

**Tybee Island Beach Task Force Minutes
November 15, 2007**

Members Present: Cecil DeLorme, Harvey Ferrelle, Amy Lanier, Henry Levy, Mary McCracken, Lou Off, Walter Parker, Freda Rutherford, Wick Searcy, John Wylly

Ex Officos Present: Sonny Emmert – DNR, Dan Parrot – ACOE, Diane Schleicher – City Manager, Hampton Spradley – ACOE, Paul Wolff – Council Member

Members Absent: Berta Adams, Helen Downing, William Sprague, Mark Smith

Visitors: Wanda Doyle – Council Member,

CALL TO ORDER:

Lou called the meeting to order at 11:30am.

SPECIAL GUEST ANNOUNCEMENT(S):

Mayor Jason Buelterman

- 1) Reported the State Senate Beach Maintenance Funding Study Committee met on Tybee in September. A recommendation was made that the state contribute an additional \$3 million for a full re-nourishment scheduled for Fall 08. We are trying to get this in the Governor's budget. Senator Eric Johnson suggested we do a study to analyze the economic impact of the beach for Georgia on the state tax collections. This study finished November 14. With an unrenourished beach, the State loses \$2.66 million in sales tax revenue. A copy was passed around. The city will submit a letter w/ photos to the Governor. We will find out officially if it is in the Governor's budget on January 16. AASU did the study for \$15k which will also be useful for other projects later on. Lou and the Mayor feel that if it does not go thru, we should appeal to the county for extra SPLOST money. Erik Olsen, DNR and COE have been working on the permit to do this re-nourishment.
- 2) Freda asked about how we came up with the \$3 million that we need. The funds available were discussed.
- 3) Amy, Berta & Mayor met with LNG yesterday to discuss a possible contribution towards beach re-nourishment. They heard about how LNG works and discussed how they might be able to contribute. Lou stated that more importantly someone willing to volunteer will change the river channel user's feelings about assisting Tybee in beach maintenance.
- 4) Lou & Mayor have discussed how important it is to go to HHI & see how they manage their beaches after their renourishment w/ dunes & other issues.
- 5) Visitor, Paul Ewaldsen asked the Mayor about the timeline for work to start on the re-nourishment.
 - a. If all goes well with permitting, we should be ready to open bids next spring. We have to wait until turtle nesting is over in October '08; even w/o additional funding, we have \$7.4 million to do a re-nourishment.
 - b. Paul has lived at 2nd Terrace for approx. 33 years.
 - c. Henry asked if anyone has determined how far up the wall goes. Lou remarked the COE says it goes up through the parking lot at north beach; Walter Parker remarked that it is not the same sea wall; there are two different walls. Ft. Screven has a metal sea wall now covered with sand.

ARTICLES SHARED BY LOU:

- 1) Newspaper article on Oct 10th "Port for 2 states"...Lou asked Walter if he was having any luck talking to folks to keep Tybee in the loop.

- 2) NYT article – as beaches erode so do the solutions. In Topsail, near Wilmington, NC, homes are in the water and others are condemned. A referendum in 2006 separated the community b/t beach residents & non beach residents (a couple of blocks from the beach). The referendum was turned down. They did not have a choice as to what direction they could go.
- 3) Another article discussed “Debidue” south of Pawley’s Island, SC, where front row residents pay a one time \$40K fee and inland residents pay \$2,300/ property...trying to raise 6.2 million for a 600,000 cubic yard re-nourishment.
- 4) New York Daily News article about Shishmaref, which is 126 miles north of Nome, Alaska. People there have lived/hunted seals for hundreds of years. The island is about to slip into the ocean & be lost forever; it’s a culmination of sand and permafrost. The beaches are ice & the ice is going away. As the permafrost thaws it turns dark which contracts more heat and the cycle continues. COE estimated that by 2015 it’s going to be gone. It is estimated the cost to relocate people is \$330K each.
- 5) Economic Value of Beaches & Coastal Properties provided by Marlowe & Company. The study took 4 different cases of FL beaches after re-nourishment. The percentage increase of property values is; Captiva Island = 36.3%, Annamaria Isl = 21.5%; Broward County = 18.6%; Delray Beach = 20.5%. Average with having a beach increases property value by 24.2%.
- 6) Jacksonville Times Union – Jekyll Island beaches are slip sliding away. Basically beaches are washing away quite rapidly. The northend is having great problems. Clark Alexander said that the erosion rate varies from a few inches/year to 8’ depending on where you are on the island. Neither the DNR nor COE are doing any studies.
- 7) There is an article about windmills in the current issue of Tybee News.
- 8) Marlowe’s Coastal news letter reviews wind and current energy production. They feel that the gulf stream off FL coast using 1/1000 of energy should give FL 1/3 of their energy needs. The northeast is a good area for a possible windmill source.
- 9) The LOST Treaty may be signed. It cuts the sovereignty of US down to 3 miles from 200 miles. Some have said if we wanted to put an oil well beyond 3 miles it would fall in the jurisdiction of the UN not US.

