

## MINUTES OF THE BOARD OF SUPERVISORS

### ISLE OF PALMS SPECIAL DISTRICT

November 18, 2014

Board President Ken Wright opened the meeting and called it to order at approximately 1838 hours. Other Board members/officers present were Secretary Brad Radloff and Member Tim Pacheco. Board Treasurer Matt Kwartler was absent and Jason Sessions resigned during the September meeting leaving a vacancy for one of the South IOP District Seats (As Vice President, Ken Wright assumed the duties of Board President). Board Attorney Wayne Flowers of Lewis, Longman & Walker (LLW) was not present (Brenna Durden, also of LLW, attended as substitute for Wayne). Approximately 5 homeowners of the District attended. Joe Wagner, P.E. of Taylor Engineering was also present to provide an update on issues associated with the District's permit.

#### **Agenda-Specific Public Comment-**

As a result of a new Florida Statute, public comments of agenda items only (no general items) are to be taken prior to addressing the Meeting Agenda. There were no pre-meeting public comments.

### AGENDA ITEMS

1. Approve the Minutes of the September 16, 2014 Board meeting. WFlowers (via BDurden) requested that minor adjustments be made to the minutes regarding potential financing and regulatory authority of the canals (see Item 5).

**MOTION:** To approve the minutes of the September 16, 2014 Board meeting, pending WFlowers' adjustments, by KWright.

The motion was seconded by TPacheco and passed unanimously by all Board members present.

2. Treasury Report by MKwartler. The treasury report was deferred until the January 2015 meeting since MKwartler was not present for the meeting.
3. Board Seat Vacancy Appointment. As a result of the resignation of former Board President Jason Sessions at the September 2014 meeting, the requested nominations from home owners in the south IOP area of the District to fill JSessions Seat. From the

September Board meeting until the November meeting only one candidate expressed an interest in sitting on the Board - Paul Raudenbush; resident of IOP since 1995, certified general contractor in four States. Mr. Raudenbush stood before the Board and expressed his willingness to serve the District and provided his neighborhood and professional background information for the Board to consider. The Board believed that Mr. Raudenbush's commitment to the neighborhood/District and professional background would benefit the District and asked him to accept the appointment to fill JSessions' Seat to which he accepted. Mr. Raudenbush was informed that his appointment would be effective until the end of JSessions' term at which time Mr. Raudenbush could run for the seat again during the 2016 election.

**MOTION:** To approve the appointment of Mr. Paul Raudenbush to former Board member JSession's Seat for the remainder of that Seat's term, by KWright.

The motion was seconded by TPacheco and passed unanimously by all Board members present.

4. Election for Board Officers. The Board discussed the election of Board officer positions with regard to when this should happen. It was determined, with Board Counsel input, that the Board could hold office such elections annually, that January would be the best month since this would be the beginning of new terms for District Seats, and, as such, a motion was made to do so.

**MOTION:** To hold annual Board Officer's elections at the first meeting of the calendar year, by KWright.

The motion was seconded by TPacheco and passed unanimously by all Board members present, including newly appointed Board member PRaudenbush.

5. Update on the ACOE Permit. For this agenda item, Joe Wagner with Taylor Engineering, hired by the Board to handle the engineering aspects necessary to actually get the District dredged at some point, provided an update to the activities occurring to get the dredging permit renewed. According to Mr. Wagner, the permit process is still in a waiting mode pending review of the file by the National Marine Fisheries Service which is in all likelihood a couple months out yet. Mr. Wagner asked the ACOE to put a little pressure on the NMFS, if at all possible to get the process moving. At this time, it is not expected that the NMFS will have any requirements or changes to the requirements that would be substantially different from the original permit. BRadloff brought up a letter from the NMFS, dated August 4, 2014, to obtain, from Mr. Wagner, a clarification as to its significance relative to the permit process. Mr. Wagner indicated that the letter was basically a notice from the NMFS of their receipt of the file along with a preliminary understanding of the permit parameters. Said NMFS letter is attached to these minutes as supporting documentation.



