

**MINUTES OF THE  
FLORIDA INLAND NAVIGATION DISTRICT**

**Board of Commissioners Meeting**

**9:00 a.m., Friday, January 20, 2017**

**The Casa Monica Hotel**

**95 Cordova Street**

**St. Augustine, St. Johns County, Florida 32085-4424**

**ITEM 1. Call to Order.**

Chair Cuozzo called the meeting to order at 9:00 a.m.

**ITEM 2. Pledge of Allegiance.**

Commissioner Blow led the Pledge of Allegiance to the Flag of the United States of America.

**ITEM 3. Roll Call.**

Secretary Donaldson called the roll and Chair Cuozzo, Vice-Chair Netts, and Commissioners Blow, Chappell, Isiminger, Osteen, Sansom, and Williams were present. Treasurer McCabe was absent. Secretary Donaldson stated that a quorum was present. Commissioner Crowley arrived at 9:06 a.m.

**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 presented. 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 does not have any additions or deletions to the meeting agenda, but he does have a change to agenda: Item 9, U. S. Army Corps of Engineers, Tori White will present information regarding setbacks.

Mr. Crosley stated that he has distributed a letter from the City of Hillsboro Beach regarding the Hillsboro Inlet.

Mr. Crosley noted that there are some people who wish to comment on the St. Augustine and Matanzas projects.

Commissioner Sansom asked about discussing the FWC Anchoring information. Mr. Crosley stated the item will added to the agenda under: Item 18A., FWC Anchoring Information.

Vice-Chair Netts 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 7. Board Meeting Minutes.**

Chair Cuozzo asked if there were any comments or questions regarding the December 16, 2016 Finance & Budget Committee and Board Meeting Minutes.

Commissioner Williams referred to Item 17B of the December 16, 2016 Board Meeting Minutes and stated that he would like the paragraph rephrased to focus on the IWW being used as recreational.

Commissioner Blow referred to Item 18 of the December 16, 2016 Board Meeting Minutes and stated that he would like to make it clear that the City of St. Augustine had nothing to do with the Matanzas dredging project delay and the Minutes should reflect that "St. Johns County" and the USACE has delayed the project.

Commissioner Sansom made motion to approve the December 16, 2016 Finance & Budget Committee and Board Meeting Minutes as amended. 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 8. Staff Report on St. Johns County Area Projects.**

Mr. Crosley stated that Phase I of the Dredged Material Management Plan (DMMP) for the Intracoastal Waterway (IWW) in St. Johns County was completed in 1989. He stated that Phase II of the DMMP was completed in 1992 and all major land acquisition was completed in 1995.

Mr. Crosley stated that the 50-year dredging projection for this area is 4.3 million cubic yards and the storage projection is 9.3 million cubic yards. He stated that Maintenance Dredging in Reach V in the vicinity of the Matanzas Inlet is 67% of the County's dredging volume. Dredging events occur approximately every 2.7 years, and this reach is the highest shoaling reach of the entire waterway. Reach V is scheduled to be dredged in 2017. Reach I and II in the Palm Valley area constitute approximately 25% of the dredging volume, while Reaches III and IV have never been dredged and display naturally deep areas of the waterway with minimal shoaling.

Mr. Crosley stated that to date, two of the four upland Dredged Material Management Areas (DMMA) in the County, DMMA SJ-14 and DMMA SJ-1, have been fully constructed. The other two, DMMA SJ-20A and DMMA SJ-29, have had Phase I development. He stated that Phase II development plans were initiated on DMMA SJ-20A, however salinity concerns and low dredging volumes have predicated a revised strategy for this site. Initial inquiries leading to the potential relocation of this site were unsuccessful. The site will remain in inventory for dry material handling, storage and staging. There is also one frequently utilized beach disposal area, SJ-MB, located south of Matanzas Inlet.

Mr. Crosley stated that material was removed by St. Johns County from DMMA SJ-1 in 2011 to repair the sand dunes at Summerhaven Beach. He noted that the recent Barrier Island breach has been closed. Commissioner Blow stated that the County may not need material at this time, but they would like to keep the option open to use DMMA SJ-1 in the future.

