

Daughtry Bayou Shoreline Erosion Meeting

January 25, 2019

4 – 6 PM

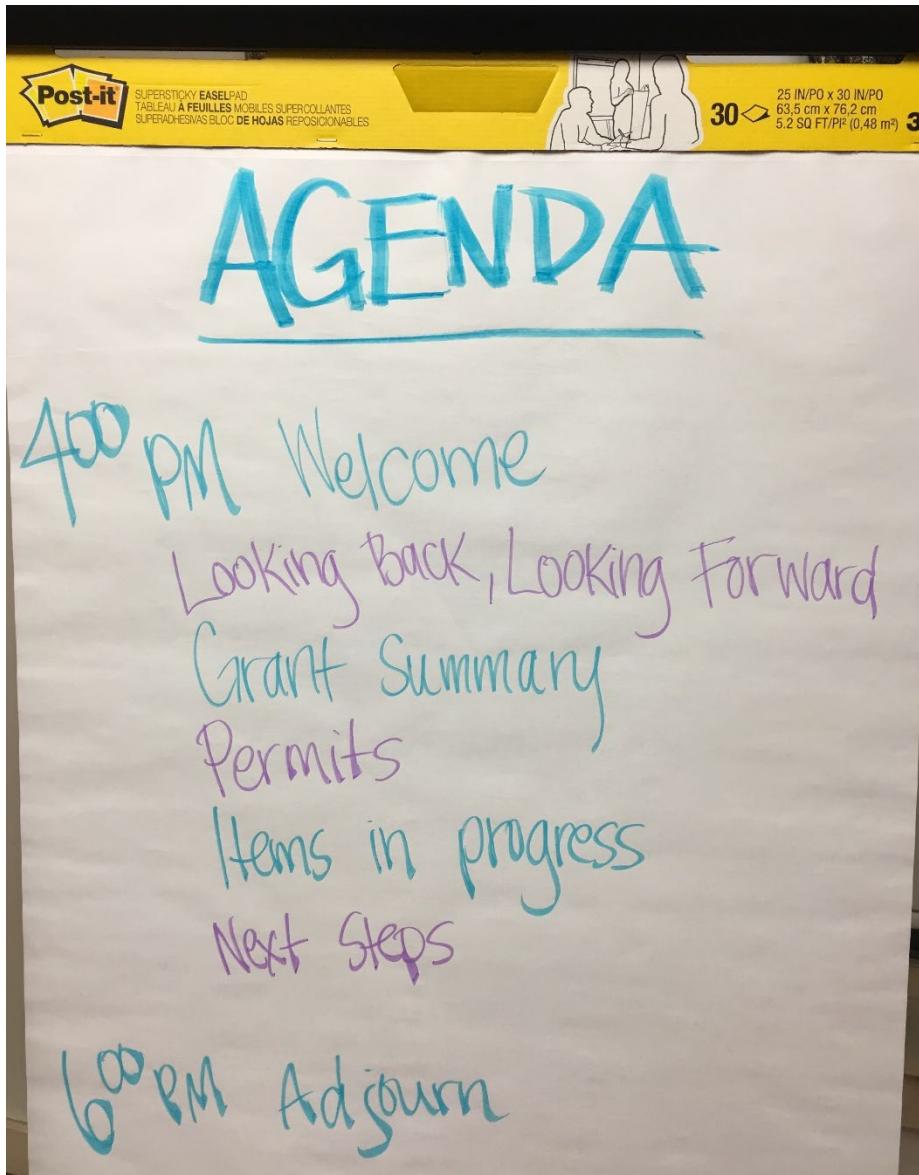
Cedar Key Public Library

Attendance:

Savanna Barry and Mark Clark – meeting leads
Barbara Jackson (remote attendance)
Beth Mizell
Bill Heckler
Cookie King
Doris Hellerman
Frank Offerle
Jim Wortham
Joe Hembree
Joe Waechter
Mandy Offerle
Mike Allen
Mike Carlin
Phil Parker
Robert Csere
Sam Gibbs
Sandy Heckler
Sue Colson
Andrew Gude
James Custer
Nickie Rucker
Bill Rucker
Carol Carlin

Agenda:

4 PM Welcome and introductions
Looking back, looking forward
Grant funding summary
Permits
Items in progress
Next steps
6 PM Adjourn



Welcome and Introductions

There were several new attendees to the process and it had been approximately 10 months since the last meeting so this meeting started out with intros and each person said one thing positive that had happened to them since the last meeting.