APPROVAL OF MINUTES:

Minutes from the October 15 meeting were approved. Freda made the motion, Henry seconded and all approved.

ARMY CORPS OF ENGINEERS REPORT:

Dan’s report...

The Presidents veto of WRDA was overridden. It is public law 10-114. Provisions require headquarters and ASA guidance, which will be given after Thanksgiving. The priority is guidance for projects already funded or already underway; second priority will be for projects not yet funded. Guidance for implementation of the law; not for funding. WRDA is an authorization, it does not appropriate money. Freda said in the newspaper(s) there was money in the bill. Dan said that is incorrect. WRDA authorizes studies & projects and puts dollar values for authorized amounts. The appropriations bills actually allocate the money for those studies/projects. If a project has appropriation and no authority, guidance will be given to them first. The Jasper Ocean Terminal study now has the authority and now they are waiting on the appropriations to study the impact of what would happen to the Sav’h Harbor & Navigational project if it loses disposal area capacity. Dan said they are actually proposing to take a third of the total area now being used. This should not impact the harbor deepening project because the COE is treating this as another port user on the river that will benefit from the deepening. The Intergovernmental Agreement Draft presented last

week said the new port authority would cost share in deepening of the harbor up to Jasper. GPA would cost share in the construction of the project from there to Garden City.

Dan does not think there will be much involvement between SC Port Authority with Tybee's beach.

Lou asked if there is any effect on Tybee from WRDA. Per Dan there is one provision they have the authority to treat Tybee Island under section 111. Good news is that Sec 111 funds are easier to get; bad news is that Sec 111 allows a one time fix of no more than \$5 million from federal. If we chose to implement that provision then channel impacts would be limited to no more than \$5 million federal. Freda asked Dan why we made application for our study under a different section. Per Dan, we started with 111. Headquarters said we cannot use 111 to impact one fed project to another fed project. We went with the specifically authorized route. The downside to this is it takes longer to get going & longer for congress to approve it. He recommends we keep on with what we have. A \$5 million cap on a 111 project does not solve our long term problems. This is the only reference to Tybee in there. We are authorized for Tybee beach renourishment with shore protection until 2023.

Lou passed around the reply to the letter Jason sent to General Reily for all to read while we waited. The reply was thought to have been written by Hampton. However, the writer is unconfirmed.

(Chris Wagner from Marlowe & Company joined the meeting via teleconference until Howard can join us. Chris will receive a copy of the COE's report.)

Hamp's report... (COE Actions & Status sheet provided separately)

- 1) Tybee Coastal Zone Management Implementation: We are still waiting on guidance from their South Atlantic division. Once they get that they will coordinate with GA DNR.
- 2) Tybee Island Channel Impact Study & Report: Erik Olsen provided comments. EDRC & Wilmington engineers are looking at comments and will be part of their discussion & presentation on November 27 at City Hall.
 - a. It was stated that there was 74% erosion. One of Erik's people stated that it was not a pure number because they counted the number after the beach renourishments. So he took the renourishment effect out of the mix and the increase was to 78.5%. Lou reminded everyone of the November 27 meeting. Chris will confirm that Steve Dye of Marlowe and Company will be here.
 - b. Lou asked if they (Marlowe & Co) had come up with any information about other downdrift communities. Chris gave Steve some info about Beach projects that had a channel impact. We want to know if our renourishment is going to be included in the OMB budget after all the studies. Hamp reiterated the scope of the 11/27 meeting. The morning will be on the impact report findings, followed by comments and review/discussion. Then there will be a lunchtime break. During the afternoon session the meeting will shift to what do we do to get to decision document to submit to congress for their consideration. We'll look at alternatives to mitigate for damages / impacts and look at costs of mitigation alternatives. Process is 50/50 cost share so it's important to get funds secured. Diane is going to check with Erik Olsen to make sure he is at the 11/27 meeting.
- 3) Tybee Island Shore Protection Project – This will be a 100% non federally funded re-nourishment next fall. Mark Padgett, COE, lives here & works closely w/ Erik Olsen to obtain permits. Mark believes that at the beginning of 2008, Erik will be ready to submit a formal application and getting the permits the beginning of April and go for contracts afterwards.
- 4) Tybee PIR Report for TS Andrea: COE has looked at damages to see if eligible for flood control and coastal emergency funds. They have not been able to categorize the storm or the damages in a manner that would make it eligible for funds. The Afterstorm Monitoring survey was given to Erik.

