



MEMORANDUM

TOWN OF PONCE INLET, PLANNING AND DEVELOPMENT DEPARTMENT

The Town of Ponce Inlet staff shall be professional, caring and fair in delivering community excellence while ensuring Ponce Inlet citizens obtain the greatest value for their tax dollar.

To: Jeaneen Witt, Town Manager
From: Aref Joulani, Director, Planning & Development *akj*
Date: November 8, 2016
Subject: Discussion of the Emerald Isle and Yacht Haven subdivisions canal dredging effort

MEETING DATE: November 17, 2016

HISTORY:

At the November 19, 2015 regular meeting, the Town Council approved Resolution 2015-17; establishing a five member Ad-Hoc Committee for the purpose of gathering information and fact-finding to determine the level of interest for participation in neighborhood cost-sharing of a canal dredging effort specific to the Emerald Isle and Yacht Haven subdivisions.

On April 21, 2016, Mr. Henry Dreifus, Chairperson of the Canal Dredging Committee (Committee), presented a fact-finding report on the Emerald Island and Yacht Haven Canals; which included the level of interest for participation in the cost-sharing for dredging of these canals. It was stated that grants are available for this type of dredging. In response, Councilmember Milano inquired about the information that would be needed in order to apply for grants. Mr. Dreifus noted that ownership of the canals must first be determined, and that experts and consultants can assist with that information. He also requested that the Committee be dissolved as it has fulfilled its obligation. Following the meeting Mr. Dreifus requested a follow-up meeting with staff.

On June 8, 2016, Staff was contacted by Brandon Roth a resident of 106 Old Carriage Road who was a member of the Committee. A meeting was scheduled for June 16 at the Town Hall with two additional staff from this department and two other members of the Committee participating. At the meeting, Mr. Dreifus presented the information that the Committee had gathered for their report and talked about the factors that the Committee believes contributed to the water quality and water flow in these canals. Other topics of discussion included funding of the dredging of the canals. It was stated that the Florida Inland Navigation District (FIND) has grants available that can be acquired if application is submitted. Staff agreed that assistance from a specialized consultant would greatly increase the quality of the grant application and increase the likelihood of acquiring the grant. Staff explained that based on previous conversation with the Assistant Executive Director of FIND, these grants are highly competitive and not all the canals would qualify for such grant. Staff assured that FIND will be contacted again to assess our chances of funding the dredging with grant from that agency.

DISCUSSION:

1. Title and Ownership:

The Committee members believe that the canals are public, and therefore would qualify as public waterways for the purpose of acquiring grants. The recorded plat of the Emerald Subdivision dated February 1968 granted a permanent easement and the right to use the waterways to Volusia County for drainage purposes only. The recorded plat of the Yacht Haven Subdivision dated August 7, 1969 includes a statement dedicating the streets, thoroughfares, canals, and drainage easements to the perpetual use of the public, and Yacht Haven, Inc. (Attachment A.). The Town attorney has been tasked with investigating the ownership of the canals and will be reporting separately.

2. Funding and Grants:

A. Dredging Grants:

On July 06, 2016, Staff contacted Janet Zimmerman, the Assistant Executive Director of FIND for an in depth conversation about the committee's findings and potential funding sources for the dredging project. Ms. Zimmerman was clearly explained the Waterway Assistant Program (WAP) grants and the type of project that would be considered qualified for funding. She stated that grants are available for assisting local governments with water access improvement projects. To qualify for the grant, waterway related projects must be located on natural, navigable waterways within the District. Eligible waterway related projects include navigation channel dredging, boat ramps, docking facilities, fishing & viewing piers, waterfront boardwalks, inlet management, environmental education, law enforcement equipment, boating safety programs, dredge material management, environmental mitigation, and shoreline stabilization. She stated that private canals would not qualify for dredging under eligible waterways for grant funding per District Rule 66B-2.003(29)¹. Specifically, the canals around the Emerald Island/Yacht Haven area do not qualify as a potentially eligible project under WAP rules (Attachment B). When Staff inquired about the definition of public waterways, Ms. Zimmerman stated that they must be navigable and accessible for recreational uses by all residents of the state from Miami to Jacksonville.