Mr. Crosley stated that in 2011, Dredging Reach V near Matanzas Inlet was maintenance dredged with approximately 180,000 cubic yards of material placed on the southern portion of Summerhaven Beach. Plans & specifications for dredging this reach were initiated in 2016, with construction expected in 2017. Dredging Reach III in the vicinity of St. Augustine Inlet was dredged in 2011, with the material being placed on the beach at Anastasia State Park. This area will again be dredged in 2017. Efforts are underway to modify the existing approved placement area, which is south of the inlet, to place material on the severely eroded beaches north of the inlet in Vilano Beach.

Mr. Crosley stated that the dredging of the northern portion of Reach I, Palm Valley, was completed in early 2010, with 232,000 cubic yards of material being placed in DMMA DU-9. He stated that this project completed the maintenance of 15 miles of channel within the Palm Valley Cut.

Mr. Crosley stated that the St. Johns County Waterways Economic Study was completed in 2005 and it found that there were 155 waterway-related businesses in the County employing 2,157 people, with salaries of \$73 million, a direct economic output of \$139 million and a total economic impact of \$213 million. He noted that staff is working with a consultant to update the Economic Impact Study of the District's Waterways in St. Johns County.

Mr. Crosley stated that since 1986, the District has provided \$6.5 million in Waterways Assistance Program funding to 67 projects in the County having a total constructed value of \$19.7 million. The District participates with all the major communities in St. Johns County. Mr. Crosley noted that St. Johns County is currently the only District County without an active Waterway Cleanup Program.

Commissioner Blow stated that St. Johns County has a vast amount of marsh. The marsh makes it difficult to clean up those areas.

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

Ms. Lacy Pfaff, the Interim 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. The contract was awarded to Weeks Marine on September 30, 2016 and the Notice to Proceed was issued on November 2, 2016. For the St. Augustine project, because of damages incurred in the Vilano/South Ponte Vedra beach area from Hurricane Matthew, FIND has requested that the USACE investigate the cost of changing the placement area of the St. Augustine Dredging Reach to the beach north of the inlet, in lieu of placing on the State Park south of the Inlet. This will require a FDEP permit modification. Weeks Marine has confirmed that they will commence construction at the Matanzas Inlet first to allow time for USACE real estate and the FDEP permit modification to complete.

Ms. Pfaff stated that St. Johns County has requested a change to the IWW Matanzas project by placing sand at a higher elevation where old AIA was washed away by Hurricane

Matthew. This will require a modification to the contract and a minor modification to the FDEP permit. The Corps is pursuing a waiver to issue the Request for Proposal (RFP) before the FDEP permit modification is complete.

Mr. Crosley stated that it is anticipated there will be additional project costs associated with these project changes. That information will be available for discussion at the District's February meeting.

Mr. Greg Caldwell, Assistant Public Works Director with St. Johns County, stated that the County appreciates FIND's support and partnership on these projects. Hurricane Matthew damaged the beaches from Vilano to Ponte Vedra Beach. Placing the sand North of the St. Augustine Inlet will greatly help the residents of Vilano Beach.

Ms. Pfaff stated that a RFP has been sent to the contractor for response. Before the material can be placed on the beaches north of the St. Augustine Inlet, St. Johns County needs to obtain the real estate easement documentation from 87 parcels of land in private ownership. That real estate documentation will need to be certified by FIND and the USACE. Mr. Caldwell stated that there are 22 private parcels of land where the active sand placement will occur. The remaining 65 private parcels are for pipeline placement. The County Land Management Department is working on acquiring those easements.

Secretary Donaldson noted that this sand placement will not be enough to fix all the damaged property. He asked about the County's plans for the remaining damages. Mr. Caldwell stated that a Lidar pre-and-post storm survey was completed to help to determine the amount of lost beach sand. The County has contacted the FEMA Beach Manager and the State of Florida for help with future sand placement.

Linda Chambless, with the South Ponte Vedra/Vilano Beach Preservation Association, stated that the association has been trying to obtain sand placement on the Ponte Vedra and Vilano beaches since 2006. She thanked FIND and the USACE for working through the hurdles to place this sand north of the inlet, noting that the FIND sand placement will cover approximately one-mile of beach. There are an additional seven-miles of beach that also need sand. St. Johns County is pursuing State of Florida Disaster Funding to help with this project.

Ms. Chambless stated the County is surveying residents to determine if they would be willing to execute a construction project easement, and if they are in favor of a special

tax to help fund this project. The residents are supporting this project. The homeowners question if can they cross over the pipeline to access the beach and how long will the pipeline be in place. Ms. Pfaff stated that yes, residents will be able to cross over the pipeline to get to the beach and that the pipeline will be in place approximately two months.

