



AGENDA
FERNANDINA BEACH CITY COMMISSION
REGULAR MEETING
AUGUST 6, 2019
6:00 PM
CITY HALL COMMISSION CHAMBERS
204 ASH STREET
FERNANDINA BEACH, FL 32034

1. CALL TO ORDER

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE / INVOCATION

Invocation by Reverend Anthony Daniel of Macedonia AME Church.

4. PRESENTATIONS

4.1 **PRESENTATION - NASSAU HUMANE SOCIETY** - *Representatives of the Nassau Humane Society will present the "City Commission Dog of the Month."*

4.2 **PRESENTATION – OCEAN HIGHWAY AND PORT AUTHORITY** – *A representative of the Ocean Highway and Port Authority (OHPA) will present the annual Payment In Lieu of Taxes (PILOT) payment to the City Commission for Fiscal Year 2018/2019.*

4.3 **PRESENTATION - UNITED STATES ARMY CORPS OF ENGINEERS** - *Representatives of the United States Army Corps of Engineers will provide a presentation regarding Dune Resiliency. This item is placed on the agenda at the request of Vice Mayor Kreger.*

4.4 **PRESENTATION - STANTEC** - *Stantec will present the results of the Financial Sustainability Analysis for the General Fund, Golf Fund and the Marina Fund.*

4.5 **PRESENTATION - REFORESTATION PLAN** - *City Arborist Dave Holley will provide a presentation regarding a Reforestation Plan.*

4.6 **PRESENTATION - WATERFRONT CONCEPT** - *City Manager Martin will provide a presentation regarding a proposed Waterfront Concept.*

5. PUBLIC COMMENT REGARDING ITEMS NOT ON THE AGENDA OR ITEMS ON THE CONSENT AGENDA

6. CONSENT AGENDA

6.1 **APPROVAL OF MINUTES** - *City Commission Regular Meeting - May 7, 2019; City Commission Special Meeting - May 14, 2019 and City Commission Regular Meeting - May 21, 2019.*

- 6.2 **VOLUNTARY ANNEXATION AGREEMENT - 1417 ROBIN HOOD DRIVE - RESOLUTION 2019-120** APPROVING THE EXTENSION OF WATER SERVICES OUTSIDE THE CORPORATE LIMITS; ACCEPTING THE VOLUNTARY ANNEXATION PETITION FOR ONE PARCEL CONTAINING APPROXIMATELY 0.20 ACRES OF LAND LOCATED AT 1417 ROBIN HOOD DRIVE; AUTHORIZING EXECUTION; AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Authorizes the extension of water services to the property located on 1417 Robin Hood Drive (Parcel Identification #00-00-30-0640-0029-0000). Also approves the Voluntary Annexation Petition.*
- 6.3 **VOLUNTARY ANNEXATION AGREEMENT - 1482 ROBIN HOOD DRIVE - RESOLUTION 2019-121** APPROVING THE EXTENSION OF WATER SERVICES OUTSIDE THE CORPORATE LIMITS; ACCEPTING THE VOLUNTARY ANNEXATION PETITION FOR ONE PARCEL CONTAINING APPROXIMATELY 0.29 ACRES OF LAND LOCATED AT 1482 ROBIN HOOD DRIVE; AUTHORIZING EXECUTION; AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Authorizes the extension of water services to the property located on 1482 Robin Hood Drive (Parcel Identification #00-00-30-0640-0051-0000). Also approves the Voluntary Annexation Petition.*
- 6.4 **VOLUNTARY ANNEXATION AGREEMENT - 1401 FOUNTAIN DRIVE - RESOLUTION 2019-122** APPROVING THE EXTENSION OF WATER SERVICES OUTSIDE THE CORPORATE LIMITS; ACCEPTING THE VOLUNTARY ANNEXATION PETITION FOR ONE PARCEL CONTAINING APPROXIMATELY 1.44 ACRES OF LAND LOCATED AT 1401 FOUNTAIN DRIVE; PROVIDING FOR EXECUTION; AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Authorizes the extension of water services to the property located on 1401 Fountain Drive (Parcel Identification #00-00-30-0254-0002-0000). Also approves the Voluntary Annexation Petition.*
- 6.5 **FACILITIES USE AGREEMENT - ISLE SWIM CLUB, LLC - RESOLUTION 2019-123** APPROVING THE FACILITIES USE AGREEMENT FOR SPORTS LEAGUES BETWEEN ISLE SWIM CLUB, LLC AND THE CITY OF FERNANDINA BEACH FOR THE USE OF THE ATLANTIC RECREATION CENTER POOL AND DR. MARTIN LUTHER KING JR. RECREATION CENTER POOL; AUTHORIZING EXECUTION; AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Approves the Facilities Use Agreement for Sports Leagues with Isle Swim Club, LLC.*

7. RESOLUTIONS

- 7.1 **BUDGET AMENDMENT - STORMWATER - RESOLUTION 2019-124** APPROVING AN AMENDMENT TO THE STORMWATER FUND BUDGET FOR FISCAL YEAR 2018/2019; AUTHORIZING EXECUTION; AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Approves the transfer from the Stormwater Professional Services account to the Stormwater Contractual account.*
- 7.2 **BUDGET AMENDMENT - AIRPORT - RESOLUTION 2019-125** APPROVING AN AMENDMENT TO THE AIRPORT BUDGET IN FISCAL YEAR 2018/2019; AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Approves a budget amendment to increase the Airport Professional Services account in the amount of \$16,000 by transferring funds from the Airport Reserve account.*

- 7.3 **WORK ORDER 19-89 - PASSERO ASSOCIATES, LLC - RESOLUTION 2019-126** APPROVING WORK ORDER 19-89 WITH PASSERO ASSOCIATES, LLC TO PROVIDE DESIGN PHASE SERVICES AT THE FERNANDINA BEACH MUNICIPAL AIRPORT FOR REHABILITATION OF RUNWAY 4/22; AUTHORIZING EXECUTION; AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Approves Work Order 19-89 with Passero Associates, LLC, in the not-to-exceed amount of \$165,000, to provide design and bid assistance associated with rehabilitation of Runway 4/22 at the Fernandina Beach Municipal Airport.*
- 7.4 **GRANT APPROVAL - FEDERAL AVIATION ADMINISTRATION (FAA) - RESOLUTION 2019-127** AUTHORIZING AIRPORT IMPROVEMENT PROGRAM (AIP) GRANT AGREEMENT #3-12-0022-028-2019 WITH THE FEDERAL AVIATION ADMINISTRATION (FAA) FOR DESIGN OF REHABILITATION OF RUNWAY 4/22 PAVEMENT, LIGHTING, AND DRAINAGE AT THE FERNANDINA BEACH MUNICIPAL AIRPORT; AUTHORIZING EXECUTION; AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Authorizes FAA grant agreement # 3-12-0022-028-2019 for the rehabilitation of Runway 4/22 pavement, lighting, and drainage.*
- 7.5 **IMPACT FEE WITHHOLDING - NASSAU HABITAT FOR HUMANITY - RESOLUTION 2019-128** WITHHOLDING THE COLLECTION OF CITY ASSESSED IMPACT FEES FOR NASSAU HABITAT FOR HUMANITY, INC. FOR THE CONSTRUCTION OF ONE AFFORDABLE HOUSING UNIT LOCATED AT 601 CALHOUN STREET; AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Approves Nassau Habitat for Humanity, Inc.'s application to withhold collection of City Impact Fees for Parks & Recreation, Public Facilities, Police and Fire, totaling \$4,623.84 for the unit located at 601 Calhoun Street.*
- 7.6 **OUTSIDE LEGAL COUNSEL - JACOBS SCHOLZ & WYLER, LLC. - RESOLUTION 2019-129** AUTHORIZING QUALIFIED OUTSIDE LEGAL COUNSEL TO REPRESENT THE CITY IN MATTERS RELATED TO EMINENT DOMAIN ACTION; AUTHORIZING EXECUTION; AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Authorizes the City Attorney and City Manager to utilize the services of Jacobs Scholz & Wyler, LLC. to represent the City in an eminent domain action.*
- 7.7 **ESTABLISHING A CHARTER REVIEW COMMITTEE - RESOLUTION 2019-130** ESTABLISHING AN AD HOC CHARTER REVIEW COMMITTEE TO REVIEW THE EXISTING CHARTER OF THE CITY, AND RECOMMEND CHANGES TO THE CITY COMMISSION, PROVIDING FOR GOALS, WORK PLAN, ORGANIZATION, CONDUCT OF BUSINESS AND STAFF SUPPORT; AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Creates an ad hoc committee for Charter review.*

8. ORDINANCE - FIRST READING

- 8.1 **CODE AMENDMENT - BALLOON RELEASE PROHIBITION - ORDINANCE 2019-19** AMENDING THE CODE OF ORDINANCES, CHAPTER 42, ARTICLE III, LITTER, BY CREATING SECTION 42-96 BY PROVIDING FOR PROHIBITION AGAINST BALLOON RELEASES WITH BALLOONS INFLATED WITH A GAS LIGHTER THAN AIR SUCH AS HELIUM; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Amends the City Code of Ordinances pertaining to the prohibition of balloon releases.*

9. ORDINANCES - SECOND READING

9.1 **CHARTER AMENDMENT - CONSERVATION REFERENDUM - ORDINANCE 2019-15** SUBMITTING TO THE CITY ELECTORS PROPOSED AMENDMENTS TO THE CHARTER WHICH AMEND SECTION 10A TO ADD PROVISIONS TO THE CITY CHARTER REQUIRING REFERENDUM ELECTION FOR SALE OR LEASE OF CITY-OWNED CONSERVATION LAND; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Amends Section 10A of the City Charter to add a provision that requires a referendum for sale or lease of City-owned conservation land.*

9.2 **LAND DEVELOPMENT CODE AMENDMENT - AIRPORT DESIGN STANDARDS - ORDINANCE 2019-16** AMENDING THE LAND DEVELOPMENT CODE (LDC) TO INCORPORATE AMENDED AIRPORT DESIGN STANDARDS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Amends the Land Development Code specific to Airport Design Standards.*

10. BOARD APPOINTMENTS

10.1 **HISTORIC DISTRICT COUNCIL** - *one appointment.*

10.2 **GOLF COURSE ADVISORY BOARD** - *one appointment.*

10.3 **ARTS AND CULTURE NASSAU** - *two appointments.*

11. CITY COMMISSION DISCUSSION

11.1 **LAND CONSERVATION** - *This item is placed on the agenda at the request of Commissioner Lednovich.*

11.2 **WATERFRONT PARK DEVELOPMENT** - *This item is placed on the agenda at the request of Commissioner Lednovich.*

11.3 **HABITAT CONSERVATION PLAN** - *This item is placed on the agenda at the request of Vice Mayor Kreger.*

11.4 **CITY COMMISSION RULES OF PROCEDURE AMENDMENT - PUBLIC COMMENT** - *This item is placed on the agenda at the request of Vice Mayor Kreger.*

12. CITY MANAGER REPORTS

13. CITY ATTORNEY REPORTS

14. CITY CLERK REPORTS

15. MAYOR/COMMISSIONER COMMENTS

16. ADJOURNMENT

-
- A THREE (3) MINUTE TIME LIMIT MAY BE IMPOSED FOR ALL SPEAKERS (EXCEPT IN A QUASI-JUDICIAL HEARING). A "REQUEST TO SPEAK" FORM IS AVAILABLE ON THE COUNTER AT THE ENTRANCE TO THE COMMISSION CHAMBERS. THE FORM SHOULD BE GIVEN TO THE CITY CLERK UPON COMPLETION.
 - THE MAYOR WILL DETERMINE THE ORDER OF THE SPEAKERS AND MAY IMPOSE MORE RESTRICTIVE TIME LIMITS.

- ONE PERSON WILL SPEAK AT A TIME AND ADDRESS COMMENTS TO THE MAYOR, NOT INDIVIDUAL CITY COMMISSION MEMBERS.
- THE CITY COMMISSION MAY ASK QUESTIONS OF SPEAKERS WHO WILL HAVE ONE MINUTE TO RESPOND. ADDITIONAL TIME MAY BE GRANTED AT THE DISCRETION OF THE MAYOR OR BY A MOTION BY THE CITY COMMISSION.
- SPEAKERS MAY FILE COPIES OF THEIR REMARKS WITH THE CITY CLERK WHO WILL MAKE THEM AVAILABLE TO THE COMMISSION.
- FERNANDINA BEACH CITIZENS WILL SPEAK BEFORE NONRESIDENTS AND SPEAKERS WILL LIMIT REMARKS TO THE SPECIFIC SUBJECT MATTER.
- DISCUSSION – DIRECTION - ACTIONS ITEMS MAY BE ACTED UPON BY THE CITY COMMISSION BY EITHER A MOTION AND VOTE IN ACCORDANCE WITH ROBERTS RULES OF ORDER, OR BY A CONSENSUS OF THE CITY COMMISSION.
- PURSUANT TO RESOLUTION 95-32, IF AN ITEM IS NOT ON THE AGENDA IT REQUIRES A FOUR-FIFTHS VOTE OF THE CITY COMMISSION DECLARING THE ITEM AN EMERGENCY BEFORE ACTION CAN BE TAKEN.
- *QUASI-JUDICIAL* - DENOTES THAT THE ITEM MUST BE CONDUCTED AS A QUASI-JUDICIAL HEARING IN ACCORDANCE WITH CITY COMMISSION ESTABLISHED PROCEDURE AND FLORIDA STATUTES. ANY PERSON WISHING TO APPEAL ANY QUASI-JUDICIAL DECISION MADE BY THE COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING WILL NEED A RECORD OF THE PROCEEDINGS, AND, FOR SUCH PURPOSES, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS MADE.

Persons with disabilities requiring accommodations in order to participate should contact the City Clerk at (904) 310-3115 or TTY/TDD 711 (for the hearing or speech impaired).

CITY COMMISSION AGENDA ITEM
City of Fernandina Beach



SUBJECT: Presentation
Nassau Humane Society

ITEM TYPE: Presentation

REQUESTED ACTION:

SYNOPSIS: Representatives of the Nassau Humane Society will present the "City Commission Dog of the Month."

This item is placed on the agenda at the request of Mayor Miller.

FISCAL IMPACT: N/A

CITY ATTORNEY COMMENTS: N/A

CITY MANAGER RECOMMENDATION(S): N/A

Dale Martin, City Manager 7/26/2019

Date: April 18, 2019

Submitted By: Nicole Bednar, Administrative Services Manager

COMMISSION ACTION:

COMMISSION ACTION:

CITY COMMISSION AGENDA ITEM
City of Fernandina Beach



SUBJECT: Presentation
United States Army Corps of Engineers

ITEM TYPE: Presentation

REQUESTED ACTION:

SYNOPSIS: Representatives of the United States Army Corps of Engineers will provide a presentation regarding Dune Resiliency.

This item is placed on the agenda at the request of Vice Mayor Kreger.

FISCAL IMPACT: N/A

CITY ATTORNEY COMMENTS: N/A

CITY MANAGER RECOMMENDATION(S): N/A

Dale Martin, City Manager 7/26/2019

Submitted By:

Caroline Best

Caroline Best, City Clerk

Date: June 21, 2019

COMMISSION ACTION:

CITY COMMISSION AGENDA ITEM
City of Fernandina Beach



SUBJECT: Presentation
Stantec

ITEM TYPE: Presentation

REQUESTED ACTION:

SYNOPSIS: Stantec will present the results from the Financial Sustainability Analysis for the General Fund, Golf Fund and the Marina Fund.

FISCAL IMPACT: N/A

CITY ATTORNEY COMMENTS: N/A

CITY MANAGER RECOMMENDATION(S): N/A

Nicole Bednar, Administrative Services Manager 7/23/2019

Dale Martin, City Manager 7/26/2019

Date: June 28, 2019

Submitted By: Pauline Testagrose, Comptroller

COMMISSION ACTION:

CITY COMMISSION AGENDA ITEM
City of Fernandina Beach



SUBJECT: Presentation
Reforestation Plan

ITEM TYPE: Presentation

REQUESTED ACTION:

SYNOPSIS: City Arborist Dave Holley will provide a presentation regarding a Reforestation Plan.

FISCAL IMPACT: Expenditures related to this plan will likely be distributed from the Tree Trust Fund.

CITY ATTORNEY COMMENTS: N/A

CITY MANAGER RECOMMENDATION(S): N/A

Dale Martin, City Manager 7/26/2019

Date: July 19, 2019

Submitted By: Nicole Bednar, Administrative Services Manager

COMMISSION ACTION:

COMMISSION ACTION:

CITY COMMISSION AGENDA ITEM
City of Fernandina Beach



SUBJECT: Approval of Minutes

ITEM TYPE: Resolution (w/o fiscal impact)

REQUESTED ACTION: Approve Minutes

SYNOPSIS: The following minutes are attached for the City Commission's review and consideration for approval:

City Commission Regular Meeting	May 7, 2019
City Commission Special Meeting	May 14, 2019
City Commission Regular Meeting	May 21, 2019

FISCAL IMPACT: N/A

CITY ATTORNEY COMMENTS: N/A

CITY MANAGER RECOMMENDATION(S): N/A

Nicole Bednar, Administrative Services Manager	7/29/2019
Dale Martin, City Manager	7/29/2019



Date: July 17, 2019

Submitted By: Caroline Best, City Clerk

COMMISSION ACTION: Approve

The City Commission of the City of Fernandina Beach, Florida, met in a Regular Meeting on Tuesday, May 7, 2019 at 6:00 pm in the City Commission Chambers. Present were Mayor John A. Miller presiding, Vice Mayor Len Kreger, Commissioners Philip Chapman and Chip Ross. Commissioner Lednovich attended remotely via Skype, a voice over internet protocol provider. Also present were City Clerk Caroline Best, City Manager Dale L. Martin, and City Attorney Tammi Bach.

Mayor Miller called the meeting to order and led the Pledge of Allegiance to the Flag. The invocation was given by Reverend Noel Roberts of North 14th Street Baptist Church.

4.1 PROCLAMATION - "NEUROFIBROMATOSIS (NF) AWARENESS MONTH": Mayor Miller read the Proclamation in full recognizing the month of May 2019, as "Neurofibromatosis (NF) Awareness Month." Ms. Betsie Huben of the Children's Tumor Foundation and Ms. Michelle Gibbs Holbrook were present to accept the Proclamation.

4.2 PROCLAMATION - "MENTAL HEALTH FIRST AID MONTH": Mayor Miller read the Proclamation in full recognizing May 2019, as "Mental Health First Aid Month." Starting Point Behavioral Healthcare Community Liaison/Mental Health First Aid Instructor Ms. Katrina Robinson-Wheeler was in attendance to accept the Proclamation.

4.3 PROCLAMATION - "NATIONAL PRESERVATION MONTH": Mayor Miller read the Proclamation in full recognizing the month of May 2019, as, "National Preservation Month." Fernandina Beach Main Street Executive Director Ms. Arlene Filkoff, Amelia Island Restoration Foundation President Mr. Adam Kaufman, Amelia Island Museum of History Executive Director Ms. Phyllis Davis, Historic District Council Chairman Mr. Michael Spino and Planning and Conservation Department Preservation Planner Mr. Salvatore Cumella were present to accept the Proclamation.

4.4 PROCLAMATION - "PEACE OFFICERS MEMORIAL DAY" AND "NATIONAL POLICE WEEK": Mayor Miller read the Proclamation in full proclaiming May 15, 2019, as "Peace Officers Memorial Day" and the week of May 12, 2019, as "National Police Week." Chief James T. Hurley was present to accept the Proclamation.

4.5 PRESENTATION - NASSAU HUMANE SOCIETY: A representative of the Nassau Humane Society was present for the "City Commission Dog of the Month, Elfie."

5. PUBLIC COMMENT REGARDING ITEMS NOT ON THE AGENDA OR ITEMS ON THE CONSENT AGENDA: The following individuals spoke to this item:

TRASH COLLECTION: Advanced Disposal Municipal Marketing and Government Affairs Manager Mr. Greg Huntington introduced his team: East Florida District Manager Mr. Johnny Goodspeed and General Manager overseeing Fernandina Beach operations Mr. Jeff Edwards, A presentation was given regarding recent trash collection issues and resolutions that have been implemented since the inception of the new contract with the City, a partnership that is appreciated. Vice Mayor Kreger spoke to appreciating the acknowledgement of the issues however "real improvement on the streets" needs to occur and a better job needs to be done.

CONSERVATION PROPERTY: Ms. Mary Libby, 616 Spanish Way East, asked for a conservation land acquisition timeline, identification and funding source. City Manager Martin reported the City is working with the North Florida Land Trust to explore properties. Vice Mayor Kreger noted no donations have

been made to the City Land Conservation Fund however an offer of five acres is pending. Mayor Miller requested City Manager Martin post on the City website the list of available properties, cost and a map.

BEACH PARKING: Mr. Paul Lore, 2794 Longboat Drive, expressed his recurring plea to the Commission to refrain from implementing paid beach parking.

TOURISM: Amelia Island Convention and Visitors Bureau President Mr. Gil Langley read a passage from Resolution 169, which passed in 1950 and thanked the Commission for their support of tourism that has generated over \$800 million dollars.

BEACH ENFORCEMENT: Ms. Julie Ferreira, 501 Date Street, requested beach enforcement officers use golf carts to drive on the beach to create less ruts and reduce environmental impact.