Ms. Zimmermann indicated that if the Town builds a kayak launch at the end of the waterway north of Old Carriage Road, the waterway may become eligible for WAP funding only for necessary dredging for kayak access with certain conditions on that canal only, but any eligibility would be limited only to maintain the depth necessary for kayak use and there is no guarantee that this competitive funding would be available even for this.

B. Stormwater Runoff

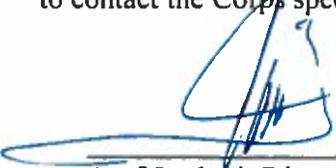
The Ad-Hoc Committee's report stated that the town's storm drains flow into the canals and therefore, contribute to "poor tidal flow" and create unhealthy water for "sea life and humans". They have asked the town to look into various grants that may be used to improve the water quality and potentially towards the canal dredging efforts. It should be clarified that subject storm drains were approved when the two subdivisions were created and only carry the street runoffs that are generated from the streets within the two subdivisions.

¹ 66B-2.003(29): "WATERWAYS" means the Atlantic Intracoastal Waterway, the Okeechobee Waterway, the Barge Canal in Brevard County west of the Port Canaveral Locks, those portions of the Dania Cut-Off Canal and the Hillsboro Canal east of the water control structures, all navigable natural rivers, bays, creeks or lagoons intersected by said waterways and all navigable natural creeks, rivers, bays or lagoons entering or extending from said waterways.

On July 20, 2016, Staff contacted Kathryn Merchant, Program Administrator of Nonpoint Source Management Program of FDEP to find out if grants are available for canal dredging or water quality improvement efforts. Staff was informed that FDEP has an “urban stormwater grant” grant that is generally geared to treating stormwater before it hits the water body. The grant would be more applicable to projects that institute treatments measures prior to the water going into the canals. There is also a nonpoint source grant that could be used to institute erosion control measures, primary for planting projects. It appears that these grants cannot be used for dredging the canals.

3. Maintenance Dredging:

On August 4, 2012, FDEP issued a Joint Coastal Permit (JCP) to the Army Corps of Engineers (Corps) for periodic maintenance dredging of the Ponce de Leon Inlet. The Corps determined that the relatively high rate of shoal buildup within the Inlet Federal channel necessitates frequent maintenance dredging. Removal of the shoal material would maintain the navigable capacity of the project channel. The Corps next maintenance dredging is scheduled for 2017. Unfortunately, the mouths of the subject canals are outside the boundary of the Corps dredging permit (Attachment C). Staff tried to contact the Corps specialists to discuss the canal issues, but no response has been received yet.