Secretary Donaldson stated that when Martin County re-nourished their beaches, the ocean front property owners were initially assessed a Municipal Services Benefit Unit (MSBU) tax. The special tax was changed to a Municipal Service Tax Unit (MSTU). Martin County beach front and barrier island property owners have had special assessments three (3) times.

Ms. Pfaff 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 times to address issues associated with the access road, bids were delayed until October 14, 2016. The project was awarded on November 22, 2016, with a required completion date of July 14, 2018.

Mr. Crosley stated that FIND provided the USACE with DMMA O-7 project funding for more than the contracted amount. Money was saved because FIND did not have to build an access road by executing a temporary use agreement with the adjacent property owner. Also, the project bid came in lower than estimated. The USACE has returned a portion, \$1 million, of excess funding to FIND. The remainder of the excess funding will be returned to FIND upon project completion.

Ms. Pfaff stated that the Plans and Specifications for construction of DMMA O-23 will kick off next week. NEPA activities were started and are extensive. There is a federally listed plant, reindeer lichen, which grows in scrub areas and has a minor presence on the site. There are about 10 to 20 square feet of the species that must 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 project is upland construction. Project design concepts will be the same as DMMA O-7. She anticipates a Work Order will be presented to FIND at the July or August of 2017 Board Meeting.

Ms. Pfaff 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 was removed from the area as they need it for additional beach re-nourishment. The permit modification was received on December 12, 2016. This project will be funded with Federal funds.

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 wanted to get the Corps hopper dredge to take care of this small amount of shoaling. If everything comes together, the work order should be ready by February of 2017. If the hopper dredge cannot be on site by March 2017 at the latest, the District is ready to expedite the original dredging project without the widener.

Ms. Pfaff 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 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. 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. These changes will push this project out one additional year.

Commissioner Chappell asked how long the project delay would be. Ms. Pfaff stated that the Environmental Assessment would take six months. He stated that this summer, FIND will move forward with an Environmental Assessment of this area.

Ms. Tori White stated that the Regulatory Division performed the Endangered Species Act (ESA) and Environmental Fish Habitat (EFH) consultants. This would cover the removal of resources during the Broward County Reach I Dredging project.

Ms. White stated that if the material was dredged and placed in an upland area or DMMA it would qualify for Regional General Permit (RGP).

Commissioner Chappell stated that if material was placed at Exchange Club Park then trucked to the Hillsboro Inlet Sand Trap, the JCP would not need to be modified.

Ms. Pfaff 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.

Mr. Crosley stated that Miami-Dade County looked at sand in the Baker's Haulover channel for their beach renourishment project. This area is dredged approximately every three years and normally 30,000 cubic yards of material is removed from the channel. When the County surveyed the project area, there was less material in the channel than normal after three years' post dredging. Now the County is looking at the flood shoal that is encroaching in the channel. The small amount of shoaling may allow for hopper dredging.

Commissioner Crowley stated that last April during the Waterway Tour, the sand bar was observed moving into the Baker's Haulover channel. He noted that the boat show is about to commence in Miami. A number of the larger boats will travel from Fort Lauderdale to Miami and will have to pass through the Baker's Haulover area. It is necessary to dredge the current shoal before it increases and becomes a hazard to navigation. These projects take a long time to permit and if we wait until the shoal becomes a problem, it will take another year before that shoal is dredged. He noted that the economic benefit from the Miami Boat Show to Miami-Dade County is \$650 million.

Ms. White stated that the Baker's Haulover project would be covered under the General Permit (GP).

Ms. Tori White, Deputy, Regulatory Division, with the U.S. Army Corps of Engineers (USACE), stated that the USACE Setback Policy criteria applies to all structures



within federal waters. All structures must have a Department of the Army Permit, Consent to Easement, a 408 permission, and meet current Setback Policy criteria.

Ms. White stated that the Setback Policy Criteria was established in 1935. The setback policy allows for safe navigation and cost effective maintenance of the federal channel. Because of upland development along the waterway and larger boats, Setback Policy criteria has had to be changed over the years to protect the navigation channel.

Ms. White stated that variances can be granted to the setback policy based on site-specific information. There were some site-specific Policies of Memorandum that were put in place in the Palm Valley area that allowed a structure to have a 40-foot setback on the east side of the channel in some areas, and a 36 foot or a 100-foot setback in other areas of the waterway.

