for the maintenance of the Intracoastal Waterway (IWW.)

Ms. Zimmerman stated that staff has concerns regarding a CWA designation that includes: future impacts pertaining to maintenance operations for the IWW; loss or impact to perpetual easement rights; concerns about navigation and boater safety (boat ramp and sign posts); and overlap of the designated buffer with the IWW channel right-of-way.

Ms. Zimmerman referenced an existing Grant of Easement, dated December 28, 1938 for right-of-way purposes, including the perpetual right and easement to enter upon, excavate, cut away and remove any or all listed tracks, including V-7 (Tract 313). At their February 26, 1960 meeting, the FIND Board of Commissioners adopted a resolution approving an effort by the Florida Audubon Society to establish a wildlife sanctuary at V-7 (Tract 313) in Volusia County as part of a pilot project. In the original resolution, FIND maintained the right to place spoil on the island as maintenance of the Intracoastal Waterway may require.

Ms. Zimmerman stated that during discussions with the FWC, an off-comment was that FIND would be allowed to dredge this section of the IWW during the nesting off-season and that comment is concerning.

Ms. Zimmerman stated that on November 16, 2016, the FWC held a meeting to move forward with approval of several CWA's, with V-7 on that list. She wrote a letter explaining the District's concerns regarding V-7. She has not had her concerns fully addressed.

Ms. Zimmerman stated that should the Board desire to proceed with the CWA designation, staff strongly suggest requiring the following conditions for approval: establishment that the CWA cannot place any restrictions on dredging activities of the IWW or adjacent channels; FIND and USACE will retain perpetual easement rights; that the CWA will not impact or restrict Dunlawton boat ramp access, use or maintenance; seasonal closures of the island for the nesting season only occur between April 1 – August 31, during that period no person could access within the buffer area; signage to be placed on existing posts or buoys will be designed and located to maximize boater and navigation safety; the northeast boundary buffer should be buoyed or the sign post should be moved closer to the island for boater safety; and that concurrence for the CWA is obtained from the USACE Navigation and Real Estate sections.

Chair Cuozzo asked if this is a voluntary program. Ms. Zimmerman stated that this is a voluntary program.

Treasurer McCabe stated that she has concerns about this designation. She noted that V-7 is an active bird sanctuary and presently is loaded with pelicans, almost to the point where the odor is problematic. The island is located near the IWW channel. It is also next to the busiest boat ramp in Port Orange. She stated that she approves of the FWC developing these conservation areas, but she is puzzled by the FWC's selection of this location, (V-7). Two (2) of the FWC's CWA guidelines include proximity to the IWW and proximity to public recreational areas. V-7 is an active bird sanctuary that is located next to the IWW channel and next to a busy public boat ramp.

Treasurer McCabe stated that the CWA establishes a buffer around an identified area. Please be aware that we are not just talking about V-7, the island, it extends and

includes the channel right-of-way. That concerns her, how would FIND get around a protected area that includes the channel right-of-way.

Treasurer McCabe referenced the 1960's agreement with the Audubon Society where FIND agreed to V-7 as a sanctuary. Now FIND is being requested to move from the sanctuary to a conservation area (CWA). The establishment of these CWA's are governed by the Florida Administrative Code. If FIND enters an agreement that sets these restrictions by the disestablishment of the conservation zones, the delegation of authority goes to the FWC Executive Director. FIND should check the role of the Administrative Code regulations with regards to the CWA establishment to determine how it relates to FIND and the FWC. Also, FIND should investigate if it has the right to enable a document to protect the right of the easement on V-7. Under the Administrative Code, the code establishes what agreement, restrictions, and modifications can be placed. There is a lot of competing interest in this designation for this very active bird island. She noted that FIND has good intentions, but we better make sure that FIND is authorized to make a recommendation to the CWA agreement.

Commissioner Isiminger stated that because the pelicans seem to be doing just fine with V-7 as it is now and Treasurer McCabe has serious concerns about this designation, he would recommend distributing staff's letter.

Commissioner Sansom made a motion to approve staff's recommendations concerning the establishment of Critical Wildlife Area V-7, Volusia County, Florida. The motion was seconded by Vice-Chair Netts. Chair Cuzzo asked for discussion.

Commissioner Sansom stated that this designation is a very important project to the FWC Executive Director and Chairman. FIND should take some time to review the FWC's request. If limitations are put into the Enabling Document, that becomes part of the agreement and will protect FIND's rights.

Commissioner Blow noted that there is a section of the FWC that is concerned about birds, but there is also a section of the FWC that is concerned about recreational boating and fishing. V-7 is right next to a public boat ramp. Brown pelicans may be a threatened species, but another threatened species in Florida are also public boat ramps.

