

## DUNES QUESTION AND ANSWER

### Update October 9, 2017

**1. Are there plans I can look at for the dunes project and my property in particular?**

Yes, please click here ([ITB 17-027B](#)) and here ([ITB 17-036B](#)) to see the previously bid set of plans. Plan drawings are organized by section. These plans are currently being changed as we seek to value engineer the project and bring it into budget, so watch for plan updates in early September. Plan changes will more access points for contractors, one bid to all contractors, less option areas and a reduction in sand quantities. Plan dune profiles will change slightly in both size and slope of the dune to reflect the lower sand quantities.

**2. How much sand is proposed to be placed in front of my property/area?**

Below is a chart by section of beach that will give you an idea of what is proposed for dune in cubic yards per foot of shoreline, in each area. Areas with 3 or 4 cubic yards are areas that either have or will have a sea wall in place or the sand will be supplemental to an existing rebuilt dune.

Length (ft)	Area	Density (cy/ft)
3,814	Washington Oaks State Park	8
2,323	Marineland Acres	8
548	Bay Drive Park - FEMA	6
1,683	Sea Colony/ Armand Beach	8
3,753	Mala Compra Park – FEMA	6
4,697	Club at Ocean Hammock	8
80	16th Rd –FEMA	6
5,645	Ocean Hammock	10
274	Jungle Hut Park - FEMA	6
12,341	Hammock Dunes* Owners Assoc	10

1,393	Varn Park – FEMA	6
4,986	Painters Hill 1- Varn to Seawall	8
1,394	Painters Hill 2- Seawall	3
3,623	Painters Hill 3- Seawall to Camptown	8
2,895	Painters Hill 4- Camptown	3
1,448	Painters Hill 5- Camptown to City of FB	8
2,284	River to Sea – FEMA	6
4,323	Matanzas Shores	6
2,785	Matanzas Shores HOA	6

**3. Why is the County involved in this project? And do I have to go through the County?**

Property Owners do not have to go through the County to construct a dune in front their property (except to receive a permit when accessing the dunes through County property). They also have to receive a permit from the Florida Department of Environmental Protection. Any participation with the County is 100% voluntary.

The County’s purpose for involvement in the project is for many reasons, but some of the main reasons are:

**a. Uniformity of Dunes** – To avoid having many different varieties of sand and to prevent having exposed gaps.

**b. Economies of Scale** – May be able to get a better price by bundling the projects.

**c. Ability to secure grant funding** – The County can tap into some State resources that may not be available to individual property owners.

**d. Assistance to residents with threatened property** – Right thing to do to protect citizens, not every county is taking this approach.

**e. Coordination with State Agencies** – A governmental entity can lobby for its constituents and, as noted above, have access to some State or Federal resources not available to individuals.

**f. Contracting/Construction Expertise** – The County has access to experts in the field of beach restoration that property owners may not have available to them or that they may not otherwise be able to afford.

**g. Governmental to Government** – As a local government we have to follow the same rules or more when applying for a permit, however in some areas permitting agencies can sometimes give us more latitude as know they can hold us accountable.

**h. Financing** – The County can spread out costs over the life span of the improvement.

**i. Environmental Issues** – The County is used to dealing with these environmental complexities on its projects and has retained professionals to ensure the project gets done with minimal impacts on environmental issues.

**4. If I've already supplemented/rebuilt the dunes at my property and paid to have sand brought in, can I get reimbursed?**

We are sorry, but unfortunately this option is not available. While it is great that you have taken some protective measures to protect your property, the County cannot go back and reimburse property owners for work already performed. Only work performed through the County can still potentially qualify for some grant assistance.