6. CONSENT AGENDA: The following two items were on the Consent Agenda and were approved by one motion.

6.1 APPROVAL OF MINUTES: According to the agenda support documents, the City Commission Workshop of January 22, 2019; the City Commission Visioning Workshop of January 29, 2019; the City Commission Visioning Workshop of February 9, 2019 and the City Commission Regular Meeting of February 19, 2019 were presented for approval. **A motion was made by Vice Mayor Kreger, seconded by Commissioner Chapman to approve the recommendation. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

6.2 RESOLUTION 2019-69 APPROVING AMENDMENTS TO THE BUDGET FOR FISCAL YEAR 2018/2019: According to the agenda support documents Resolution 2019-69 approves a transfer from the Golf Course Operating Supplies account (\$9,300) to Golf Course Training/Travel account (\$5,800) and R&M Building and Grounds account (\$3,500). Also, a transfer from the Golf Course Contractual account (\$10,402) to the Golf Course R&M Equipment account (\$10,000) and the Janitorial account (\$402). **A motion was made by Vice Mayor Kreger, seconded by Commissioner Chapman to approve Resolution 2019-69. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

7.1 RESOLUTION 2019-48 APPROVING A SETTLEMENT AGREEMENT AND GENERAL RELEASE WITH VRL ARCHITECTS, INC. IN THE AMOUNT OF \$32,716.77 AS REIMBURSEMENT TO THE CITY FOR LIBRARY ROOF REPAIRS: According to the agenda support documents RESOLUTION 2019-48 approves the Settlement Agreement and General Release with VRL Architects, Inc. pertaining to Library roof repairs. **A motion was made by Vice Mayor Kreger, seconded by Commissioner Chapman to approve Resolution 2019-48. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

7.2 RESOLUTION 2019-70 ADOPTING THE RECOMMENDATION OF THE BANKING SERVICES COMMITTEE; AWARDING RFP #2019-01 TO FIRST FEDERAL BANK TO PROVIDE BANKING SERVICES: According to the agenda support documents Resolution 2019-70 adopts the recommendation of the Evaluation Committee and awards RFP #2019-01 to First Federal Bank as the City's banking services provider. **A motion was made by Vice Mayor Kreger, seconded by Commissioner Chapman to approve Resolution 2019-70. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

7.3 RESOLUTION 2019-71 APPROVING AN AMENDMENT TO THE STORMWATER FUND BUDGET FOR FISCAL YEAR 2018/2019; APPROVING THE PURCHASE OF A CATERPILLAR 305.5 MINI-EXCAVATOR OR EQUIVALENT: According to the agenda support documents Resolution 2019-71 approves the purchase of a Caterpillar 305.5 mini-excavator or equivalent in an amount not to exceed \$70,000 and a transfer of \$70,000 from the Stormwater Land account to the Stormwater Machinery/Equipment account for this purchase. **A motion was made by Vice Mayor Kreger, seconded by Commissioner Chapman to approve Resolution 2019-71. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

7.4 RESOLUTION 2019-72 APPROVING AN AMENDMENT TO THE BUDGET FOR FISCAL YEAR 2018/2019: According to the agenda support documents Resolution 2019-72 approves a budget transfer in the Capital Expansion Fund (310) for the implementation of wayfinding signage in the downtown area in the amount of \$182,000 from the Capital Expansion Fund, Public Facilities Reserve account to the Capital Expansion Fund, Main Street Improvements account. **A motion was made by Vice Mayor Kreger, seconded by Commissioner Chapman to approve Resolution 2019-72. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

7.5 RESOLUTION 2019-73 AUTHORIZING AN AMENDMENT TO THE COMBINED VOLUNTARY COOPERATION AND OPERATIONAL ASSISTANCE MUTUAL AID AGREEMENT WITH THE NASSAU COUNTY SHERIFF'S OFFICE; AUTHORIZING EXECUTION; PROVIDING FOR FILING OF THE AGREEMENT WITH THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT: According to the agenda support documents Resolution 2019-73 approves the First Amendment to the Mutual Aid Agreement between the Fernandina Beach Police Department and the Nassau County Sheriff's Office to include a narcotics task force. **A motion was made by Vice Mayor Kreger, seconded by Commissioner Chapman to approve Resolution 2019-73. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

7.6 RESOLUTION 2019- 74 APPROVING AN AMENDMENT TO THE BUDGET FOR FISCAL YEAR 2018/2019: According to the agenda support documents Resolution 2019-74 approves a budget amendment allocating \$400,000 for the Simmons Road Park in the Parks and Recreation Impact Fee Fund. **A motion was made by Vice Mayor Kreger, seconded by Commissioner Chapman to approve Resolution 2019-74.** Vice Mayor Kreger clarified this amendment is moving forward without the grant in an area deemed "inadequate".

Commissioner Lednovich requested funding clarification. Comptroller Ms. Testagrose responded all budgeted items are paid for and after this item \$1.575 million will remain. Additional fund growth is dependent upon incoming revenue. Dune walkovers will result in an additional reduction of \$350,000.

Ms. Julie Ferreira, 501 Date Street, questioned impact of the impending park on the forest in that area. With the loss of grant funding, Ms. Ferreira requested citizens be apprised of expenditures and the impact on deforestation. City Manager Martin gave a presentation that illustrated the park with a low impact parking facility including handicap accessibility, picnic shelter, playground and a trail. **Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

7.7 RESOLUTION 2019-75 ACCEPTING A GRANT AWARD FROM THE FIREHOUSE SUBS PUBLIC SAFETY FOUNDATION FOR THE PURCHASE OF A MEDICAL EMERGENCY RESPONSE VEHICLE (MERV); APPROVING THE PURCHASE OF A POLARIS MERV FOR THE FIRE DEPARTMENT IN FY 2018/2019; APPROVING AMENDMENTS TO THE BUDGET FOR FISCAL YEAR 2018/2019: According to the agenda support documents Resolution 2019-75 approves

the acceptance of a grant from Firehouse Subs Public Safety Foundation for the Fire Department in the amount of \$26,113.78 for the purchase of one Polaris Medical Emergency Response Vehicle equipped for medical and fire emergency response. Approves the purchase of a Polaris MER. Also approves amending the budget by increasing the Fire Department Donations account and increasing Mach/Equip account, both by \$26,113.78, the amount of the grant funding. This amendment will also increase the total City Budget for Fiscal Year 2018/2019 to \$156,710,614. **A motion was made by Vice Mayor Kreger, seconded by Commissioner Chapman to approve Resolution 2019-75. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

7.8 RESOLUTION 2019-76 APPROVING SWAGIT PRODUCTIONS LLC AS A SOLE SOURCE VENDOR FOR CLOSED CAPTIONING SOLUTIONS FOR RECORDED COMMISSION AND BOARD MEETINGS; APPROVING A PROPOSAL FOR HARDWARE UPGRADES AND INSTALLATION FROM SWAGIT PRODUCTIONS, LLC: According to the agenda support documents Resolution 2019-76 approves Swagit Productions, LLC as a sole source vendor for hardware upgrades/installation necessary for live closed captioning for City live streamed meetings in an amount not to exceed \$36,930. **A motion was made by Commissioner Chapman, seconded by Vice Mayor Kreger to approve Resolution 2019-76. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

8.1 FIRST READING OF ORDINANCE 2019-10: City Attorney Bach read Ordinance 2019-10 by title only, which was as follows: “AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, AMENDING CHAPTER 54, HUMAN RELATIONS, CREATING SECTION 54-1 DEFINITIONS; CREATING SECTION 54- 36 PURPOSE; CREATING SECTION 54-37 PROHIBITED CONDUCT; CREATING SECTION 54-38 COMPLAINTS; CREATING SECTION 54-39 EXEMPTIONS; CREATING SECTION 54-40 CRIMINAL ACTS; CREATING SECTION 54-41 FALSE CLAIMS; AMENDING SECTION 54-52 DECLARATION OF POLICY, OBJECTIVES; AMENDING SECTION 54-54 PROHIBITED CONDUCT; AMENDING SECTION 54-55 MULTIPLE LISTING SERVICES; AMENDING SECTION 54-56 EDUCATIONAL ACTIVITIES; AMENDING SECTION 54-57 COMPLAINTS; AMENDING SECTION 54-58 USE OF REMEDIES OF THIS CHAPTER, OTHER REMEDIES; AMENDING SECTION 54-59 DISCRIMINATION IN THE FINANCING OF HOUSING; AMENDING SECTION 54-60 EXEMPTIONS; AMENDING SECTION 54-61 INTERFERENCE, COERCION, OR INTIMIDATION; ENFORCEMENT BY CIVIL ACTION; REPEALING ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.” According to the agenda support documents Ordinance 2019-10 amends Chapter 54 of the City Code pertaining to Human Relations. City Attorney Bach explained first reading and ordinance rules. After speaking to downtown merchants about this topic there are possible modifications to be made from their suggestions. **A motion was made by Vice Mayor Kreger, seconded by Commissioner Chapman to approve Ordinance 2019-10.**

Dr. Teresa Sparks, 2111 Egret Lane, thanked the Commissioners for their commitment to inclusivity and is proud to live in a community where diversity is embraced.

African Methodist Episcopal (AME) Church Reverend Anthony Daniels, 202 South 9th Street, was academically trained and spiritually nurtured in the theology of liberation. He is proud of the Commissioners for taking this real community action step towards collective synthesis.

Ms. Shelia Faricy, 2433 South Fletcher Avenue, Apartment A., as a hearing-impaired business owner, she is grateful for this human rights ordinance as it will protect her in new ways.

Ms. Erin Bailey, 85045 Christian Way, Yulee, Florida, is appreciative of the equality and kindness this human rights ordinance represents as it impacts all people in Nassau County and surrounding areas.

Baptist Medical Center Nassau Chaplin Mr. Jim Tippins, 508 Spanish Way West, as the father of a gay daughter he supports the human rights ordinance as a human being, as a part of this community, to strengthen our community and to help the most beautiful people in the world who live here.

Ms. Zen Waters, 565 Pine Road, feels she is called to love people and there is something to love about everyone, support the human right ordinance because it is helpful to those who need it most.

Ms. Laurel Strong, 914 Division Street, during her life has been mistreated because of who she loves, she wants to have the same rights as everyone else and live her life here, in peace.

Ms. Whitney Maguire, Esquire, representing Rayonier Performance Fibers, 10 Gum Street, commented Rayonier supports the human rights ordinance, and proposed strengthening same by stating complaints be given a preliminary review instead of going straight to a special magistrate, consider the fee shifting provision that allows the special magistrate to award attorney's fees, and consider clarifying the Florida Statute safe harbor provision.

Ms. Genece Minshew, 2428 Los Robles Drive, asked that the human rights ordinance be approved to ensure a positive result for all who live in and visit Fernandina Beach.

Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

9.1 SECOND READING - ORDINANCE 2019-09: City Attorney Bach read Ordinance 2019-09 by title only, which was as follows: "AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, AMENDING CHAPTER 90, ARTICLE II, BEACHES, OF THE CODE OF ORDINANCES; AMENDING SECTION 90-48 TRAFFIC REGULATIONS; SPEED LIMIT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE." According to the agenda support documents Ordinance 2019-09 amends Chapter 90 of the City Code by prohibiting beach parking from 9:00 p.m. to 6:00 a.m.

Captain Scott Stewart, 2485 High Rigger Road, requested the hours of closure, for consistency, mirror the Seaside parking lot: 12 midnight - 5:00am. Captain Scott also suggested cameras be purchased and installed to ensure compliance and that ADA accessibility be enhanced so that all can enjoy the beach's amenities.

Mr. Mac Morris, 821 Parkview Place East, offered a slide presentation which illustrated the effects of beach renourishment at Sliders and Seaside Park and advocated for paid beach parking.

Ms. Ruth Maestre, 2794 Longboat Drive, requested clarification on the time of sunrise during the summer solstice in relation to the times the beach will be open.

Mr. Paul Lore, 2794 Long Boat Drive, expressed concern that environmental issues will bleed into the need to establish paid beach parking which he does not support.

Mr. Eric Hatton, 801 Cashen Drive, in favor of allowing all vehicles on the beach, not just those equipped with four-wheel drive.

Ms. Marian Phillips, 724 South 6th Street, in favor of allowing all vehicles on the beach, not just those equipped with four-wheel drive.

Vice Mayor Kreger noted state law does not allow driving on the beach, the City was exempted from this years ago. He is in favor of closing the beach to all vehicular traffic during sea turtle nesting season and is concerned about Americans with Disabilities Act accessibility. **A motion was made by Vice Mayor Kreger, seconded by Commissioner Chapman to approve Ordinance 2019-09 as amended: remove the provision(s) requiring vehicles be four-wheel drive. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

10.1 THIRD READING - ORDINANCE 2018-40: City Attorney Bach read Ordinance 2019-10 by title only, which was as follows: “AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE (LDC) BY AMENDING SECTIONS 1.07.00 (DEFINITIONS); 2.03.02 (TABLE OF LAND USES); 5.01.03 (ACCESSORY STRUCTURES); 5.01.04 (ACCESSORY DWELLING UNITS); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.” According to the agenda support documents Ordinance 2018-40 amends the Land Development Code specific to address requirements for accessory dwelling units. **A motion was made by Commissioner, seconded by to approve the Ordinance 2018-40. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

11.1 PARKS AND RECREATION ADVISORY COMMITTEE: According to the agenda support documents there was one appointment for the Parks and Recreation Advisory Committee. **A motion was made by Commissioner Ross, seconded by Voce Mayor Kreger, to appoint Ms. Trudie Richards to the Parks and Recreation Advisory Board. Vote upon passage of the vote was taken by ayes and nays and being all ayes, carried.**

12.1 WATERFRONT PARK DEVELOPMENT: This item is placed on the agenda at the request of Commissioner Lednovich who yielded his time to Commissioner Ross who gave a presentation regarding City Marina finances and suggestions for possible profitable ventures or passive parks and asked the Commission for ideas for the waterfront. Discussion ensued around waterfront visioning, ideas and a process for going forward. Commissioner Chapman requested agenda discussion items be defined and explained as to what will be discussed.

Mr. Clinch Kavanaugh, 102 N. 6th Street, and owner of 10 N. 2nd Street, stated a more important issue is clear day flooding which is systemic and causing serious engineering problems bordering on crisis proportions. Stormwater Manager Mr. Andre Desilet acknowledged the problem and noted process should be utilized to confront this burgeoning problem. Commissioner Ross agreed an engineering study is needed to address the water pooling/flooding issues. Vice Mayor Kreger suggested a workshop or a possible agenda item to specifically address stormwater/flooding issues.

12.2 LAND CONSERVATION: This item is placed on the agenda at the request of Commissioner Lednovich who yielded his time to Commissioner Ross who had a slide presentation addressing the timeline for implementation of the Commission goal of increasing the tree canopy per Comprehensive Plan 5.11.06 which essentially reads “planting a tree for a tree”. Discussion ensued regarding developing a plan and how to proceed. City Manager Martin responded as a tasked goal at the visioning session City staff is working on a plan to be presented at the Tuesday, August 6th City Commission Regular Meeting.

12.3 PECK CENTER LIBRARY NAMING: This item is placed on the agenda at the request of Mayor Miller who stated African American community members have expressed a desire to name the Peck Center Library after Ms. Ernie Tyson Albert, a local resident who has made a lifelong commitment to inspiring the community to read and write. ***The consensus of the Commission was to direct City staff to craft an agenda item for presentation at an upcoming City Commission Regular Meeting.***

12.4 OCEAN HIGHWAY AND PORT AUTHORITY (OHPA): This item is placed on the agenda at the request of Commissioner Ross who queried the Commission as to possible changes to the 1999 Port Master Plan and the City Comprehensive Plan considering recent Port applications. Discussion ensued as to increased port truck traffic and infractions occurring which solicit enforcement and possible resolutions to discuss with the port.

12.5 MAINTENANCE MANAGEMENT: This item is placed on the agenda at the request of Vice Mayor Kreger who gave an anatomy of the recent beach walkover crisis that culminated in closures and immediate reparations were not necessarily environmentally vigilant.

12.6 AMERICANS WITH DISABILITIES ACT (ADA) ACCESSIBILITY AT MAIN BEACH, NORTH BEACH PARK AND SEASIDE PARK: This item is placed on the agenda at the request of Vice Mayor Kreger who shared a slide presentation of several beach walkovers which are not ADA accessible and implored the Commission to elicit resolve.

12.7 SEPTIC SYSTEM REMEDIATION: This item is placed on the agenda at the request of Vice Mayor Kreger who explained he met with Grants Administrator Lorelei Jacobs to research funding for septic system remediation.

Grants Administrator Ms. Lorelei Jacobs explained she researched twelve different grants mainly from the Florida Department for Environmental Protection (FDEP) and USDA which residents may potentially apply for although the City does not have an FDEP impaired body of water which is a deterrent on some of the applications.

Commissioner Ross showed a presentation addressing septic system costs and financial challenges for residents who want to connect to sewers. Further discussion ensued regarding moving forward and possible future legislative funding. City Manager Martin clarified septic system issues are primarily associated with Nassau County properties.

CITY MANAGER REPORTS:

CONGRATULATIONS: City Manager Martin congratulated the Shrimp Festival Committee for another successful event despite the inclement weather.

SERVICE: City Manager Martin reminded all the annual Law Enforcement Memorial Service is Wednesday May 8th at 10:00 am.

SURVEY: City Manager Martin reported the National Citizens Survey postcards have been mailed to 2,900 random city residents indicating a survey will be forthcoming and encouraged recipients to participate.

CITY ATTORNEY REPORTS:

ACKNOWLEDGEMENTS: City Attorney Bach congratulated City Manager Martin on his recent nuptials.

THANKS: City Attorney Bach thanked Commissioner Lednovich for his Skype attendance and looks forward to seeing him again in Chambers.

CITY CLERK REPORTS:

NASSAU COUNTY TRANSITIONING ADULT PROGRAM: City Clerk Best reminded all the annual Nassau County Transitioning Adult Program field trip to City Hall Monday May 20th 10am – 12 noon. All are welcome.

MAYOR/COMMISSIONER COMMENTS:

THANK YOU: Commissioner Lednovich expressed thanks and gratitude for the outpouring of island wide support he has received during his recovery.

SUPPORT: Commissioner Lednovich extended his support to Mayor Miller and expressed pride in service of the Commission.

PARADE: Commissioner Ross praised the phenomenal Shrimp Festival Parade and marveled at the voluminous participation and support.

SURVEY: Commissioner Ross encouraged all residents who receive a citizen survey to please fill it out and submit.

PARADE: Commissioner Chapman participated in the unbelievably wonderful Shrimp Festival Parade.

PRAISE: Commissioner Chapman praised and thanked the City of Fernandina Beach Police and Fire Departments for their understated presence and dedicated safety efforts during the Shrimp Festival.

PRAISE: Vice Mayor Kreger echoed the Shrimp Festival's sentiments and praised all involved noting his involvement in manning the City booth.

EVENT: Vice Mayor Kreger reminded all of the upcoming Elm Street Sportsman's Club breakfast on Saturday May 11th in honor of Mother's Day.

PREEMPTION: Mayor Miller reported the passing of House Bill 1159 that awaits Florida Governor DeSantis signature which preempts City tree ordinances. A detailed plan will be designed by City staff showcasing the islands unique historic tree canopy and presented in Tallahassee with support from Lobbyist Buddy Jacobs. All are encouraged to contact the Governor's office.

RETURN: Mayor Miller extended get well wishes to Commissioner Lednovich and a speedy return to the chambers.

CONGRATULATIONS: Mayor Miller echoed congratulations to City Manager Martin on his recent surprise nuptials.

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ADJOURNMENT: There being no further business to come before the City Commission, the meeting was adjourned at 9:29 pm.

ATTEST:

CAROLINE BEST
City Clerk

JOHN A. MILLER
Mayor-Commissioner

The City Commission of the City of Fernandina Beach, Florida, met in a Special Meeting on Tuesday, May 14, 2019 at 12:00 pm in the City Commission Chambers. Present were Mayor John A. Miller presiding, Vice Mayor Len Kreger, Commissioners Philip Chapman, Mike Lednovich and Chip Ross. Also present were City Manager Dale L. Martin, City Attorney Tammi Bach, and Deputy City Clerk Kim Elliott-Briley.

Mayor Miller called the meeting to order and led the Pledge of Allegiance to the Flag.

4.1 RESOLUTION 2019-77 APPROVING MARINETEK AS THE SOLE SOURCE VENDOR FOR CONCRETE DOCKS FOR THE NORTHERN ATTENUATOR IN AN AMOUNT NOT TO EXCEED \$874,035: According to the agenda support documents Resolution 2019-77 approves Marinetek as a sole source vendor and accepts the proposal submitted by Marinetek in an amount not to exceed \$874,035 for the concrete dock for the northern attenuator. The funding is pending City Commission approval with a Letter of Credit with BB&T Bank and will be available in the Marina Building account.

City Manager Martin explained Marinetek advised current construction of the southern attenuator docks would be more efficient with a commitment to build the northern attenuator docks saving approximately two months' time and \$100,000 in costs. **A motion was made by Commissioner Ross, seconded by Vice Mayor Kreger to approve Resolution 2019-77.** Marina Project Manager Mr. Bronson Lamb stated the southern attenuator is being poured and should arrive mid-June with the last sections being poured the first week in July after which the northern attenuator would be poured. An October installation is projected. Discussion ensued regarding details on shipping, materials and further plans that need to be reviewed. **Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

ADJOURNMENT: There being no further business to come before the City Commission, the meeting was adjourned at 12:07pm.

ATTEST:

CAROLINE BEST
City Clerk

JOHN A. MILLER
Mayor-Commissioner

The City Commission of the City of Fernandina Beach, Florida, met in a Regular Meeting on Tuesday, May 21, 2019 at 6:00 pm in the City Commission Chambers. Present were Mayor John A. Miller presiding, Vice Mayor Len Kreger, Commissioners Philip Chapman, Mike Lednovich and Chip Ross. Also present were City Clerk Caroline Best, City Manager Dale L. Martin, and City Attorney Tammi Bach.

Mayor Miller called the meeting to order and led the Pledge of Allegiance to the Flag. The invocation was given by Reverend Noel Roberts of North 14th Street Baptist Church.

4.1 PROCLAMATION - RECOGNITION OF MS. KIERSTEN LONDON: Mayor Miller read the Proclamation is full recognizing the outstanding achievements of Fernandina Beach High School Senior Ms. Kiersten London. Ms. London, along with her family, and members of the Nassau County Boys & Girls Club were in attendance to accept the Proclamation. Ms. London accepted the Proclamation and thanked the Commission.

4.2 PROCLAMATION - RECOGNITION OF COACH ANTHONY "ANDY" FRANCIS: Mayor Miller read the Proclamation is full recognizing Amelia Island Youth Soccer Coach Anthony "Andy" Francis for excellence in coaching. Coach Francis and members of the local soccer community was in attendance to accept the Proclamation. Coach Francis thanked the Commission and gave a brief overview of the soccer program and acknowledged his pleasure in working with the wonderful participants.

4.3 PROCLAMATION - "NATIONAL SAFE BOATING WEEK": Mayor Miller read the Proclamation is full recognizing the week of May 18-24, 2019, as "National Safe Boating Week." U.S. Coast Guard Auxiliary Flotilla Vice Commander Flotilla14-1 Amelia Island Mr. Walter Lavender was in attendance to accept the Proclamation with other members of the U.S. Coast Guard. Commander Lavender explained the auxiliary role and thanked the Commission for the acknowledgement.

4.4 PRESENTATION - NORTH FLORIDA TRANSPORTATION PLANNING ORGANIZATION (TPO): North Florida TPO Transportation Planning Manager Ms. Wanda Forrest provided an update and detailed presentation and was available to answer questions regarding projects planned and programmed for the area.

4.5 BUDGET SUMMARY: Comptroller Pauline Testagrose was available to answer any questions regarding the budget summary for April 2019.

5. PUBLIC COMMENT REGARDING ITEMS NOT ON THE AGENDA OR ITEMS ON THE CONSENT AGENDA: The following individuals spoke to this item:

CONSERVATION: Ms. Joanne Leimberg, 2 Red Cedar Road, spoke to the need for unification of Amelia Island and Fernandina Beach as one entity with an emphasis on conservation.

ANNEXATION: Mr. Clinch Kavanaugh, 102 N. 6th Street, underlined City taxpayers should be afforded priority public comment noting that historically county island residents are not bearing the brunt of city costs and should consider annexation for inclusion.

EXPANSION: Mr. Benjamin Dinkins, 132 S. 15th Street, as the City continues to grow and expand what is the plan for infrastructure. As a supporter of conservation, he requested growth and development be controlled.

VARIANCE: Ms. Joan Bean, 141 N. 15th Street, asked when the variance was enacted and if it could be extended. City Attorney Bach responded a one-year moratorium was approved in an effort to review the

Future Land Use Map (FLUM) for possible edits or changes and is in effect for another five months. By state law it can only be extended by six months.

DEVELOPMENT: Ms. Tammi Kosack, 322 N. 3rd Street, gave a brief history of her former role working for a southeastern development company and implored and empowered the Commission to rethink the current accelerated growth and development trend.