Vice-Chair Netts suggested that once FIND starts down this road of restrictions, the restrictions will continue to increase. This island is so populated by pelicans, that you

could find it with your nose while being blindfolded. If this designation was solving a problem, then yes FIND would support it. But who has identified the problem. Is there any evidence that boaters are harassing the pelicans or that the pelican population has diminished. He feels that FIND can raise legitimate questions to the FWC and one of them would be “what would be gained by the designation of V-7 as a CWA.”

Treasurer McCabe stated that she does not want to irritate the FWC, but she does not have enough information to make a measured decision today. She does not want to be pushed into something that does not make sense. She does not agree with the inclusion of the Enabling Document into this agreement and would like to look at the position it might put FIND in with the Administrative Code. Under Chapter 120, which is the Administrative Procedure Act, “an agency can only adopt a rule that implements, interprets, or enables them with respect to the powers that they already have.” It would a good idea for Attorney Breton to review this and advise the Board.

Commissioner Blow suggested a follow-up letter be developed by staff and Treasurer McCabe to the FWC identifying FIND’s concerns regarding this CWA designation. Also, request information from the FWC as to why this site was chosen for this designation.

Secretary Donaldson stated that if there is to be a follow-up letter, it should not identify any parameters at this time. The letter should be limited to stating that FIND is concerned about this CWA designation because the list of concerns has not been fully identified at this point.

Treasurer McCabe stated that Secretary Donaldson makes an excellent point. FIND does not want to lose the ability to weigh-in on this issue.

Treasurer McCabe made a substitute motion to approve directing and authorizing the FIND staff to look at the position that the CWA might put FIND in with the Administrative Code. Also, look at FIND’s concerns and engage with the FWC to seek resolution to this issue. The motion was seconded by Commissioner Sansom.

Chair Cuozzo suggested voting on this motion after the public speaker comments.

Mr. John Sprague, for the Marine Industries of South Florida (MIASF), stated that he attended the FWC meeting and there were 37 other speakers that also attended that meeting. He has several concerns regarding the CWA designation of V-7 that include but

are not limited to: the ability to continue fishing in the area; use of the island and the boat ramp because the average buffer of a CWA is 300 feet; and interference with FIND's ability to permit, dredge and place material on V-7.

Mr. Sprague stated the MIA has concerns about current signage of this area. He stated that questions were asked of the FWC about how the public would continue to use this island for picnicking, swimming, fishing, kayaking, etc. He did not receive a comment or response back from the FWC.

Mr. Sprague stated that the MIA has the same concerns that FIND does regarding the CWA designation of V-7 and will support FIND's position.

Chair Cuozzo asked for discussion. Hearing none, a vote was taken and the substitute motion passed. Commissioner Isiminger voted against the motion.

Secretary Donaldson suggested that the District's amendment to the CWA agreement with the FWC should include a clause stating that the FWC and Audubon Society can never file any objections to the District's dredging activities.

**ITEM 13. Scope of Services and Fee Proposal for Engineering Services for Maintenance Dredging of the Intracoastal Waterway in the Vicinity of Jupiter Inlet, Palm Beach County, Florida.**

Chair Cuozzo stated that at the October 2016 Board meeting, the Navigation District (District) approved an Interlocal Agreement with the Jupiter Inlet District (JID) to share costs associated with maintenance dredging near the Jupiter Inlet.

Mr. Crosley stated that the JID dredges the Jupiter Inlet basin approximately each year. The District maintenance dredges the Intracoastal Waterway (IWW) in this vicinity approximately every three years. The approved agreement affords both agencies costs savings and will allow more material to be placed on the nearby beach.

Mr. Crosley stated that the District's proportional cost-share for this effort is \$51,500.00. This includes construction plans, specifications, inter-agency coordination, bid assistance and construction phase services. Staff has reviewed the submitted information and found it to be consistent and reasonable for this work.

Commissioner Isiminger referenced the constructions plans and specifications and asked if the plans are similar to previous project plans at this Inlet. Dr. Kabling stated that the Plans and Specifications have been updated, but that the project is overall like previous projects.

Commissioner Blow made a motion to approve the scope and fee quote from Taylor Engineering in the amount of \$51,500.00 for engineering services associated with the maintenance dredging of the Intracoastal Waterway in the vicinity of the Jupiter, Inlet, Palm Beach County, Florida. The motion was seconded by Treasurer McCabe. Chair Cuozzo asked for discussion. Hearing none, a vote was taken and the motion passed unanimously.

