

DECEMBER 2, 2014 – WORKSHOP

The Board of County Commissioners, Walton County, Florida, held a Workshop on December 2, 2014 at 4:00 p.m. at the Walton County Courthouse Annex in Santa Rosa Beach, Florida.

The following Board members were present: Commissioner Bill Imfeld, Chairman; Commissioner Sara Comander, Vice-Chairman; Commissioner W. N. (Bill) Chapman; Commissioner Cecilia Jones; and Commissioner Cindy Meadows. Mr. Larry Jones, County Administrator; and Attorney Mark Davis, County Attorney; were also present.

Chairman Imfeld called the meeting to order. He said that this was a workshop to discuss the Walton County Hurricane Storm Damage Reduction Project (HSDR). He stated that the questions submitted by the Board and public were available for review and would be addressed during the workshop. He asked that any questions not on the prepared list be written on the provided 5X8 index cards and given to Mr. Brian Kellenberger, TDC, for consideration. Chairman Imfeld announced that no action would be taken during the workshop and that there would be no public comments taken. He introduced the individuals who would be addressing the questions: Mr. Mark Thomasson, FDEP Division of Water Management Director, Mr. David Newell, Army Corps of Engineers Mobile District Project Manager, and Mr. Richard Allen, Army Corps of Engineers Mobile District Coastal Engineer. Also available will be Mr. Brad Pickel, Seahaven Consulting and TDC Representative, and Mr. Jim Bagby, TDC Executive Director.

Mr. Bagby presented the following FDEP questions which were answered by Mr. Mark Thomason.

Has any entity applied for the establishment of an Erosion Control Line (ECL)? Mr. Thomasson replied no. A Mean High Water Line (MHWL) survey has been conducted by the county in preparation for this project. He stated that a 25 step checklist to establish an ECL has been compiled; however, the first item, adoption of a local resolution, has not been received by FDEP.

What are the steps necessary to establish an ECL? Mr. Thomasson briefly summarized the steps and stated that public workshops and hearings would be held. Commissioner Chapman asked if the public workshops and hearings would be sponsored locally or by FDEP. Mr. Thomason stated that the meetings would be coordinated with the local sponsor and that a FDEP hearing officer would attend. Mr. Bagby asked if the 25 steps checklist was available on their website for public review. Mr. Thomason stated that it would be made available.

Can an ECL be established if I do not sign an easement as it was in 2006 in western Walton County? Mr. Thomasson replied that it could be established independent of an upland easement. He said that the ECL separates the ownership between the State and the upland private property. Work can be done on any State owned property without an easement from the upland property owner. Any work to be done above the MHWL would need an easement from the property owner.

Is there a process whereby an owner can either not get any sand or pay for their own sand so as to prevent the establishment of an ECL? Mr. Thomasson stated that FDEP is a regulatory agency which reviews project requests. If the landowner does not wish to participate in the project, then they must contact the project sponsors and ask to be removed from the project. The sponsors submit an application stating that the project has changed with the

exclusion of the property. FDEP will then review the application in accordance with Statute and rules.

What standards, from your perspective, would lead you to recommend a property or properties be excluded from the project? Mr. Thomasson said that FDEP only reviews the request and does not recommend which project should be included or excluded. The general rules and statutes will determine whether a project is a suitable, sustainable project.

How much has the state spent on the HSDR project so far? Mr. Thomasson replied approximately \$900,000. It is a cost share project and the Army Corps of Engineer (ACOE) can provide the amount they have spent.

Mr. Bagby presented the following ACOE questions which were answered by Mr. David Newell and Mr. Richard Allen.

During what hours in a day does the construction occur? Mr. Newell reported that the contractors generally work 24 hours per day, 7 days a week; including holidays.

How noisy is the construction work when placing the fill sand on the beach? Mr. Newell stated it is extremely noisy all hours of construction. There is no way to reduce or mitigate the noise.