BEACH PARKING: Mr. Paul Lore, 2794 Longboat Drive, requested the Commission abstain from implementing paid beach parking. As a Marina Advisory Board member suggested the Marina be considered for a public land trust.

MARINA: Mr. Kevin McCarthy, 2220 Florida Ave, speaking on behalf of the Marina Advisory Board (MAB) spoke to suggestions given at a recent meeting by Florida Inland Navigation District Commissioner Mr. Lynn Williams and requested that going forward, the City include the MAB in any marina updates.

DEVELOPMENT: Mr. Richard Witt, 4402 Titleist Drive, requested the Commission slow down rapid development growth and provide better communication to residents. City Attorney Bach explained the City planning process and how and where notices are posted for the public. City Manager Martin also noted committee/advisory board agendas are posted on the City's website and text alerts are available for notifications of upcoming meetings.

Vice Mayor Kreger noted the current proposal from the developer to the Airport Advisory Commission (AAC) has not yet filed any plans with the City.

DEVELOPMENT: Ms. Cheryl Witt, 4402 Titleist Drive, lives adjacent to the Amelia River golf course and is concerned the proposed development at the Airport by a disreputable company and asked the Commission to consider all possibilities prior to making any decisions.

CONSERVANCY: Ms. Margaret Kirkland, 1377 Plantation Pointe Drive, on behalf of the Amelia Tree Conservancy, requested monies be allocated to the conservation fund.

6. CONSENT AGENDA: the following two items were on the Consent Agenda and were approved by one motion.

6.1 RESOLUTION 2019-78 APPROVING A FACILITIES USE AGREEMENT WITH DRIVING DYNAMICS, INC. FOR THE USE OF AIRPORT PROPERTY TO CONDUCT ADVANCED SAFE DRIVER TRAINING: According to the agenda support documents Resolution 2019-78 approves a Facilities Use Agreement with Driving Dynamics, Inc. for advanced safe driver training at the Fernandina Beach Municipal Airport. **A motion was made by Vice Mayor Kreger, seconded by Commissioner Ross to approve Resolution 2019-78. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

6.2 RESOLUTION 2019-79 APPROVING THE EXTENSION OF WATER SERVICES OUTSIDE THE CORPORATE LIMITS; ACCEPTING THE VOLUNTARY ANNEXATION PETITION FOR ONE PARCEL CONTAINING APPROXIMATELY 0.23 ACRES OF LAND LOCATED AT 627 DONNIE LANE: According to the agenda support documents Resolution 2019-79 authorizes the extension of water services to the property located on 627 Donnie Lane (Parcel ID: 00-00-30-0660-0005-0000). Also approves the Voluntary Annexation Petition. **A motion was made by Vice Mayor Kreger, seconded by Commissioner Ross to approve Resolution 2019-79. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

7.1 RESOLUTION 2019-80 APPROVING WORK ORDER 19-86 WITH PASSERO ASSOCIATES, LLC TO PROVIDE SITE CONFIRMATION, PROGRAM DEVELOPMENT AND PROJECT BUDGET SERVICES FOR PROPOSED DUAL-PURPOSE FIRE STATION AT THE FERNANDINA BEACH MUNICIPAL AIRPORT: According to the agenda support documents Resolution 2019-80 approves Work Order 19-86 with Passero Associates, LLC in an amount not to exceed \$151,000. **A motion was made by Vice Mayor Kreger, seconded by Commissioner Chapman to approve Resolution 2019-80. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

Mr. Clinch Kavanaugh, 102 N. 6th Street, provided a brief history of the Airport and expressed concern City taxpayers will pay for Airport improvements. City Attorney Bach countered City taxpayers do not pay for Airport improvements. Discussion ensued as to the history of the Airport and leases associated with the property. Vice Mayor Kreger explained the implementation of the fire station at the Airport will serve the residents at the south end of the City. Commissioner Lednovich spoke to civil discourse and implored the Mayor to gavel any out of order speakers.

7.2 RESOLUTION 2019-81 AUTHORIZING THE ISSUANCE OF ITS CITY OF FERNANDINA BEACH, FLORIDA LINE OF CREDIT NOTE, SERIES 2019, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$3,000,000 TO REIMBURSE AND FUND CAPITAL IMPROVEMENTS INCLUDING CERTAIN IMPROVEMENTS TO THE CITY OWNED MARINA; PROVIDING THAT THE NOTE SHALL BE A LIMITED OBLIGATION OF THE CITY PAYABLE FROM NON-AD VALOREM REVENUES BUDGETED AND APPROPRIATED AND FROM CERTAIN FEMA REIMBURSEMENTS AS PROVIDED HEREIN; MAKING SUCH DETERMINATIONS AS ARE REQUIRED TO AFFORD SUCH NOTE "BANK QUALIFIED" STATUS; PROVIDING FOR THE RIGHTS, SECURITIES AND REMEDIES FOR THE OWNER OF THE NOTE; MAKING CERTAIN COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH: According to the agenda support documents Resolution 2019-81 approves the execution of various documents pertaining to the Line of Credit Note, Series 2019. **A motion was made by Vice Mayor Kreger, seconded by Commissioner Ross to approve Resolution 2019-81. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

7.3 RESOLUTION 2019-82 ACKNOWLEDGING AN INTERIM INTERLOCAL AGREEMENT FOR PUBLIC SCHOOL CONCURRENCY BETWEEN THE NASSAU COUNTY SCHOOL BOARD AND BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY: According to the agenda support documents Resolution 2019-82 acknowledging an interim inter local agreement between the Nassau County School Board and the Nassau County Board of County Commissioners. **A motion was made by Vice Mayor Kreger, seconded by Commissioner Chapman to approve resolution 2019-82. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.** City Attorney Bach clarified Resolution 2019-82 is an acknowledgement between the City and Nassau County to plan for impending growth in the area that may warrant building new schools and recommended approval.

7.4 RESOLUTION 2019-83 APPROVING AN AGREEMENT OF SETTLEMENT IN THE CASE OF JUAN CARLOS GIL V. CITY OF FERNANDINA BEACH IN THE AMOUNT OF \$8,000: According to the agenda support documents Resolution 2019-83 approves the General Release in the case of Juan Carlos Gil v. City of Fernandina Beach, Case No.: 3:19-cv-181-J32PDB.

City Attorney Bach explained to avoid costly litigation the City will pay a \$2,500 deductible toward the settlement to Mr. Gil who is visually impaired and claimed his screen reader was incompatible for reading content on the city website. Numerous Florida cities and counties were also sued by the plaintiff. Changes have been made to the city website.

Commissioner Chapman spoke from personal experience as the parent of a disabled child and expressed disgust at the nature of the lawsuit and its content. Commissioner Ross expressed displeasure at the extortion nature of the lawsuit. Mayor Miller issued an invitation to Mr. Gil to personally attend a City Commission meeting. **A motion was made by Vice Mayor Kreger, seconded by Commissioner Lednovich to approve Resolution 2019-83. Vote upon passage of the motion was taken by ayes and nays and was as follows:**

Vice Mayor Kreger:	Aye
Commissioner Lednovich:	Aye
Commissioner Chapman:	Nay
Commissioner Ross:	Nay
Mayor Miller:	Aye

Motion carried.

7.5 Quasi-judicial - RESOLUTION 2019-84 APPROVING FINAL PLAT, PAB CASE 2019-04 TITLED "AMELIA PARK LAKESIDE": According to the agenda support documents Resolution 2019-84 accepts and approves the plat titled "Amelia Park Lakeside" as a final plat. City Attorney Bach explained the quasi-judicial process and asked any effected parties to please stand and take the oath. City Attorney Bach noted parties are permitted to cross exam witnesses and an appeal of the City Commission decision can be filed within thirty days to the Circuit Court.

Mayor Miller asked each Commissioner to disclose any ex parte communication and responses were as follows: Vice Mayor Kreger, Commissioner Chapman, Commissioner Lednovich, Mayor Miller responded no. Commissioner Ross responded, yes.

City Clerk Best administered the oath at this time.

Planning and Conservation Direct Ms. Kelly Gibson gave a presentation and update including staff and Planning Advisory Board approval.

Ms. Miriam Hill, Esquire, 1890 S. 14th Street, representing the applicant, submitted into the record, a memorandum dated May 21, 2019 stating the point of this evening's meeting is to accept the final plat approval as all requirements have been met by the applicant. **A motion was made by Vice Mayor Kreger, seconded by Commissioner Chapman to approve Resolution 2019-84.**

Commissioner Ross explained his no vote is due to Land Development Code policy 1.0211 regarding land use. City Attorney Bach stated the Planning Advisory Board (PAB) requested she write a legal opinion based on planned unit developments (PUD) and the underlying Future Land Use Map. Subsections of Land Development Code policy 1.0211 that when read together clearly state one can introduce "more than one land use within a mixed use development i.e. recreation and commercial activities within a residential development" and advised the Commission there is another way to look at this and this is consistent with the Comprehensive Plan. Commissioner Ross remarked he disputes the process quoting "the land use portion with any portion of the PUD shall be limited to the allowable and the underlying future land use map category." City Attorney Bach respectfully disagreed stating there are an abundance of Florida lawyers because "nothing is clear" and recommended changing policy rather than fighting individual applications.

Commissioner Lednovich requested clarification for the record that policy is not being violated. City Attorney Bach responded yes. **Vote upon passage of the motion was taken by ayes and nays and was as follows:**

Vice Mayor Kreger:	Aye
Commissioner Chapman:	Aye
Commissioner Ross:	Nay
Commissioner Lednovich:	Aye
Mayor Miller:	Aye

Motion carried.

7.6 RESOLUTION 2019-85 AMENDING THE OPTION TO PURCHASE AGREEMENT WITH THE EPISCOPAL CHURCH IN THE DIOCESE OF FLORIDA, INC. FOR ONE PARCEL OF VACANT LAND EAST OF NORTH 11TH STREET AND SOUTH OF DADE STREET FOR THE PURPOSE OF CHANGING THE PERPETUAL NAMING RIGHTS PROVISION: According to the agenda support documents Resolution 2019-85 approve the requested amendment to the Option to Purchase Agreement with The Episcopal Church in the Diocese in Florida, Inc. and the City Commission agrees to name the property, “Bishop John Freeman Young Park.”

Ms. Teresa Prince, Esquire, 406 Ash Street, explained the trust was established by a former City Project Manager and once the agreement is signed further details will be forthcoming.

Mayor Miller noted this is one of the last treed parcels in this area and expressed appreciation in working together with North Florida Land Trust and commended Commissioner Ross vigilance in expediting the deal and seeing it to fruition. **A motion was made by Vice Mayor Kreger, seconded by Commissioner Ross to approve Resolution 2019-85. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

7.7 RESOLUTION 2019-86 APPROVING A NON-EXCLUSIVE FRANCHISE AGREEMENT WITH AMELIA HISTORIC TOURS, LLC FOR A SIGHTSEEING BUSINESS USING VANS FOR TOURS: According to the agenda support documents Resolution 2019-86 approves the Non-Exclusive Franchise Agreement with Amelia Historic Tours, LLC. City Attorney Bach gave an explanation of the franchise agreement that can go up to twenty years in five-year increments, the set annual fee, and the proposed tour route and noted the van holds less than 10 persons.

Mr. Kevin McCarthy, 2220 Florida Ave, owner of Amelia Historic Tours, LLC gave a brief description of the business.

Ms. Teresa Prince, Esquire, 406 Ash Street, representing Amelia Historic Tours, LLC was available to answer questions or concerns.

Ms. Julie Ferreira, 501 Date Street, asked the Commission to carefully consider the impact of having eight vans increasing tourism, noise pollution and tourism congestion.

Mr. McCarthy assured no outside speakers; van windows will be closed 90% of the time and tourists will be given earpieces. Ms. Prince assured the agreement is in compliance with noise ordinances.

Vice Mayor Kreger questioned the cost of the franchise agreement and although is voting in favor suggested the City comparison shop other tourist communities.

Mr. McCarthy noted a St. Simon’s tour operator is investing in electric vans from Jacksonville Beach that are quiet. Ms. Prince attested to Mr. McCarthy’s excellent reputation as a local business owner and noted this venture is in its infancy, changes will be made as needed as the business grows and develops.

City Attorney Bach emphasized the City Manager does an annual review of franchises and complaints are handled as they arise. Ms. Prince noted the agreement addresses violations and terms for dismissal.

Ms. Barbara Zoodsma, 2203 Cedar Street, strongly advocates including language in the Ordinance to require an electric (“green”) vehicle and adding a nature tour.

A motion was made by Vice Mayor Kreger, seconded by Commissioner Chapman to approve Resolution 2019-86 with the provision Amelia Historic Tours, LLC makes every commercially reasonable effort to purchase hybrid passenger vans.

Ms. Julie Ferreira, 501 Date Street, asked City Attorney Bach for clarification for the mechanism available to residents in having a voice as to the ambiance of the island and how it continues to change. **Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

8.1 FIRST READING OF ORDINANCE 2019-11: City Attorney Bach read Ordinance 2019-11 by title only, which was as follows: “AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, AMENDING LAND DEVELOPMENT CODE (LDC) SECTION 9.01.04 (REMOVALS AND VACANCIES OF BOARD MEMBERS); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.” According to the agenda support documents Ordinance 2019-11 amends the Land Development Code specific to board member vacancies and removals.

Commissioner Ross suggested the Planning Advisory Board members be exempt and to change consecutive absences to three absences per year. **A motion was made by Vice Mayor Kreger, seconded by Commissioner Chapman to approve Ordinance 2019-11 with the exemption of the Planning Advisory Board. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

8.2 FIRST READING OF ORDINANCE 2019-12: City Attorney Bach read Ordinance 2019-12 by title only, which was as follows: “AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, AMENDING LAND DEVELOPMENT CODE (LDC) SECTIONS 1.07.00 (ACRONYMS AND DEFINITIONS), 8.01.01 (F) ADDING STANDARDS FOR AUTOMATIC TELLER MACHINES IN THE HISTORIC DISTRICTS, SECTION 8.03.03 (B) CERTIFICATE OF APPROVAL MATRIX, AND SECTION 6.03.00 PERMISSIBLE AND PROHIBITED USES WITHIN COMMERCE PARKS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.” According to the agenda support documents Ordinance 2019-12 amends the Land Development Code specific to Automated Teller Machines in the Historic Districts. **A motion was made by Commissioner Ross, seconded by Vice Mayor Kreger to approve Ordinance 2019-12. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

8.3 FIRST READING OF ORDINANCE 2019-13: City Attorney Bach read Ordinance 2019-13 by title only, which was as follows: “AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, AMENDING LAND DEVELOPMENT CODE (LDC) SECTIONS 2.03.02 (TABLE OF LAND USES), TO MAKE PERMISSIBLE TRIPLEX AND MULTI-FAMILY RESIDENTIAL USES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. According to the agenda support documents this Ordinance 2019-13 amends the Land Development Code specific to Triplex and Multi-Family Residential Uses. **A motion was made by Vice Mayor Kreger, seconded by Commissioner Chapman to approve Ordinance 2019-13. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

9.1(a) LAND CONSERVATION: This item is placed on the agenda at the request of Commissioner Lednovich who presented slides related to the Amelia River Golf Course purportedly changing its use to an auto-centric development.

Mr. Jon Lasserre, Esquire, Rogers, Towers, 960185 Gateway Boulevard, Suite 203, representing the Sheffield family, owners of the Amelia River Golf Course, commented the speculation being discussed in this public forum is damaging his client's business and quiet enjoyment of the lease they hold for the next 46 and one half years. . the income to the City as it related to hindering the operations of Amelia River Golf Course.

Mr. George Sheffield Jr, 3 Marsh Creek Lane, finds the premature actions of this public forum appalling. The City's offer to buy the Amelia River Golf Course was so ridiculously low it was insulting. Further, the City does not have the right to terminate his lease.

Ms. Laura Sirbaugh, 504 Crosswind Drive, does not support an auto-centric development.

Ms. Maria Santry, 865 Atlantic View Drive, does not support an auto-centric development.

Mr. Danny Ferreira, 1754 South 15th Street, does not support an auto-centric development.

Mr. Gary Rosen, 835 Mary Street, does not support an auto-centric development.

Dr. Jennifer Harrison, 820 Someruelus Street, does not support an auto-centric development.

Ms. Margaret Davis, 2162 First Avenue, does not support an auto-centric development.

Mr. Robert Motley 2400 Via Del Rey, does not support an auto-centric development.

Ms. Cathy Turner-Motley, 2400 Via Del Rey, does not support an auto-centric development.

Ms. Roslyn Hume, 268 South Fletcher Avenue, Unit 3-B, does not support an auto-centric development.

Mr. Perry Laspina, 760 Calhoun Street, does not support an auto-centric development.

Ms. Barb Zoodsma, 2203 Cedar Street, does not support an auto-centric development.

Ms. Beth Anderson, 302 Lighthouse Lane, does not support an auto-centric development.

Mr. Clinch Kavanaugh, 102 North 6th Street, does not support an auto-centric development.

Ms. Genece Minshew, 2428 Los Robles Drive, does not support an auto-centric development.

Ms. Julie Ferreira, 501 Date Street, does not support an auto-centric development.

Mr. Tom Smith, 95120 Willet Way, does not support an auto-centric development.

Mr. Charlie Duke, 96152 Montego Bay, does not support an auto-centric development.

Ms. Margaret Kirkland, 1377 Plantation Point Drive, representing the Amelia Tree Conservancy, who does not support an auto-centric development.

Signature Land, Inc. Owner and President Mr. Steve Leggett, 960194 Gateway Boulevard, stated the idea for the auto-centric development is allowable within the industrial land use category. Mr. Leggett stated the development is not a racetrack for race cars, it is for unmodified luxury cars with a high focus on electric cars which will bring high-quality jobs to the area. After additional discussion the ***consensus of the City Commission was to allow Mr. Leggett the opportunity to make a formal presentation at the June 18, 2019 City Commission Workshop and submit a new lease agreement at the July 16, 2019 City Commission Regular Meeting.***

9.1(b) CONSERVATION REFERENDUM LANGUAGE: This item was placed on the agenda at the request of Commissioner Ross who offered the following thoughts on ways to protect conservation land for future generations: create an Ordinance which would require a referendum for the sale of conservation land, whether to amend the Comprehensive Plan to require voter referendum for both recreation and conservation land and further amend Ordinances to require a super majority of City Commissioners to refer a sale of land for referendum. City Attorney Bach explained the referendum process and reaffirmed Commissioner Ross's recommendations would be on the July 2, 2019, City Commission Regular Meeting.

Mr. Clinch Kavanaugh, 102 North 6th Street, requested clarification on discussion items 9.1(a) and 9.1(b).

9.2 WATERFRONT PARK DEVELOPMENT: This item is placed on the agenda at the request of Commissioner Lednovich who yielded his time back to the chair.

9.3 FUTURE LAND USE MAP AND ZONING MAP CORRECTIONS: This item is placed on the agenda at the request of Vice Mayor Kreger.

City Planning Director Kelly Gibson asked for direction from the Commission as to how to proceed with the conflicts identified in the Future Land Use Map. ***The consensus of the Commission was to move forward with a large-scale map amendment clearly defining conservation lands.***

9.4 CONGESTION CHARGING: This item is placed on the agenda at the request of Vice Mayor Kreger who recently discussed, with concerned citizens, the possibility of enhancing City revenue by implementing congestion charging. Vice Mayor Kreger explained the Florida Department of Transportation (FDOT) will provide a detailed report in the future.

10. CITY MANAGER REPORTS:

WATERFRONT PROJECT: City Manager Martin invited all to the rescheduled dune resiliency plan meeting June 4th and final recommendations will be presented at the City Commission Regular Meeting Tuesday June 18th.

CONFERENCE CALL: City Manager Martin reminded of the posted notice of public gathering conference call Wednesday May 22 @ 12:30 in City Chambers with the US Army Corps of Engineers regarding the dune plan.

FUNDRAISER: City Manager Martin encouraged all to attend the Beyond the Badges Scholarship Police vs Fire Departments Basketball game Friday May 24th 6pm at Fernandina Beach High School.

MEMORIAL DAY: City Manager Martin announced city offices will be closed for Memorial Day Monday May 27th.

VACATION: City Manager Martin will be on vacation out of the country returning Monday June 3, City Airport Manager Nathan Coyle will be acting City Manager during this time.

DRAFT: City Manager Martin proposed a draft for review regarding beach cleaning services and asked that comments be submitted by Friday May 24th.

Discussion ensued amongst the Commission regarding beach cleaning.

AMBASSADORS: Commissioner Lednovich commented on his participation in a beach ambassador group that volunteers to clean the beach once a week and welcomed participants to contact the group leader.

11. CITY ATTORNEY REPORTS: City Attorney Bach had no reports at this time.

12. CITY CLERK REPORTS: City Clerk Best had no reports at this time.

13. MAYOR/COMMISSIONER COMMENTS:

SKATE PARK: Commissioner Ross showed a photo of the completed the renovation of the skate park at Main Beach and expressed appreciation for all city staff involved in the project.

SYMPATHY: Commissioner Chapman offered sympathy to the family and colleagues of Officer Matt Douglas and thanked the County for covering operations during the services.

CEREMONY: Commissioner Chapman and Vice Mayor Kreger attended the enthusiastic closing ceremony for the Elm Street Softball League.

COMPLIMENT: Commissioner Chapman complimented City Ocean Rescue for their recent lifesaving efforts.

PLAN: Vice Mayor Kreger reminded all of the impending arrival of the dune resiliency plan that has a five-day response time.

CONDOLENCES: Mayor Miller extended condolences to the Brown family for the recent loss of their Mother.

ADJOURNMENT: There being no further business to come before the City Commission, the meeting was adjourned at 10:57 pm.

ATTEST:

CAROLINE BEST
City Clerk

JOHN A. MILLER
Mayor-Commissioner

CITY COMMISSION AGENDA ITEM

City of Fernandina Beach



SUBJECT: Resolution 2019-120
Voluntary Annexation Agreement - 1417 Robin Hood Drive

ITEM TYPE: Resolution (w/ fiscal impact)

REQUESTED ACTION: Consider Resolution 2019-120.

SYNOPSIS: Mason and Magnolia LLC, the owner of 0.20 acres of land located at 1417 Robin Hood Drive, submitted an application for water service outside the municipal limits.

In accordance with Municipal Code Sections 82-44 and 82-403, this application is also accompanied by a petition for voluntary annexation. The application applies to 0.20 acres of land located at 1417 Robin Hood Drive. Parcel Identification #00-00-30-0640-0029-0000.

This is a residential property not contiguous to the current City limits. Action on this application will not immediately annex the subject property, but will authorize the extension of water utilities to serve the property.

FISCAL IMPACT: 25% surcharge on utilities services based on monthly usage to be paid to the City Utilities Department until such time that the property is annexed into the municipal limits.

CITY ATTORNEY COMMENTS: No additional comments.

CITY MANAGER RECOMMENDATION(S): I recommend that the City Commission adopt proposed Resolution 2019-120.