**5. If I've already supplemented the dunes at my property, does the County still want a temporary easement?**

Yes. Beach dunes are a team sport that provides much less protection when only a few properties are involved in the project and when dunes are not interconnected or vary widely. As such, we would like to secure a temporary easement from each property owner so the County can, if necessary: a) Do a proper dune tie in to all properties; b) reshape the dune and touch it up even where there currently is sand; c) and/or supplement the dune with additional sand and plantings in accordance with the design developed. If we do not receive an easement and properties on either side of your property participate in the project, your property could potentially be an indentation or jut out more, with different sand, and different plantings.

**6. Is there anything holding up the Dunes project?**

Yes. There are several issues that have held the County up, all of which are being worked and most if not all of which are close to resolution:

**Cost** - The first issue is the overall cost of the project, which is directly being driven by the sand issue. Sand has to meet certain specifications and, unfortunately, sand meeting those specifications locally has been difficult to locate. To meet the standard most sand sources have to be processed before it can meet the standard. As a result, sand in the quality and quantities we need is located is mainly in existing mines out of our County which substantially drives the price up due to transportation costs. These costs exceeded our State and County funding and FEMA funding was still not available for the public sites. Since that time we have had to reduce dune quantities, we made bid changes based on bidder feedback, the legislature has provided phase II funding, and we are now processing our first FEMA emergency berm project for the public sites.

**Sea Turtles** - The second main issue is that we are in the midst of Sea Turtle nesting season. We were permitted to work on any FEMA projects during Turtle season provided we follow "[Reasonable and Prudent Measures](#)" from the Biological Opinion. Unfortunately, this same permission did not apply when only State and County funding is involved. This surprised us as the County is doing both projects, with the same contractor, same design, same sand, same inspections, same turtle monitors, etc. To summarize, we had no FEMA funding, but could work during turtle season on FEMA projects. On the other hand, we had State and County funding available for non-FEMA

projects, but we could not work during turtle season (again, despite doing the same exact project).

To overcome this issue we have had to pursue federalizing the project through the Army Corps of Engineers. After many months, we expect to receive our Army Corps Permit by the end of August, which allow us to work during turtle season. This approval will extend beyond the current nesting season to cover efforts on Flagler's dunes over the next 10 years.

**Temporary Easements** - Although a smaller issue and one that we have more control of, are temporary construction easements. We need the easements to do dunes work. We have set a deadline of September 15<sup>th</sup> to get those back to us or those properties will be removed from the project. The easements are interconnected to our FDEP Permit and affect bidding of the project by contractors as skipped property require more tracking and surveying.

**Sand:** There is no local source for sand which meets the FDEP specifications *in the quantities required* for this project. Besides adding to the cost, this has complicated the permitting. The County has asked the FDEP to issue a 'conditioned permit' which includes the sand specification that the contractors would have to meet. This would allow us to at least move forward by putting the project back out to bid. Longer term the county is pursuing developing qualified local sand sources.

**FDEP permits** - The sea turtle issue, identifying the sand source, and temporary construction easements have all worked to slow the issuance of our FDEP dune project permits. We are seeking approval with conditions and asking FDEP to modify some of its processes, as we work through this atypical project. We hope to have solution to our final issues with FDEP in the next two weeks.

**7. What is the timeline for this project?**

**Construction Schedule** - Hurricane Irma has caused some delay in our dunes projects. County staff is doing recovery work related to flooding, debris and infrastructure damage. Additionally, the hurricane and nor'easters have created new dune/sand needs for some individuals that previously placed protective sand in front of their property. We estimate the overall delay will be about 2 months with construction starting in January after the holidays (no earlier than January 1st)

**Construction Strategy** - We plan to have County staff handle the actual construction of the dunes, with materials such as sand sourcing and sand delivery, planting and inspection still contracted out. County staff is already working to lease equipment and you will see requests for bids for delivery of sand later this month. We are hoping this will stretch our limited dollars, more closely control the schedule, and allow us to better handle difficulties in the field.

**8. Does the County plan to harm any Sea Turtles/nesting during the project?**

Because of delays of the initial project from Marineland to Flagler Beach it will begin after turtle season. However, depending on scheduling, weather and other issues it may go into next year's turtle season beginning May 1. Also, additional phases of the project could also require work during next turtle season.