How many feet per day will be completed? Mr. Newell replied the amount completed will depend upon the size of the dredge used by the contractor, who is performing the work, and how much dune and berm are being constructed. He said typically 500 feet to 1,000 feet are completed each day.

Some areas of the HSDR project appear to be outside the areas deemed critically eroded by the State. Are there any limits to the areas that can be included in the project or do they have to abut critically eroded areas? Mr. Newell said that they do not have to abut

critically eroded areas. The project is based off the value of the infrastructure related to the HSDR.

What standards, from your perspective, would lead you to recommend a property or properties be excluded from the project? Mr. Newell stated that the property should be environmentally and structurally sound, sustainable, and economically justifiable.

How much has the Federal government spent on the HSDR so far? Mr. Newell said that approximately \$2 million was spent in order to complete the feasibility study and the environmental assessment. Approximately \$400,000 of Federal funds has been spent on the pre-construction, engineering and design phase.

Has the Corps ever reneged on putting additional sand on a federal project after a storm where sand was lost? Mr. Newell replied that the AOCE requires the authority and funding to do a project and does what the President and Congress instructs them to do.

What research has been done to ensure the sand is compatible with our beaches? Mr. Allen said that the research was done on the entire off-shore area of Walton County with 10 specific sites. Within the 10 sites there was one single site which proved to be the most viable option. There were 99 core samples taken from the site and tested to determine if the material would meet requirements. He reported that a seismic survey was also done to test the subsoil. Mr. Allen said that 314 samples were taken of the existing beach to determine whether the off-shore and on-shore samples were identical.

Will there be shells with the sand and what steps will the county or corps take, if any, to remove the shells? Mr. Allen stated that shells will be in the sand and that the content will be between 2% to 2.5% which is well below FDEP requirements of 5% or less. He stated

that in the case that there are portions with more than the 5% FDEP requirement, a QAQC Report will be followed requiring mitigation of excessive shell content.

What is the size and texture of the sand that is proposed to be used? Mr. Allen said that samples taken of the material to be used show that the mean grain size is 0.29 mm; the native beach fill is 0.27mm to 0.34 mm.

How is it different from “upland” sand? Mr. Allen said that he did not have any information on the upland sand.

What is the color of the sand that is proposed to be used? Mr. Allen stated that the Munsell Color Value system was used to determine color and the core samples were 5Y7/2 and 5Y6/2.

Has an Environmental Impact Study been done for this project? Mr. Allen said that only an environmental assessment has been done. Mr. Bagby asked Mr. Allen to confirm that an environmental study would not be required if the environmental assessment does not show need for the study. Mr. Allen confirmed and reported that the assessment is the first step to determine if a study is needed.

Will the project impact coastal dune lake outfalls? Mr. Allen stated that no impacts are anticipated for the outfalls and discussed the methods used to determine the areas around the outfalls that would be affected.

Chairman Imfeld revisited the discussion regarding the shell content and asked what the shell content on the current dry sand was. Mr. Allen stated less than 0.5%.

Mr. Bagby and Mr. Brad Pickel, Seahaven Consulting, responded to the following County questions.

Will the sand be tested to see if there are any BP related contaminants? Mr. Pickel stated that tests have already been performed and no contaminants were found.

Where is the sand coming from? Mr. Pickel used a graphic to illustrate where the sand will be extracted. The area is approximately five miles off shore from Sandestin.

Has the HSDR been funded by Congress yet? Mr. Pickel reported that the current phases, with the exception of construction, have been fully funded to the Mobile District by Congress and all local dollars have been matched. Federal funding for construction will be received at the appropriate time.

What communications are planned with beach front property owners? Mr. Bagby said that if the easement language is approved, then letters will be sent with the approved language to the beach front property owners for review and comment. Comments and questions regarding the language will be directed to the appropriate agency. He also said that the information would be posted to the website. Commissioner Chapman discussed an update from Marlowe & Co. stating that the HSDR could possibly be included in the President's 2015/2016 Fiscal Year Budget recommendations and addressed the additional ACOE allocated funds. He asked if 2016 would be the earliest to receive the funding. Mr. Pickel stated that funding would begin in October, 2015 which is the same Fiscal Year cycle as the county's.

