

BEACH & SHORE PRESERVATION ADVISORY COMMITTEE

The Indian River County (IRC) Beach and Shore Preservation Advisory Committee (BSPAC) met at 3:00 PM on **Monday, July 18, 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/BSPAC/2022.

Members present

David Barney, Chairman, BCC Appointee

David Cox, BCC Appointee

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

William “Tuck” Ferrell, Vice Chairman, BCC Appointee

Christian Hendricks, Town of Indian River Shores Appointee

Inocensia Hernandez, City of Fellsmere Appointee

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

Members absent

Robbie Brackett, City of Vero Beach Appointee

Fred Jones, City of Sebastian Appointee

David Morgan, BCC Appointee

Francisco San Miguel, BCC Appointee

Mark Tripson, BCC Appointee

IRC staff present

Jason Brown, County Administrator

Kylie Ariotti, Beach Program Specialist

Quintin Bergman, Environmental Specialist

Eric Charest, Natural Resources Manager

Melissa Meisenburg, Lagoon Plan Environmental Specialist

Dylan Reingold, County Attorney

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 a quorum was present.

Approval of Minutes from June 20, 2022

(3:00 PM) ON MOTION BY Dr. Cox, SECONDED BY Mr. Ferrell, the members voted unanimously (6-0) to approve the June 20, 2022, minutes as presented.

Coastal Division Updates

A. Sectors 3 and 5 Beach Restoration Project Updates – Mr. Charest

(3:00 PM) Mr. Charest affirmed that Sector 5 dune plantings have successfully completed their warranty period, while Sector 3 Phase 2 plantings are still being monitored and replaced by the contractor, where necessary. (See Attachment 1 for a full summary of Mr. Charest's report.)

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

(3:01 PM) Mr. Charest detailed that the county staff, in an attempt to make further progress in acquiring signed easements, is tracking local real estate sales to look for any transfers of properties located on the beachfront in Sector 7. He added that the staff has yet to receive any formal continuation of funding for Sector 7 from the Federal Emergency Management Agency (FEMA) or the Florida Department of Environmental Protection (FDEP). (See Attachment 1 for a full summary of Mr. Charest's report.) Chairman Barney expressed concern about beachgoers playing and walking on the dunes, specifically mentioning Wabasso Beach Park, and Ms. Ariotti agreed that the signs there could be "moved forward" to make them easier to see.

C. Sea Turtle Updates – Mr. Bergman

(3:07 PM) Mr. Bergman reported that IRC's loggerhead turtle nesting numbers had already passed those from 2021, while green turtles were on track for an average season. (See Attachment 1 for a full summary of Mr. Bergman's report.) He went on to say that leatherback turtles had now broken the county's annual record, with 96 nests logged so far in 2022. Mr. Bergman reviewed the results of the recent nighttime lighting violation surveys, which are ongoing. Chairman Barney asked if lighting restrictions were dictated by the State of Florida, but Mr. Bergman divulged that codes vary by jurisdiction, noting that the state had only provided guidelines for those municipalities without their own ordinances.

D. Indian River Lagoon Updates – Ms. Meisenburg

(3:10 PM) Ms. Meisenburg highlighted the details of the upcoming waterway cleanup event. (See Attachment 1 for a full summary of Ms. Meisenburg's report.) Commissioner Earman mentioned that the county was working a 4- to 5-year project on Ducks Head, Hogs Head, and Earman Islands, removing invasive Australian Pines and Brazilian Pepper trees and restoring native plants. He also revealed that, last week, the Florida Fish and Wildlife Commission had approved a new program to accept unwanted vessels before they became derelict.

Proposed Text Changes to Beach Renourishment Easement – Chairman Barney

(3:14 PM) In discussing the Sector 7 easement shortfalls, Chairman Barney related that the perpetuity of the agreement was off-putting to some beachfront residents. He asked Mr. Reingold for a review of the current document the county staff is soliciting, and Mr. Reingold recounted the three primary issues the easement seeks to address: (1) permission for the county to complete beach renourishment project(s); (2) permission to monitor turtle nests; and (3) establishment of "customary use" of the beach in accordance with recent laws enacted by the Florida legislature. Mr. Reingold added that the staff's current top issue is securing viable access points to Sector 7 to complete reconstruction projects. He disclosed that staff would consider changes to the easement duration in the realm of a 25- to 30-year timeframe in order to gain additional support for renourishment efforts, but not to modifying the elements included in the easement.

(3:17 PM) After a review of the definition of “customary use” and the project’s financing sources, Mr. DeMuth asserted that inaction on Sector 7 would result in \$2.9M annually in additional damages to the beaches, including some in Sector 8. Chairman Barney responded that only the state designates which beaches are critically eroded; he further specified how Sector 7 was a more complex project than previous ones due to its “feeder beach” design that adds significant sand in the northern portion of the sector and allows it to naturally flow southward to replenish other damaged areas.