Jacob Platt, Senior Planner	7/12/2019
Nicole Bednar, Administrative Services Manager	7/24/2019
Dale Martin, City Manager	7/26/2019
Pauline Testagrose, Comptroller	7/26/2019
Tammi E. Bach, City Attorney	7/29/2019
Katie Newton, Legal Assistant	7/29/2019

Date: July 02, 2019

Submitted By: Nicole Bednar, Administrative Services Manager

COMMISSION ACTION: Adopt

RESOLUTION 2019-120

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, APPROVING THE EXTENSION OF WATER SERVICES OUTSIDE THE CORPORATE LIMITS; ACCEPTING THE VOLUNTARY ANNEXATION PETITION FOR ONE PARCEL CONTAINING APPROXIMATELY 0.20 ACRES OF LAND LOCATED AT 1417 ROBIN HOOD DRIVE; PROVIDING FOR EXECUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, property owner, Mason and Magnolia LLC., completed the City of Fernandina Beach Voluntary Annexation Petition/Water/Sewer Annexation Agreement Application pursuant to Chapter 171.044, Florida Statutes, for one parcel containing approximately 0.20 acres located at 1417 Robin Hood Drive (Parcel Identification Number: 00-00-30-0640-0029-0000); and

WHEREAS, staff has determined the request is consistent with the City's Municipal Code Sections 82-44 and 82-403, its Comprehensive Plan, and Land Development Code; and

WHEREAS, the City Commission has determined it is in the best interest of the City to provide water services to the subject property.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, THAT:

SECTION 1. The City Commission hereby authorizes the extension of water services to the property owners identified, whose property is located outside the corporate limits of the City at 1417 Robin Hood Drive and noted as parcel 00-00-30-0640-0029-0000, and approves the Voluntary Annexation Petition, attached hereto as Exhibit "1".

SECTION 2. The City Commission authorizes the City Manager and the City Clerk to execute said petition on behalf of the City of Fernandina Beach.

SECTION 3. The City Clerk is hereby directed to record the petition in the public records of Nassau County, Florida, as required by Ordinance 2001-01.

SECTION 4. This Resolution shall be effective immediately upon passage.

ADOPTED this 6th day of August, 2019.

CITY OF FERNANDINA BEACH

JOHN A. MILLER
Commissioner - Mayor

ATTEST:

APPROVED AS TO FORM AND LEGALITY:

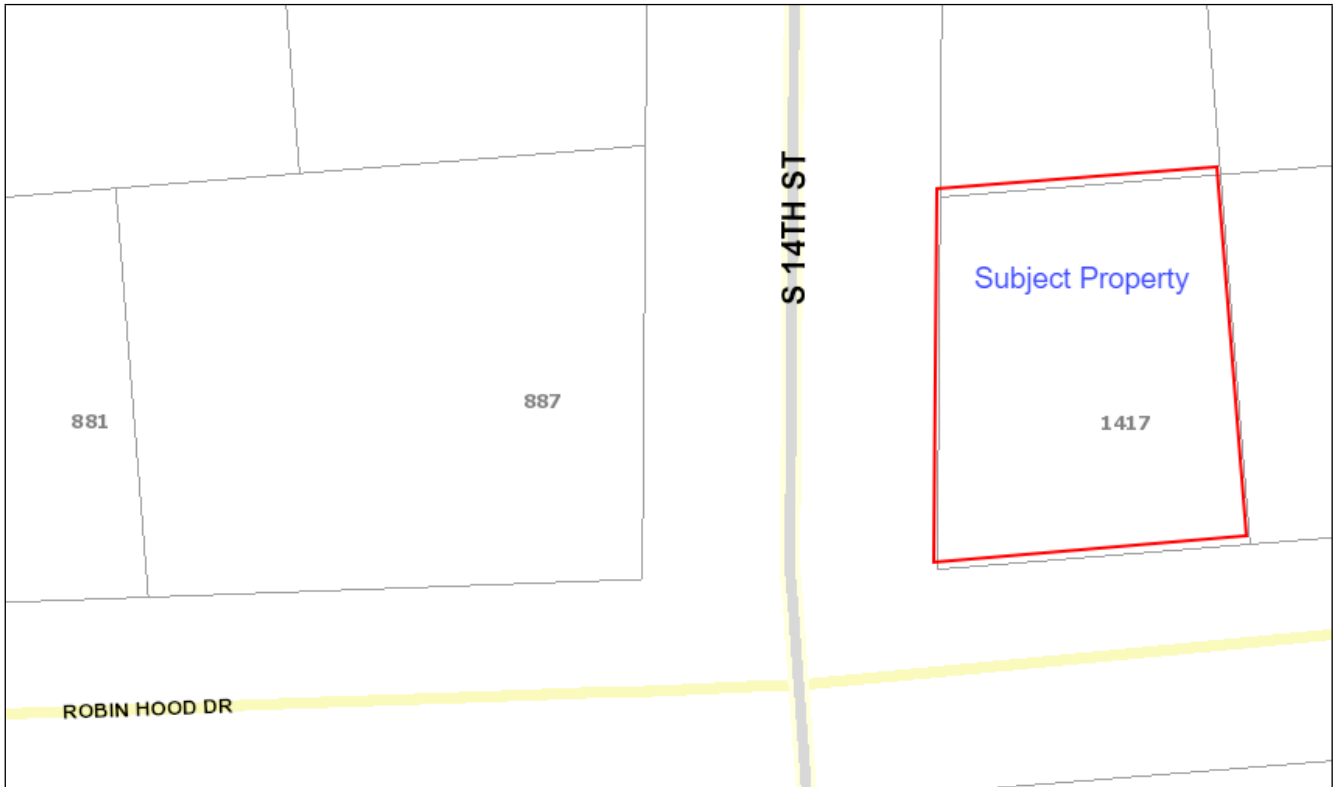


CAROLINE BEST
City Clerk

TAMMI E. BACH
City Attorney

**RESOLUTION 2019-120
EXHIBIT "A"**

WATER AND SEWER AGREEMENT/ VOLUNTARY PETITION FOR ANNEXATION OF PARCEL
IDENTIFICATION NUMBER: 00-00-30-0640-0029-0000 LOCATED AT 1417 ROBIN HOOD DRIVE
ROAD TOTALING APPROXIMATELY 0.20 ACRES OF LAND.



INV 2557

OFFICE USE ONLY

REC'D: 6/12/19 BY: CB

PAYMENT: \$ 300⁰⁰ TYPE: online

APPLICATION #: ADMIN 2019-0008

CASE #:

CC MEETING DATE: 7/2/19 8/6/19



WATER/SEWER & VOLUNTARY ANNEXATION
APPLICATION

APPLICANT INFORMATION

Owner Name: MASON & MAGNOLIA, LLC

Mailing Address: 37242 LEE STREET HILLIARD, FL 32046

Telephone: 904-321-7597

Fax:

Email: sarahrobertsonf1@gmail.com

Agent Name: INTACT - BEN BUCHANAN

Mailing Address: P.O. Box 365 HILLIARD, FL 32046

Telephone: 904-483-6128

Fax: 904-212-2005

Email: ben@intactcmg.com

PROPERTY INFORMATION

Street Address: 1417 ROBIN HOOD DR. FERNANDINA BEACH, FL 32034

Parcel Identification Number(s): 00-00-30-0640-0029-0000

PROJECT INFORMATION

Total Number of Lots/Parcels: 1

Less than One (1) acre Sq. Footage: 8,276

One (1) Acre or Greater:

Existing Zoning Classification: RESIDENTIAL MIXED

Existing Future Land Use Classification: RM MEDIUM DENSITY



**PLANNING &
CONSERVATION**

**WATER/SEWER
ANNEXATION**

Revised 10/01/18

USE THIS FORM TO: Request the City Commission's authorization to extend water and/or sanitary sewer services to property not located within the City limits and not currently eligible for annexation. This form also includes a Petition for Annexation, as required by Municipal Code prior to the extension of services outside the City's jurisdiction.

FEES: \$300.00

IMPORTANT NOTES: Per Municipal Code Sections 82-44 and 82-403, the extension of City water and/or sanitary sewer services to property located outside the municipal limits must be authorized by the City Commission. Application for these services shall be placed on the next available City Commission agenda. The City Commission meets the 1st and 3rd Tuesday of each month at 6:00PM. Applications must be received three (3) weeks prior to the requested agenda.

KEY CONTACTS: The Department of Planning & Conservation will guide your application from start to finish, engaging other City departments or agencies as needed.

APPLICATION REQUIREMENTS

APPLICATION CHECKLIST:

Submit all of the following information for a complete application, as applicable:

- ☐ A completed, notarized application filed at least three (3) weeks before the desired City Commission meeting;
- ☐ A notarized Petition for Annexation bearing the signatures of all property owners;
- ☐ A completed, notarized owner's authorization for agent form, if applicable.

STAFF CONTACT:

Kelly Gibson, AICP
Department of Planning & Conservation Director
kgibson@fbfl.org
904.310.3481

Description of Request: OWNER REQUESTS SEWER AND WATER SERVICE
FROM C.O.F.B., AND IS WILLING TO ENTER INTO
ANNEXATION AGREEMENT TO DO SO.

SIGNATURE/NOTARY

The undersigned states the above information is true and correct as (s)he is informed and believes.

6-12-19

Date

[Signature]
Signature of Applicant

STATE OF FLORIDA

COUNTY OF NASSAU

ss }



Subscribed and sworn to before me this 12 day of June, 2019.

Harriet Davis

Notary Public: Signature

Harriet Davis

Printed Name

3/22/21

My Commission Expires

Personally Known _____ OR Produced Identification ☒ ID Produced: FLDL



OWNER'S AUTHORIZATION FOR AGENT REPRESENTATION

I /WE MASON & MAGNOLIA LLC, SARAH BUCHANAN (MGMR)
(print name of property owner(s))

hereby authorize: BEN BUCHANAN
(print name of agent)

to represent me/us in processing an application for: WATER/SEWER ANNEXATION
(type of application)

on our behalf. In authorizing the agent to represent me/us, I/we, as owner/owners, attest that the application is made in good faith and that any information contained in the application is accurate and complete.

[Signature]
(Signature of owner)

(Signature of owner)

SARAH ROBERTSON BUCHANAN
(Print name of owner)

(Print name of owner)

STATE OF FLORIDA }
COUNTY OF NASSAU } ss



Subscribed and sworn to before me this 12 day of June, 2019.

Harriet Davis
Notary Public: Signature

Harriet Davis
Printed Name

3/22/21
My Commission Expires

Personally Known _____ OR Produced Identification ✓ ID Produced: FLDL

CITY OF FERNANDINA BEACH
VOLUNTARY ANNEXATION AGREEMENT / PETITION FOR ANNEXATION

THIS VOLUNTARY ANNEXATION AGREEMENT / PETITION FOR ANNEXATION dated this ____ day of _____, 20____ by and between the CITY OF FERNANDINA BEACH, a municipal corporation, (hereinafter referred to as "City"); and _____ (hereinafter collectively referred to as the "Applicants").

WHEREAS, this Annexation Agreement/ Petition for Annexation (hereinafter referred to as "Agreement") shall be considered entered into upon execution, where the actual annexation of land shall occur once the subject property becomes contiguous to any boundary demarking the incorporated area of the City of Fernandina Beach and upon the execution of an Ordinance by the City Commission of the City authorizing and approving the execution of such annexation, consistent with the mutual promises, covenants and acknowledgments agreed to by the City Commission and the Applicants, as contained in this Agreement; and

WHEREAS, the Applicants collectively, are the owners of record of the parcel of land known and described as follows, comprising the property which is the subject of this Agreement (the "Property"):

PARCEL ID#: _____

GENERALLY DESCRIBED AS: _____

ADDRESSED AS: _____

See Attached Exhibit "A"

WHEREAS, the covenants and acknowledgments contained herein have been made in consideration of annexation into the City of Fernandina Beach of the above described Property; and

WHEREAS, it is the desire of the City to provide for appropriate use of the Property; and

WHEREAS, the Applicants are willing to have the Property annexed to the City and the City desires and believes that it would be in the best interest of the City to annex the Property, which is located outside the corporate limits of the City in Nassau County, Florida, at such time as the Property become contiguous; and

NOW, THEREFORE, in consideration of the mutual promises, covenants and acknowledgments stated herein, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. **Effective Date:** This Agreement shall become effective upon execution.
2. **Execution:** The parties hereto agree to execute any and all such documents as are reasonably necessary to carry out the terms and provisions of this Agreement.
3. **Binding Effect:** The parties hereto do covenant and agree that this Agreement and its Exhibits, shall be binding on their successors and assigns, including the political subdivisions as the City of Fernandina Beach.
4. **Water and/or Sanitary Sewer:** The Applicants shall be permitted to tap into the City's water and/or sanitary sewer system at a point determined by the City. The Applicants shall also be responsible for payment to the City of any and all applicable fees that are assessable under City Ordinance and State Law.

5. Land Use and Zoning: Upon Annexation of the Property, and until the adoption by the City Commission of the City's Comprehensive Plan and zoning district for the Property, the Comprehensive Plan (including future land use) and zoning ordinances and regulations shall remain in full force and effect for the Property, and shall be enforced by the City. The City shall adopt the future land use designation and zoning district for the Property that most closely approximate to the current Nassau County future land use designation and zoning district for the Property regarding allowable uses and development standards.

6. Governing Law: The laws of the State of Florida shall govern the interpretation, validity and construction of the terms and provisions of this Agreement. If any term or provision of this Agreement is declared illegal or invalid for any reason by a court of competent jurisdiction, the remaining terms and provisions of this Agreement shall, nevertheless, remain in full force and effect.

7. Entire Agreement: The parties hereto acknowledge that this Agreement constitutes the sole agreement between the parties; that all prior proposals and agreements, whether oral or written, are hereby superseded; and that this Agreement may not be changed, altered or modified except in writing and signed by the parties hereto. The parties hereto further acknowledge that, in entering into this Agreement, each party has not been induced by, has not relied upon, and has not included as part of the basis of the bargain herein, any representation or statement, whether expressed or implied, made by any agent, representative or employee, which representation or statement is not approved by the other at any public hearing or work session of the City Commission or otherwise made as part of the official public record in the proceedings related to this Agreement. This Agreement binds the Applicants' Property to being annexed into the City once the Property becomes contiguous to any boundary demarking the incorporated area of the City of Fernandina Beach and upon the execution of an Ordinance by the City Commission of the City authorizing and approving the execution of such agreement, consistent with the mutual promises, covenants and acknowledgments agreed to by the City Commission.

8. Default: In the event either of the parties default in the performance of the obligations set forth in this Agreement, then the other may, upon notice to defaulting party, allow the defaulting party sixty (60) days to cure the default or provide evidence to the non-defaulting party that such default will be cured in a timely manner if it cannot be cured during said period. If the defaulting party fails to cure such default or provide such evidence as provided above, then, with notice to defaulting party, the other party may begin proceedings to require specific performance of this Agreement or bring suit for damages for breach of the Agreement. The prevailing party shall be entitled to a reasonable attorney's fee for having brought such action.

8. Recording: This Agreement shall run with the land and a copy of this Agreement for Annexation shall be filed and recorded by the City Clerk's Office with the Nassau County Clerk of Circuit Court.

IN WITNESS WHEREOF, the City and Applicant(s) have caused this instrument to be executed by their respective proper parties duly authorized to execute the same on the day and the year first above written.

CITY OF FERNANDINA BEACH

ATTEST:

DALE L. MARTIN
City Manager

CAROLINE BEST
City Clerk

APPROVED AS TO FORM AND LEGALITY:

T.E.B.

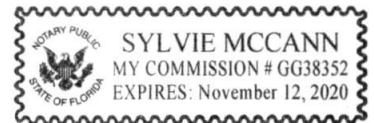
TAMMI E. BACH
City Attorney

APPLICANT(S)

By: *Paula Pato Brindley*
Applicant

By: _____
Applicant

STATE OF FLORIDA
COUNTY OF NASSAU



Sworn and subscribed before me this 21 day of June, 2019.

Sylvie McCann
Signature of Notary SYLVIE MCCANN

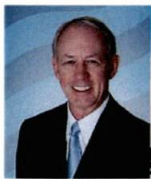
My Commission Expires:

11/12/20

Type of Identification Produced

FL Driver License

EXHIBIT A
NASSAU COUNTY PROPERTY APPRAISER
PARCEL REPORT



A. Michael Hickox, CFA
Cert. Res. RD1941

NASSAU COUNTY
PROPERTY APPRAISER



PROPERTY INFORMATION

Parcel Number 00-00-30-0640-0029-0000

Owner Name MASON AND MAGNOLIA LLC
Mailing Address 37242 LEE STREET
HILLIARD, FL 32046
Location Address 1417 ROBIN HOOD DR
FERNANDINA BEACH 32034
Tax District UNINCORPORATED MIDDLE ISLAND
Milage 16.5856
Homestead
Property Usage VACANT 000000
Deed Acres 0
Short Legal LOT 29 IN OR 2219/347 (EX PT OF WESTERLY SIDE, WHICH IS 11.5 FT AT THE NW CORNER AND

2018 PROPERTY VALUES (Certified Final Roll)

Land Value \$42,075
(+) Improved Value \$0
(=) Market Value \$42,075
(-) Agricultural Classification \$0
(-) SOH or Non-Hx* Capped Savings \$0
(=) Assessed Value \$42,075
(-) Homestead \$0
(-) Additional Exemptions \$0
(=) School Taxable Value \$42,075
(-) Non-School HX & Other Exempt Value \$0
(=) County Taxable Value \$42,075

Note - *10% Cap does not apply to School Taxable Value



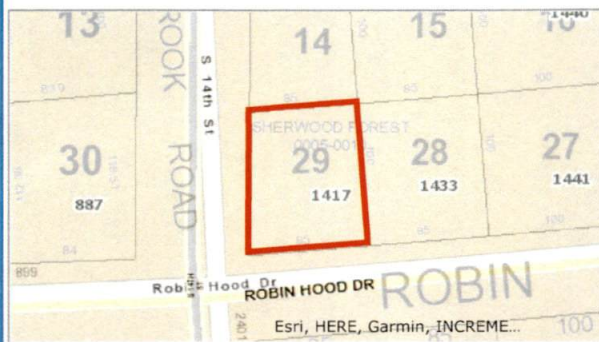
Map This Parcel

GIS Report

Property Record Card

Print Friendly Page

PARCEL MAP



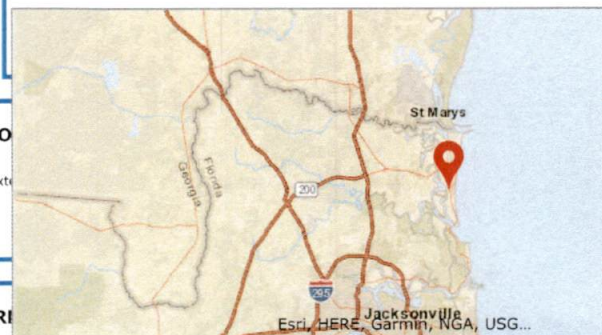
2019 AERIAL MAP



PROPERTY PHOTO

If this picture is incorrect, please email info@nassauflpa.com

LOCATION MAP



BUILDING INFO

Type	Total Area	Heated Area	Bedrooms	Baths	Primary Ext
------	------------	-------------	----------	-------	-------------

SALES INFO

Sale Date	Book Page	Price	Instr	Qual	Imp	Grantor	Grantee
2018-08-17	2219 / 347	\$59,000	WD	Q	N	MCCARL GENE L	MASON AND MAGNOLIA LLC
2017-08-03	2138 / 808	\$45,000	WD	Q	N	SANCHEZ ARTHUR	MCCARL GENE L

7/2/2019

Parcel Search Results

2015-07-10	1990 / 781	\$30,000	WD	Q	N	HENDRIX KIRBY L & JANICE A	SANCHEZ ARTHUR
1971-01-01	118 / 96	\$1,000	TA	Q	N		

CITY COMMISSION AGENDA ITEM
City of Fernandina Beach



SUBJECT: Resolution 2019-121
Voluntary Annexation Agreement - 1482 Robin Hood Drive

ITEM TYPE: Resolution (w/ fiscal impact)

REQUESTED ACTION: Consider Resolution 2019-121.

SYNOPSIS: Daniel Donaldson, the property owner of 0.29 acres of land located at 1482 Robin Hood Drive submitted an application for water service outside the municipal limits.

In accordance with Municipal Code Sections 82-44 and 82-403, this application is also accompanied by a petition for voluntary annexation. The application applies to 0.29 acres of land located at 1482 Robin Hood Drive (Parcel Identification #00-00-30-0640-0051-0000).

This is a residential property not contiguous to the current City limits. Action on this application will not immediately annex the subject property, but will authorize the extension of water utilities to serve the property.

FISCAL IMPACT: 25% surcharge on utilities services based on monthly usage to be paid to the City Utilities Department until such time that the property is annexed into the municipal limits.

CITY ATTORNEY COMMENTS: No additional comments.

CITY MANAGER RECOMMENDATION(S): I recommend that the City Commission adopt proposed Resolution 2019-121.

Jacob Platt, Senior Planner	7/12/2019
Nicole Bednar, Administrative Services Manager	7/24/2019
Dale Martin, City Manager	7/26/2019
Pauline Testagrose, Comptroller	7/26/2019
Tammi E. Bach, City Attorney	7/26/2019
Katie Newton, Legal Assistant	7/26/2019

Date: July 02, 2019

Submitted By: Nicole Bednar, Administrative Services Manager

COMMISSION ACTION: Adopt

RESOLUTION 2019-121

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, APPROVING THE EXTENSION OF WATER SERVICES OUTSIDE THE CORPORATE LIMITS; ACCEPTING THE VOLUNTARY ANNEXATION PETITION FOR ONE PARCEL CONTAINING APPROXIMATELY 0.29 ACRES OF LAND LOCATED AT 1482 ROBIN HOOD DRIVE; AUTHORIZING EXECUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, property owners, Daniel B. & Lori M. Donaldson, have completed the City of Fernandina Beach Voluntary Annexation Petition/ Water/Sewer Annexation Agreement Application pursuant to Chapter 171.044, Florida Statutes, for one parcel containing approximately 0.29 acres located at 1482 Robin Hood Drive (Parcel Identification #00-00-30-0640-0051-0000); and

WHEREAS, staff has determined the request is consistent with the City's Municipal Code Sections 82-44 and 82-403, its Comprehensive Plan, and Land Development Code; and

WHEREAS, the City Commission has determined that it is in the best interest of the City to provide water services to the subject property.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, THAT:

SECTION 1. The City Commission hereby authorizes the extension of water services to the property owners identified, whose property is located outside the corporate limits of the City at 1482 Robin Hood Drive and noted as parcel 00-00-30-0640-0051-0000, and approves the Voluntary Annexation Petition, attached hereto as "Exhibit 1".

SECTION 2. The City Commission authorized the City Manager and the City Clerk to execute said petition on behalf of the City of Fernandina Beach.

SECTION 3. The City Clerk is hereby directed to record the petition in the public records of Nassau County, Florida, as required by Ordinance No. 2001-01.

SECTION 4. This Resolution shall be effective immediately upon passage.

ADOPTED this 6th day of August, 2019.