Looking Back, Looking Forward

Savanna asked attendees who have been to most or all of the meetings to catch up the newer folks on where we started and what we had worked on since Sept 2016. Some notes from that discussion are below:

- One person noted that looking “way back” they remembered that a project was attempted on G Street and failed for multiple reasons but that they hoped since we were getting closer this time something could move forward

- Another person noted that Cedar Key does not receive a lot of outside attention or funding for projects like cities such as New York and Charleston that get a lot of attention
- Several people noted that they enjoyed the meeting process and working together with UF to try to find a solution that could work
- Savanna reviewed the project timeline and pointed out key steps along the way to remind people about the following steps:
 - o Sep 2016 – initial discussion where most agreed something needed to be done to address erosion problems on G Street and Airport Rd., as recently highlighted by impacts of Hurricane Hermine
 - o Mar 2017 – visioning meeting where the range of erosion control options was presented and narrowed down
 - o Oct 2017 – design meetings where a range of conceptual designs were presented, discussed, and refined
 - o Jan 2018 – Due to low attendance by Airport Rd landowners at Oct meetings, a special focus group for them was added to the process to get their feedback
 - o Mar 2018 – refinement and customization of conceptual design for both G Street and Airport Rd. Direction to Mark and Savanna to pursue permits and funding.
 - o Jan 2019 – today, meeting to discuss grants we have obtained and next steps toward bringing projects closer to reality