6. Amending the District's Ordinance to allow for financing/obtaining loans and authority to maintain canals and bulkheads. With regard to regulatory authority over the canals and bulkheads, KWright suggested that we maintain WFlowers suggestion of waiting to see how things go for Harbor Waterways in their bid to do the same thing. The regulatory issue was deferred until the Board has more information. With regard to amending the District's ordinance to allow for obtaining financing for dredging operations, a discussion ensued between the Board members with input from Mr. Wagner on the feasibility of dredging all the canals at once (via financing) as opposed to dredging a canal or two at a time and the cost differentials associated with those scenarios. It was decided that in order to move forward with the potential for financing dredging operations, the District would need to go ahead and obtain approval from City Council to amend the District's ordinance to include obtaining financing from appropriate sources, if possible.

**MOTION:** To defer on the issue of authority to maintain canals and bulkheads, by KWright.

The motion was seconded by PRAudenbush and passed unanimously by all Board members present, including newly appointed Board member PRAudenbush.

**MOTION:** To authorize LLW to proceed with the necessary paperwork to request an amendment to the District's ordinance from City Council to allow obtaining financing for dredging operations, if possible, by KWright.

The motion was seconded by BRadloff and passed unanimously by all Board members present, including newly appointed Board member PRAudenbush.

7. Establish and publish 2015 meeting dates. TPacheco updated the Board on the current church location at the "Advanced Hall" and suggested that because of significant changes in the church's facilities and possible conflicts with other meetings, one more meeting should be set-up for a January 2015 meeting so that another location can be confirmed for meetings thereafter. The Board discussed the issue and decided that one more meeting should be held on January 15, 2015 to allow TPacheco some time to secure another meeting location and, at which time, the Board will discuss and have published future meeting dates for the rest of 2015.
8. Miscellaneous/new business. BRadloff indicated that based upon a review of the his property taxes invoice, it appears that this year's payment toward the original dredging bill (for those who went with financing the payment, rather than paying it all at once), dropped almost \$100.00 from the previous year's payment which is in keeping with the original understanding of the payment schedule. KWright also indicated that the Board received proof of coverage for insurance.

*Future Meeting Dates-*

At this time meetings are to continue to be held in the "Advance Hall" (around back) as usual at the First Baptist Church at 324 N. 5th St., Jacksonville Beach, 32250; for the meetings listed below. All meetings are still to be held at 6:30 PM.

January 13, 2015

*General Public Comment-*

There were no public comments

*Adjournment-*

KWright adjourned the meeting at 1906 hrs.



**UNITED STATES DEPARTMENT OF COMMERCE**

National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
Southeast Regional Office  
263 13th Avenue South  
St. Petersburg, Florida 33701-5505  
<http://sero.nmfs.noaa.gov>

August 4, 2014

F/SER47:JD/pw

(Sent via Electronic Mail)

Colonel Alan Dodd, Commander  
U.S. Army Corps of Engineers, Jacksonville District  
Jacksonville Permits Section  
P.O. Box 4970  
Jacksonville, Florida 32232

Attention: Beverlee Lawrence

Dear Colonel Dodd:

NOAA's National Marine Fisheries Service (NMFS) reviewed public notice SAJ-2003-10787 (SP-BAL), dated July 14, 2014. Isle of Palms Special District requests authorization to maintenance dredge 79,500 cubic yards of material from two canal systems connected to Pablo Creek, Duval County, to restore a controlling depth of -5.0 feet mean low water (MLW). The dredging area is not quantified in the public notice, but appears to exceed 40 acres based on the drawings. Either a clamshell or cutter-suction dredge would be used. The dredged material would be placed in an unspecified upland disposal area. The initial determination of the Jacksonville District is the proposed direct impacts to over 40 acres of canal bottom and indirect impacts to adjacent salt marsh and tidal flats would not have a substantial adverse impact on essential fish habitat (EFH) or federally managed fishery species. As the nation's federal trustee for the conservation and management of marine, estuarine, and anadromous fishery resources, the following comments and recommendations are made pursuant to authorities of the Fish and Wildlife Coordination Act and the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