CITY OF FERNANDINA BEACH

JOHN A. MILLER
Commissioner - Mayor

ATTEST:

APPROVED AS TO FORM AND LEGALITY:

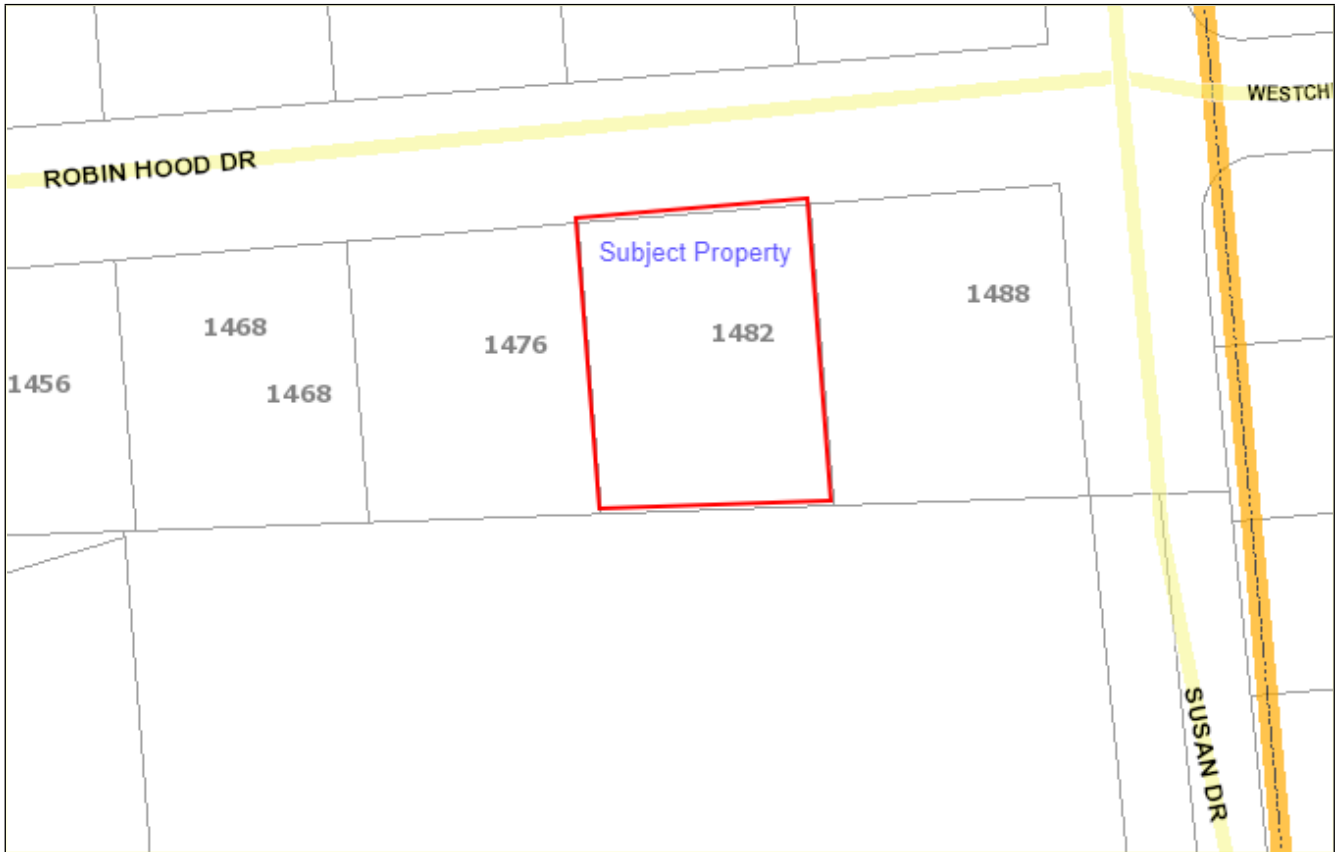


CAROLINE BEST
City Clerk

TAMMI E. BACH
City Attorney

**RESOLUTION 2019-121
EXHIBIT "A"**

WATER AND SEWER AGREEMENT/ VOLUNTARY PETITION FOR ANNEXATION OF PARCEL
IDENTIFICATION NUMBER: 00-00-30-0640-0051-0000 LOCATED AT 1482 ROBIN HOOD DRIVE
ROAD TOTALING APPROXIMATELY 0.29 ACRES OF LAND.





PLANNING & CONSERVATION

WATER/SEWER ANNEXATION

Revised 10/01/18

USE THIS FORM TO: Request the City Commission's authorization to extend water and/or sanitary sewer services to property not located within the City limits and not currently eligible for annexation. This form also includes a Petition for Annexation, as required by Municipal Code prior to the extension of services outside the City's jurisdiction.

FEES: \$300.00

IMPORTANT NOTES: Per Municipal Code Sections 82-44 and 82-403, the extension of City water and/or sanitary sewer services to property located outside the municipal limits must be authorized by the City Commission. Application for these services shall be placed on the next available City Commission agenda. The City Commission meets the 1st and 3rd Tuesday of each month at 6:00PM. Applications must be received three (3) weeks prior to the requested agenda.

KEY CONTACTS: The Department of Planning & Conservation will guide your application from start to finish, engaging other City departments or agencies as needed.

APPLICATION REQUIREMENTS

APPLICATION CHECKLIST:

Submit all of the following information for a complete application, as applicable:

- ☐ A completed, notarized application filed at least three (3) weeks before the desired City Commission meeting;
- ☐ A notarized Petition for Annexation bearing the signatures of all property owners;
- ☐ A completed, notarized owner's authorization for agent form, if applicable.

STAFF CONTACT:

Kelly Gibson, AICP
Department of Planning & Conservation Director
kgibson@fbfl.org
904.310.3481

INV 2508

OFFICE USE ONLY

REC'D: 6/12/19 BY: [Signature]
PAYMENT: \$ 300.00 TYPE: online
APPLICATION #: ADMIN 2019-0009
CASE #:
CC MEETING DATE: 7/24/19 8/6/19



WATER/SEWER & VOLUNTARY ANNEXATION
APPLICATION

APPLICANT INFORMATION

Owner Name: DANIEL DONALDSON

Mailing Address: 39 DELMAR DR. GREENVILLE, PA 16125

Telephone: 724-813-3255

Fax: N/A

Email: hddanno0123@gmail.com

Agent Name: BEN BUCHANAN-INTACT C.M.G.

Mailing Address: P.O. Box 365 HILLIARD, FL 32046

Telephone: 904-483-6128

Fax: 904-212-2005

Email: ben@intactcmg.com

PROPERTY INFORMATION

Street Address: 1482 ROBIN HOOD DR. FERNANDINA BEACH, FL 32034

Parcel Identification Number(s): 00-00-30-0640-0051-0000

PROJECT INFORMATION

Total Number of Lots/Parcels: 1

Less than One (1) acre Sq. Footage: 12,632

One (1) Acre or Greater: _____

Existing Zoning Classification: UN. MIDDLE ISLAND -

Existing Future Land Use Classification: UN. MIDDLE ISLAND -

Description of Request: PROPERTY OWNER REQUESTS CONNECTION TO
F.B. PUBLIC UTILITIES WATER AND SEWER SERVICE, AND
IS WILLING TO ENTER INTO AN ANNEXATION AGREEMENT
FOR SAID CONNECTIONS.

SIGNATURE/NOTARY

The undersigned states the above information is true and correct as (s)he is informed and believes.

6-11-19
Date


Signature of Applicant

STATE OF FLORIDA }
COUNTY OF NASSAU } SS



Subscribed and sworn to before me this 11th day of JUNE, 2019.


Notary Public: Signature

SARAH D. ROBERTSON
Printed Name

12-22-21
My Commission Expires

Personally Known _____ OR Produced Identification PA DL ID Produced: _____



OWNER'S AUTHORIZATION FOR AGENT REPRESENTATION

I /WE DANIEL DONALDSON

(print name of property owner(s))

hereby authorize: BEN BUCHANAN

(print name of agent)

to represent me/us in processing an application for: WATER / SEWER ANNEXATION
(type of application)

on our behalf. In authorizing the agent to represent me/us, I/we, as owner/owners, attest that the application is made in good faith and that any information contained in the application is accurate and complete.

[Signature]
(Signature of owner)



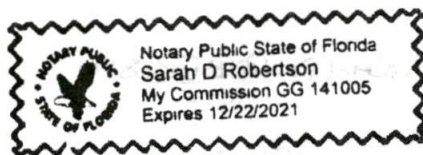
Daniel B. Donaldson
(Print name of owner)

(Print name of owner)

STATE OF FLORIDA

COUNTY OF NASSAU

SS }



Subscribed and sworn to before me this 11 day of JUNE, 2019

[Signature]
Notary Public: Signature

SARAH D. ROBERTSON
Printed Name

12-22-21
My Commission Expires

Personally Known _____ OR Produced Identification PA DL. ID Produced: _____

CITY OF FERNANDINA BEACH
VOLUNTARY ANNEXATION AGREEMENT / PETITION FOR ANNEXATION

THIS VOLUNTARY ANNEXATION AGREEMENT / PETITION FOR ANNEXATION dated this ____ day of _____, 20____ by and between the CITY OF FERNANDINA BEACH, a municipal corporation, (hereinafter referred to as "City"); and DANIEL DONALDSON (hereinafter collectively referred to as the "Applicants").

WHEREAS, this Annexation Agreement/ Petition for Annexation (hereinafter referred to as "Agreement") shall be considered entered into upon execution, where the actual annexation of land shall occur once the subject property becomes contiguous to any boundary demarking the incorporated area of the City of Fernandina Beach and upon the execution of an Ordinance by the City Commission of the City authorizing and approving the execution of such annexation, consistent with the mutual promises, covenants and acknowledgments agreed to by the City Commission and the Applicants, as contained in this Agreement; and

WHEREAS, the Applicants collectively, are the owners of record of the parcel of land known and described as follows, comprising the property which is the subject of this Agreement (the "Property"):

PARCEL ID#: 00-00-30-0640-0051-0000

GENERALLY DESCRIBED AS: LOT 51 SHERWOOD FOREST

ADDRESSED AS: ¹⁴⁰²~~1402~~ ROBIN HOOD DRIVE

See Attached Exhibit "A"

WHEREAS, the covenants and acknowledgments contained herein have been made in consideration of annexation into the City of Fernandina Beach of the above described Property; and

WHEREAS, it is the desire of the City to provide for appropriate use of the Property; and

WHEREAS, the Applicants are willing to have the Property annexed to the City and the City desires and believes that it would be in the best interest of the City to annex the Property, which is located outside the corporate limits of the City in Nassau County, Florida, at such time as the Property become contiguous; and

NOW, THEREFORE, in consideration of the mutual promises, covenants and acknowledgments stated herein, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. Effective Date: This Agreement shall become effective upon execution.
2. Execution: The parties hereto agree to execute any and all such documents as are reasonably necessary to carry out the terms and provisions of this Agreement.
3. Binding Effect: The parties hereto do covenant and agree that this Agreement and its Exhibits, shall be binding on their successors and assigns, including the political subdivisions as the City of Fernandina Beach.
4. Water and/or Sanitary Sewer: The Applicants shall be permitted to tap into the City's water and/or sanitary sewer system at a point determined by the City. The Applicants shall also be responsible for payment to the City of any and all applicable fees that are assessable under City Ordinance and State Law.

5. Land Use and Zoning: Upon Annexation of the Property, and until the adoption by the City Commission of the City's Comprehensive Plan and zoning district for the Property, the Comprehensive Plan (including future land use) and zoning ordinances and regulations shall remain in full force and effect for the Property, and shall be enforced by the City. The City shall adopt the future land use designation and zoning district for the Property that most closely approximate to the current Nassau County future land use designation and zoning district for the Property regarding allowable uses and development standards.

6. Governing Law: The laws of the State of Florida shall govern the interpretation, validity and construction of the terms and provisions of this Agreement. If any term or provision of this Agreement is declared illegal or invalid for any reason by a court of competent jurisdiction, the remaining terms and provisions of this Agreement shall, nevertheless, remain in full force and effect.

7. Entire Agreement: The parties hereto acknowledge that this Agreement constitutes the sole agreement between the parties; that all prior proposals and agreements, whether oral or written, are hereby superseded; and that this Agreement may not be changed, altered or modified except in writing and signed by the parties hereto. The parties hereto further acknowledge that, in entering into this Agreement, each party has not been induced by, has not relied upon, and has not included as part of the basis of the bargain herein, any representation or statement, whether expressed or implied, made by any agent, representative or employee, which representation or statement is not approved by the other at any public hearing or work session of the City Commission or otherwise made as part of the official public record in the proceedings related to this Agreement. This Agreement binds the Applicants' Property to being annexed into the City once the Property becomes contiguous to any boundary demarking the incorporated area of the City of Fernandina Beach and upon the execution of an Ordinance by the City Commission of the City authorizing and approving the execution of such agreement, consistent with the mutual promises, covenants and acknowledgments agreed to by the City Commission.

8. Default: In the event either of the parties default in the performance of the obligations set forth in this Agreement, then the other may, upon notice to defaulting party, allow the defaulting party sixty (60) days to cure the default or provide evidence to the non-defaulting party that such default will be cured in a timely manner if it cannot be cured during said period. If the defaulting party fails to cure such default or provide such evidence as provided above, then, with notice to defaulting party, the other party may begin proceedings to require specific performance of this Agreement or bring suit for damages for breach of the Agreement. The prevailing party shall be entitled to a reasonable attorney's fee for having brought such action.

8. Recording: This Agreement shall run with the land and a copy of this Agreement for Annexation shall be filed and recorded by the City Clerk's Office with the Nassau County Clerk of Circuit Court.

IN WITNESS WHEREOF, the City and Applicant(s) have caused this instrument to be executed by their respective proper parties duly authorized to execute the same on the day and the year first above written.

CITY OF FERNANDINA BEACH

ATTEST:

DALE L. MARTIN
City Manager

CAROLINE BEST
City Clerk

APPROVED AS TO FORM AND LEGALITY:

T.E.B.

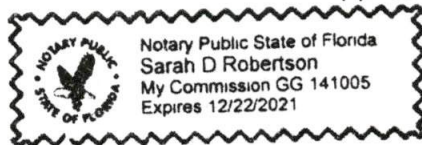
TAMMI E. BACH
City Attorney

APPLICANT(S)

By: *[Signature]*
Applicant

By: _____
Applicant

STATE OF FLORIDA
COUNTY OF DASSA



Sworn and subscribed before me this 14 day of JUNE, 2019.

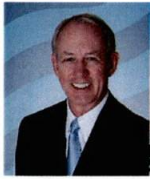
[Signature]
Signature of Notary

My Commission Expires: 12-22-21
Type of Identification Produced PA DL

EXHIBIT A

NASSAU COUNTY PROPERTY APPRAISER
PARCEL REPORT





A. Michael Hickox, CFA
Cert. Res. RD1941

NASSAU COUNTY

PROPERTY APPRAISER



PROPERTY INFORMATION

Parcel Number 00-00-30-0640-0051-0000

Owner Name DONALDSON DANIEL B & LORI M
Mailing Address 39 DELMAR DR
GREENVILLE, PA 16125
Location Address 1482 ROBIN HOOD DR
FERNANDINA BEACH 32034
Tax District UNINCORPORATED MIDDLE ISLAND
Milage 16.5856
Homestead
Property Usage VACANT 000000
Deed Acres 0 **.29**
Short Legal LOT 51 IN OR 1991/723 SHERWOOD FOREST SUB PB 5/10

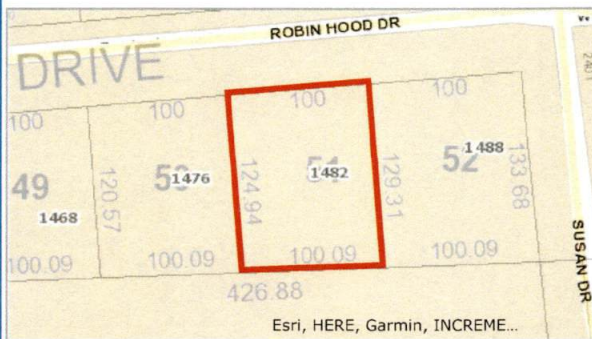
2018 PROPERTY VALUES (Certified Final Roll)

Land Value \$55,000
(+) Improved Value \$0
(=) Market Value \$55,000
(-) Agricultural Classification \$0
(-) SOH or Non-Hx* Capped Savings \$550
(=) Assessed Value \$54,450
(-) Homestead \$0
(-) Additional Exemptions \$0
(=) School Taxable Value \$55,000
(-) Non-School HX & Other Exempt Value \$0
(=) County Taxable Value \$54,450



Note - *10% Cap does not apply to School Taxable Value

PARCEL MAP



2019 AERIAL MAP

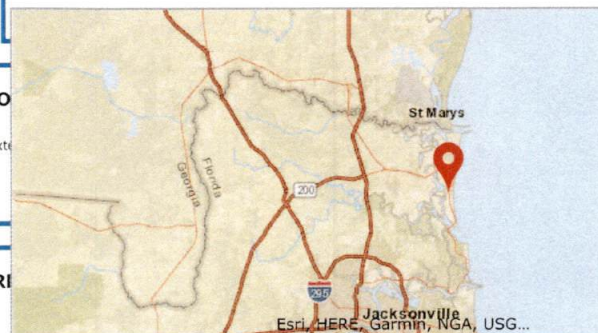


PROPERTY PHOTO



If this picture is incorrect, please email info@nassauflpa.com

LOCATION MAP



BUILDING INFO

Type	Total Area	Heated Area	Bedrooms	Baths	Primary Ext
------	------------	-------------	----------	-------	-------------

SALES INFO

Sale Date	Book Page	Price	Instr	Qual		
2015-07-15	1991 / 723	\$50,000	WD	Q	Y	TESTAMENTARY TRUST FOR CHILDREN DONALDSON DANIEL B & LORI M
2010-06-28	1699 / 859	\$100	WD	U	Y	CORDLE BRIAN S P/R CORDLE BRIAN S TRUSTEE

Handwritten text at the top right corner, possibly a date or reference number.

Handwritten text across the top of the page, possibly a title or header.

Handwritten number '13' in the upper left quadrant.

Handwritten number '2' in the upper left quadrant.

Handwritten number '3' in the upper left quadrant.

Handwritten text '13' in the middle right section.

Large block of handwritten text in the middle left section, possibly a list or detailed notes.

Handwritten text in the middle right section, possibly a signature or specific note.

Large block of handwritten text in the bottom right section, possibly a conclusion or summary.

7/2/2010

Parcel Search Results

2007-09-24	1526 / 1464	\$90,000	WD	Q	Y	THRIFT EDWARD & HELEN J	CORDLE DAVID
1986-12-01	504 / 246	\$6,500	WD	U	Y		

CITY COMMISSION AGENDA ITEM

City of Fernandina Beach



SUBJECT: Resolution 2019-122
Voluntary Annexation Agreement - 1401 Fountain Drive

ITEM TYPE: Resolution (w/ fiscal impact)

REQUESTED ACTION: Consider Resolution 2019-122.

SYNOPSIS: Robert O. & Darlene B. Wilhelm, the property owners of 1.44 acres of land located at 1401 Fountain Drive, submitted an application for water service outside the municipal limits.

In accordance with Municipal Code Sections 82-44 and 82-403, this application is also accompanied by a petition for voluntary annexation. The application applies to 1.44 acres of land located at 1401 Fountain Drive (Parcel Identification #00-00-30-0254-0002-0000).

This residential property not contiguous to the current City limits. Action on this application will not immediately annex the subject property, but will authorize the extension of water utilities to serve the property.

FISCAL IMPACT: 25% surcharge on utilities services based on monthly usage to be paid to the City Utilities Department until such time that the property is annexed into the municipal limits.

CITY ATTORNEY COMMENTS: No additional comments.

CITY MANAGER RECOMMENDATION(S): I recommend that the City Commission adopt proposed Resolution 2019-122.

Jacob Platt, Senior Planner	7/12/2019
Nicole Bednar, Administrative Services Manager	7/24/2019
Dale Martin, City Manager	7/26/2019
Pauline Testagrose, Comptroller	7/26/2019
Tammi E. Bach, City Attorney	7/26/2019
Katie Newton, Legal Assistant	7/26/2019

Date: July 02, 2019

Submitted By: Nicole Bednar, Administrative Services Manager

COMMISSION ACTION: Adopt

RESOLUTION 2019-122

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, APPROVING THE EXTENSION OF WATER SERVICES OUTSIDE THE CORPORATE LIMITS; ACCEPTING THE VOLUNTARY ANNEXATION PETITION FOR ONE PARCEL CONTAINING APPROXIMATELY 1.44 ACRES OF LAND LOCATED AT 1401 FOUNTAIN DRIVE; PROVIDING FOR EXECUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, property owners, Robert O. & Darlene B. Wilhelm, completed the City of Fernandina Beach Voluntary Annexation Petition/ Water/Sewer Annexation Agreement Application pursuant to Chapter 171.044, Florida Statutes, for one parcel containing approximately 1.44 acres located at 1401 Fountain Drive (Parcel Identification #00-00-30-0254-0002-0000); and

WHEREAS, staff has determined the request is consistent with the City's Municipal Code Sections 82-44 and 82-403, its Comprehensive Plan, and Land Development Code; and

WHEREAS, the City Commission has determined that it is in the best interest of the City to provide water services to the subject property.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, THAT:

SECTION 1. The City Commission hereby authorizes the extension of water services to the property owners identified, whose property is located outside the corporate limits of the City at 1401 Fountain Drive and noted as parcel 00-00-30-0254-0002-0000, and approves the Voluntary Annexation Petition, attached hereto as "Exhibit 1".

SECTION 2. The City Commission authorized the City Manager and the City Clerk to execute said petition on behalf of the City of Fernandina Beach.

SECTION 3. The City Clerk is hereby directed to record the petition in the public records of Nassau County, Florida, as required by Ordinance No. 2001-01.

SECTION 4. This Resolution shall be effective immediately upon passage.

ADOPTED this 6th day of August, 2019.