5) 2008 budget

\$2 million is in the Senate budget and \$0 in the House. They are working through differences and deciding if some of the money may be shifted toward the channel impact study. The Senate has not yet voted on the Energy and Water bill per Dan. After they vote on it then the congress committee meets. Then it goes on to House & Senate which may be Dec/Jan. COE is in the first Continuing Resolution (CR) period which begins tomorrow and they are requesting the 2nd CR phase in January. Chris said that energy/water is not on the priority bill list. They want to highlight domestic issues...increase funding for education, etc. and popular areas. The President has vetoed the Labor, Health, Human Services, Education Bill and possibly the transportation/housing bill. They are trying to figure out what has to be done to get the spending measures through. Energy and water is still on hold. It is still a committee bill. Per Dan the CRA money to COE for operation maintenance of the harbor is only about a third of what they had last year. There are two dredging maintenance contracts on hold in Jax, one in Charleston, two in Wilmington and two here. They are waiting on CRA funding. This could make our costs greater.

- 4) Jasper County Terminal Development: there is now an interstate compact for the Bi-State Port Authority drafted and trying to get it approved & signed by next year. Also an Intergovernmental Agreement which outlines the way forward & identifies the land exchange process.
- 5) Brunswick Harbor Deepening: It has been completed. Some contracts are to be awarded at a future date.
- 6) Savannah Channel Maintenance: A new contract was awarded in September. Work will begin next month. Lou asked if they are fully funded. Dan said neither one is funded; they are waiting on CRA.
- 7) Sav'h Harbor Expansion – They are trying to get underway by Feb 2009. There is a public comment period for GRR/EIS report scheduled for Jun 08. An outstanding issue on CZM and how it will affect O & M dredging & deepening of Harbor. Hamp believes the plan is to take the new work material and put it in the near shore.

SEG MEETING:

The SEG Meeting was Tuesday and during the first 4 hours there was a discussion on operational guidelines of what SEG is required to do. They said there is no appreciable loss of sand to Tybee due to additional depth of the harbor. The COE plan places up to 10 million cubic yards of material in the Tybee nearshore. We asked them to give us the money instead, but they admitted they could not do that b/c this was the cheapest way to get spoils out of channel. Dan informed us that once the SEG gets done it doesn't make any difference. GPA plans to provide documentation including a consensus mitigation plan developed through the stake holder's evaluation group's resolution process that could be used for development of a federal EIS. If GPA submits a plan the COE it could be used along with the COE mitigation plan through EPA, fish & wildlife, and interior & DNR through EIS.

(Howard joined us on teleconference...)

Dan stated that ERDC did say there is no incremental impact, therefore the Harbor expansion will not mitigate for the past history. It is the channel impact feasibility study that will be the basis for mitigating for the ongoing operation and maintenance. Freda wants a probability to go forward that there was no impact for Tybee that what goes in for approval. Dan stated that what will probably happen since the ERDC report says the incremental deepening of additional 6' will not have an additional impact to Tybee there's no mitigation for Tybee as part of their expansion. Dan said we can forget about harbor expansion assisting Tybee except for our near shore placement of the off shore bar material. HB727 is a totally separate issue. Dan said we are to implement the harbor expansion in accordance with all laws including CZM so our offshore disposal plan for the harbor expansion recognizes HB 727 to place as much material as possible – near shore/onshore.

The COE plan of putting the spoils in front of Tybee has not been approved by DNR. There is an 8 page letter with questions sent to COE in May. The COE cannot answer DNR b/c of the Coastal Zone Management Study which is on Hamp's list. This has gone from district to division in ATL to headquarters b/c they cannot figure out what type of precedent setting work this is b/c the COE is conforming to state law which has gone into CZM. In general nothing can happen. In fact, it could hold up Sav'h Harbor deepening until they figure out what they're going to do. Lou stated that some of the issues remaining are some issues are as follows: what length of channel do we get the material from; what are the definitions of beach quality sand and nearshore quality sand; COE to tell us what the quality of sand there is in that area. It has been estimated 90K cubic yards of quality material is removed each year to maintain the channel per Dan.

Henry explained that COE gives no guarantee that putting good sand near our shore will do anything for the Beach. Lou stated this is an important decision of CZM. We still have room to insist to put sand on beach. We're stuck until the report comes back from Washington. It's been out for approval since January. Dan wanted a decision today, but it's still w/ headquarters. Yesterday it was with Stacy Brown, COE Wash, to understand issues/background.

Howard said he has talked with Stacy Brown in terms of periodic re-nourishment reimbursement. Dan said the normal COE way was to obtain ASACW approval and entering into agreement before work is done which can be problematic. It was strongly recommended not to slow down to get approvals because now ASA would have to go to congress to get permission and notify them. Right now, Congress does not like reimbursement events and they have to pay back based on decision by ASA.

