

ST. AUGUSTINE PORT, WATERWAY & BEACH DISTRICT

MINUTES OF SPECIAL MEETING

Thursday, August 4, 2011

A special meeting of the St. Augustine Port, Waterway and Beach District was held at the St. Augustine Beach City Commission Meeting Room, 2200 A1A South, St. Augustine Beach, Florida on Thursday, August 4, 2011.

CALL TO ORDER

Vice-Chairman Tom Rivers called the meeting to order at 2:00 p.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the flag of the United States of America followed.

ROLL CALL

Vice-Chairman Tom Rivers and Commissioners Barry Benjamin, Jay Bliss and Herb Rippe were in attendance. Chairman Jerry Dixon was absent.

Vice-Chairman Rivers stated the special meeting was called for the sole purpose of considering whether the Board would commit funds for emergency dredging of St. Augustine Inlet by the United States Army Corps of Engineers (ACOE). He then called Florida Inland Navigation District (FIND) Commissioner Carl Blow to inform the Board of the current situation.

FIND Commissioner Blow explained he had learned ACOE was planning to bring a small dredge (referred to as a hopper dredge and designated the Currituck) to Ponce Inlet for two weeks during the last week of July and the first week of August. He said the recent events with the St. Augustine Inlet, including FIND's dredging plan, the litigation which has caused the dredging to be delayed, and the fact the Board had previously committed \$500,000.00 to the dredging of Porpoise Point, all made him think that the Board would support bringing the Currituck to St. Augustine Inlet.

He said FIND has a current FDEP permit for the near-shore deposit of beach quality dredge sand near the St. Augustine Beach Pier, so he contacted officials at FDEP and they confirmed that the permit would allow the Currituck to deposit inlet sand near St. Augustine Beach. The ACOE said no money was available to dredge St. Augustine Inlet, even in an emergency, so he approached Chairman Dixon, who was receptive to the idea of using District funds for this purpose.

FDEP will allow the use of the Currituck only if the Board declares an emergency exists because of conditions at St. Augustine Inlet. He added that the ACOE has since offered to have the Currituck work here for two or three days without charge and to return in a few months to finish clearing the channel.

According to FIND Commissioner Blow, the ACOE will need a written agreement with the District and full payment in advance. The ACOE would then complete the work and refund any unused portion of the contract price to the District.

Commissioner Benjamin said adequate grounds exist to declare the situation an emergency because of all the property damage and danger to mariners which has taken place in the last year. Commissioner Bliss questioned whether entering a contract for dredging the inlet would lock the District into funding inlet dredging from now on. FIND Commissioner Blow said the ACOE is working on an agreement now and that ACOE administrators have promised to expedite consideration of it.

Dr. Steve Schropp, Taylor Engineering, said a declaration of emergency by the Board would not bind the Board to fund the dredging. Commissioner Bliss said the inlet is already noted as dangerous on United States Coast Guard maps. Commissioner Benjamin said the expenditure is very worthwhile and that if it will restore the channel, there is no reason not to do it. Vice-Chairman Rivers said many problems exist in the inlet which endanger life and property. He then called for a roll-call vote.

A motion was made by Commissioner Rippe and seconded by Commissioner Benjamin to declare the conditions of St. Augustine Inlet an emergency because of the danger to life and property posed by conditions in the Inlet. The motion passed unanimously.

Commissioner Rippe asked FIND Commissioner Blow how District funds would be spent if committed. Commissioner Blow said ACOE charges \$20,000 per day for the Currituck and that production could be as high as 3,000 cubic yards of sand per day. Dr. Schropp said

production levels depend on many factors and that estimates for the total amount of sand needed to be removed are based on a 2010 survey. The actual volume may be greater at this time.

Commissioner Rippe asked whether FDEP had set a limit on how much sand could be removed under emergency conditions. Dr. Schropp said no hard limit exists but the removal of much more than 35,000 to 40,000 cubic yards of sand would probably not be allowed. Commissioner Bliss said the District should try to develop a better rapport with ACOE and that the two weeks of dredging in Ponce Inlet have been paid for by ACOE and did not cost local government there anything.

FIND Commissioner Blow said rapport needs to be maintained with elected federal officials. He said suggestions have been made to ask the director of the Homeland Security school here to write a letter of support. In response to a question about federal funding by Commissioner Rippe, Blow said federal funding for low-use non-commercial inlets like St. Augustine is nonexistent for the foreseeable future.

Commissioner Bliss said the Coast Guard should be monitoring the inlet in order to assure proper buoy placement. He added that the Currituck should be used to remove the shoal at No. 5 rather than cut out the channel.

Dr. Schropp said ACOE will only dredge in the channel and will not go outside of it. Commissioner Rippe said the last dredging of the channel was in 1999 and that if the channel were cleared, it would maintain for a time.

City of St. Augustine Commissioner Bill Leary said he and FIND Commissioner Blow had high-level discussions with officials at ACOE in Washington, D.C. and in Jacksonville. He said the level of motivation and willingness to assist with the problems at our inlet is impressive. He said the opportunity to utilize the Currituck while it is visiting the area is unique and he hoped the Board would seize the opportunity. He encouraged the Board to authorize as much money as possible for the project because the chances of having the Currituck come back at some other time may be slim. Commissioner Rippe thanked Commissioner Leary for helping capture this opportunity for the citizens of St. Johns County.