How much has the county spent on the HSDR project so far? Mr. Pickel reported that approximately \$1.1 million has been spent on the feasibility study and approximately \$350,000 has been spent on the PET phase. Commissioner Meadows asked from where the funding was provided. Mr. Pickel stated that it came from Bed Taxes collected through lodging for less than 6 months and is dedicated for beach nourishment. This third cent was approved in 1998 and implemented in 1999.

Has any property been given a waiver allowing them not to have to participate in this project? Mr. Pickel replied no. Commissioner Meadows asked why WaterSound was not included. Mr. Pickel deferred the question to Mr. Newell. Mr. Newell stated that that area did not meet the justifiable economic requirements. Commissioner Meadows asked if there was a certain distance the structures had to be from the MHWL. Mr. Newell said that there was and that the distance of the structures in WaterSound would not sustain enough damage to justify this project in that area. Mr. Pickel stated that there are two sections, outside of State Parks, which do not meet the requirements: WaterSound and Sanctuary by the Sea.

Can the BCC approve the easement language with the condition that the TDC bring it back to the BCC for a vote on the local resolution once the BCC sees how many easements have been signed to determine if the project is even feasible? Mr. Pickel replied yes.

How old is the Mean High Water Line survey? Mr. Pickel stated it was established October, 2013.

Were previous BCCs aware of this project and did they approve it? Mr. Pickel replied yes. He said that he had been working with Commissioners for 14 years on this project.

Will the HSDR impact my insurance rates? Mr. Pickel stated that he was unaware of any impacts.

What is the latest cost estimate for the project and what amounts / percentages will be paid for by the county, the state and the federal government? Mr. Pickel reported that the project is currently set up to be 28% Federal costs, 16.8% State costs and 55.2% local share. The last estimate for the overall project cost was \$61,397,000. Based on this amount the Federal portion would be \$17,191,160; the State portion would be \$10,301,937; and the local share

portion which would be paid for through bed taxes would be \$33,903,903. The final cost will be determined on what is actually built.

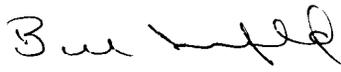
Can you confirm that not a single penny of property taxes will be used for this project? Mr. Pickel stated that he could not. He said that funds that have been expended were paid for by bed tax; however, there are outside expenditures which are not covered by bed taxes (i.e. County Administration staff time, etc.). He said that no ad valorem taxes would be used to pay for the project. He said that the non-Federal share would be paid for through beach nourishment reserves, beach nourishment future collections, and a loan if necessary. He said that there are also additional funds in the TDC reserve. There is no movement to use neither ad valorem taxes nor special taxing districts to pay for the project.

What property rights are given up or gained by the establishment of an Erosion Control Line (ECL) and by whom? Mr. Thomasson stated that the ECL establishes the line between private property and State ownership. The property line for the private owner would no longer move seaward through accretion, but gain property loss due to erosion. He said that Florida Statute says that property owners maintain their riparian rights to the water. Chairman Imfeld stated that the ECL is set before any work is done and asked if the height of the dunes would reduce the amount of surface area that would be used for recreation by the private property owner. Mr. Thomasson said that he did not know whether the area would be affected. The dune heights would vary throughout the length of the project.

Many questions regarding the type and color of the sand to be used, private property rights, imminent domain, public access, and easements were submitted by the public. The questions were addressed by Mr. Thomasson, Mr. Newell, Mr. Allen, Mr. Pickel and Mr. Bagby.

Chairman Imfeld reported that a Public Hearing would be scheduled and that public comments would be taken at that time.

There being no further items to discuss, the meeting was adjourned 5:31 p.m.

Approved: 
Bill Imfeld, Chairman

Attest: 
Alex Alford, Clerk of Court and County Comptroller