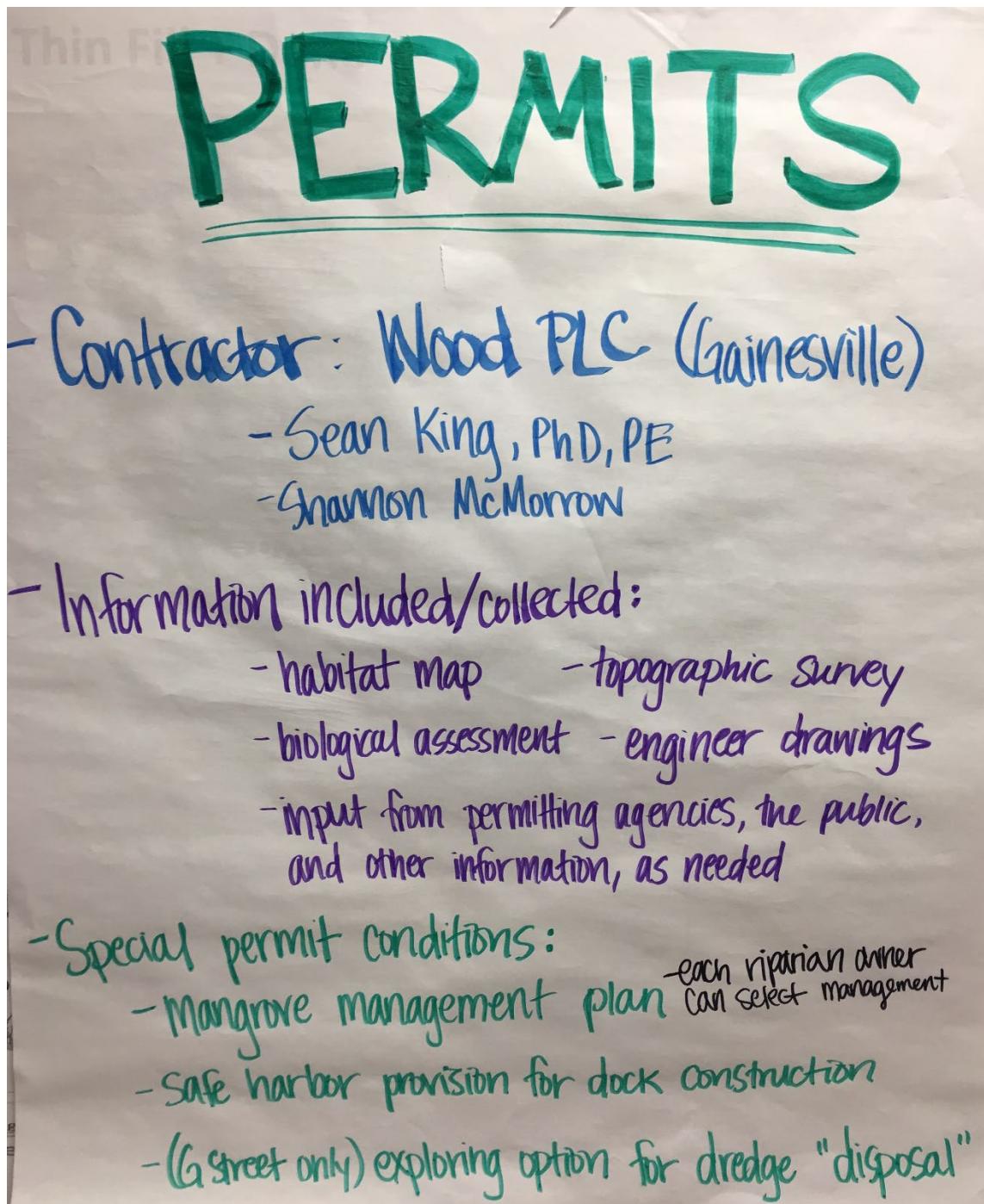
Summary of Grant Funding

Mark and Savanna have spent time since the last meeting (Mar 2018) preparing and submitting applications for external funding. The photo below is a breakdown of grant funding they have either received or that is pending for the project. The EPA and FWC funds are still pending due to several reasons, including the government shutdown, the need to obtain landowner consent, and general contracting delays that are typical. The DEP Resilience Planning Grant is underway and is the funding source for the permitting (discussed later). In general, the most important point about the funding is that it requires no outside match from landowners or the City. So, we have the opportunity to make these projects a reality without any monetary buy-in from local sources.

GRANT \$\$\$ SUMMARY	
Florida Coastal Management Program	\$ 41,187
Resilience Planning Grant (DEP)	\$ 41,024
EPA Gulf of Mexico Program	\$ 384,732
State Wildlife Grants (FL Fish + Wildlife)	\$ 60,000
Total	\$526,943

Permitting Discussion

Mark took the lead on describing the steps necessary to obtain permits for the shoreline projects. The DEP grant mentioned above has given us the resources we need to hire a consulting firm with the necessary capabilities to prepare the permit applications. The consulting firm is Wood PLC in Gainesville and our contacts on the project are Sean King, PE, PhD and Shannon McMorrow.



At this point someone asked what was meant by permit application. Mark explained that it is the complete set of information that we must compile and send to the Florida Department of Environmental Protection (DEP) and US Army Corps of Engineers (USACE) in order to get approval to construct anything that will be placed in or have an influence on the coastal zone. He also explained that obtaining a permit requires an entity or group of entities to be the “applicant” – this is discussed in more detail later.

In order to obtain the permit, these agencies (DEP and USACE) require several pieces of information, including:

- Habitat maps
- Biological assessment
- Topographic survey
- Engineer drawings (overhead and cross-section views)
- Any other pieces of information agency staff request during the application review period, including a public notice and comment period, more details about the site conditions, etc.

The application period could last several months and in extreme cases multiple years. The permit application will be submitted no later than June 30th but could go in as early as late May if all goes well.

At this point there were several questions for clarification about the topographic survey, including why it was needed and if the results would be shared. The survey is required by the state for permitting because the mean high tide line is a required aspect of the project drawings and cannot be omitted. One attendee pointed out that they had a recent survey and wanted to make sure the results matched. Savanna replied that she had provided a copy of the survey in question to the contractors and they acknowledged they received it. Mark replied that the mean high tide line at the time of the permit application is the one in question and that the mean high tide line moves, which is why DEP requires it to be mapped out each time a permit is submitted. If the permit application period is long enough, they may even require a new survey if they deem enough time has passed. This part of the process is unavoidable because of the permitting requirements. The survey results will be shared with everyone when we receive them (likely some time in the first week of Feb).