If work during turtle season is necessary, we still do not plan to harm any turtles. There are many rules for working during Sea Turtle nesting season designed for the protection of Sea Turtles and their nesting activities. These are all contained in a [Biological Opinion](#) from the U.S. Fish and Wildlife Service with very detailed requirements. These requirements are included as part of the County's Army Corps of Engineers Permit.

To help us manage this issue the County has enlisted the help of our local Sea Turtle Group and outside consultants specifically for this purpose. Their work will involve walking the beach daily to check for new nests; construction site inspection; testing; and, if necessary, nest relocation. The dunes project the County will be constructing in the 6 months outside of turtle season will improve nesting habitat and prevent the flooding of nests in the future where today there are currently are bluffs or no dunes at all.

**9. What if I've already had work done on the walkover at my property?**

The County's contractor will try their best to work around any walkovers. If only temporary work has been done to the walkover, we may possibly have to ask the owner for permission to remove the stairs, as an example. If for some reason we cannot work around the crossover, we will advise you as such and then discuss alternatives. If we cannot come to an agreement on this issue we may not be able to place sand on the property or not as much.

**10. What is the County's role in permitting walkovers? What is the DEP's?**

DEP approves the walkover project location, design and execution. Construction prior to the end of turtle season (November 30) will be unlikely.

Flagler County's oversight extends to the structure construction and whether the walkover meets the Florida Building Code. A County building permit and applicable fees are required for any new walkover. A County building permit is required for the replacement of walkovers damaged by Hurricane Matthew but fees for the replacement are still being waived.

**11. Will the County access the beach through the front of my property to fix my dunes?**

No. We may contract with specific empty lot owners via a separate agreement for beach access, but primary construction access will be through County-owned beachfront property. In fact, the County modified the temporary easement form to only apply to the east 100ft of any property to further reassure residents in this regard. If you have signed an older form do not worry, the County is still not coming through your property, unless we sign a separate access agreement with you.

**12. Can you proceed with dune construction at my property without a signed easement agreement?**

No. Without the signed agreement, we will not be constructing any dunes on your property. We can only proceed with dune work at your location if we have your signed agreement.

**13. Have some property owners not yet responded? Do you need help getting the word out?**

Out of 204 dune easements needed (19 Seawall easements not included) we have 189 and are only lacking 15 easements. Of the 15 we lack, 6 have refused to participate, and the remaining ones we either cannot get a hold of or have elected not to respond either way. We are currently preparing an easement overlay for the permitting and will exclude those properties from the permit. Once completed we will post this map on our website, showing the specific missing easement parcels. This will allow you to see if you adjoin one of these parcels and may also allow you to help us close any of these gaps by talking to your neighbor.

[Completed and Missing Property Easements](#)

**14. If I am undecided now and don't sign an agreement, can I opt in at a later date?**

Unfortunately, no. The deadline for participating in the dunes project is Wednesday, September 15, 2017. We have to set a deadline to remove the [FDEP permit condition requiring the permit drawings to match up with the participating properties](#). For those that do not participate the contractor will survey the lot line and will not place sand on the property. Once the contractor completes an area, that portion of the project it will be closed out and they will not return. Also, the currently available State and County funding is specific to this hurricane restoration, and will not be a repetitive

source of funding meaning any future costs will be solely on the homeowner.

**15. Where do I find the needed documents/information?**

The temporary dune construction easement agreement can be found [here](#). You can also navigate to other project information, by starting at the County's website home page ([www.flaglercounty.org](http://www.flaglercounty.org)) and clicking on the large Dunes and Seawall information box on the lower portion of the homepage page.