Ms. White stated that in 2013 the USACE updated the Setback Policy Criteria. This new policy applies to existing structures that are proposed to be repaired, modified, or replaced. This criterion supersedes all previous Setback Policy Criteria and Memorandum for Records (MFR). This policy expanded structure restriction to 62.5 feet from the design edge of channel, removed the term “substantial justification”, added a width restriction of 1/3-foot of the width of the shoreline for development, up to 40 feet if 62.5 feet from design edge of channel. That policy also added some policy definitions for clarification and added 2 feet to absolute minimum of 38 feet in the northern part of the State and in southern Florida 32 feet.

Ms. White stated that the USACE is working within the Real Estate section to define, maintain and implement a consistent Setback Policy Criteria insuring that a consistent decision will be rendered to each permit applicant.

Ms. White noted that the Real Estate division has not had the funding or manpower to process applications and because of that, they have a back log of applications. Regulatory has helped fund additional Real Estate staff so that the department can catch up on their workload.

Ms. White stated that with the new Setback Policy Criteria in place, the USACE also developed an enforcement strategy and policy. For structures that are in non-compliance, the USACE policy is to contact the property owner and request that the structure be voluntarily removed or the property owner obtains after the fact authorization.

If the property owner does not comply, the USACE has several legal options which include; trespassing action if there is no Consent to Easement, or placing a lien on the property.

Ms. White stated that there are 350 docks in the Palm Valley area and 314 are in non-compliance. The majority of the non-compliant docks have not obtained their Consent to Easement, or have a Regulatory permit and were not built as permitted, or after construction the As-Built was not turned into the USACE. Of the 314 docks that had an issue, 165 of those dock issues have been resolved. There were 55 docks identified as needing a physical correction and may require removal of part of the dock. Two docks were closer than 20 feet. Two docks are in a federal channel in the widener. These docks have lights installed and are permitted. The permit includes a removal condition at the property owners expense. This type of activity will not be permitted or allowed in the future because the USACE has GIS mapping.

Commissioner Crowley stated that property owners find it difficult to deal with the USACE Regulatory when trying to obtain permits for dock structures. He understands the reasoning behind these policies but, there are places in the channel that the policy does not make sense. One area in South Broward County has development and structures on the east side of the channel and the west side of the channel is protected and undeveloped. The channel has shifted towards the developed shoreline. There is historical high use on the east shoreline with a low frequency of boating accidents. This area has low frequency of dredging. A lot of the homeowners have been impacted by this Setback Policy and the lack of flexibility by the USACE. He would encourage Regulatory to analyze that stretch and other areas in Miami-Dade, Broward, and Palm Beach Counties and discuss some of the issues with the FIND Commissioner in those counties. FIND manages the IWW for commercial and recreational use. If steps are taken by the USACE to significantly limit the recreational and commercial use of the waterway, it will impact FIND's mission. He is hopeful that the USACE will consider certain specific criteria for variances for certain projects.

Ms. White stated that Regulatory has analyzed the entire IWW. The focus areas have been geographically identified for site specific review and revision to the setback policy. All structure permits are reviewed for undeveloped land, conservation land, location, boating accidents, and dredging frequency.

Commissioner Crowley stated that the referenced area of the IWW would be a good test case for an authorized variance.

Commissioner Isiminger stated that one of the factors that should be considered is dredging frequency in a specific area because the setback is two-fold for navigation and maintenance, maintenance is less importance when considering variance. The structure setback criteria regulations should be different for an area of the waterway that is never dredged then it would be for an area that is dredged every five years.

Commissioner Chappell stated that one purpose of the Setback Policy is to regulate the impact from a structure to the cost of dredging in the IWW. Broward County is rarely dredged and when it is dredged, the mechanical dredging method is used. He asked that the setback policy be reviewed for Broward County. In Broward County, numerous individuals have waterfront property and would like to have access to the IWW. The USACE is telling property owners that they can only have a 40-foot-wide dock on a 100-foot-wide property, that they paid \$10 million for. Those property owners are paying property taxes and a percentage of those taxes are going to FIND. FIND uses that revenue to pay for maintenance of the waterway. These regulations are restricting people who are paying money to live on and have access to the IWW. Even if the area had to be dredged around a structure, the upcharge would only be a 1 to 5 percent increase in project cost. If you ask the person who is paying the property taxes, they would be more than happy to pay an additional 5 percent property tax to have a larger dock and water access. He noted that the majority of tax revenue received by FIND comes from Miami-Dade, Broward and Palm Beach Counties. These regulations are causing people to think twice about purchasing waterfront properties, which concerns him. He stated that he knows that there are access issues to dredging when the waterway channel has a turn, but with today's technology, he cannot imagine that a dredging company that could not dredge at an angle. He still cannot understand a restriction on the widener.