There was further discussion about the significance of the mean high tide line as it pertains to riparian ownership rights. For background, the mean high tide line is the boundary between private (upland) property and state/public (submerged) property. As the mean high tide line migrates in or out, property lines change. This is referred to as an ambulatory boundary or ambulatory property line. The concern about the mean high tide line according to the landowners is that it could negatively affect their property rights. However, until we have the results of the survey this is not something that we could comment on further in this meeting except to say that anyone who has riparian ownership within the project areas will have to consent before the construction (and ideally the permitting) can move forward.

After those discussions, Mark and Savanna moved on to remind folks of the special permit conditions that are to be included in the permit applications. These include:

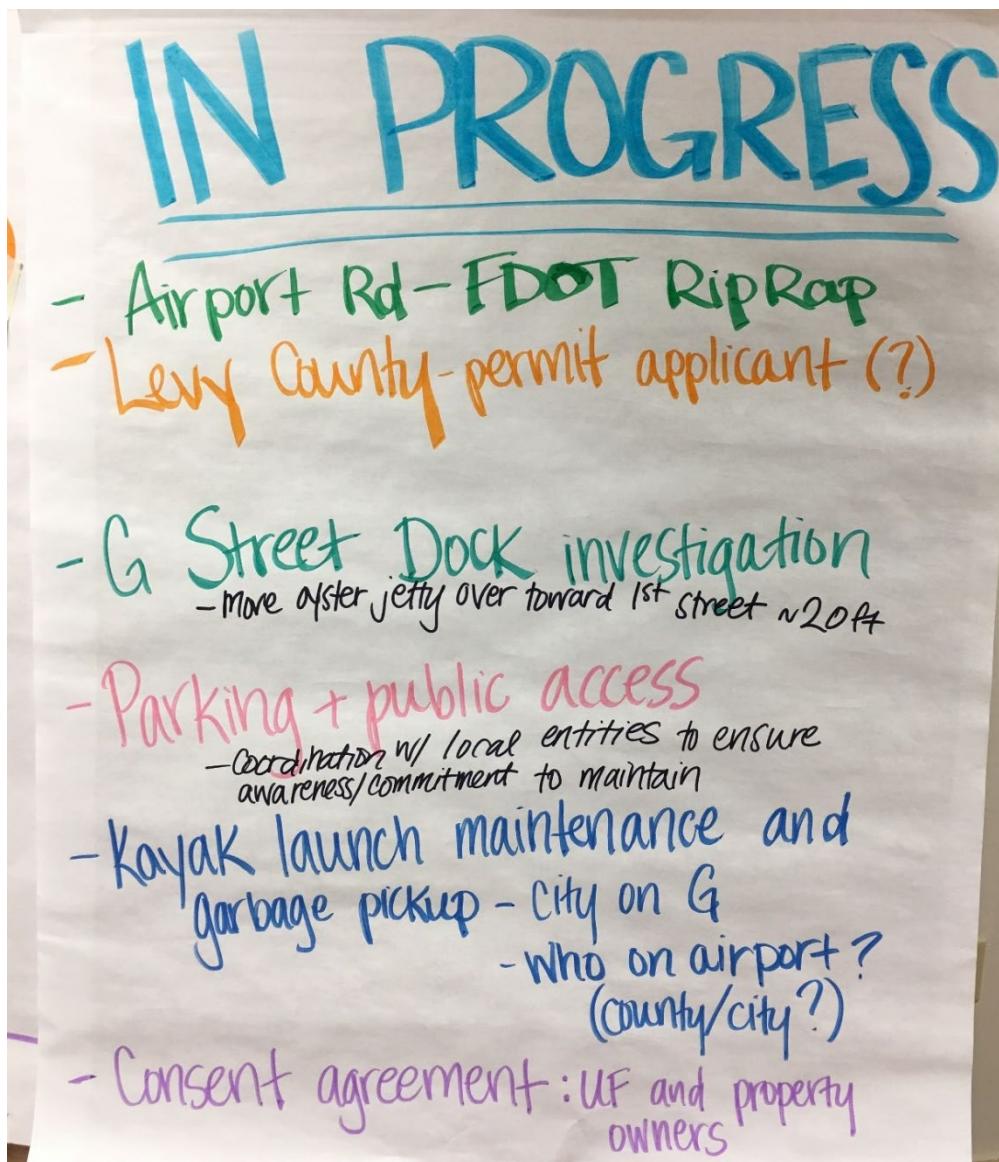
- a mangrove management plan whereby property owners who want to remove mangroves by mechanical means would be granted permission to do so as long as the permit is maintained in “operational” status (typically begins 5 years after the granting of the initial construction

permit). Landowners wishing to maintain this right after the initial 5 years would need to work together to form an HOA or another group that would hold on to and keep the mangrove management permit active