CITY OF FERNANDINA BEACH

JOHN A. MILLER
Commissioner - Mayor

ATTEST:

APPROVED AS TO FORM AND LEGALITY:

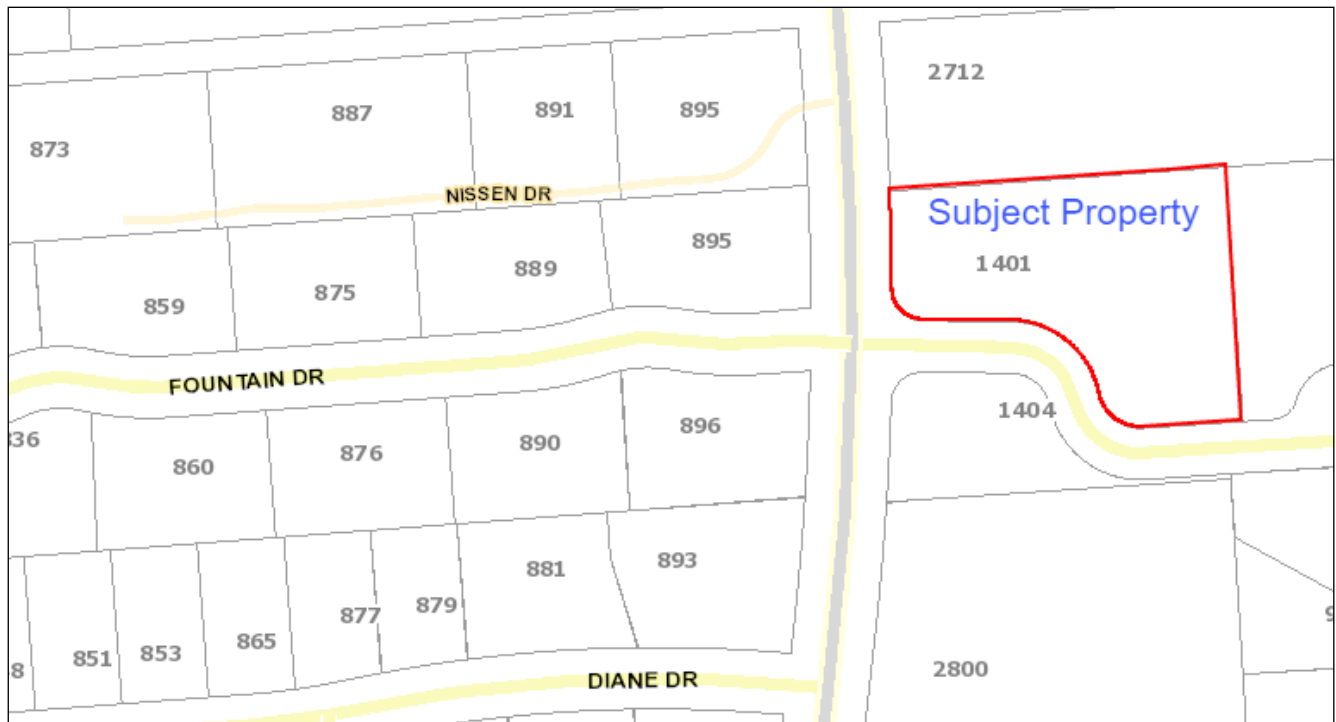


CAROLINE BEST
City Clerk

TAMMI E. BACH
City Attorney

**RESOLUTION 2019-122
EXHIBIT "A"**

WATER AND SEWER AGREEMENT/ VOLUNTARY PETITION FOR ANNEXATION OF PARCEL
IDENTIFICATION NUMBER: 00-00-30-0254-0002-0000 LOCATED AT 1401 FOUNTAIN DRIVE
TOTALING APPROXIMATELY 1.44 ACRES OF LAND.





PLANNING & CONSERVATION

WATER/SEWER ANNEXATION

Revised 10/01/18

USE THIS FORM TO: Request the City Commission's authorization to extend water and/or sanitary sewer services to property not located within the City limits and not currently eligible for annexation. This form also includes a Petition for Annexation, as required by Municipal Code prior to the extension of services outside the City's jurisdiction.

FEES: \$300.00

IMPORTANT NOTES: Per Municipal Code Sections 82-44 and 82-403, the extension of City water and/or sanitary sewer services to property located outside the municipal limits must be authorized by the City Commission. Application for these services shall be placed on the next available City Commission agenda. The City Commission meets the 1st and 3rd Tuesday of each month at 6:00PM. Applications must be received three (3) weeks prior to the requested agenda.

KEY CONTACTS: The Department of Planning & Conservation will guide your application from start to finish, engaging other City departments or agencies as needed.

APPLICATION REQUIREMENTS

APPLICATION CHECKLIST:

Submit all of the following information for a complete application, as applicable:

- ☐ A completed, notarized application filed at least three (3) weeks before the desired City Commission meeting;
- ☐ A notarized Petition for Annexation bearing the signatures of all property owners;
- ☐ A completed, notarized owner's authorization for agent form, if applicable.

STAFF CONTACT:

Kelly Gibson, AICP
Department of Planning & Conservation Director
kgibson@fbfl.org
904.310.3481

NV 2898

OFFICE USE ONLY

REC'D: 6/21/19 BY: [Signature]

PAYMENT: \$ 300- TYPE: clc

APPLICATION #: Admin-2019-0011

CASE #:

CC MEETING DATE: 08-06-2019



**WATER/SEWER & VOLUNTARY ANNEXATION
APPLICATION**

APPLICANT INFORMATION

Owner Name: DARLENE WILHELM

Mailing Address: 194 SAN JUAN DR, PONTE VEDRA BEACH, FL 32082

Telephone: (904) 923-5051 Fax: N/A

Email: DARLENEBWILHELM@GMAIL.COM

Agent Name: —

Mailing Address: _____

Telephone: _____ Fax: _____

Email: _____

PROPERTY INFORMATION

Street Address: 1401 FOUNTAIN DR, FERNANDINA BEACH, FL 32034

Parcel Identification Number(s): Lot # 2 Forest Pines 00-00-30-0254-0002-0000

PROJECT INFORMATION

Total Number of Lots/Parcels: _____

Less than One (1) acre Sq. Footage: _____ One (1) Acre or Greater: _____

Existing Zoning Classification: _____

Existing Future Land Use Classification: _____

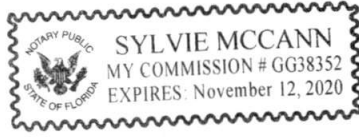
Description of Request: connection to city water / sewer

SIGNATURE/NOTARY

The undersigned states the above information is true and correct as (s)he is informed and believes.

6/28/19
Date

Darlene Wilkins
Signature of Applicant



STATE OF FLORIDA }
COUNTY OF NASSAU } ss

Subscribed and sworn to before me this 28 day of June, 2019.

Sylvie McCann
Notary Public: Signature

SYLVIE MCCANN
Printed Name

11/12/20
My Commission Expires

Personally Known _____ OR Produced Identification ✓ ID Produced: FL DL



OWNER'S AUTHORIZATION FOR AGENT REPRESENTATION

I /WE DARLENE WILHELM
(print name of property owner(s))

hereby authorize: _____
(print name of agent)

to represent me/us in processing an application for: _____
(type of application)

on our behalf. In authorizing the agent to represent me/us, I/we, as owner/owners, attest that the application is made in good faith and that any information contained in the application is accurate and complete.

(Signature of owner)

(Signature of owner)

DARLENE WILHELM
(Print name of owner)

(Print name of owner)

STATE OF FLORIDA }
 ss }
COUNTY OF NASSAU }

Subscribed and sworn to before me this ____ day of _____, 20__.

Notary Public: Signature

Printed Name

My Commission Expires

Personally Known _____ OR Produced Identification _____ ID Produced: _____

CITY OF FERNANDINA BEACH
VOLUNTARY ANNEXATION AGREEMENT / PETITION FOR ANNEXATION

THIS VOLUNTARY ANNEXATION AGREEMENT / PETITION FOR ANNEXATION dated this 28th day of June, 2019 by and between the CITY OF FERNANDINA BEACH, a municipal corporation, (hereinafter referred to as "City"); and DARLENE WILHELM (hereinafter collectively referred to as the "Applicants").

WHEREAS, this Annexation Agreement/ Petition for Annexation (hereinafter referred to as "Agreement") shall be considered entered into upon execution, where the actual annexation of land shall occur once the subject property becomes contiguous to any boundary demarking the incorporated area of the City of Fernandina Beach and upon the execution of an Ordinance by the City Commission of the City authorizing and approving the execution of such annexation, consistent with the mutual promises, covenants and acknowledgments agreed to by the City Commission and the Applicants, as contained in this Agreement; and

WHEREAS, the Applicants collectively, are the owners of record of the parcel of land known and described as follows, comprising the property which is the subject of this Agreement (the "Property"):

PARCEL ID#: 00-00-30-0254-0002-0000

GENERALLY DESCRIBED AS: Lot # 2, Forest Pines

ADDRESSED AS: 1401 Fountain DR, Fernandina Beach, FL

See Attached Exhibit "A"

32034

WHEREAS, the covenants and acknowledgments contained herein have been made in consideration of annexation into the City of Fernandina Beach of the above described Property; and

WHEREAS, it is the desire of the City to provide for appropriate use of the Property; and

WHEREAS, the Applicants are willing to have the Property annexed to the City and the City desires and believes that it would be in the best interest of the City to annex the Property, which is located outside the corporate limits of the City in Nassau County, Florida, at such time as the Property become contiguous; and

NOW, THEREFORE, in consideration of the mutual promises, covenants and acknowledgments stated herein, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. **Effective Date:** This Agreement shall become effective upon execution.
2. **Execution:** The parties hereto agree to execute any and all such documents as are reasonably necessary to carry out the terms and provisions of this Agreement.
3. **Binding Effect:** The parties hereto do covenant and agree that this Agreement and its Exhibits, shall be binding on their successors and assigns, including the political subdivisions as the City of Fernandina Beach.
4. **Water and/or Sanitary Sewer:** The Applicants shall be permitted to tap into the City's water and/or sanitary sewer system at a point determined by the City. The Applicants shall also be responsible for payment to the City of any and all applicable fees that are assessable under City Ordinance and State Law.

5. Land Use and Zoning: Upon Annexation of the Property, and until the adoption by the City Commission of the City's Comprehensive Plan and zoning district for the Property, the Comprehensive Plan (including future land use) and zoning ordinances and regulations shall remain in full force and effect for the Property, and shall be enforced by the City. The City shall adopt the future land use designation and zoning district for the Property that most closely approximate to the current Nassau County future land use designation and zoning district for the Property regarding allowable uses and development standards.

6. Governing Law: The laws of the State of Florida shall govern the interpretation, validity and construction of the terms and provisions of this Agreement. If any term or provision of this Agreement is declared illegal or invalid for any reason by a court of competent jurisdiction, the remaining terms and provisions of this Agreement shall, nevertheless, remain in full force and effect.

7. Entire Agreement: The parties hereto acknowledge that this Agreement constitutes the sole agreement between the parties; that all prior proposals and agreements, whether oral or written, are hereby superseded; and that this Agreement may not be changed, altered or modified except in writing and signed by the parties hereto. The parties hereto further acknowledge that, in entering into this Agreement, each party has not been induced by, has not relied upon, and has not included as part of the basis of the bargain herein, any representation or statement, whether expressed or implied, made by any agent, representative or employee, which representation or statement is not approved by the other at any public hearing or work session of the City Commission or otherwise made as part of the official public record in the proceedings related to this Agreement. This Agreement binds the Applicants' Property to being annexed into the City once the Property becomes contiguous to any boundary demarking the incorporated area of the City of Fernandina Beach and upon the execution of an Ordinance by the City Commission of the City authorizing and approving the execution of such agreement, consistent with the mutual promises, covenants and acknowledgments agreed to by the City Commission.

8. Default: In the event either of the parties default in the performance of the obligations set forth in this Agreement, then the other may, upon notice to defaulting party, allow the defaulting party sixty (60) days to cure the default or provide evidence to the non-defaulting party that such default will be cured in a timely manner if it cannot be cured during said period. If the defaulting party fails to cure such default or provide such evidence as provided above, then, with notice to defaulting party, the other party may begin proceedings to require specific performance of this Agreement or bring suit for damages for breach of the Agreement. The prevailing party shall be entitled to a reasonable attorney's fee for having brought such action.

8. Recording: This Agreement shall run with the land and a copy of this Agreement for Annexation shall be filed and recorded by the City Clerk's Office with the Nassau County Clerk of Circuit Court.

IN WITNESS WHEREOF, the City and Applicant(s) have caused this instrument to be executed by their respective proper parties duly authorized to execute the same on the day and the year first above written.

CITY OF FERNANDINA BEACH

ATTEST:

DALE L. MARTIN
City Manager

CAROLINE BEST
City Clerk

APPROVED AS TO FORM AND LEGALITY:



TAMMI E. BACH
City Attorney

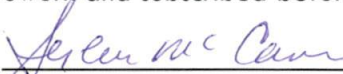
APPLICANT(S)

By: 
Applicant

By: _____
Applicant

STATE OF FLORIDA
COUNTY OF NASSAU

Sworn and subscribed before me this 12th day of July, 2019.


Signature of Notary SYLVIE MCCANN

My Commission Expires: 11/12/20
Type of Identification Produced FLDL

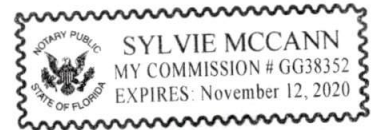


EXHIBIT A

NASSAU COUNTY PROPERTY APPRAISER
PARCEL REPORT



A. Michael Hickox, CFA
Cert. Res. RD1941

NASSAU COUNTY
PROPERTY APPRAISER






PROPERTY INFORMATION

Parcel Number 00-00-30-0254-0002-0000

Owner Name WILHELM ROBERT O & DARLENE B
Mailing Address 194 SAN JUAN DR
PONTE VEDRA BEACH, FL 32082
Location Address 1401 FOUNTAIN DR
FERNANDINA BEACH 32034
Tax District UNINCORPORATED MIDDLE ISLAND
Millage 16.5856
Homestead No
Property Usage SINGLE FAM 000100
Deed Acres 1.44
Short Legal LOT 2 IN OR 1884/1574 & OR 1884/1577 FOREST PINES SUB PB 6/8

2018 PROPERTY VALUES (Certified Final Roll)

Land Value \$90,000
(+) Improved Value \$99,067
(=) Market Value \$189,067
(-) Agricultural Classification \$0
(-) SOH or Non-Hx* Capped Savings \$0
(=) Assessed Value \$189,067
(-) Homestead \$0
(-) Additional Exemptions \$0
(=) School Taxable Value \$189,067
(-) Non-School HX & Other Exempt Value \$0
(=) County Taxable Value \$189,067

Note: *10% Cap does not apply to School Taxable Value



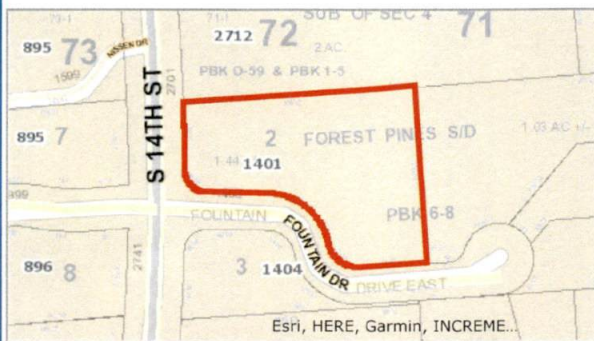
Map This Parcel

GIS Report

Property Record Card

Print Friendly Page

PARCEL MAP



2019 AERIAL MAP

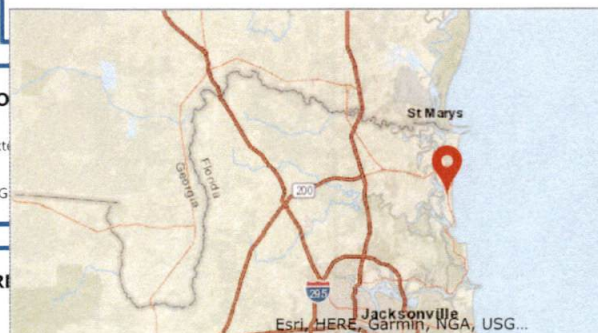


PROPERTY PHOTO



If this picture is incorrect, please email info@nassaulpa.com

LOCATION MAP



BUILDING INFO

Type	Total Area	Heated Area	Bedrooms	Baths	Primary Ext
SINGLE FAM	2152	1631	3	2	AVERAG

SALES INFO

Sale Date	Book Page	Price	Instr	Qual		
2016-11-15	2084 / 211	\$0	FJ	U	Y	HOLLAND LYNN ELIZABETH EST WILHELM ROBERT O & KRISTINA MALTBY
2013-09-24	1884 / 1574	\$100,000	SW	U	Y	MALTBY KRISTINA WILHELM ROBERT O & DARLENE B

7/12/2016

Parcel Search Results

2013-09-23	1884 / 1577	\$100	SW	U	Y	WILHELM ROBERT O	WILHELM ROBERT O & DARLENE B
2012-09-13	1813 / 855	\$185,000	WD	Q	Y	DECANIO SUSAN M & JEAN-PAUL MORALES	HOLLAND LYNN WILHEIM
2009-07-09	1630 / 297	\$169,000	WD	U	Y	TREMBLEY APRIL & JAMES S VOSMUS	DECANIO SUSAN M
2008-01-02	1543 / 1816	\$144,000	WD	U	Y	VOSMUS JAMES S	VOSMUS JAMES S & APRIL TREMBLEY
1996-10-25	774 / 1905	\$114,900	WD	Q	Y	JONES THOMAS WINSTON	VOSMUS JAMES S

CITY COMMISSION AGENDA ITEM
City of Fernandina Beach



SUBJECT: Resolution 2019-123
Facilities Use Agreement - Isle Swim Club, LLC

ITEM TYPE: Resolution (w/ fiscal impact)

REQUESTED ACTION: Consider Resolution 2019-123

SYNOPSIS: The Isle Swim Club, LLC wishes to enter into a Facilities Use Agreement for Sports Leagues for use of the Atlantic Recreation Center pool and Dr. Martin Luther King, Jr. Center pool.

FISCAL IMPACT: A per hour fee of \$25 shall be submitted to the City for facilities use. Monies will be deposited into General Fund Aquatics account, 001 34741.

CITY ATTORNEY COMMENTS: No additional comments.

CITY MANAGER RECOMMENDATION(S): I recommend that the City Commission adopt proposed Resolution 2019-123.

Nan Voit, Parks & Recreation Director	6/27/2019
Dale Martin, City Manager	7/26/2019
Pauline Testagrose, Comptroller	7/29/2019
Tammi E. Bach, City Attorney	7/29/2019

Date: June 11, 2019

Submitted By: Nan Voit, Parks & Recreation Director

COMMISSION ACTION: Adopt

RESOLUTION 2019-123

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, APPROVING THE FACILITIES USE AGREEMENT FOR SPORTS LEAGUES BETWEEN ISLE SWIM CLUB, LLC AND THE CITY OF FERNANDINA BEACH FOR THE USE OF THE ATLANTIC RECREATION CENTER POOL AND DR. MARTIN LUTHER KING JR. RECREATION CENTER POOL; AUTHORIZING EXECUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Fernandina Beach provides facilities for youth sports via a Facilities Use Agreement for Sports Leagues; and

WHEREAS, the Isle Swim Club, LLC wishes to enter into a Facilities Use Agreement for Sports Leagues for the use the Atlantic Recreation Center and Dr. Martin Luther King Jr. Recreation Center pools for practice and meets.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, THAT:

SECTION 1. The City Commission hereby approves the Facilities Use Agreement for Sports Leagues with Isle Swim Club, LLC, attached hereto as Exhibit "1."

SECTION 2. The City Manager and City Clerk are hereby authorized to execute said agreement, upon review and approval of the City Attorney.

SECTION 3. This Resolution shall become effective immediately upon passage.

ADOPTED this 6th day of August, 2019.

CITY OF FERNANDINA BEACH

John A. Miller
Mayor – Commissioner

ATTEST:

APPROVED AS TO FORM & LEGALITY:



Caroline Best
City Clerk

Tammi E. Bach
City Attorney

**CITY FACILITIES USE AGREEMENT
FOR SPORT LEAGUES
Isle Swim Club, LLC**

Atlantic Recreation Center and Martin Luther King Jr. Center Pools

This CITY FACILITIES USE AGREEMENT is made and entered into this 1st day of June, 2019, by and between the City of Fernandina Beach, a Florida municipal corporation, whose address is 204 Ash Street, Fernandina Beach, FL 32034 (herein called "CITY"), and Isle Swim Club, LLC, 1902 Ash St., Fernandina Beach, FL 32034 (herein called "USER").

WHEREAS, CITY owns that certain public facilities known as Atlantic Recreation Center Main Pool, located at 2500 Atlantic Avenue, and Martin Luther King Center Main Pool, located at 1200 Elm St., Fernandina Beach, FL 32034 (herein called "FACILITIES"); and WHEREAS, USER has expressed a desire to use said FACILITIES to operate certain program in the CITY; now, therefore,

WITNESSETH: That the parties agree as follows:

1. USER shall be permitted to use the FACILITIES described above, for the purpose of offering its program to the general public, to-wit, Isle Swim Club.
2. USER shall pay to the City the following fees to help offset the costs associated with USER's use of CITY's facility:
 - a. A per hour fee of \$25. Program schedule shall be submitted within thirty (30) days of the start of the season. Said fee, based on the schedule submitted and approved, shall be submitted to the CITY within ten days of the beginning of the season. Practices/events cancelled, delayed, or shortened due to sudden severe weather incidents or lack of attendance shall not be credited.
3. USER shall be permitted the use of certain FACILITIES when pools are not open to the public or in use by other renters. Available times and locations shall be determined by mutual agreement between FACILITIES supervisor and User in accordance with facility availability.
4. USER will provide to the CITY a signed affidavit that they are in compliance with SB 150. Affidavit and SB 150 are attached as Exhibit "A" and "B" respectfully.
5. As condition to USER's right to use the facility herein, USER agrees to and shall comply with the following:
 - a. USER shall operate and maintain a community service or program.
 - b. USER shall not exclude any person from its programs or services because of race, sex, age, religion, disability, national origin or other prohibited discrimination.

- c. USER shall have a competent, responsible and able adult on the premises at all times that its service or programs are being offered. This party shall be responsible for enforcing pool safety rules as set forth by the CITY.
- d. USER shall not interfere with other operations of CITY or other authorized users of the facility.
- e. The needs of the community shall be given consideration in the planning of the USER's programs or services, and therefore the parties agree that joint meetings will be held as needed, to facilitate mutual cooperation and to make possible regular re-examination of the effectiveness of the USER's program at the FACILITIES.
- f. USER shall be responsible for the abuse and destruction of property not due to ordinary wear and tear that occurs during the hours that USER operates its programs or services.
- g. USER shall keep premises used by it in a clean and sanitary condition, the USER agreement includes, but shall not be limited to:
 - i. Removing all swim team equipment and personal items from pool area immediately after use.
 - ii. Ensure that locker rooms are left in sanitary condition (toilets flushed, trash and personal items removed).
 - iii. Should USER fail to comply with this sub-section (f), then a \$50.00 fee will be billed to the USER, and this fee must be paid within 10 days or the continued use of FACILITIES will not be permitted.
- h. CITY shall have the right, acting through its agents or employees, to enter upon the premises at reasonable hours and times for the purpose of making inspections.
- i. USER shall not undertake any alterations or changes in the construction of the facility premises without prior written consent of CITY. Any and all requests for alterations must be submitted in writing to the Director of Parks and Recreation and be signed by the Club president and one (1) other team official.
- j. USER agrees to assume liability for and indemnify, hold harmless, and defend the CITY, its commissioners, mayor, officers, employees, agents, and attorneys of, from, and against all liability and expense, including reasonable attorney's fees, in connection with any and all claims, demands, damages, actions, causes of action, and suits in equity of whatever kind or nature, including claims for personal injury, property damage, equitable relief, or loss of use, arising directly or indirectly out of or in connection with any negligent and/or deliberate act or omission of USER, its officers, employees, agents, and representatives. USER's liability hereunder shall include all attorney's fees and costs incurred by the CITY in the enforcement of this indemnification provision. This includes claims made by the employees of USER against the CITY and USER hereby waives its entitlement, if any, to immunity under

Section 440.11, Florida Statutes. The obligations contained in this provision shall survive termination of this Agreement and shall not be limited by the amount of any insurance required to be obtained or maintained under this Agreement. Nothing contained in the foregoing indemnification shall be construed to be a waiver of any immunity or limitation of liability the CITY may have under the doctrine of sovereign immunity or Section 768.28, Florida Statutes. The obligations contained in this provision shall survive termination of this Agreement and shall not be limited by the amount of any insurance required to be obtained or maintained under this Agreement. Nothing contained in the foregoing indemnification shall be construed to be a waiver of any immunity or limitation of liability the CITY may have under the doctrine of sovereign immunity or Section 768.28, Florida Statutes.