Commissioner Sansom asked when the USACE considers the platform width of the dock, are the pilings included in that measurement. During a dredging event the dock pilings would not impact the project

Chair Cuzzo noted that the dock pilings can be a hazard to navigation.

Commissioner Crowley stated that the USACE says that there is flexibility to their setback policy when there is not.

Ms. White stated that the board is asking the USACE to look at site specific information and grant variances. She stated that she just presented information as to how the USACE is going to look at information and determine how and where to apply a variance. Future permit decisions will provide flexibility where the USACE can afford to be flexible and protect the waterway when it needs to be protected.

Ms. White referred to the FIND grant applications and stated that she would like to talk with the board at the May 2017 meeting about how the applicants can correctly complete and streamline their permit applications and so that the permit will be processed and approved by the September grant deadline.

Ms. White stated that all the District's IWW maintenance dredging is covered by the General Permit (GP). Dredging can be hydraulic or mechanical. Resources, such as seagrass are included in the permit. The GP covers all scenarios, but when seagrass is outside of the channel there is another step that must be taken and that is to go back to the National Marine Fisheries Service (NMFS). If seagrass is outside of the channel, she must be notified and advised the type of dredge that will be used and how close the seagrass beds are to the slope. The GP covers upland disposal sites and beach placement. There is also a permit required by the State of Florida for beach placement.

**ITEM. 10. Scope of Work and Fee Quote for Additional Analysis and Presentation of Information for Commercial-Industrial Waterway Access within the District's Twelve Member Counties, Florida.**

Mr. Crosley stated that following the initial study and December 16, 2016 presentation by Planning Solutions Corp (PSC), the Board requested staff solicit an additional scope and fee quote to continue the effort to identify and promote Commercial/Industrial Waterway access within the twelve counties of the District.

Mr. Crosley stated that PSC has provided a scope and fee quote in the amount of \$180,505.00, or about \$15,000.00 per County, to complete "Phase II" of this study effort. If approved, PSC could begin presentations as early as March for Duval County and April for Flagler County, with County site-specific assessments and a presentation prepared for that County.

Commissioner Williams made a motion to approve the scope and fee quote from Planning Solutions Corp. in the amount of \$180,505.00 for Phase II of a District-wide Commercial/Industrial Waterway Access Inventory Plan, including County specific presentations. The motion was seconded by Commissioner Sansom. Chair Cuozzo asked for discussion.

Ms. Beth Lemke, with Planning Solutions Corp, stated that this investigation will go deeper into each County and will include site visits, survey questions with marine businesses and agency contacts. Meeting with local government will be coordinated with FIND Board meetings in each County. The FIND Executive Director will be apprised of the progress of the project. It is recommended that an initial meeting be held with the District's Economic Consultant to share information related to the two endeavors.

Commissioner Isiminger suggested that when the soundings are completed, make sure that the tidal information is correct, so that the soundings are meaningful.

Commissioner Crowley suggested that Ms. Lemke contact him early in the process for Miami-Dade County. It would probably be beneficial for Ms. Lemke to contact each FIND Commissioner to discuss their County.

Secretary Donaldson stated that he mentioned to the Florida Department of Transportation (FDOT), District 4 staff that the District was working on this study. Ms. Stacy Miller has expressed an interest in the project and would like to coordinate a meeting with Ms. Lemke.

Commissioner Sansom stated that for Brevard County, he would appreciate the consultant meeting with the County and the Florida League of Cities.

Commissioner Crowley asked that the information be set-up so that it can be shared. For example, when a County is preparing their Maritime Master Plan, they will have access to this information in a way that will allow them to incorporate it into their plan.

Chair Cuozzo asked for any further discussion. Hearing none, a vote was taken and the motion passed unanimously.