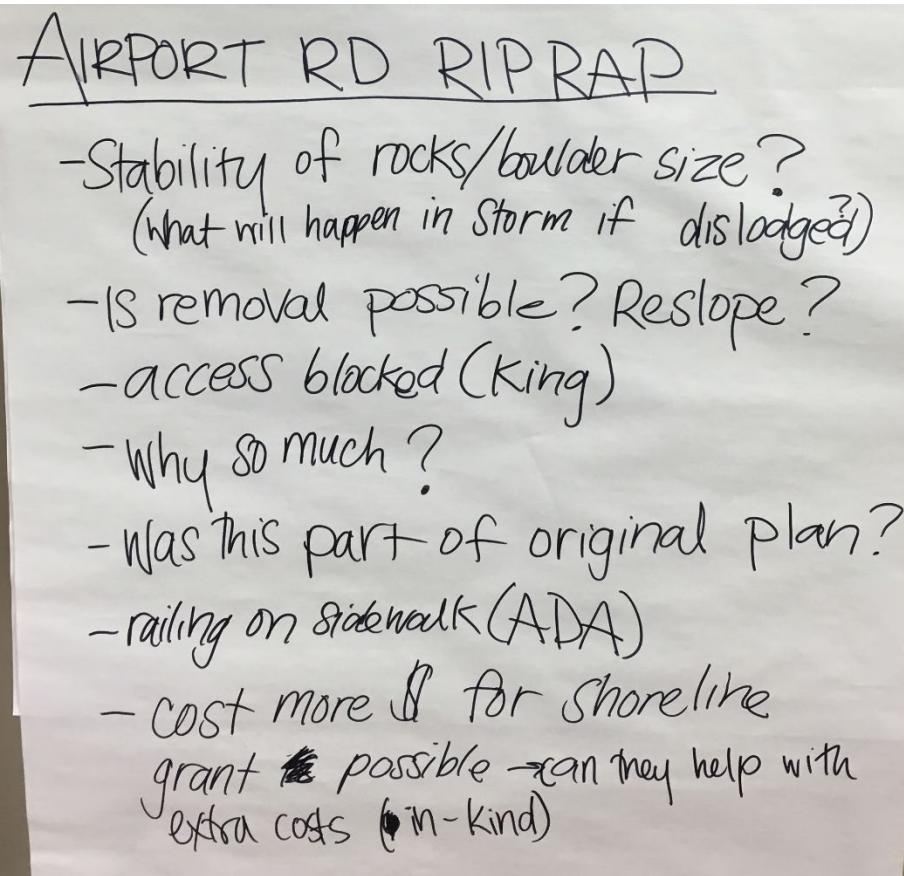
- safe harbor provision for docks, allowing upland property owners to maintain the ability to construct a dock across the project area at some future date
- the opportunity for the City to designate the end of G Street as an area where suitable sands from the dredging of the outer marina channel could be placed. This will continually nourish the G Street shoreline into the future and greatly reduce costs for the City in terms of maintenance dredging.

Items in Progress

There are several pending items that Mark and Savanna wanted to discuss with the group for the purposes of updates or gaining feedback.



The first item was the fact that FDOT unexpectedly placed 450 linear feet of riprap along Airport Rd, in front of the four houses closest to the bridge. Savanna was able to make contact with the supervisor from FDOT and they are planning a meeting to discuss how the rip-rap could be modified to interfere less with the shoreline enhancement project for Airport Rd. The group had several questions or points of clarification they want Mark and Savanna to broach with them during the meeting, set for Feb 4th around 10 AM. These points are captured in the photo below.