- k. USER shall not rent, sublet, or assign space in the facility premises without the prior written consent of CITY.
 - l. CITY reserves the right to cancel this agreement at any time, without cause, by giving USER 30 days notice of such cancellation.
 - m. USER shall maintain liability insurance, in amounts as deemed necessary and appropriate by the Recreation Director, show the City of Fernandina Beach, 204 Ash St., Fernandina Beach, FL 32034 as additionally insured thereon, and shall provide proof of it to CITY, upon commencement of this Agreement, and thereafter, as required by CITY.
 - n. USER shall, at all times, abide by Federal, State, and local laws, in the operation of its programs or services at the facility.
6. ADDITIONAL PROVISIONS:
- a. For unscheduled practices and meets, USER must give CITY 2 weeks notice.
 - b. If the USER has fully and faithfully complied with this Agreement, the Agreement may be extended for one-year terms up to a maximum of three (3) one-year terms based upon the mutual agreements of the parties. All the terms and conditions of the original Agreement shall apply to all extended Agreement terms, unless otherwise modified by agreement of both parties hereto.
 - c. USER shall be permitted to use starting blocks at the Atlantic Center during established practice times and swim meets. USER shall ensure that all participants are trained in the proper and safe use of the starting blocks.
 - d. USER shall direct all unsupervised spectators to remain outside of the pool gate during scheduled practices.
 - e. USER shall be responsible for securing facility after each event. The CITY shall provide a combination lock and chain system for securing facility gates. In the event USER loses the lock and/or chain, a \$35.00 fee shall be assessed to the USER.

- f. When called for, USER shall be responsible for placing pool vacuum in pool and installing insulating pool covers after pool use.
 - g. USER shall return all deck furniture and safety equipment to its rightful place if repositioned during facility use.
 - h. USER shall remove all sponsorship signs from fences within one month after the end of the current season. USER is responsible for any damage to fences caused by signs. CITY will remove any remaining signs after one month, and USER will pay CITY \$25 to retrieve signs.
 - i. USER shall be responsible for any overtime hours incurred by CITY's employees due to services rendered for USER after normal working hours. The rate will be time and one-half. An invoice will be mailed to USER, and payment will be due within two (2) weeks of date of invoice.
 - j. Severe weather procedures shall be enforced by USER:
 - i. Procedures must be announced before swim meet, and
 - ii. USER shall remove all spectators, volunteers and participants from the pool, pool deck and breezeway following the 15 second alert blast emitted by the Thorguard Lightning Protection System, and
 - iii. In severe weather conditions participants and spectators may occupy the auditorium (if vacant) and adjacent hallway located inside the Atlantic Recreation Center.
 - iv. User is responsible for all swim teams and spectators that use FACILITIES during activities as well as other CITY facilities during severe weather.
7. TERM OF AGREEMENT. The term of the Agreement begins on June 1, 2019 and ends on May 31, 2020 unless terminated sooner or extended as provided in this Agreement.
- a. The addresses for giving notices are as follows:

CITY:
City of Fernandina Beach
Attn: Parks and Recreation Director
2500 Atlantic Avenue
Fernandina Beach, FL 32034

USER:
Isle Swim Club, LLC
Attn: Mary Donn Bowman
1902 Ash St.
Fernandina Beach, FL 32034

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals this day and year first above written.

USER

By: _____
Its: _____



CITY OF FERNANDINA BEACH

By: _____
Its: City Manager

Employer ID Number:(required)

83-438823

ATTEST:

By: _____
Its: City Clerk

Approved as to form and legality for use and
reliance by the City of Fernandina Beach,
Florida.



City Attorney

AFFIDAVIT

State of Florida
County of Nassau

I, Mary Donn Bowman, being first duly sworn, depose and state as follows:

1. That I am the authorized representative of
Isle Swim Club (league); and

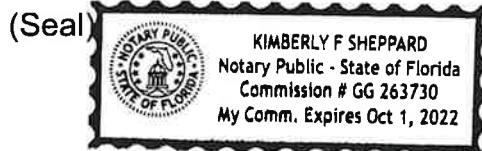
2. That part of my duties includes processing applications for coaches and volunteers; and

3. That all coaches and volunteers working with
Isle Swim Club (league) have received background checks and are in compliance with Florida law, specifically SB 150 effective July 1, 2010. See attached copy of SB 150.

FURTHER AFFIANT SAYETH NAUGHT.

Mary Donn Bowman
Signature
Print Name: Mary Donn Bowman

Subscribed and sworn to before me, a notary public in and for the State of Florida this 13th day of May, 2019.



Kimberly F. Sheppard
Notary Public

2010150er

1
2 An act relating to athletic coaches; defining the
3 terms "athletic coach" and "independent sanctioning
4 authority"; requiring the independent sanctioning
5 authority of a youth athletic team to screen the
6 background of current and prospective athletic coaches
7 through designated state and federal sex offender
8 registries; providing that a commercial consumer
9 reporting agency screening that meets specified
10 requirements complies with screening requirements;
11 requiring the independent sanctioning authority to
12 disqualify any athletic coach appearing on a registry;
13 requiring the independent sanctioning authority to
14 provide a disqualified athletic coach with written
15 notice; requiring the independent sanctioning
16 authority to maintain documentation of screening
17 results and disqualification notices; providing a
18 rebuttable presumption that an independent sanctioning
19 authority did not negligently authorize an athletic
20 coach for purposes of a civil action for an
21 intentional tort relating to alleged sexual misconduct
22 by the athletic coach if the authority complied with
23 the screening and disqualification requirements;
24 encouraging independent sanctioning authorities for
25 youth athletic teams to participate in the Volunteer
26 and Employee Criminal History System; providing an
27 effective date.

28
29 Be It Enacted by the Legislature of the State of Florida:

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30
31 Section 1. Athletic coaches for independent sanctioning
32 authorities.-

33 (1) As used in this section, the term:

34 (a) "Athletic coach" means a person who:

35 1. Is authorized by an independent sanctioning authority to
36 work for 20 or more hours within a calendar year, whether for
37 compensation or as a volunteer, for a youth athletic team based
38 in this state; and

39 2. Has direct contact with one or more minors on the youth
40 athletic team.

41 (b) "Independent sanctioning authority" means a private,
42 nongovernmental entity that organizes, operates, or coordinates
43 a youth athletic team in this state if the team includes one or
44 more minors and is not affiliated with a private school as
45 defined in s. 1002.01, Florida Statutes.

46 (2) An independent sanctioning authority shall:

47 (a)1. Conduct a background screening of each current and
48 prospective athletic coach. No person shall be authorized by the
49 independent sanctioning authority to act as an athletic coach
50 after July 1, 2010, unless a background screening has been
51 conducted and did not result in disqualification under paragraph
52 (b). Background screenings shall be conducted annually for each
53 athletic coach. For purposes of this section, a background
54 screening shall be conducted with a search of the athletic
55 coach's name or other identifying information against state and
56 federal registries of sexual predators and sexual offenders,
57 which are available to the public on Internet sites provided by:

58 a. The Department of Law Enforcement under s. 943.043,

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Florida Statutes; and

b. The Attorney General of the United States under 42 U.S.C. s. 16920.

2. For purposes of this section, a background screening conducted by a commercial consumer reporting agency in compliance with the federal Fair Credit Reporting Act using the identifying information referenced in subparagraph 1. and that includes searching that information against the sexual predator and sexual offender Internet sites listed in sub-subparagraphs 1.a. and b. shall be deemed in compliance with the requirements of this section.

(b) Disqualify any person from acting as an athletic coach if he or she is identified on a registry described in paragraph (a).

(c) Provide, within 7 business days following the background screening under paragraph (a), written notice to a person disqualified under this section advising the person of the results and of his or her disqualification.

(d) Maintain documentation of:

1. The results for each person screened under paragraph (a); and

2. The written notice of disqualification provided to each person under paragraph (c).

(3) In a civil action for the death of, or injury or damage to, a third person caused by the intentional tort of an athletic coach that relates to alleged sexual misconduct by the athletic coach, there is a rebuttable presumption that the independent sanctioning authority was not negligent in authorizing the athletic coach if the authority complied with the background

2010150er

88 screening and disqualification requirements of subsection (2)
89 prior to such authorization.

90 (4) The Legislature encourages independent sanctioning
91 authorities for youth athletic teams to participate in the
92 Volunteer and Employee Criminal History System, as authorized by
93 the National Child Protection Act of 1993 and s. 943.0542,
94 Florida Statutes.

95 Section 2. This act shall take effect July 1, 2010.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
06/27/2019

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER K&K Insurance Group, Inc. 1712 Magnavox Way Fort Wayne IN 46804	CONTACT NAME: Mass Merchandising Underwriting PHONE (A/C, No, Ext): 1-800-426-2889 FAX (A/C, No): 1-260-459-5105 E-MAIL ADDRESS: info@sportsinsurance-kk.com PRODUCER CUSTOMER ID:														
INSURED ISLE SWIM CLUB, LLC 1902 ASH STREET FERNANDINA BEACH, FL 32034 A Member of the Sports, Leisure & Entertainment RPG	<table border="1"><thead><tr><th>INSURER(S) AFFORDING COVERAGE</th><th>NAIC #</th></tr></thead><tbody><tr><td>INSURER A: Nationwide Mutual Insurance Company</td><td>23787</td></tr><tr><td>INSURER B:</td><td></td></tr><tr><td>INSURER C:</td><td></td></tr><tr><td>INSURER D:</td><td></td></tr><tr><td>INSURER E:</td><td></td></tr><tr><td>INSURER F:</td><td></td></tr></tbody></table>	INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A: Nationwide Mutual Insurance Company	23787	INSURER B:		INSURER C:		INSURER D:		INSURER E:		INSURER F:	
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INSURER B:															
INSURER C:															
INSURER D:															
INSURER E:															
INSURER F:															

COVERAGES **CERTIFICATE NUMBER:** W01472836 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☐ PRO-JECT ☐ LOC OTHER:	X		6BRPG000006993600	05/01/2019 4:00 PM EDT	05/01/2020 12:01 AM	EACH OCCURRENCE \$2,000,000 DAMAGE TO RENTED PREMISES (Ea Occurrence) \$1,000,000 MED EXP (Any one person) \$5,000 PERSONAL & ADV INJURY \$2,000,000 GENERAL AGGREGATE \$5,000,000 PRODUCTS - COMP/OP AGG \$2,000,000 PROFESSIONAL LIABILITY \$2,000,000 LEGAL LIAB TO PARTICIPANTS \$2,000,000
A	AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ OWNED AUTOS ☐ SCHEDULED AUTOS ☒ HIRED AUTOS ONLY ☒ NON-OWNED AUTOS ONLY ☒ NOT PROVIDED WHILE IN HAWAII			6BRPG000006993600	05/01/2019 4:00 PM EDT	05/01/2020 12:01 AM	COMBINED SINGLE LIMIT (Ea accident) \$2,000,000 BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)
	UMBRELLA LIAB ☐ OCCUR EXCESS LIAB ☐ CLAIMS-MADE DED ☐ RETENTION						EACH OCCURRENCE AGGREGATE
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/ EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) ☐ Y / N If yes, describe under DESCRIPTION OF OPERATIONS below	N/A					☐ PER STATUTE ☐ OTHER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT
A	MEDICAL PAYMENTS FOR PARTICIPANTS			6BRPG000006993600	05/01/2019 4:00 PM EDT	05/01/2020 12:01 AM	PRIMARY MEDICAL EXCESS MEDICAL \$250,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
Sexual Abuse or Sexual Molestation Liability - \$1,000,000 each occurrence (included above)/\$1,000,000 aggregate (included above)
Legal Liability to Participants (LLP) limit is a per occurrence limit.
Sport(s): Swimming Age(s): 12 and under, 13-15, 16-19, 20 and over
The certificate holder is added as an additional insured, but only for liability caused, in whole or in part, by the acts or omissions of the named insured.

CERTIFICATE HOLDER CITY OF FERNANDINA BEACH 204 ASH STREET FERNANDINA BEACH, FL 32034 (Owner/Lessor of Premises)	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 
---	---

Coverage is only extended to U.S. events and activities.

** NOTICE TO TEXAS INSURED: The Insurer for the purchasing group may not be subject to all the insurance laws and regulations of the State of Texas

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

**ADDITIONAL INSURED – DESIGNATED
PERSON OR ORGANIZATION**

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

Name Of Additional Insured Person(s) Or Organization(s)
CITY OF FERNANDINA BEACH 204 ASH STREET FERNANDINA BEACH, FL 32034
Named Insured: ISLE SWIM CLUB, LLC
Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

A. Section II – Who Is An Insured is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by your acts or omissions or the acts or omissions of those acting on your behalf:

1. In the performance of your ongoing operations; or
2. In connection with your premises owned by or rented to you.

However:

1. The insurance afforded to such additional insured only applies to the extent permitted by law; and
2. If coverage provided to the additional insured is required by a contract or agreement, the insurance afforded to such additional insured will not be broader than that which you are required by the contract or agreement to provide for such additional insured.

B. With respect to the insurance afforded to these additional insureds, the following is added to **Section III – Limits Of Insurance:**

If coverage provided to the additional insured is required by a contract or agreement, the most we will pay on behalf of the additional insured is the amount of insurance:

1. Required by the contract or agreement; or
2. Available under the applicable Limits of Insurance shown in the Declarations;

whichever is less.

This endorsement shall not increase the applicable Limits of Insurance shown in the Declarations.

CITY COMMISSION AGENDA ITEM

City of Fernandina Beach



SUBJECT: Resolution 2019-124
Budget Amendment - Stormwater

ITEM TYPE: Resolution (w/ fiscal impact)

REQUESTED ACTION: Consider Resolution 2019-124

SYNOPSIS: According to Code Sec 2-412 and Charter section 74, the City Commission must approve any budget transfers over \$7,500.

Staff recommends an increase to the Contractual account for road way repairs and tipping fees in the amount of \$7,000 for the balance of Fiscal Year 2018/2019 by transferring this amount from the Stormwater Professional Service account to the Stormwater Contractual account.

The attached Resolution approves the transfer of funds from the Stormwater Professional Services account to the Stormwater Contractual account.

FISCAL IMPACT: Funds in the amount of \$7,000 are available in the Stormwater Professional account, 470 53100, for transferring to the Stormwater Contractual account, 470 53400.

CITY ATTORNEY COMMENTS: No additional comments.

CITY MANAGER RECOMMENDATION(S): I recommend that the City Commission adopt proposed Resolution 2019-124.

Andre Desilet, Stormwater Manager	7/11/2019
Nicole Bednar, Administrative Services Manager	7/19/2019
Dale Martin, City Manager	7/26/2019
Pauline Testagrose, Comptroller	7/26/2019
Tammi E. Bach, City Attorney	7/29/2019
Katie Newton, Legal Assistant	7/29/2019

Date: July 10, 2019

Submitted By: Susan Filipkowski, Staff Assistant

COMMISSION ACTION: Adopt

RESOLUTION 2019-124

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, APPROVING AN AMENDMENT TO THE STORMWATER FUND BUDGET FOR FISCAL YEAR 2018/2019; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in accordance with Code Section 2-412 and Charter section 74, the City Commission must approve any budget transfers over \$7,500; and

WHEREAS, staff recommends an increase to the Stormwater Contractual account for the paving repairs and Camden County Tipping fees needed for Stormwater maintenance and other projects in the amount of \$7,000 for the balance of Fiscal Year 2018/2019 by transferring this amount from the Stormwater Professional Services account, 470 53100, to the Contractual account, 470 53400.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, THAT:

SECTION 1. The City Commission hereby approves the following budget amendment: a transfer of \$7,000 to the Contractual account, 470 53400, from the Stormwater Professional Services account, 470 53100.

SECTION 2. This Resolution shall be effective immediately upon passage.

ADOPTED this 6th day of August, 2019.

ATTEST:

CITY OF FERNANDINA BEACH

Caroline Best
City Clerk

John A. Miller
Commissioner-Mayor

APPROVED AS TO FORM AND LEGALITY:



Tammi E. Bach
City Attorney

CITY COMMISSION AGENDA ITEM
City of Fernandina Beach



SUBJECT: Resolution 2019-125
Budget Amendment - Airport

ITEM TYPE: Resolution (w/ fiscal impact)

REQUESTED ACTION: Consider Resolution 2019-125

SYNOPSIS: Recent discussions regarding Airport-owned property leased to the Amelia River Golf Course led to the recommendation of obtaining a commercial appraisal of said property.

By direction of the Federal Aviation Administration, the Airport is obligated to obtain fair market value for proposed use of Airport-owned property. A commercial appraisal will provide an estimated fee simple value as well as recommended lease rate for the entirety of the property under lease with the Amelia River Golf Course.

Staff has engaged commercial property appraisers qualified to conduct this type of appraisal which will take approximately six weeks to complete. Because the appraisal is an unanticipated expenditure, a budget amendment is needed.

FISCAL IMPACT: Staff recommends transferring \$16,000 from the Airport Reserve account, 420 59990, to the Airport Professional Services account, 420 53100.

Approval of this Resolution increases the Airport Professional Services account, 420 53100, from \$28,000 to \$44,000 by transferring \$16,000 from the Airport Reserve account, 420 59990.

CITY ATTORNEY COMMENTS: No additional comments.

CITY MANAGER RECOMMENDATION(S): I recommend that the City Commission adopt proposed Resolution 2019-125.

Dale Martin, City Manager	7/26/2019
Pauline Testagrose, Comptroller	7/26/2019
Tammi E. Bach, City Attorney	7/29/2019

A handwritten signature in blue ink, appearing to read "N Coyle", is written over a horizontal line.

Date: July 15, 2019

Submitted By: Nathan Coyle, Airport Director

COMMISSION ACTION: Adopt

RESOLUTION 2019-125

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, APPROVING AN AMENDMENT TO THE AIRPORT BUDGET IN FY 2018/2019; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City's Purchasing Policy requires any budget amendment over \$7,500 obtain City Commission approval; and

WHEREAS, recent discussions regarding Airport-owned property leased to the Amelia River Golf Course led to the staff recommendation of obtaining a commercial appraisal of said property; and

WHEREAS, the City has engaged a qualified commercial appraisal for this unanticipated expenditure which requires a budget amendment; and

WHEREAS, the commercial appraisal was not anticipated within the current fiscal year; therefore, staff recommends transferring \$16,000 from the Airport Reserve account, 420 59990, to the Airport Professional Services account, 420 53100.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, THAT:

SECTION 1. The City Commission hereby approves an amendment to the budget by transferring \$16,000 from the Airport Reserve account, 420 59990, to the Airport Professional Services account, 420 53100.

SECTION 2. This Resolution shall become effective immediately upon passage.

ADOPTED this 6th day of August, 2019.

CITY OF FERNANDINA BEACH

John A. Miller
Mayor - Commissioner

ATTEST:

APPROVED AS TO FORM AND LEGALITY:



Caroline Best
City Clerk

Tammi E. Bach
City Attorney

CITY COMMISSION AGENDA ITEM

City of Fernandina Beach



SUBJECT: Resolution 2019-126
Work Order 19-89 - Passero Associates, LLC

ITEM TYPE: Resolution (w/ fiscal impact)

REQUESTED ACTION: Consider Resolution 2019-126

SYNOPSIS: This work order provides design phase services, as budgeted in the current FY, for a project to rehabilitate 3,800 feet of Runway 4/22 pavement, all associated taxiway/runway intersections, rehabilitate the runway's lighting system and associated infrastructure and directional signage, and improve associated stormwater drainage.

This design Work Order is to be conducted under two grants from the Federal Aviation Administration (FAA), providing 90% of funding for the expenses (not-to-exceed \$165,000) under this Work Order. A separate grant offer from Florida Department of Transportation is also anticipated, which would match 50% of the remaining \$16,500 in cost for this design work order, leaving \$8,250 in final expense from the airport fund for this work order.

A subsequent grant is expected in the following year from the FAA for the construction phase of this project. The engineer's pre-design cost estimate for this rehabilitation project is \$2,300,000 of which 90% is anticipated to be funded under a separate FAA grant.

Staff has completed an independent fee estimate of the cost proposed by Passero Associates LLC under this proposed Work Order, and reviewed this fee estimate with the FAA. The FAA has concurred with the scope and fee of this Work Order.

FISCAL IMPACT: The not-to-exceed fee amount of this Work Order is \$165,000. This fee is eligible for reimbursement under anticipated grants from the FAA and FDOT respectively. The Airport's total match is expected to be 5% for these design services, or \$8,250. The funds for this project are budgeted in the current FY, and also budgeted in the next FY, and will be funded by the Airport Capital Improvement account, 420 56300.

CITY ATTORNEY COMMENTS: No additional comments.

CITY MANAGER RECOMMENDATION(S): I recommend that the City Commission adopt proposed Resolution 2019-126.

Nicole Bednar, Administrative Services Manager	7/19/2019
Dale Martin, City Manager	7/26/2019
Pauline Testagrose, Comptroller	7/29/2019
Tammi E. Bach, City Attorney	7/29/2019
Katie Newton, Legal Assistant	7/29/2019

A handwritten signature in blue ink, appearing to read "Nathan Coyle", is written over a horizontal line.

Date: June 27, 2019

Submitted By: Nathan Coyle, Airport Director

COMMISSION ACTION: Adopt

RESOLUTION 2019-126

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, APPROVING WORK ORDER 19-89 WITH PASSERO ASSOCIATES, LLC TO PROVIDE DESIGN PHASE SERVICES AT THE FERNANDINA BEACH MUNICIPAL AIRPORT FOR REHABILITATION OF RUNWAY 4/22 PAVEMENT, LIGHTING, AND DRAINAGE; AUTHORIZING EXECUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Fernandina Beach anticipates grant funding from the Federal Aviation Administration (FAA) for design and construction phases of a project to rehabilitate Runway 4/22 pavement, lighting, and associated drainage. Additionally, a grant from the Florida Department of Transportation is also anticipated to provide funding support for this work order in the amount of 5% of design phase services; and

WHEREAS, the rehabilitation of Runway 4/22 pavement, lighting, and drainage is consistent with the airport's pavement management plan and 5-year capital improvement plan; and

WHEREAS, Passero Associates, LLC has proposed Work Order 19-89 (Exhibit "A") with a not-to-exceed amount of \$165,000 to provide design and bid services related to rehabilitation of Runway 4/22 pavement, lighting, and drainage of which the airport's total final cost for this work order is expected to be \$8,250.00;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, THAT:

SECTION 1. The City Commission hereby approves Work Order 19-89 with Passero Associates, LLC, attached hereto as Exhibit "A", in the not-to-exceed amount of \$165,000 contingent upon approval and execution of an FAA grant to fund 90% of the cost for this Work Order.