**ITEM 11. Project Bid Approval for Weir Replacement at Dredge Material Management Area DU-2, Duval County, Florida.**

Mr. Crosley stated that Taylor Engineering and District staff have been working to replace the failing weir at Dredged Material Management Area (DMMA) DU-2. This site is expected to be utilized for non-beach compatible material during the forthcoming Nassau

County Reach I dredging project. Bids were originally opened for the project on November 22, 2016, and only two bids were received. Both bids were well over the engineering estimate for this project and were rejected.

Mr. Crosley stated that the project was re-advertised and bids were opened on January 12, 2017. Three (3) bids were received and the low qualified bidder was Brance Diversified, Inc.

Commissioner Sansom made a motion to approve the low qualified bid for weir replacement at DMMA DU-2. Duval County, Florida. The motion was seconded by Commissioner Blow. Chair Cuzzo asked for discussion.

Chair Cuzzo asked about the bids. Mr. Scarborough stated that the third bidder, submitted a bid as if he was building the entire site and the second bidder has not done this type of work before. The low qualified bidder has completed this type of work for the District and understands the project scope.

Commissioner Blow stated that Brance Diversified, Inc. has successfully completed a lot of work in north Florida for local government.

Chair Cuzzo asked for any further discussion. Hearing none, a vote was taken and the motion passed unanimously.

**ITEM 12. Revised Scope of Services and Fee Proposal for Professional Engineering Services, St. Lucie County Reach I Dredging Project, Permitting and Design, St. Lucie County, Florida.**

Mr. Crosley stated that at the December 16, 2016 Board meeting, the Board authorized staff to expend up to \$50,000.00 with Taylor Engineering to coordinate with St. Lucie County on the forthcoming St. Lucie Reach I Dredging Project. The County has requested any beach-compatible material from the Intracoastal Waterway (IWW) dredging project be placed directly on the severely eroded beaches south of Fort Pierce Inlet.

Mr. Crosley stated that Taylor Engineering has already initiated this effort and has provided the attached scope and fee quote for this work. In addition, staff is requesting a change order in the amount of \$46,000.00 of funding remaining from the initial work order from this project to be utilized to conduct the additional core borings required to test for beach-compatible material within the IWW.

Commissioner Blow made a motion to approve a proposal and fee quote from Taylor Engineering in the amount of \$49,885.92 and approval of a change order in the amount of \$46,000.00 to re-evaluate and redesign the St. Lucie Reach 1 Dredging Project, in cooperation with St. Lucie County, Florida. The motion was seconded by Secretary Donaldson. Chair Cuzzo asked for discussion. Hearing none, a vote was taken and the motion passed unanimously.

**ITEM 13. Lease of Material Storage Area MSA 617C for Public Reef Construction Material Staging, Palm Beach County, Florida.**

Mr. Crosley stated that Vance Construction has requested a one (1) month lease (with a possible one (1) month extension) of Material Storage Area MSA 617C in Palm Beach County for material staging and waterway access. This project is a Palm Beach County Environmental Resources Management public reef construction project.

Vice-Chair Netts made a motion to approve a one (1) month lease agreement (with possible one month extension) with Vance Construction Company for the temporary use of MSA 617C. Palm Beach County, Florida. The motion was seconded by Commissioner Blow. Chair Cuzzo asked for discussion.

Commissioner Crowley asked if this is the FIND site in Juno Beach that the District receives complaints about the noise from the neighbors. He stated that several years ago, he inquired for a coastal contractor about using this site for a staging area and it was denied.

Mr. Crosley stated that use of this site for contractor staging is limited to public projects.

Commissioner Isiminger stated that he supports the use of District sites for contractor staging, public and private.

Commissioner Crowley suggested developing criteria for the use of District sites.

Commissioner Sansom stated that these requests should be brought before the board for approval. The determination should be based on the project and the site.

Secretary Donaldson stated that neighbors adjacent to the District's sites are tax payers. These sites should be identified in the District's Commercial-Industrial Waterway study and then criteria could be developed for specific site use.

Chair Cuzzo asked for any further discussion. Hearing none, a vote was taken and the motion passed unanimously.

**ITEM 14. Revised Scope of Services and Fee Proposal for Professional Engineering Services, Nassau County Reach 1 Dredging Project, Fernandina Harbor Alternate Bid Analysis, Nassau County, Florida.**

Mr. Crosley stated that at the December 16, 2016 Board meeting, the Board requested staff and Taylor Engineering to coordinate with the City of Fernandina Beach on the forthcoming maintenance dredging project for Nassau County Reach 1. The City needs to maintenance dredge the public marina and they may be able to save time, effort and funding by coordinating their project with the dredging of the Atlantic Intracoastal Waterway (AIWW).