The next item on the list was regarding working with Levy County on permitting. There are several reasons why this would be beneficial:

- it would create continuity in case homes sell and streamline the process of the paperwork
- the County owns both roads so the projects are in their interest
- the County is eligible for significantly reduced permitting fees that would help save \$

Savanna had a preliminary meeting about this where the County seemed open to the idea but wanted Mark and Savanna to provide more information and present formally at a County Commission meeting before agreeing. At such time this presentation is appropriate, Mark and Savanna will go before the Levy County Commission.

The next item was regarding the investigation of the predicted effect the G Street project might have on the dock. There are multiple owners of the dock and typically because they are based out of town we communicate by email. It was requested that we include the most recent correspondence with these minutes. A copy of the email from Mr. White and my reply to him can be read below. In a nutshell, there

is concern that a shoreline enhancement project would risk silting in the end of the dock on G Street and have negative impacts to navigability. It has been requested by Mr. White and other owners of the dock that Mark and Savanna look into this issue formally. Until we received the permitting grant, we did not have the resources to hire qualified people to do the work. The consultants we have hired are investigating the risk to the dock and will provide information about their conclusions soon. Depending on those conclusions, we will work with the dock owners directly to determine the best path forward. If project modifications are needed, they will be pursued.

Re: Good News and Update - Cedar Key Shoreline Projects - Message (HTML)

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Thu 1/24/2019 9:54 PM

WR White, Richard A. <RAWHITE@southernco.com>

Re: Good News and Update - Cedar Key Shoreline Projects

To: Barry, Savanna C
Cc: Joe Hembree; Cedar Key Hamil; Jeanne Hamil; Wendy; Betty Jo Hodge; Suzette Hembree; Clark, Mark W; Selby - Cedar Key Joan & Ralph; Richard White; White Crawford

You replied to this message on 1/24/2019 11:00 PM.

Savanna -
We will not be able to attend the meeting January 25th. We would like the meeting minutes or notes you produce to include our position - as owners of property directly affected. At present, we do not support the project for reasons that include but are not limited to those explained below.

We remain concerned that the only engineering study you have presented (The G Street Feasibility Study found at this link <https://ncbs.ifas.ufl.edu/extension/dealing-with-coastal-erosion/upcoming-erosion-control-projects/daughtry-bayou/g-street/> [ncbs.ifas.ufl.edu] - the Olsen Study) states on page 60:

"Successful dock designs require access to open water and adequate depths; as such, the objectives of a dock at this location are inherently incompatible with engineering designs which seek to construct a beach in the dock's vicinity. This is particularly true in the present case whereby dock length, location, and elevation were finalized and permitted prior to consideration of potential public beach improvements. The location of this dock greatly limits (prescribes) the placement and orientation of the coastal structures necessary to develop a modest recreational beach and likewise ensure navigational functionality of the boat dock."

All the conceptual designs presented thus far appear to fall into the "incompatible" category described in your feasibility study. Such an incompatibility would lead us to oppose such designs. The most recent design we've seen actually appeared to locate more proposed beach even closer to our dock than other designs - increasing our apprehension.

We have suggested that you engage coastal geologists and engineers that can produce a design that will harden G Street to erosion while assuring us that if any sand is used in your proposal it doesn't end up being transported under our dock making it useless.

We don't understand how the conceptual designs you propose to present in permits overcome the incompatibility described in the Olsen Study. This appears to be a conceptual issue that should be resolved before permits are pursued.

We presume your suggestion that "an engineer" could provide a "professional judgement" that your design would not interfere with our dock would also not contradict the existing study but reconcile in detail any new conclusion with the original Olsen study. We would expect any new "opinion" to be based on a new study as thorough as the original study and include the results of computer modeling of your designs.

In addition, we are concerned with proposals that would likely increase public traffic around our dock or across our property.

Thank you for including these concerns in the meeting notes published for the January 25th meeting.

Richard & Wendy White

Reply:

RE: Good News and Update - Cedar Key Shoreline Projects - Message (HTML)

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Email to Keep ... To Manager Categorize Follow Up Translate

Move Tags Editing Read Aloud Speech Zoom

Thu 1/24/2019 11:01 PM

 Barry, Savanna C

RE: Good News and Update - Cedar Key Shoreline Projects

To: White, Richard A.