*Essential Fish Habitat*

The South Atlantic Fishery Management Council (SAFMC) designates salt marsh and intertidal estuarine bottom as EFH. These habitats are EFH for gray snapper, white shrimp, brown shrimp, and pink shrimp. SAFMC designates these habitats areas as EFH because they promote high rates of survival and growth for snappers and shrimp. The Mid-Atlantic Fishery Management Council (MAFMC) designates estuarine areas as EFH for bluefish. Detailed information on the EFH requirements of species managed by SAFMC is provided in amendments to fishery management plans and in *Fishery Ecosystem Plan of the South Atlantic Region* (all available at [www.safmc.net](http://www.safmc.net)). Information on EFH designations by MAFMC is included in fishery management plans and at [www.nefsc.noaa.gov/nefsc/habitat/efh/](http://www.nefsc.noaa.gov/nefsc/habitat/efh/).

In addition to serving as EFH for federally managed fishery species, this area serves as nursery habitat for other commercially or recreationally important species, including red drum (*Sciaenops ocellatus*), Atlantic croaker (*Micropogonias undulatus*), spot (*Leiostomus xanthurus*), Atlantic menhaden (*Brevoortia tyrannus*), striped mullet (*Mugil cephalus*), and blue crabs (*Callinectes sapidus*). These fish and crab serve as prey for species managed by SAFMC or NMFS.





*Recommendation*

Because the dredging would occur in close proximity to salt marsh and shallow waters that serve as nursery habitat for fishery species, a practicable impact minimization measure is to conduct the dredging when the abundance of fishery organisms vulnerable to high concentrations of suspended sediments and entrainment by hydraulic dredges is relatively low. Accordingly, NMFS recommends the permit only allow dredging to occur from December 1 to April 30<sup>1</sup> in the portions of the canals adjacent to salt marsh (i.e., eastern leg of North 1, North 5, eastern portion of Central 1, South 1, and South 3 as shown in Figure 2 and Figure 3 of the permit drawings).

NMFS appreciates the opportunity to provide these comments. Please direct related correspondence to the attention of Ms. Jaclyn Daly-Fuchs at our Charleston Area Office. She may be reached at (843) 762-8610 or by e-mail at [Jaclyn.Daly@noaa.gov](mailto:Jaclyn.Daly@noaa.gov).

Sincerely,



/ for

Virginia M. Fay  
Assistant Regional Administrator  
Habitat Conservation Division

cc:

COE, [Beverlee.A.Lawrence@usace.army.mil](mailto:Beverlee.A.Lawrence@usace.army.mil)  
EPA, [Eric.H.Hughes@usace.army.mil](mailto:Eric.H.Hughes@usace.army.mil)  
FWS Annie\_Dziergowski@fws.gov  
FWS, Terri\_Calleson@fws.gov  
SAFMC, [Roger.Pugliese@safmc.net](mailto:Roger.Pugliese@safmc.net)  
F/SER4, [David.Dale@noaa.gov](mailto:David.Dale@noaa.gov)  
F/SER47, [George.Getsinger@noaa.gov](mailto:George.Getsinger@noaa.gov)

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<sup>1</sup> Based on federally managed fishery species in: Nelson, D.M., E.A. Irlandi, L.R. Settle, M.E. Monaco, and L. Coston-Clements. 1991. Distribution and Abundance of Fishes and Invertebrates in Southeast Estuaries. ELMR Rep. No. 9. NOAA/NOS Strategic Environmental Assessments Division, Silver Spring, MD. 1 67 p.