Commissioner Bliss asked Commissioner Leary how much money the City of St. Augustine could contribute. Commissioner Leary said the City has no funds available for this project at the present time. He also reiterated that the situation only exists because the litigation by North Beach property owners is delaying the beach renourishment project for St. Augustine Beach.

A motion by Commissioner Rippe, seconded by Commissioner Benjamin to provide up to \$300,000 for emergency dredging of the St. Augustine Inlet pursuant to an agreement with the Army Corps of Engineers and to allow the chairman or vice-chairman to execute an agreement to that effect passed with Commissioner Bliss casting the sole dissenting vote.

Commissioner Bliss explained he felt compelled to vote against the expenditure of District funds for the purpose of inlet dredging because such activities are the responsibility of the federal government and the District should not accept that responsibility.

Vice-Chairman Rivers said the situation demands immediate action and that no other agency is available to fund it at this time. Commissioner Bliss said the situation is a safety issue adequately addressed in the Coast Guard's Notice to Mariners. Commissioner Rippe said this was a temporary solution to the problem and that the long-term solution lies in resolving the litigation with the North Beach group.

At this point, Attorney Bedsole read Resolution 11-01 aloud.

Commissioner Benjamin moved to approve Resolution 11-01 declaring an emergency to exist in St. Augustine Inlet, allocating funds of \$300,000 for emergency dredging and authorizing the chairman or vice-chairman to execute an agreement with the Army Corps of Engineers for the cost of emergency dredging. The motion was seconded by Commissioner Rippe.

Commissioner Bliss said he is against dredging because a working channel created by nature already exists in the inlet. He added that the District possesses very limited funds and that this is not, in his opinion, a prudent expenditure.

Vice-Chairman Rivers said dredging is needed because of the danger the inlet poses to navigation. He said the expense of maintaining the inlet would justify the expansion of District boundaries to encompass all of St. Johns County. Commissioner Rippe said the last yacht destroyed in the inlet was a one million dollar loss. In light of that fact, he believes money used making the inlet safer is very well spent. Commissioner Bliss said the District should seek other funding assistance.

FIND Commissioner Blow related how St. Lucie Inlet is now in such poor condition the Coast Guard is considering removing its buoys. He said St. Lucie County has asked FIND

to take over their inlet. He also said the Florida Legislature is not fond of small taxing districts and that asking the state for money could result in the elimination of the District.

Vice-Chairman Rivers then called for a roll-call vote on Resolution 11-01. The measure passed with Commissioner Bliss casting the only dissenting vote.

Vice-Chairman Rivers then asked for public comment.

John Harst, St. Augustine Beach, acknowledged there is a problem with boater safety in the inlet but expressed concern that dredging may be harmful to water quality and wildlife. Dr. Schropp responded that the review process for dredging permits is very extensive and that every risk to wildlife, water quality and environmental safety is considered and exhaustively reviewed before any permit is issued. He also said no sand will be placed on St. Augustine Beach or any other beach during this project.

Pierre Pierce, St. Augustine, said licensed mariners all over the east coast have discussed St. Augustine Inlet on radio and that all are concerned. Commissioner Rippe asked how the Board could help clean up these concerns. Mr. Pierce said someone should announce the repair on marine radio frequencies and that word would travel quickly.

B.J. Calaidis, St. Augustine, questioned the expenditure of funds for emergency dredging and said she believes voters will never agree to expanding the District's taxing boundaries county-wide.

Vice-Chairman Rivers then invited commissioners' comments.

Commissioner Rippe said the Board had acted correctly today and that it was a good decision. Commissioner Benjamin said he believes the City of St. Augustine should be paying more to maintain the inlet.

Commissioner Bliss asked FIND Commissioner Blow if FIND could help maintain the inlet. Blow said FIND grants are designed to aid cities and counties with improvements in the Intracoastal Waterway, mainly, and that there would be no need for the District to exist if FIND took over its job. The Florida legislature could then eliminate the District.

Deanna Justice, 822 Cali Creek Way, addressed the Board and complained that she had little notice of the special meeting and that the Board's actions were not considerate of nesting sea turtles. Dr. Schropp reiterated that no sand will be deposited on the beach. All of it is dropped offshore in water depths of 10 to 20 feet. He told Ms. Justice the permit is viewable on the FDEP website and contains a map of the precise areas in which sand may be

deposited. Commissioner Benjamin stated the District employs expert engineers and consultants to make certain every project strictly adheres to all requirements for public notice and environmental safety.

Vice-Chairman Rivers then announced the next regular meeting will be August 16, 2011 at 3:00 p.m.

ADJOURN:

The meeting was adjourned by Vice-Chairman Rivers at 3:37 p.m.

Secretary-Treasurer

Chairman

wk/rg/port/minutes/2011/Mins.Spec.Meeting 8-4--2011