Mr. Crosley stated that Taylor Engineering has provided a scope and fee quote in the amount of \$19,434.00 to facilitate this coordination and determine suitability and capacity of Dredged Material Management Area (DMMA) NA-1.

Commissioner Williams noted that it has been a pleasure to work with Mr. Bill Aley from Taylor Engineering on this project.

Commissioner Williams made a motion to approve a proposal and fee quote from Taylor Engineering in the amount of \$19,434.00 to include the City of Fernandina Beach Marina Harbor as an alternate bid in the maintenance dredging of Nassau Reach 1, Nassau County, Florida. The motion was seconded by Vice-Chair Netts. Chair Cuzzo asked for discussion.

Mr. Jerry Scarborough, with Taylor Engineering stated that the Fernandina Beach Marina will be responsible for removing the docks and piers so that the dredging company can complete the work in the marina.

Chair Cuzzo asked for any further discussion. Hearing none, a vote was taken and the motion passed unanimously.

**ITEM 15. Major Project Cost Modification Request - Town of Marineland Marina Phase B Waterways Assistance Program Project, Flagler County, Florida.**

Ms. Zimmerman stated that the Town of Marineland has submitted a request for a major project cost modification to their Waterways Assistance Program (WAP) project - Marineland Marina Phase B, Project #FL-ML-14-24. In 2015, a minor cost modification was approved by the FIND Executive Director and the Flagler County FIND Commissioner. After having received final contractor pricing for the project, the Town is requesting to shift funding among individual project elements. The cost of dredging and



dock construction has decreased, while the cost of constructing the dock master's facility has increased. The overall District project cost share of this project will remain the same, as will the Town's match. Because this request is a major cost-estimate modification, Board approval is required.

Vice-Chair Netts made a motion to approve the major project cost estimate modification to Project Agreement #FL-ML- 14-24, Marineland Marina Phase B Project, Flagler County, Florida. The motion was seconded by Commissioner Chappell. Chair Cuzzo asked for discussion. Hearing none, a vote was taken and the motion passed unanimously.

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

Commissioner Blow stated that the District's Finance and Budget Committee met before today's Board meeting and the committee reviewed and recommends approval of the November 2016 financial statements, the delegation of authority, and the expenditure and project status report.

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

Commissioner Blow referenced the FPL Road Lease and questioned if the \$2.5 million bond should be kept in place.

Mr. Crosley stated that most of the Broward Dredging Project is complete, but there are still some utility issues delaying dredging of a small section of the project. The City water utility lines have been relocated, but FIND is waiting on FPL and ATT to relocate their utility lines. The dredged material is about half-way removed from the DMMA site. The dredge has stopped and currently does not have another place to work. The contractor would like to finish the deepening project. If FPL moves the utility line, the contractor will finish the project and he needs the DMMA site to place to material. He stated that he is concerned that if the contractor demobilizes, everything needed to use the DMMA will be unavailable in the future.

Commissioner Chappell asked when the District's agreement with the Port expires. Mr. Crosley stated January 2018. He stated that he has reached out to the County and the Port to leave the District's road improvements in place.

Commissioner Chappell noted that the City of Fort Lauderdale dredging project will be starting.

Commissioner Blow suggested that the District's General Permit (GP) could be used to dredge Baker's Haulover and the material could be brought to the Port DMMA.

**ITEM 17. Washington D.C. Report.**

Mr. Crosley stated that before adjourning for the year, Congress declared a Fiscal Year (FY) 2017 Continuing Resolution (CR) that would extend current funding levels for most federal agencies through April 28, 2017. As a result of the CR, the USACE's FY 2017 Work Plan will likely be delayed until spring.

Mr. Crosley stated that Mr. Davenport worked with Representative Frankel and seven other members of FIND's Congressional Delegation to write a letter to the USACE seeking FY 2017 funds. The USACE responded and stated that no FY 2017 funding commitments or allocations can be made at this time. The letter stated that the projects mentioned in the letter will be considered for funding when funding is available.

Mr. Crosley stated that Mr. Davenport will continue working with FIND's Congressional Delegation and the USACE between now and the release of the Work Plan for IWW funding.

