

BEACH & SHORE PRESERVATION ADVISORY COMMITTEE

The Indian River County (IRC) Beach and Shore Preservation Advisory Committee (BSPAC) met at 3:00 PM on **Monday, February 28, 2022**, in Building B, Conference Room B1-501, 1800 27th St, Vero Beach, FL. You may hear meeting audio and review the agenda and minutes on the IRC website: www.ircgov.com/Boards/BSPC/2022.

Members present

David Barney, Chairman, BCC Appointee

William “Tuck” Ferrell, Vice Chairman, BCC Appointee

David Cox, BCC Appointee

Commissioner Joe Earman, BCC Representative (*non-voting member*)

Christian Hendricks, Town of Indian River Shores Appointee

Fred Jones, City of Sebastian Appointee

Cherry Stowe (for Paul Knapp), Town of Orchid Appointee (*late arrival*)

David Morgan, BCC Appointee

Members absent

Robbie Brackett, City of Vero Beach Appointee

Inocensia Hernandez, City of Fellsmere Appointee

Francisco San Miguel, BCC Appointee

Mark Tripson, BCC Appointee

IRC staff present

Kylie Ariotti, Beach Program Specialist

Quintin Bergman, Environmental Specialist

Eric Charest, Natural Resources Manager

Melissa Meisenburg, Lagoon Plan Environmental Specialist

Dylan Reingold, County Attorney

Rich Szyrka, Director of Public Works

Ed Offutt, Commissioner Assistant, Recording Secretary

Others present

Doug DeMuth, Sandpointe Homeowners Association Board of Directors

James Gray, Executive Director, Sebastian Inlet District

Richard Mutterback, Assistant Director, Public Works, City of Vero Beach

Call to Order

(3:00 PM) Chairman Barney called the meeting to order and noted that a quorum was present.

Approval of Minutes from January 24, 2022

(3:00 PM) ON MOTION BY Dr. Cox, SECONDED BY Mr. Ferrell, the members voted unanimously (6-0) to approve the minutes of January 24, 2022, as presented.

Commissioner’s Matters – Commissioner Earman

(3:01 PM) Commissioner Earman announced that overall state funding for beach projects should be at or above last year’s level, which he assessed as a good outcome that would support IRC’s goals. He also mentioned the County’s tourist development tax fund was in a strong position, but

Sector 7 easement approvals were static. Mr. Ferrell thanked the commissioner for the information he'd been forwarding from the County's Tallahassee lobbyist for coastal issues.

Coastal Division Updates

A. Sectors 3 and 5 Beach Restoration Project Updates – Ms. Ariotti

(3:04 PM) Ms. Ariotti summarized that 135,000 additional Sector 5 dune plantings -- mostly sea oats -- were completed on February 25, 2022. (See Attachment 1 for a full summary of Ms. Ariotti's report.) She further said that renourishment on the Sector 3 Phase 1 project was complete and finished under-budget at about \$12M. Ms. Ariotti said only 100-200 feet of beach in Sector 3 Phase 2 still needed sand, and all affected beach parks were expected to be opened by the beginning of next week (specifically, March 8-12); she showed a brief slide presentation with photographs of the contractor at work, including at the Disney Vero Beach Resort.

(Approximately 3:05 PM) Ms. Stowe arrived.

(3:09 PM) Chairman Barney asked if the Disney property would receive different types of dune plants than the rest of Sector 3, and Ms. Ariotti said it would receive the same plants but with some Disney-designated areas left open so guests and employees could access the beach more easily. Chairman Barney asked for verification the County had received an easement from Disney, and Mr. Reingold answered affirmatively, although the length of the easement was limited to 30 years since the agreement was a cost-share rather than simply "free sand." Ms. Ariotti added that the contractor had repaired all new escarpments higher than 18 inches, and signage directing visitors to stay off the dunes would soon be in-place. She announced Seagrape Trail would close again on Friday and reopen on Monday the 7th, and Wabasso Beach Park would open on Saturday the 5th, at the earliest. Ms. Stowe inquired about four-foot escarpments observed in Sector 3 Phase 1, and Ms. Ariotti affirmed these would be remedied.

B. Sea Turtle Updates – Mr. Bergman

(3:16 PM) Mr. Bergman noted Indian River County's first leatherback turtle nest of the 2022 nesting season was spotted on February 22nd. (See Attachment 1 for a full summary of Mr. Bergman's report.) He divulged that the appearance of the first nest triggers all-night monitoring, every night, until the completion of nesting season. Dr. Cox asked if the new nest was south of Orchid, and Mr. Bergman stated it was. Mr. Hendricks wanted to know if warmer water might influence the early nesting, but Mr. Bergman said that remained an open question in the scientific community. Mr. Bergman mentioned that the IRC nest, despite its early-season appearance, was not the first observed sea turtle nest in the state.

C. Indian River Lagoon Updates – Mr. Charest

(3:20 PM) Mr. Charest introduced the County's new Lagoon Plan Environmental Specialist, Ms. Meisenburg. He then passed on information regarding derelict vessels in the Indian River Lagoon, stating that six vessels would soon be removed but that state Fish and Wildlife Conservation (FWC) funding was now exhausted; therefore, the County was in search of new funding streams for approximately ten other vessels in earlier stages of the removal process. Ms. Stowe asked about the responsibilities of owners of such vessels, and Mr. Charest responded the owner, if located, is required to pay all removal fees and surcharges, and is prohibited from registering any type of vehicle in the state until restitution is received. In a discussion with an FWC representative, Mr. Charest said he had provided feedback about the seemingly slow pace between the identification of a derelict vessel and receipt of the FWC removal authorization letter, although he acknowledged the many steps FWC must observe in completing its checklist.