Cc: Joe Hembree; Cedar Key Hamil; Jeanne Hamil; Wendy; Betty Jo Hodge; Suzette Hembree; Clark, Mark W; Selby - Cedar Key Joan & Ralph; Richard White; White Crawford

Hi Richard and others,

Thank you for sending the input. We are very cognizant of your collective concerns and we are doing our best to address them with the resources we have. As I explained in a previous communication, the Olsen report was analyzing a situation in which a large volume of loose sand would be added to the shoreline, which is quite different from what the conceptual design outlines. I understand and agree that a professional assessment from a coastal engineer is in order and we are pursuing that. I will not have results by Friday but will share them as soon as I can. If the results indicate that a modification is needed, then that is the direction we will pursue.

We have also done our best to incorporate comments about public access that we gathered during the workshop process. The conceptual design includes a public access point on the City's property near 1st street with a kayak launch and signs directing people to appropriate parking areas off site. Many believe that this will actually act to encourage use and access in the appropriate (i.e., public) area owned by the City, presently underwater for most of the tide.

One thing I think everyone can agree on is that there are severe erosion issues on G Street that need to be addressed. So far, we have made a good deal of progress toward something that will help. It even appears at this time that we would be able to do so with no monetary commitment from the City or from property owners. But, we still have several steps ahead of us before anything happens, including investigation of the dock compatibility by a professional (currently underway). Thank you all for staying engaged with the process.

I will send notes from tomorrow's meeting out to the list as soon as I can compile them.

Best,
Savanna

Savanna Barry, Ph.D.
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UF/IFAS Extension - Florida Sea Grant
UF/IFAS Nature Coast Biological Station
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office: 352-325-6080 | cell: 804-305-6014

From: White, Richard A. <RAWHITE@southernco.com>
Sent: Thursday, January 24, 2019 9:54 PM
To: Barry, Savanna C <savanna.barry@ufl.edu>
Cc: Joe Hembree <jhembree@hembreeco.com>; Cedar Key Hamil <wghamil@msn.com>; Jeanne Hamil <j.hamil47@gmail.com>; Wendy <123wendywhite@gmail.com>; Betty Jo Hodge <bjhodge@cox.net>; Suzette Hembree <suzettehembree@me.com>; Clark, Mark W <clarkmw@ufl.edu>; Selby - Cedar Key Joan & Ralph <bunice2@verizon.net>; Richard White <rawhite16@gmail.com>; White Crawford <crawford.white@gmail.com>

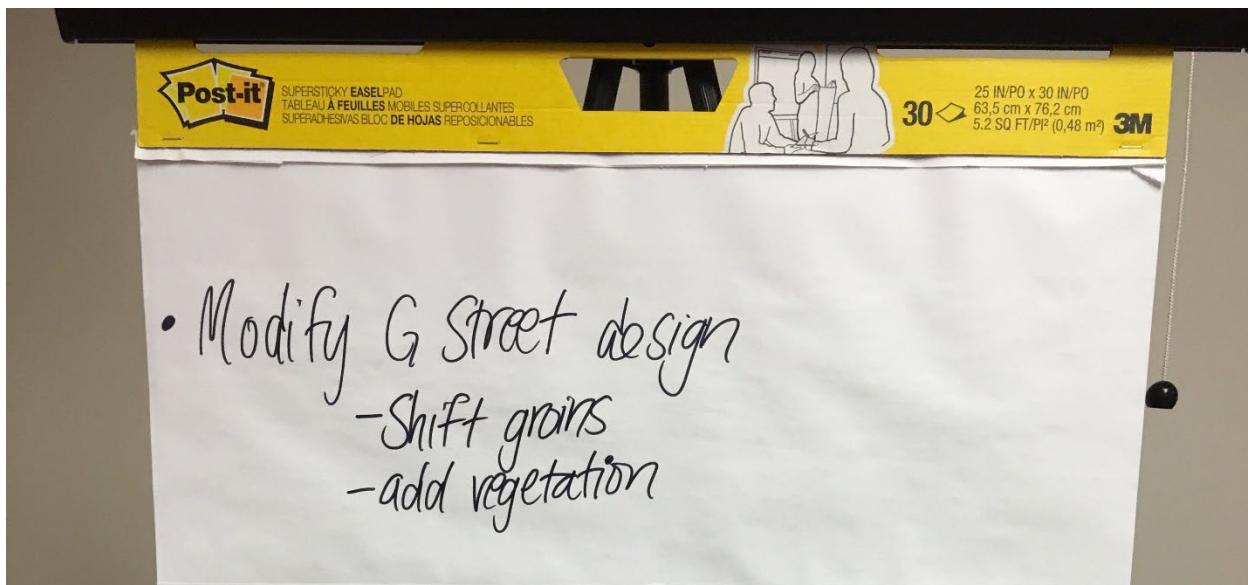
The next item was regarding parking and public access. Some meeting attendees were concerned that Mark and Savanna had not coordinated sufficiently with local entities. Savanna recounted the efforts she and Mark, sometimes with the help of property owners or local officials, have made so far to explore several options for additional parking, maintenance of the kayak launches, garbage collection, signage directing people to appropriate parking areas, etc. These discussions are still underway with the county and if no one will commit to maintaining the kayak launch on Airport Rd. then that might have to go away. The City will be responsible for maintaining the kayak launch on G Street because it is on their property. It was also brought up that parking and enforcement are local issues that are receiving a lot of