**ITEM 14. Interlocal Agreement with the St. Augustine Port, Waterway and Beach District for Material Removal at Dredged Material Management Area SJ-1, St. Johns County, Florida.**

Mr. Crosley stated that following the recent impacts of Hurricane Matthew, the St. Augustine Port, Waterway and Beach District (SAPWBD) has requested an Interlocal Agreement with the Navigation District to remove material from Dredged Material Management Area (DMMA) SJ-1 near Matanzas Inlet. The SAPWBD has estimated the removal of up to 50,000 cubic yards of suitable material to be utilized for beach erosion mitigation, at no cost to the District. The District has also requested some minor repairs to the site upon project completion.

Commissioner Blow stated that sometimes when other contractors remove material from the District's sites, part of the berm is disturbed. He wanted to note that Taylor Engineering, Inc. is the engineer for both FIND and the St. Augustine Port, Waterway and Beach District.

Vice-Chair Netts made a motion to approve the Interlocal Agreement with the St. Augustine Port, Waterway and Beach District for material removal at DMMA SJ-1, St. Johns County, Florida. The motion was seconded by Treasurer McCabe. Chair Cuozzo asked for discussion. Hearing none, a vote was taken and the motion passed unanimously.

**ITEM 15. Review of the Navigation District's Proposed 5-Year Dredging and Dredged Material Management Area (DMMA) Plan.**

Mr. Crosley stated that staff has updated the District's five (5) year plan for dredging and DMMA construction. This document is intended to be a "living" planning document that will be utilized to schedule future District projects. As situations change and opportunities are repositioned, the scheduling of these projects may shift significantly. There are always potential projects that come up and are scheduled by opportunity.

Mr. Crosley stated that the District is currently in a maintenance dredging mode. The large project next year will be the offloading of MSA 434 and the dredging of the

Ponce Inlet. The District has constructed the primary need DMMA sites and is working towards building the secondary phase of DMMA sites. Generally, two (2) to three (3) sites are constructed yearly. This document assists staff in budgeting for these projects. He asked for questions.

Secretary Donaldson stated that it is great to have a five-year outline. It helps the commissioners and provides backup-up when setting future budgets and millage rates.

Commissioner Sansom stated that Brevard County just approved a ½ cent sales tax for muck dredging. He stated that the county may be interested in partnering with FIND to construct some of the District's sites.

Mr. Crosley stated that he has discussed this opportunity to partner with the county with Virginia Barker and the Brevard County Engineer. The county is also interested in removing the nutrients from the water column. This provides a great opportunity to build the Brevard County sites and include water quality improvements.

Chair Cuozzo asked if Brevard County is addressing the muck source. Commissioner Sansom stated that the county is working to convert residential septic tank use to sewer connections.

Dr. Taylor stated that the disposing of this muck material is concerning. Commissioner Sansom stated that the material would have to be sent to a special site.

**ITEM 16. Finance and Budget Committee Report.**

Committee Chair McCabe stated that the District's Finance and Budget Committee met before today's Board meeting and the committee reviewed and recommends approval of the September 2016 financial statements, the delegation of authority and the expenditure and project status report. She asked for questions. There were none.

Treasurer McCabe made a motion to approve the recommendations of the District's Finance and Budget Committee, September 2016 financial statements, the delegation of authority and the expenditure and project status report. The motion was seconded by Commissioner Williams. Chair Cuozzo asked for discussion. Hearing none, a vote was taken and the motion passed unanimously.

Treasurer McCabe made a motion to approve the recommendations of the District's Finance and Budget Committee of FY 2015-2016 Budget Amendment No. 2. The motion

was seconded by Commissioner Blow. Chair Cuozzo asked for discussion. Hearing none, a vote was taken and the motion passed unanimously.

Mr. Crosley noted that the District's auditor has reviewed and approved the District's ACH payment policy.

Treasurer McCabe made a motion to approve the recommendations of the District's Finance and Budget Committee, District Cash Management Policy, November 2016. The motion was seconded by Secretary Donaldson. Chair Cuozzo asked for discussion. Hearing none, a vote was taken and the motion passed unanimously.

**ITEM 17. Personnel Committee Report.**

Committee Chair Netts stated that the District's Personnel Committee met prior to the Board meeting and recommends that the Board authorized the Executive Director to implement up to a 4% salary increase for each employee based on performance.

Vice-Chair Netts made a motion to approve the recommendations of the District's Personnel Committee to authorize the Executive Director to implement up to a 4% salary increase for each employee based on performance. The motion was seconded by Secretary Donaldson. Chair Cuozzo asked for discussion. Hearing none, a vote was taken and the motion passed unanimously.