D. Sector 7 Beach Restoration Project Update – Mr. Charest

(3:25 PM) Mr. Charest disclosed the Public Works Directorate would make a formal presentation to the BCC on March 8th regarding the future of the Sector 7 beach renourishment project. (See Attachment 1 for a full summary of Mr. Charest's report.) He recounted the many unsigned easements among sector homeowners, even after the project timeline had been pushed back a full year. Mr. Charest further explained that many easements currently listed as "pending" in fact reflected homeowners who simply didn't wish to be annotated as "red" (i.e., denied) on the County's easement status map. In light of these facts, he opined that 90% of easements being returned was likely an unattainable goal.

(3:32 PM) Mr. Charest lamented that many of the denied easements were in the northern 24% of Sector 7, where 43% of Sector 7's sand would need to be deposited to serve as a "feeder beach" for the rest of the project; he mentioned that many of the sector's northern residents did not believe their portion of the coastline required sand at this time, and their legal advisors tended to recommend they not sign a perpetual easement. Mr. Morgan asked if the Sector 7 easements *could* read differently from those in other sectors. Mr. Reingold answered yes, they could, but current County policy dictated otherwise, and the residents' position was difficult to understand because Sector 7, due to the relatively long walking distances from the nearest public beach access points, is mostly inaccessible to beachgoers from outside the immediate neighborhoods.

(3:44 PM) Mr. Morgan feared there would be no possibility of ultimate success unless the County changed its position. Chairman Barney reminded the BSPAC that IRC was not in the same cost-share with the state to which most other counties subscribe. Mr. Charest detailed that approximately \$5.5M for the Sector 7 effort came from the Federal Emergency Management Agency (FEMA), about \$300K from the Florida Department of Environmental Protection (FDEP), and the remainder directly from the County taxpayers. The committee entered into a lengthy discussion of what constituted "public access," essentially from the "theoretical" versus "practical" perspectives. Mr. DeMuth asked if sand could be placed only below the mean high-water line, off the private portion of the beach, but Mr. Szyrka asserted that the project could not be completed without access to private beach areas, as (1) the contractor's vehicles would have to move extensively in the surf, which can be costly and dangerous, and (2) the resultant oscillating beach profile would serve as a "turtle sand trap" the animals could not escape. Mr. Charest mentioned that some residents' seawalls add to the difficulty of completing the Sector 7 project.

(4:02 PM) Mr. Charest again mentioned the upcoming March 8th date for receiving further BCC guidance and presented three possible options to the BSPAC regarding Sector 7: Option 1 proposed to continue seeking easements and performing the preliminary tasks required to begin project construction in the winter of 2022-23, with the intention of returning to the BCC in the fall of 2022 to re-assess the easement status and make a final decision on whether to proceed; Option 2 recommended a delay until the 2023-24 building window, with an associated request for a one-year funding extension on approximately \$5.8M of external funding; finally, Option 3 declared the project "not constructible" and returned the external grant funds to their respective agencies. Mr. Charest advised that the Public Works Directorate would recommend Option 3, but welcomed the committee to provide its own opinion on the matter. Chairman Barney inquired about the chances of a positive answer regarding another extension of the external funds, and Mr. Szyrka responded that he "did not have a good feeling," although he mentioned that there were new employees in some key positions associated with such a decision, so he opined the conversation might go better than he expected.

(4:09 PM) ON MOTION BY Dr. Cox, SECONDED BY Chairman Barney, the members voted by 6-1, with Mr. Hendricks in opposition, to recommend the

following to the BCC (“Option 2”):

- to delay winter 2022-23 construction of the Sector 7 renourishment project due to insufficient signed easements being recorded;
- to decline associated beach preconstruction monitoring in 2022;
- to request a further one-year extension of FEMA and FDEP funding streams already committed to the Sector 7 renourishment effort; and
- to pursue construction of the Sector 7 project in the winter of 2023-24 after further negotiation with holdout property owners.

Update from the Sebastian Inlet District (SID) – Mr. Gray

(4:10 PM) Mr. Gray highlighted the Florida Legislature’s Coastal Resiliency Bill, SB1940 and HB753, declaring he’d been working with the SID’s lobbyist team to include the navigation districts and inlet districts currently excluded in the bill’s scope. He added that this would be particularly helpful now because the SID has a shoreline stabilization project out for bid starting March 11th. Mr. Gray also commented on the new 2021 Seagrass Monitoring Survey results from the SID’s flood shoal, indicating an increase in seagrass over approximately eight acres; he stated this was a good result, but not as promising as other locations in the Indian River Lagoon.

Status of County Beach Parks – Mr. Charest

(4:14 PM) Mr. Kirwin reported the High Frequency coastal radar system at Treasure Shores, for the purpose of tracking wind and waves, has been fully installed, and that Dr. Steven Lazarus from the Florida Institute of Technology hoped to make a presentation to the BSPAC to discuss the system’s capabilities. He added that Parks and Recreation was looking for one full-time lifeguard with Emergency Medical Technician qualifications, as well as 20 seasonal lifeguards for the upcoming summer season.

Committee Members Matters

(4:15 PM) There were none.

Chairman’s Matters

(4:16 PM) Chairman Barney expressed his satisfaction that the Disney Vero Beach facility had signed its easement agreement with the County.

Public Discussion Items

(4:16 PM) There were none.

Adjournment

(4:16 PM) With no further business, Chairman Barney adjourned the meeting.

The next meeting of the BSPAC is scheduled for **March 21, 2022, at 3:00 PM**, in Building B, Conference Room B1-501, at 1800 27th Street, Vero Beach, FL.

Attachments

Attachment 1 -- BSPAC Updates from the Coastal Engineering Division, 2/28/22 (E. Charest)