(3:31 PM) Commissioner Earman returned the conversation to the easement itself, commenting that the only feedback he’d received from dissenting constituents dealt with the perpetuity of the agreement. Mr. DeMuth proposed aligning the length of the easement to match those of FDEP’s and the Army Corps of Engineers’ permitting processes, specifically 10-15 years. Ms. Stowe suggested a perpetual easement with an opt-out clause for each homeowner. Mr. Hendricks recommended that the BCC direct the staff to research what Sector 7 residents want and then propose changes to the easement to gain further consensus from holdouts.

(3:42 PM) The BSPAC members then questioned the origins of the current sector breakdown of IRC beaches, with Mr. Charest responding that the beaches were separated into sectors by the management strategy used in that vicinity. Mr. Gray added that municipal and recreational boundaries also contributed to the delineations, as well as which shorelines showed significant erosion at the time of designation. Mr. Brown affirmed that county staff could support a 25-year easement, but that 5-, 10-, or 15-year agreements would not be recommended to the BCC for approval. Mr. DeMuth countered that Sector 7 homeowners see the easement as “giving their property away to the county” and preferred to align easement timelines closer to their expected longevity at current addresses (5-15 years). Mr. DeMuth added that of the two relatively distinct groups of easement rejectors, the “southern group” was concerned almost entirely about the perpetuity of the easement, while the “northern group” invoked a variety of issues and would be harder to persuade. Mr. Brown stated his concern about making significant easement changes and “burning bridges (to homeowners in other sectors) that people in this room helped us build.”

(3:56 PM) Ms. Stowe wondered whether the feeder beach concept was viable if sufficient northern homeowners wouldn’t participate; Mr. Charest concurred that large amounts of sand would be required in the northernmost areas of Sector 7 and that these property owners were key to the project. Commissioner Earman asked if the members wanted him to take a specific recommendation back to the BCC, but Chairman Barney answered in the negative, noting that the state and federal replies to extending project funding would likely serve as the next critical milestone for the project.

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

(4:04 PM) Mr. Gray announced the SID was applying for FDEP funding (up to 50% cost sharing) for a supplemental sand truck haul project in Sectors 1 and 2 and also for post-construction monitoring. He revealed that the north and south jetties are currently in need of regular maintenance and that a contract has been let for engineering work on these projects. Continuing, Mr. Gray presented photos of their in-progress north shoreline stabilization project, showing how the SID is installing armor stone and mangroves with the dual aims of protecting the environment and supporting recreational use of the area. Chairman Barney expressed his enthusiasm for the SID’s efforts, stating that the design allows for both walking and fishing.

Status of County Beach Parks – Ms. Ariotti

(4:13 PM) Chairman Barney commented that Wabasso Beach Park looked “amazing,” and Mr. Charest replied that he would relay those sentiments to Beth Powell at Parks & Recreation.

Commissioner’s Matters – Commissioner Earman

(4:14 PM) Commissioner Earman presented his thoughts on the postponed Sector 7 beach renourishment project. He expressed his opinion that finding practical beach access points for a “truck haul” operation was a key enabler, first mentioning the potential of an empty lot at 816 Reef Road at the southern border of Sector 7 but cautioning that a gopher tortoise colony would have to be moved in order to access the beach through that location. If usable, however, he believed the lot would grant convenient access to the southern 3,800’ of Sector 7. In the northern end of Sector 7 (Treasure Cove to Anglers Cove), Commissioner Earman questioned the practicality of using any of several open, private lots as beach renourishment access points, commenting on how perhaps 100 dump trucks would have to drive through a gated community each day with strong potential for damage to the neighborhood’s roads. He opined that, without viable access points, the easements were of no value. He assessed that the cost of a dredging operation, perhaps \$15-16M, was high but that the county would not give up as long as the monetary resources remained available.

(4:20 PM) Mr. Ferrell inquired if the method of renourishment the county selected (i.e., truck haul or offshore dredge) would impact the amount of funds provided by FEMA or FDEP for the project; Ms. Ariotti answered in the negative, stating that the funds would be the same either way. Ms. Stowe asked if there were multiple companies who might bid on an offshore sand dredge project, and Mr. Charest responded that it would probably depend on the number of projects a company was working at that time. Chairman Barney lamented the need for a staging point for an offshore operation, stating his doubt that one would be available; he felt that Sector 7 might be too small a project to merit serious consideration from many contractors, although he noted that Sector 7 was conveniently located near the county’s established offshore sand pit.

Committee Members Matters

(4:31 PM) Mr. Hendricks announced that he would be moving out-of-state shortly and this would be his last BSPAC meeting. He voiced his appreciation for the great dedication local residents have shown to IRC beaches.

Chairman’s Matters

(4:34 PM) There were none.

Public Discussion Items

(4:34 PM) Mr. DeMuth asked whether easements would still be required in Sector 7 if a dredge approach to sand placement was used, and Ms. Ariotti confirmed that they would be, due to the need for staging areas on the shoreline.

Adjournment

(4:35 PM) With no further business, Chairman Barney adjourned the meeting.

The next meeting of the BSPAC is scheduled for **August 15, 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, 7/18/22 (E. Charest)