**16. I live in an HOA-managed community - Do you need an easement from me or from the HOA?**

It depends. If the beach front dune property is owned by the homeowners association, then the HOA will have to sign the easement in order to participate. If the individual property owner retains ownership of the beach front, then the individual owner will be required to participate via the easement. You can review your parcel information by way of either the Property Appraiser's website ([www.flaglerpa.com](http://www.flaglerpa.com)) or your HOA documentation.

**17. What does the easement agreement cover?**

The easement agreement solely provides the County temporary access to construct a dune on your property. A copy of the agreement can be reviewed and/or downloaded [here](#).

**18. Does the easement have an end date?**

The easement agreement is active upon signing and lasts only until construction of the dunes project is complete as noted in the agreement: *"The term of this Agreement shall commence immediately and shall terminate upon completion of the installation of the Protective Dune at the time of final approval of the construction by FDEP"*. At the time of the final approval by the FDEP, the easement is fulfilled and expires. This date will vary slightly depending on when a dune section is constructed and approved by FDEP. All sections are estimated to be completed by the fall of 2018.

**19. Are geo-tubes, textiles, gabion baskets, or rock-installations an option?**

Yes, these are various options that have been mentioned for the project; however, they are not practical for this project and most beach projects. The County has looked at many of these options several times, both recently and in the past, but to no avail. The State and Federal permitting agencies have

either not allowed these types of solutions outright or the length of the permitting process, cost and ongoing maintenance requirements, etc. are so onerous that these solutions have been made non-feasible. If you believe you have a solution for the County to consider, the key is to provide the scientific data, along with any permitting application that may be applicable in the State of Florida, especially to a project directly on the Atlantic Ocean.

**20. Is it allowable to include large debris (cement/rocks) in the dunes restoration, if it was left behind by the storm?**

Unfortunately, no. In fact the County's permits specifically require the debris left behind by Hurricane Matthew to be removed. In addition, it cannot be included as part of any County project, regardless of whether or not it was left behind by the storm.

**21. What type of sand is permitted? Where does the sand come from?**

The County is being required to meet DEP's sand specifications and to obtain sand only through DEP approved sources. The sand is evaluated for color, grain size, shell percentage, and chemical makeup. Throughout the construction process, the County will test the sand to ensure it conforms to the State standards. For a copy of the sand specifications, click [here](#).

At this time, it is anticipated the sand will be trucked in from upland sources. There are no known permitted sand quarries currently within Flagler County meeting the DEP sand specifications, although we believe that these can be established over time. There is an identified large offshore source of material, approximately 7 miles out to sea, but it has not been permitted by DEP. The time for permitting the offshore source is estimated to take one-two years.

**22. Will the County plant vegetation on the dune? What type?**

Yes, three plant species will be planted along the dunes. The primary planting will be sea oats, with an additional two species that will be chosen from a list of eligible plants as designated by DEP.

**23. What was the activity taking place between Varn Park and Jungle Hut?**

The work that is taking place between Varn Park and Jungle Hut is a dune restoration project undertaken by the Hammock Dunes Owners Association for their property. This project is no different than where other homeowners have placed sand along their beach front property. The Hammock Dunes Owners Association is worked on a 2.3 mile stretch of beach, under a permit

from the DEP, and is seeking reimbursement as a FEMA emergency dune project. The County is supporting the efforts of the HDOA by allowing them beach access at the County's two parks and assisting where we can throughout the design, bidding, and permitting processes.

**24. What will happen at Washington Oaks State Park?**

A dune restoration project is proposed at the park. Flagler County has signed an agreement with the State to act as agent/contractor for the dune restoration efforts. The funding for the Washington Oaks State Park project is 100% State funded.

**25. Will owners have to pay for the design, or sand, or installation?**

No. While some homeowners may have more beach frontage, and some beach sections will require a higher volume of sand, based on a 60' lot and 8 cy/f density, the approximate value to each property owner is over \$20,000.

**26. Where can I go to get information about any sea walls being proposed?**

Click [here](#) for a Q & A on sea walls.