local discussion and that the City is making a bigger effort to enforce recently. Mark and Savanna renewed their commitment to continue to work with local entities regarding the public access points.

The final item of discussion on the in-progress list was regarding the consent agreement landowners will have to sign before UF can accept the rest of the grant money to construct the projects. The University of Florida will not sign onto grant contracts for the construction dollars without some measure of assurance that we can follow through on our grant deliverables. Therefore, the UF legal department is drafting an agreement that Savanna and Mark will need to meet with landowners and gain signatures on in order to be able to move forward past the permit phase.

At this point in the meeting, a landowner on G Street brought forward strong and clear objections to the G Street design. It was clear that Mark and Savanna had misunderstood the landowner's thoughts on the project and completely missed the objections. The discussion touched on previous concerns about surveys and the mean high tide line, as well as the request to leave mangroves on certain sections of property and perhaps include more plants on that section. Mark and Savanna expressed sincere apologies about the misunderstanding and also the intention to work directly with the landowner to address the concerns. At this time, there is still the ability to modify the projects and based on the brief discussion in the meeting (short notes below) it seems likely that the landowner's desires can be incorporated and likely result in a stronger shoreline protection design. However, this will not be clear until individual meetings with landowners are complete. There was another landowner that requested a small modification to the placement of one of the shoreline elements on G Street. Again, this is a project modification that can easily be made and now is the time to incorporate these changes (before the engineer drawings are made).

The suggestion that the process switch to a direct engagement with property owners was made and Mark and Savanna agreed that would be the majority of the interaction until the next meeting, which will probably be in late May, around the time that the permit application is almost complete and ready to be submitted.



Finally, there were several questions about what would happen if no agreement could be reached on G Street.

- Could we at least still get the permits?
 - o Yes, the City or the University would have to be the applicant but we could at least submit permits so they could be on hand in case an agreement was reached in the future. However, it would mean that the grant funding is at risk and there is no guarantee that they would be approved if there were still strong landowner objections.
- What would happen to the grant money if G Street was off the table?
 - o At least a small portion of Airport Rd (the section with the riprap) could move ahead because that grant is separate (\$60,000) from the other grant money. The large pot of money is tied to both projects so it would be very difficult or impossible to separate the Airport Rd money out from the G Street money, especially because doing 2 projects at once makes them more economical. If it came down to it, it would be worth asking but the chances are not good that it would happen. That said, if Airport Rd still wanted to move ahead even if we lose this current grant we can always apply for more grants for just Airport Rd. in the future.

Next Steps

Savanna and Mark will:

- follow up with landowners about the consent agreement and any fine-tuning to the project designs
- provide results of biological assessments, topographic survey, and other documents from the consultants as they become available
- continue to engage local partners about the public access items
- meet with the Airport Rd. FDOT personnel on Feb 4th
- connect with dock owners to follow up about the coastal engineer's findings and ideas for moving forward
- continue to communicate via the email list with any key status updates
- be available if anyone wants to meet further to discuss anything about the project