Howard said the COE would have to inform the appropriations committee they are doing that. There is a simple procedure. It is a letter that allows a maximum of \$50 million/year that the Corp could ask congress to appropriate money. There is no slow down with congress. It's a letter that goes to them. They don't have to approve anything until we ask for reimbursement. The issue of the section 206 process is not that cumbersome. There is a risk of not getting reimbursement. Right now we are not getting any. Stacy would provide assistance if the city wants to ask / get reimbursements. Lou explained the COE told us we had no chance of getting prepared because of extra requirements in the 206. However; if we tell Corp this is what we want headquarters to explore they should be able to provide assistance. Dan stated that there is no written guidance b/c no one in administration wants to support the 206 process. Marlowe stated that there is a beach project in Ft. Myers, FL now using 206 and another one coming up. He is not suggesting this is the way he likes projects to go. The agreements to do that have not been difficult to get in place. Congress has appropriated money for reimbursable beach projects.

We should proceed as follows: Stacy will assist Dan. The city must prepare a letter of intent requesting COE to open negotiations for 206 for the beach renourishment agreement. Dan will go thru the channels all the way up to ASA. They will coordinate with congress and COE gets permission to start negotiations. Diane & Dan are to talk. Dan's recollection of his meeting in May with Myers, Kingston and Chambliss is that they strongly discouraged asking for reimbursement. The PCA Hamp's working on can be held and have available when needed.

Lou stated that if we get the \$6million dollars in the next budget cycle, we're already going to have PCA worked on & approved. We can switch the re-nourishment project from a 100% Tybee to a 60/40 cost share again. Howard would like Diane to call him.

(Teleconference ended at 12:53pm)

Tybee re-nourishment project: From Erik Olsen: the aerial photography is done. Diane has photos. Vibracoring is underway. If weather is good, vessels should be seen off the south end of the island. The exception is during low tide. THE Vessels cannot maneuver if it is to shallow.

Erik Olsen & DNR said we cannot cut scarps if they are in the dune. Dan and Sonny discussed finding the exact working in the PCA manual. Diane had an extensive discussion with Erik about the reason for scarp

removal. Per the Fish & Wildlife Department it facilitates the ability of turtles to come ashore. We need guidance from DNR on how to do it properly. Sonny suggested going back to Erik. He talked to Mark Dodd, DNR turtle man, about the scarp during turtle season. A lot depends on length when you start cutting. If you start cutting out 4' scarps, the sand will move back up the beach.

Henry stated that his house is five houses north of the curve on Butler at 2nd St before Van Horne. Kevin Hass reported we lost 30' of beach in one month. The scarp has moved back another 30' this month. It is now against the fence which is at the foot of the first dune. This means we are losing 1' of beach per day according to Henry.

Erik said the Environmental Assessment is underway. The permit documents require details of the borrow site for completion. The district will require a heavy metals analysis on several cores which are coming. The beach survey is complete. Erik is on schedule to have info to the corp by the end of the year.

TYBEE FUNDING:

Amy reported on the meeting they (the Mayor & she) had with LNG. It was a very interesting meeting. They mostly talked about liquid natural gas. LNG does want to be a good neighbor and are interested in helping with the renourishment. The next meeting will hopefully include Lou, Berta, Carol Worth and the Mayor. It is planned for the week after Thanksgiving. This meeting will discuss strategy.

Perhaps the committee could take a tour after the first of the year

OLD BUSINESS:

1) SEA WALL

Lou got an email from Brad Gane, DNR, who said, Diane needs to send a letter describing the following: accessing beach, tide conditions, how tractors will access, how it will be removed, how it will be disposed. Sony said we're covered under the 1983 permit – Permit 97. A letter of permission from that for DNR to remove it is sufficient. Diane will get prices etc.

2) Diane talked to Erik about the dunes in front of hotels. Erik said we need to talk to DNR. Erik said with the fine sand it would just blow away.

Henry reported that GaDNR is supposed to protect and enhance our resources. We are in the process of losing the finest natural resources in the state of GA. The beaches all along the coastline to the FL line are eroding away. He is appalled that the protectors of our natural resources are not hollering and screaming at the GA legislators to provide funds to protect the beach. Lou commented that the three meetings he's had with the Governor, Lt. Governor, Eric Johnson, Susan Shipman, Brad Gane and Noel Holcomb have proven to be quiet supportive. They are doing all they can. Diane said the meeting she went to with the Governor; Susan did a short version of the Senate Study Committee meeting and did an excellent job.

NEW BUSINESS:

1) Harvey Ferrelle asked about people on vehicles on the beach w/ GPS. Lou said it is probably Kevin Hass w/ GA Tech and or Erik Olsen doing work monitoring the dunes for our next re-nourishment project.

MEETING ADJOURNED