

**INDIAN RIVER COUNTY, FLORIDA
MEMORANDUM**

TO: Board of County Commissioners

THROUGH: John Titkanich, Jr. County Administrator

THROUGH: Richard B. Szpyrka, P.E., Public Works Director

FROM: Eric Charest, Natural Resources Manager

SUBJECT: Sector 7 Beach and Dune Restoration Project Update

DATE: June 6, 2023

DESCRIPTION AND CONDITIONS

The Indian River County Sector 7 Beach and Dune Restoration Project (Project), initially scheduled to be constructed during the November 2020 through April 2021 beach construction time period, has been postponed at the direction of the Board of County Commissioners (BCC) three (3) times over the past three (3) consecutive beach construction seasons (November to April 2020, 2021 and 2022). These postponements have been discussed in public forums and agreed to based on a lack of sufficient easements having been obtained to make the Project viable and constructible (July 14, 2020 BCC meeting in which a 90% easement acceptance target was set to provide for a successful project).

Due to an apparent stalemate at obtaining the easements necessary for construction activities to take place, and with the desire to construct the permitted Sector 7 Beach and Dune Restoration Project, on January 31, 2023 the BCC approved the use of a revised easement agreement and directed staff to circulate the revised easement packet to the 27 property owners within Sector 7 that had either denied or not responded to repeated attempts to execute an easement agreement. With personal outreach from the Commission, the revised easements were distributed with an initial date requested of the property owners to return an executed easement on or before March 17, 2023. This date was set in order to allow for pre-construction activities to take place during the spring and summer 2023, allowing for construction to begin in November 2023.

On March 7, 2023, the Sector 7 Beach and Dune Restoration Project was again brought before the BCC at a regularly scheduled Commission meeting, with discussions taking place on recommendations that were made by the Indian River County Beach and Shore Preservation Advisory Committee (BSPAC) at their February 27, 2023 meeting. The BSPAC Committee recommendation to adjust the Sector 7 northern project boundary approximately 2,000 feet to the south to exclude properties in which easements had not been obtained was not supported by the BCC. Staff instead was directed to continue with the project as designed and permitted and to continue pursuing the remaining easements. Staff indicated an extension could be made to the requested March 17th return date, and offered an April 1, 2023 return date instead. The April 1, 2023 date would still allow for construction activities to begin in November 2023 should adequate easements be obtained.

As of the requested return date of April 1, 2023, the County had received one (1) additional easement which had been obtained utilizing the revised easement agreement language. Since the number of easements remained below the established threshold, pre-construction monitoring was not brought

before the BCC for approval, in accordance with direction received at the previous BCC meeting.

On May 2, 2023, staff brought the Sector 7 Beach and Dune Restoration Project back before the BCC to provide an update and seek direction moving forward. Staff presented four (4) options to the BCC for consideration, including one (1) recommendation provided by the BSPAC which had received an update on the Project at their regularly scheduled April 17, 2023 meeting.

Options were discussed, with the BCC supporting the BSPAC Amended Option 3, which directed staff to:

“Determine the current project to not be constructible at all based on lack of sufficient stakeholder support in signing the original or revised easements and beach access not being available. Per BSPAC recommendation, the BCC should direct Staff to pursue, study, examine what an alternative project could be that could be designed and built that was feasible. This approach may require that both FEMA funding and the FDEP Grant funds be surrendered by the County, and any future projects that may be sought would be subject to being funded solely by the County should no additional funding sources be found. In addition, this may impact Insurance funds already received for Sector 7 losses incurred under Hurricanes Matthew and Irma which may need to be reallocated to the Sector 3 and 5 projects, with potential refunds to FEMA on insurance receivables should they not be allowed to be used to off-set Sector 7 costs incurred to date or future costs from a redesigned project.”

The BCC voted 3 to 2 to support the BSPAC Amended Option 3, with the caveat that a local stakeholder be afforded an additional 30 days to secure the easements necessary to allow for construction to take place in the November 2024 - April 2025 construction season. In addition to the time extension allowed to obtain easements, Staff was also directed to begin to seek extensions to the available funding in order to allow for the possibility of another one (1) year delay in construction.

As the end of the approved 30-day extension had passed on June 2, 2023, Staff has not received any additional easements, and therefore the Project remains at the current percentage of having obtained 67% of the required easements.

The County has spent approximately \$700,000 on permitting, monitoring and design work associated with the Sector 7 Beach and Dune Restoration Project to date. Insurance revenues associated with Hurricane Matthew damage to Sector 7 in the amount of \$1,372,843.91 have been received by the County which exceeds the costs incurred to date, therefore the County cannot seek any additional reimbursements for the Sector 7 Project costs. Additional funding currently available for the project includes \$307,538.00 from the Florida Department of Environmental Protection (FDEP) and \$4,253,226.05 from the Federal Emergency Management Agency (FEMA). BCC approval is being sought in order for staff to notify the agencies of the current project cancellation, and to request the available FDEP funds be redistributed to the remaining beaches within the County. As previously stated, there is no guarantee that these requests will be accepted by the funding agencies, and furthermore, the insurance proceeds received for Sector 7 may need to be able to be reallocated, impacting future FEMA proceeds that are currently under review, but as the BCC directed staff to consider the Project as canceled, these appear to be the next steps.

FUNDING

There may be impacts of reallocating the insurance revenues received for Sector 7 (\$1,372,843.91) to the other Sectors. The fees associated with the Project costs to date have been paid, therefore no additional funds are anticipated.

RECOMMENDATION

In accordance with the BCC approval of the BSPAC Amended Option 3 at the May 2, 2023 Commission meeting, and with the 30-day easement extension having lapsed, Staff is now requesting approval from the BCC to cancel the current Sector 7 Beach and Dune Restoration Project and seek reallocation of any funds to other Sectors.

APPROVED AGENDA ITEM FOR JUNE 20, 2023