Aref Joulani, Director, Planning & Development

11/08/2016

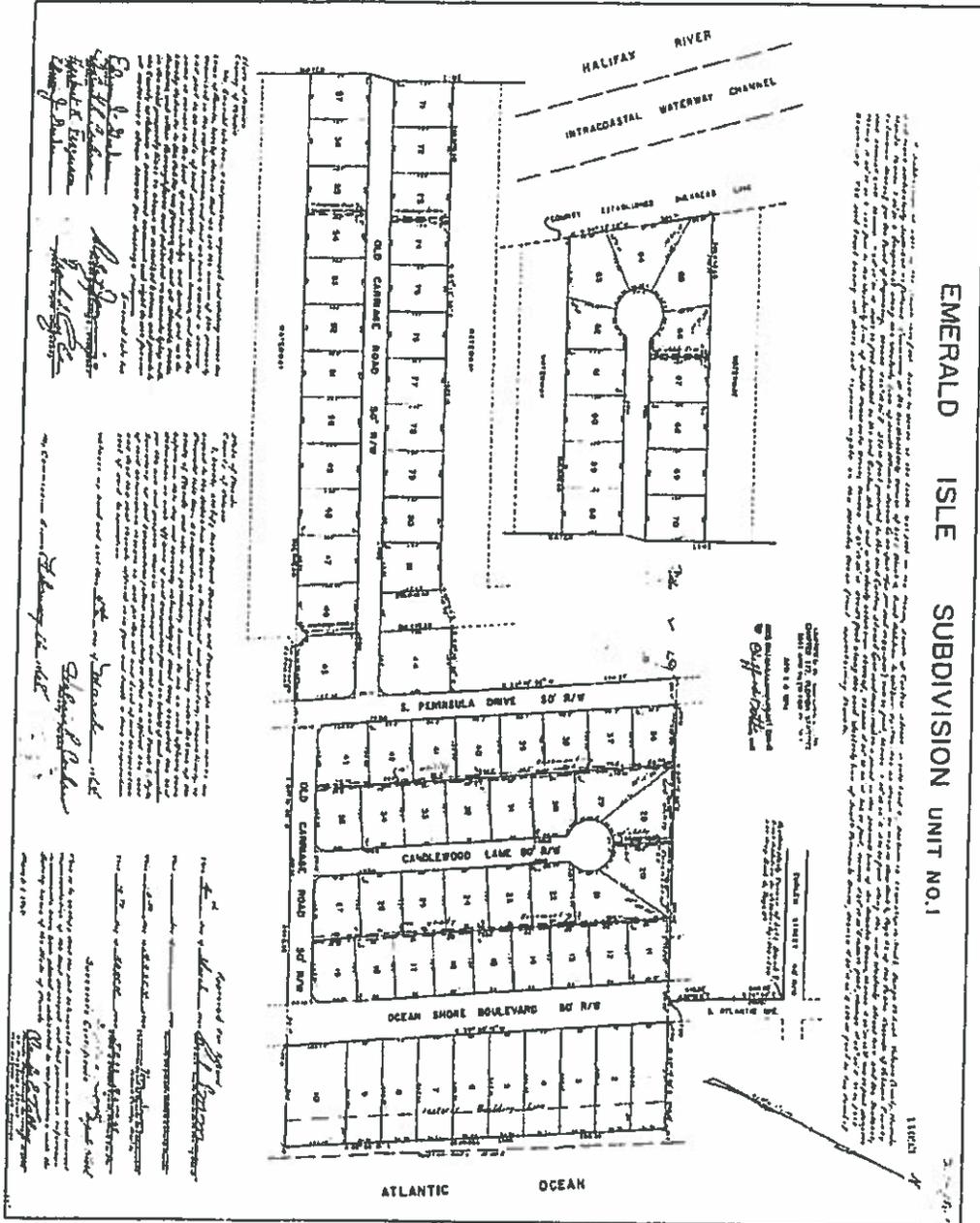
Date

Attachments:

- A. The Recorded Plat
- B. Emails from Janet Zimmerman
- C. Corps maintenance dredging Limits

ATTACHMENT A.

EMERALD ISLE SUBDIVISION UNIT NO. 1



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ATTACHMENT B.

Joulani, Aref

From: Janet Zimmerman [jzimmerman@aicw.org]
Sent: Wednesday, July 06, 2016 11:15 AM
To: Joulani, Aref
Cc: Susanne McCabe (sdm@mccabelawyers.com)
Subject: Citizen request for dredging Town of Ponce Inlet
Attachments: 66B-2.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Mr. Joulani,

It was good to speak with you this morning regarding potential funding sources for residential canal dredging. Unfortunately, there is little to no grant funding available for such. I have attached the FIND Waterway Assistance Program (WAP) grant rule for full details.

Private canals are not eligible waterways for WAP grant funding per District Rule 66B-2.003(29). The dredging of the canals around the Emerald Island/Old Carriage Rd area do not qualify as a potentially eligible project under WAP rules.

In general, FIND funded public navigation projects have strict requirements (Rule 66B-2.005(6)) if a project is eligible to apply.

The Division of State Lands website I mentioned is: <http://tlhdslweb.dep.state.fl.us/florida/flpro/viewer.htm>

If I can be of further assistance, please let me know.

Sincerely,

Janet Zimmerman, Assistant Executive Director
Florida Inland Navigation District (FIND)
1314 Marcinski Rd
Jupiter, FL 33477
561.627.3386

Attachment C:
Boundary of Corps Dredging Project