Ms. Zimmerman stated that the Washington visit is scheduled for March 6 through March 9, 2017. Mr. Crosley stated that Monday and Thursday are travel days and Tuesday and Wednesday will be two-full work days.

Chair Cuozzo stated that he has been in touch with Congressman Mast regarding District issues.

**ITEM 18A. FWC Anchoring Information.**

Vice-Chair Netts stated that he received a telephone call from the Marine Trawler Owners Association (MTOA). The caller was very concerned about the Anchoring/Mooring proposed legislation that is going back to the Florida Legislature this session. The caller was against any proposed anchoring ordinance.

Vice-Chair Netts stated that in 2009 the Legislature directed the Florida Fish and Wildlife Conservation Commission (FWC) to develop a model ordinance and select five participating local governments to test a variety of boat anchoring ordinances. This program was extended by the Legislature and sunsets on July 1, 2017. The FWC has not made a recommendation to the Legislature on what to do with this proposed mooring/anchoring legislation.

Vice-Chair Netts stated that the caller asked him if FIND has an interest in this legislation. He told her, that FIND is interested in public access to public waters. He noted that there are several groups that are interested in bringing this opposition to the legislators before they take the item up during the Legislative session.

Commissioner Sansom stated that the FWC has submitted their Mooring Pilot Program Proposed Final Report containing their recommendations that are based on the experiences of the five communities and the statutory goals of the pilot program. He stated that he is disappointed that the FWC did not present an Anchoring Model Ordinance. The FWC did make recommendations regarding derelict vessel penalties and regulations. He noted that if the Legislature is going to develop a local ordinance, it should be by County and not City.

Vice-Chair Netts stated that the issue with the County/City is interesting. He noted that in St. Augustine, the City is the vested party in the anchoring program. The five (5) Mooring Pilot Districts came up with very good and reasonable regulations.

Commissioner Blow stated that the City of St. Augustine has a successful Anchoring Pilot program, and it is distressing that after all these years the FWC has not made a recommendation. He noted that the City and County do not always communicate well.

Mr. Crosley stated that perhaps a representative should attend a FIND/FWC meeting to discuss this issue.

Commissioner Sansom suggested that FIND monitor the legislation and if there is a proposal, the Board could review it and decide if FIND should take a position.

Vice-Chair Netts stated that he is not sure that this is a FIND issue, but it is important. He noted that transient boaters would be affected by this legislation and they are part of the driving economic force of the IWW.

**ITEM 18. Additional Staff Comments and Additional Agenda Items.**

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

Ms. Zimmerman distributed to each commissioner a new FIND e-mail address, password and set-up directions. She asked commissioners to advise her once they have set-up their new e-mail. She will then post it on the District's web site.

Mr. Crosley noted that the District's new web site is up and running.

**ITEM 19. Additional Commissioners Comments.**

Chair Cuozzo asked if there were any additional Commissioner comments.

Vice-Chair Netts noted that last evening's Community Outreach Event was well-attended and very nice. It was nice to be outside and near the IWW.

Vice-Chair Netts requested that the April Flagler County meeting date be changed from Saturday, April 22, 2017 to Friday, April 21, 2017. The Board concurred.

Secretary Donaldson complimented the District staff for the new web site. He likes the agenda PDF and the ability to click and go right to the information you are interested in reviewing.

Commissioner Crowley stated that while driving by some of the District's grant projects he noted that some projects do a great job acknowledging the District's contribution and others do not. He would like staff to make sure that local government is completing and installing the proper sign acknowledgement upon project completion.

Commissioner Crowley stated that he would like to see the Assistance Program incorporate project fact sheets into the District's new web site.

Commissioner Sansom stated that there will be a ribbon cutting ceremony on January 31, 2017 for the Egret Eau Gallie Dredging Project.

Commissioner Chappell stated that he will be attending an Honor Community Leaders event on February 3, 2017 at Hugh Taylor Birch State Park where he will receive the "Bring Birch Back Award."

Commissioner Blow thanked the Board for holding the meeting in St. Augustine in January. He hopes that last evening's event allows commissioners to recognize how important and appreciated the community is for the assistance FIND provides.

**ITEM 20.    Adjournment.**

Chair Cuozzo stated that hearing no further business the meeting was adjourned at 12:00 p.m.

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Donald J. Cuozzo, Chair

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Attest:        Don Donaldson, Secretary

(SEAL)