Committee Chair Netts stated that the District's Personnel Committee met prior to the Board meeting and recommends that the Board authorize 2% salary increase and a 2% one-time bonus for the Executive Director. In future years, the bonus could be made part of the Executive Director's annual salary, not retroactive.

Vice-Chair Netts made a motion to approve the recommendations of the District's Personnel Committee to the Board to authorize a 2% salary increase and a 2% one-time bonus for the Executive Director. In future years, the bonus could be made part of the Executive Director's annual salary, not retroactive. The motion was seconded by Commissioner Williams. Chair Cuozzo asked for discussion. Hearing none, a vote was taken and the motion passed unanimously.

**ITEM 18. Washington D.C. Report.**

Mr. Crosley stated that Congress remains in recess until November 14<sup>th</sup>. Prior to adjourning to campaign for the elections, lawmakers approved a ten (10) week Continuing Resolution (CR) to fund the government through December 9<sup>th</sup> at FY 2016 funding levels.

Mr. Crosley stated that Congresswoman Frankel, Congressman Murphy, Congressman Deutch, Congressman Hastings and Chairman Cuzzo all signed a letter of support to Jo-Ellen Darcy, the Assistant Secretary of the Army for Civil Works requesting 2017 Federal funding to assist FIND.

Mr. Crosley stated that the recent elections changed some of the District's representatives and there will be a new administration. The word is that earmarks may be reinstated this year.

Mr. Crosley stated that the District worked very hard to include "no mitigation for maintenance dredging" language into the WRDA Bill, but were unsuccessful.

Chair Cuzzo stated that Brian Mast is the new Congressman for District 18. He stated that FIND will enjoy meeting him when we go to Washington. He is a very nice person and interesting guy.

Commissioner Blow stated that with the new administration, there may be a chance to fix the seagrass mitigation problem and FIND should not miss that opportunity.

Mr. Crosley stated that the Honolulu District has a mitigation issue with seagrass and they are refusing to mitigate for maintenance dredging projects. The issue is now moving up the Washington chain. He stated that he has talked to the USACE about FIND being an interested party in that issue.

Mr. Crosley stated that the Washington visit may be the first week in March of 2017. The date range is February 27 through March 10, 2017.

**ITEM 19. Additional Staff Comments and Additional Agenda Items.**

Chair Cuzzo asked if there were any additional staff comments or agenda items.

Ms. Zimmerman stated that the Okeechobee Waterway trip has been re-scheduled for February 1 through February 3, 2017. Day 1 travels from Stuart to Fort Myers and so far, she has 13 people attending and she has four spaces open.

Mr. Crosley noted that the USACE oversees this trip and the Colonel will review the list of attendees.

**ITEM 20A. District Emergency Storm Program.**

Chair Cuzzo stated that Commissioner Williams would like to discuss modifying the City of Fernandina Beach's current grant.

Mr. Crosley stated that the city can make a supplemental application to change the project.

Commissioner Williams stated that Hurricane Matthew damaged the City of Fernandina Beach Marina. The marina was approved for a FIND grant for dredging and with this hurricane damage, the marina's needs have changed. He questions if the current grant could be changed from dredging to marina repair.

Commissioner Blow stated that the St. Augustine marina was also damaged from the hurricane and the city is applying to FEMA for funding. Commissioner Williams stated that the City of Fernandina Beach is also applying to FEMA for funding.

Vice-Chair Netts made a motion to allow the City of Fernandina Beach to modify their permits and grant application. The motion was seconded Treasurer Donaldson. Chair Cuozzo asked for discussion. Hearing none, a vote was taken and the motion passed unanimously.

Mr. Crosley noted that FIND can also receive an application for emergency funding for hurricane repairs that are not eligible for FEMA funding.

**ITEM 20. Additional Commissioners Comments.**

Chair Cuozzo asked if there were any additional commissioner comments.

Commissioner Blow noted that last evening's Community Outreach Event was well-attended and very nice.

Commissioner Isiminger stated that he visited Commissioner Dritenbas yesterday and that he is in good spirits and receiving visitors until 5:00 p.m. daily.

Commissioner Sansom stated that the Florida House and Senate will be adopting different rules of operation at the upcoming Legislative Session. The new Speaker will require that every funding request that is not coming from an agency will be required to have a separate piece of Legislation filed supporting the request. He noted that those requests must go through a committee for approval.

**ITEM 21.    Adjournment.**

Chair Cuozzo stated that hearing no further business the meeting was adjourned at  
12:12 p.m.

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Donald J. Cuozzo, Chair

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Attest:            Don Donaldson, Secretary  
(SEAL)