SECTION 2. The City Manager and City Clerk are hereby authorized to execute Work Order 19-89, upon review and approval of the City Attorney.

SECTION 3. This Resolution shall become effective immediately upon passage.

ADOPTED this 6th day of August, 2019.

CITY OF FERNANDINA BEACH

John A. Miller
Commissioner – Mayor

ATTEST:

APPROVED AS TO FORM & LEGALITY:



Caroline Best
City Clerk

Tammi E. Bach
City Attorney

City of Fernandina Beach



Fernandina Beach Municipal Airport (FHB)

Runway 4-22 Rehabilitation (Pavement, Electrical and Drainage) Engineering Design Phase Services

By
Passero Associates, LLC
(Passero Project No. 99000047.0089)

Work Order 19-89

Work Order 19-88
Runway 4-22 Rehabilitation (Pavement, Electrical and Drainage)
Engineering Design Phase Services
at Fernandina Beach Municipal Airport (FHB), Florida

Passero Associates, LLC (PA or Consultant) agrees to perform the following services, in accordance with the terms and conditions of this Work Order and the Master Consulting Services Agreement with the City of Fernandina Beach (Client or City), dated February 19, 2019, of which all terms and conditions are incorporated herein by reference:

Project Location: Fernandina Beach Municipal Airport, Fernandina Beach, FL

Project Description: Design Services for Runway 4-22 Rehabilitation including pavement, electrical and drainage improvements.

Scope of Basic Services: Engineering Design Services. (See Attachment A: Scope of Services)

Scope of Special Services: Topographic Survey, Geotechnical Investigation and RCP Assessment Report (Televising)

Client Manager / Project Coordinator: Nathan Coyle, ACE, Airport Manager

PA Program Manager: Andrew Holesko, CM, Vice President.

PA Project Manager: Bradley Wenthe, P.E.

Basic Services Compensation and Method of Payment: Design & Bid Not-to-Exceed: \$ 130,010.00

Special Services Compensation and Method of Payment: Not-to-Exceed: \$34,950.00

Total Project Cost: Not-to-Exceed: \$ 165,000.00

Schedules and Meetings: See Attachment A – Scope of Work

Deliverables: See Attachment A – Scope of Work
1. Contract Documents, Plans and Specifications for Preliminary, Pre-Final and Final (Bid) Documents.
2. Bid Tabulation and Recommendation of Award, if applicable.

"Consultant"
Passero Associates, LLC

"Client"
City of Fernandina Beach

BY: _____

BY: _____

Andrew Holesko, Vice President
Typed Name and Title

Dale L. Martin, City Manager
Typed Name and Title

ATTEST:

ATTEST:

BY: _____

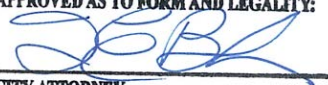
BY: _____

Bradley J. Wenthe SE Regional Director
Name, Title

Name, Title

Date

Date

APPROVED AS TO FORM AND LEGALITY:

CITY ATTORNEY

Attachment A - Scope of Work
Runway 4-22 Rehabilitation (Design Phase)
Fernandina Beach Municipal Airport, Fernandina Beach, Florida

I. Project Description

Runway 4-22 is 5,300 linear feet by 100-foot-wide asphalt-paved runway with paved shoulders. The project will involve the engineering design, data gathering and creation of bid contract documents for the Runway 4-22 rehabilitation. Project elements consist of:

1. Runway pavement rehabilitation of southwest 3,800-foot portion and all taxiway and runway intersection connections necessary to provide smooth transitional surfaces.
2. Removal and replacement of the edge lighting system, mandatory and directional runway signs, and associated infrastructure such as base cans, conduit and cable.
3. Drainage improvements to replace failed reinforced concrete pipe and install drainage facilities for the efficient flow of stormwater.

See attached Project Sketch for proposed project.

II. Basic Services

Passero Associates, LLC (Consultant) will provide the following basic services to assist the City of Fernandina Beach (City) with the Design Phase of the Runway 4-22 Rehabilitation Project. Project services shall be designed in accordance with applicable FAA standards including but are not necessarily not limited to:

Advisory Circular 150/5300-13A Change 1, Airport Design
Advisory Circular 150/5320-5D, Airport Drainage Design
Advisory Circular 150/5320-6F, Airport Pavement Design and Evaluation
Advisory Circular 150/5370-2G, Operational Safety on Airports During Construction
Advisory Circular 150/5370-10H, Standards for Specifying Construction of Airports

A. Joint Automated Capital Improvement Program (JACIP) and FAA Obstruction Evaluation / Airport Airspace Analysis (OE/AAA) Assistance

The Consultant shall assist the City in the update to the Airport JACIP in the following areas:

1. Coordinate the Engineer's opinion of probable costs for design and construction with existing input in the JACIP
2. Update the JPM with Engineer's certifications of plans and specifications.
3. Upload plans and specifications into JPM.
4. Create "Non-Rule making Airport" (NRA) case on FAA OE/AAA site for FAA review of the project construction.

B. Grant Administration and Project Management Phase:

The Consultant shall aid the City by acting as its liaison and Project coordinator with FAA and FDOT during the Project's design. In addition, the Consultant shall assist the City in the preparation of paperwork required to secure funds for the Project. The specific services to be provided or furnished for this Phase of the Project are the following:

1. Preparation of grant application packages; coordination of their execution by the City; and submission to the funding agencies.

2. During the Design Phase, to aid the City by acting as its liaison and Project coordinator with the funding agencies.
3. The construction budget for the Project is approximately \$2,300,000. The Consultant shall evaluate and validate the proposed construction budget and advise City at each phase of the Project. The Consultant shall advise the City as to options available for reducing construction costs to maintain the budget, if it appears likely that contractor bid prices will exceed this budget.
4. Perform Project management duties such as Project planning, invoice preparation, schedule coordination, coordination of design team and internal cost control.
5. Schedule coordination: Consultant shall provide continued coordination so that Project schedules are met for each phase of work included in this contract. Phases of design are dependent upon timely document.
6. The design schedule is anticipated to be

Receipt of Notice to Proceed (NTP)

Schematic Design (includes Field Data Collection)	90 days
Pre-Final Design	60 days
Final Design	60 days

C. Schematic Design Phase:

The Consultant will evaluate pavement rehabilitation and phasing alternatives through contacts with local authorities, review of the pre-application, field investigations, and a practical design approach. The Project's design will take advantage of local knowledge and experience and will utilize expertise from recent construction Projects to design a cost-effective Project. The specific services to be provided are the following:

1. Schedule and conduct a pre-design meeting with the City, FAA, and FDOT to review the scope, airport operational constraints related to Airport users and impact of pavement closures. Prepare and distribute meeting minutes.
2. Acquire and review record documents (such as plans, specifications, reports, and studies).
3. Perform a preliminary Project site inspection to familiarize the design team with the Project areas.
4. Acquire topographic field survey of the project area, perform a subsurface soils investigation including pavement coring, and televise select reinforced concrete pipe in the vicinity of Runway 4-22 to determine pipe condition and suitability of liner system and prepare report summarizing results.
5. Acquire the necessary soils and existing pavement investigation data, including borings, pavement cores, and test pits, as well as field and laboratory tests, to identify existing pavement conditions and subsurface soil characteristics.
6. Perform a preliminary environmental review, including review of the previous Master Plan. Complete appropriate NEPA forms and submit to the FAA, as required. A CATEx is assumed to be the appropriate documentation.
7. Develop pavement design in accordance with FAA Advisory Circular 150/5320-6, latest edition.
8. Develop schematic designs, including preliminary vertical alignment and horizontal geometric layouts.
9. Develop schematic construction safety phasing plans to support the above referenced pavement designs, including preliminary pavement horizontal geometric layouts, as needed.

D. Pre-Final (60%) Design Phase

The services to be performed during this Phase consist generally of services required to furnish the City with a set of Pre-Final Plans, Contract Document, Technical Specifications, and Engineer's Report.

The specific services to be provided or furnished for this Phase of the Project are the following:

1. Conduct site inspections to verify topographic survey, inventory pavement distresses, inventory visual aid features, and other Project-related existing physical features and facilities.
2. Finalize horizontal pavement geometrical layouts and place enough information on drawings to layout proposed pavements in field during construction, as needed.
3. Develop a design to develop pavement centerline profiles, typical sections, and other grading details for the proposed work, as needed.
4. Develop airfield lighting layouts.
5. Develop airfield marking layouts.
6. Evaluate the existing airfield drainage between Runway 4-22 and Taxiway C for any system upgrade that may be required. Develop preliminary drainage layouts.
7. Develop a draft storm water pollution prevention plan that encompasses all phases of the Project.
8. Prepare Contract Drawings (approximately 60% complete) providing enough detail for review of design concepts by the City, FAA, and FDOT.
9. Develop general provisions and overall City contract documents, as necessary.
10. Develop technical specifications expected to be required for the proposed work. Standard technical specifications shall be used whenever possible, with supplemental specifications developed by the Consultant.
11. Prepare a detailed opinion of probable construction cost to reflect the outcomes of Project design.
12. Perform an internal quality control review on all design documents.
13. Submit copies of pre-final design documents to the City, FAA, and FDOT for their review and comment.
14. Schedule and conduct a pre-final design review meeting to discuss and resolve any City comments and perform airfield site visit to verify pre-final design.

E. Final Design Phase

The services included under this Phase shall generally consist of services required to furnish the City with a complete set of Contract Documents for the Project, including Final Plans, Specifications, Engineer's Design Report, and opinion of probable construction costs. Services to be performed or furnished during this Phase may include revising the preliminary submittal information to comply with City comments and then completion of the final design. Plans and Specifications will be completed; final design will be coordinated with the City; and a complete set of bid documents will be furnished to the City. A final opinion of probable construction cost and the final Design Report will also be prepared and submitted. A final Construction Safety Phasing Plan (CSPP) and Construction Management Plan will be provided as well.

The specific services to be provided or furnished for this Phase of the Project are the following:

1. Finalize the grading and drainage system design.
2. Prepare final construction plans, supplemental documents such and construction phasing plans.
3. Prepare final quantity takeoffs for the bid schedule. This will include items shown on the drawings and/or described in the technical specifications.

4. Prepare a final probable construction cost utilizing the quantity takeoff and bid items previously developed.
5. Prepare final contract agreements and technical specifications.
6. Submit advance final documents to the City, FAA, and FDOT for final review and comment. The design team and the City will conduct a final design review meeting to discuss contents, costs and other comments.
7. Reproduce copies of the bid documents which include plans, specifications, and construction phasing plans, soil boring logs and typical cross sections. These documents will be supplied to the City.

After final comments are provided by the City, FAA and FDOT, Passero will develop a complete BID Set of contracts plans and specifications.

III. Special Services

1. Special services associates with this project are performing
 - a. Topographic survey
 - b. Geotechnical investigation
 - c. Drainage Pipe Assessment, to include televising existing stormwater drainage pipe.
2. This Phase of the Project does not include any other special services. However, if during the later stages of the design phase of this project, other special services are needed, such services shall be performed by the Consultant for additional compensation and only as requested and agreed to by the Consultant and City, and approved, in writing, by the City.

IV. Meetings, Presentations and Deliverables

1. Passero Associates will prepare for and attend the following meetings:
 - ◇ Project Design Kick-off Meeting
 - ◇ Project 60% Design Review Meeting with City, FAA, FDOT.
 - ◇ Project 100% Design Review Meeting with City, FAA, FDOT (if requested)
2. Passero Associates will provide the following deliverables to the City, FAA and FDOT:
 - ◇ FAA AIP Grant Pre-application and Application for signatures.
 - ◇ Preliminary Plans and Outline Specifications, Cost Estimate.
 - ◇ Pre-Final Plans and Specifications, Cost Estimate & Engineer's Report.
 - ◇ Final (Bid Set) Plans and Specifications, Cost Estimate & Final Engineer's Report.
 - ◇ Construction Safety Phasing Plan.
 - ◇ Construction Management Plan.

V. Exclusions

The following items are not included in this Work Order, but are anticipated to be included in a future authorization:

- ◇ Design of Relocation of PAPIs and extensive vault modifications, .
- ◇ Bidding Phase and Recommendation of Award Services
- ◇ Construction Administration
- ◇ Resident Project Representation or Construction Observation services.

End of Scope of Services



300' 0 300'



Client:
City of Fernandina Beach
700 Airport Rd.
Fernandina Beach, Florida, 32034

Passero Associates
10100 NW 15th Ave., Suite 200
Fort Lauderdale, FL 33324
Principal: Christopher A. Passero, C.E.
Project Manager: Bradley J. Werne, P.E.
Designed by: Bruce C. Bradley, E.I.

REVISIONS

Rev. Date By

1 10/1/19 BJS

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SITE PLAN

Fernandina Beach
Municipal Airport

County: Nassau State: Florida

Project No.: 99000047.0089

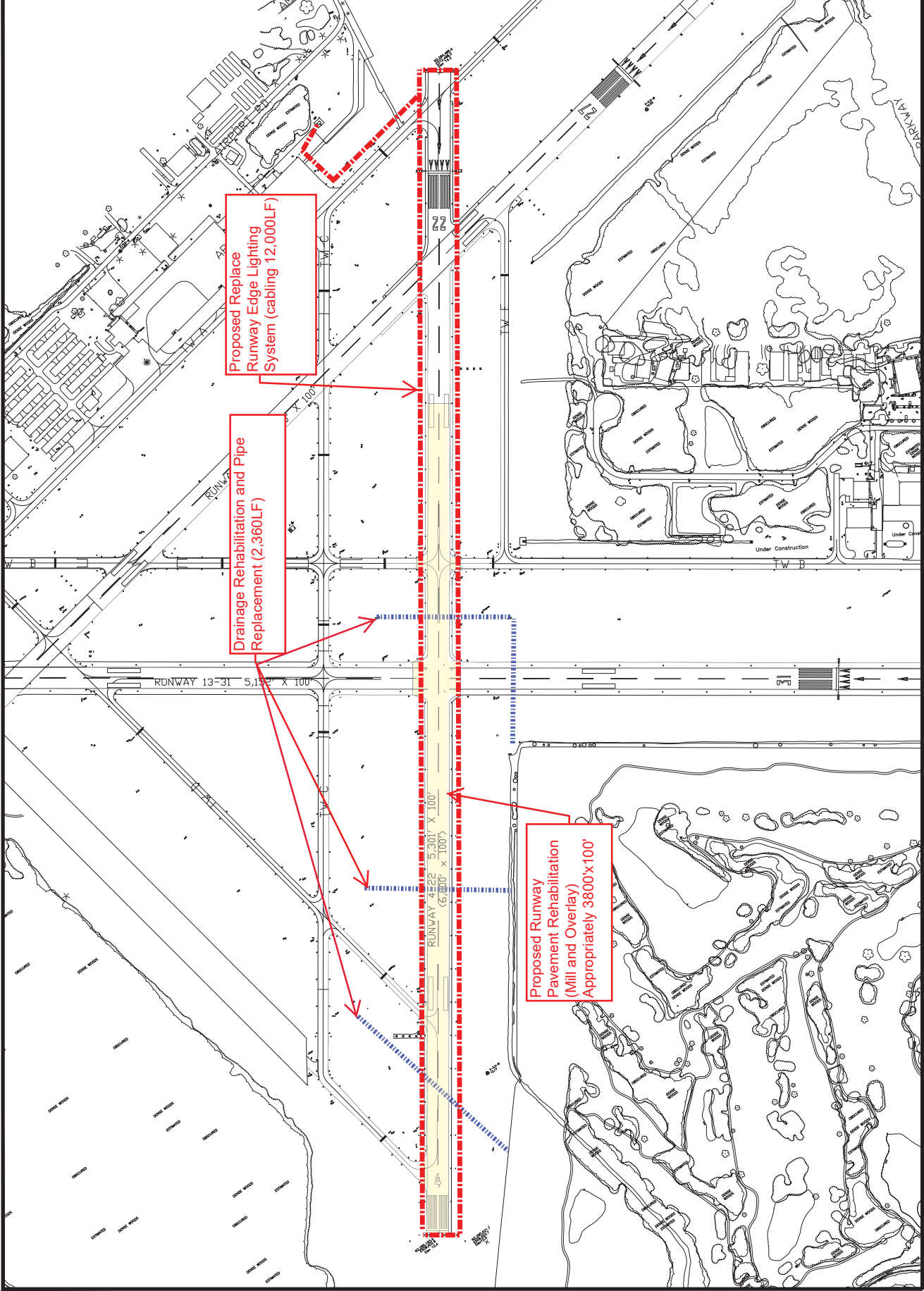
Drawing No.:

Date: May 2019

Proposed Replace
Runway Edge Lighting
System (cabling 12,000LF)

Drainage Rehabilitation and Pipe
Replacement (2,360LF)

Proposed Runway
Pavement Rehabilitation
(Mill and Overlay)
Appropriately 3800'x100'



Schedule B
Passero Associates, LLC
Consultant Services Fees and Costs

Airport: FHB							
Project: Runway 4-22 Rehabilitation							
PA Project No: 99000047.0089							
Date: 5-17-2019							
Prepared By: BJW							
Project Phases	Project Tasks	Employee Classifications				Task Totals	Phase Totals
		Project Mgr.	Senior Engineer	Engineer	Grants Admin. Asst.		
A. JACIP	JACIP Coordination	2	2		4	315.00	315.00
B. Grant Administration & Project Management	Project Planning & Funding Agencies Coordination	1	1		8	277.50	3,500.50
	Preliminary Construction Budget	4		2	8	508.00	
	Grant Pre-Application Coordination & Submission	2	2		8	395.00	
	General Project Management	32				2,320.00	
C. Schematic Design (30%)	Start-up & Initial Site Inspection	8	8	12		1,288.00	11,377.00
	Data Collection & Sub Coordination	12	8	28		2,042.00	
	Develop Schematic Plans (Geom, Pave, Lighting)	16	48	120		6,800.00	
	Internal QA/QC	6				435.00	
	Review Meeting with City, FAA, FDOT	8		8		812.00	
D. PreFinal Design (60%)	Pre-Final Design Development						15,605.00
	Develop Construction Phasing and Operation Plan	4	12	16		1,294.00	
	Finalize Horizontal / Vertical Profiles	2	8	12		853.00	
	Pre-Final Plans (assume 50 sheets)		40	160		6,440.00	
	Update Engineer's Report	4	12	16	8	1,454.00	
	Opinion Cost Update and Design Report	8	12	24		1,816.00	
	Develop Construction Safety Phasing Plan	2	12	12		1,033.00	
	Develop Construction Management Plan	2	12	12		1,033.00	
	Internal QA/QC	12				870.00	
Review Meeting with City, FAA, FDOT	8		8		812.00		
E. Final Design (100%)	Finalize Contract Plans (assume 50 sheets)	8	24	80		3,980.00	10,880.00
	Finalize Technical Specs	8	24		12	1,900.00	
	Finalize Contract Documents	4	1	16	16	1,119.00	
	Finalize Qty Takeoff	1	8	16		896.50	
	Finalize Opinion Cost and project reports	1	2	4		278.50	
	Finalize Construction Safety Phasing Plan	1	2	4		278.50	
	Finalize Construction Management Plan	1	2	4		278.50	
	Internal QA/QC	4	2		2	420.00	
	Final Review Meeting with City, FAA, FDOT	8		8	1	832.00	
Finalize and Submit Bid Documents	2	8	8	8	897.00		
	Total Hours:	171	250	570	75		1,066
	Hourly Rate (2019):	72.50	45.00	29.00	20.00		
	Direct Salary Cost:	12,397.50	11,250.00	16,530.00	1,500.00		\$ 41,677.50
		Summary of All Fees and Costs:					
						Total Hours:	1,066
						Total Direct Salary Costs:	41,678
						Overhead (168% of Direct Labor Costs):	70,018
						Total Labor Cost:	111,696
						Fixed Fee (15% of Total Labor Cost):	16,754
						Subtotal:	128,450
						Total Direct Non-salary Expenses:	36,600
						Total Cost (Labor, OH, Fixed Fee & Expenses):	165,050
						SAY: \$	165,000
Travel: Number of Trips		8					
Travel: Mileage per Trip		125					
Travel: Cost per Mile		\$ 0.58					
Total Travel Costs:		\$ 575.00					
Per Diem: Number of Days		0					
Per Diem Rate		\$ -					
Total Per Diem Costs:		\$ -					
Fee for Geotechnical Investigation:		\$ 5,200.00					
Fee for Topo Survey:		\$ 19,800.00					
Fee for Pipe Inspection:		\$ 9,950.00					
Total Subconsultant Costs:		\$ 34,950.00					
Reproduction (copies, presentations, boards, plans)		\$ 925.00					
Miscellaneous Expenses		\$ 150.00					
Total Direct Non-salary Expenses		\$ 36,600.00					

CITY COMMISSION AGENDA ITEM

City of Fernandina Beach



SUBJECT: Resolution 2019-127
Grant Approval - Federal Aviation Administration (FAA)

ITEM TYPE: Resolution (w/ fiscal impact)

REQUESTED ACTION: Consider Resolution 2019-127

SYNOPSIS: The Federal Aviation Administration (FAA) awarded the City a grant in the amount of \$148,500 to pay for 90% of the maximum FAA-eligible project costs (\$165,000) for design and bid services related to the rehabilitation of Runway 4/22 pavement, lighting, and drainage at the Fernandina Beach Municipal Airport.

It is expected the Florida Department of Transportation (FDOT) will provide the City grant monies for this work in the amount of \$8,250 (or 5%) of the total FAA eligible project cost of \$165,000. The City's cost share for the FAA-eligible project is anticipated to be 5% (\$8,250).

FISCAL IMPACT: The City will pay for the design and bid services for rehabilitation of Runway 4/22 pavement, lighting, and drainage with funds from the Airports Improvement account, 420 56300 in the FY 18/19 and 19/20 budgets, and will be reimbursed at a rate of 95% by FDOT and FAA, for FAA eligible project components.

CITY ATTORNEY COMMENTS: No additional comments.

CITY MANAGER RECOMMENDATION(S): I recommend that the City Commission adopt proposed Resolution 2019-127.

Dale Martin, City Manager	7/26/2019
Pauline Testagrose, Comptroller	7/29/2019
Lorelei Jacobs, Grants Administrator	7/29/2019
Tammi E. Bach, City Attorney	7/29/2019

Date: July 15, 2019

Submitted By: Nathan Coyle, Airport Director

COMMISSION ACTION: Adopt

RESOLUTION 2019-127

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, AUTHORIZING AIRPORT IMPROVEMENT PROGRAM (AIP) GRANT AGREEMENT #3-12-0022-028-2019 WITH THE FEDERAL AVIATION ADMINISTRATION (FAA) FOR DESIGN OF REHABILITATION OF RUNWAY 4/22 PAVEMENT, LIGHTING, AND DRAINAGE AT THE FERNANDINA BEACH MUNICIPAL AIRPORT; AUTHORIZING EXECUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Fernandina Beach was awarded AIP Grant Agreement #3-12-0022-028-2019 in the amount of \$148,500 which represents a 90% cost project share: \$165,000 for design phase services related to rehabilitation of Runway 4/22 pavement, lighting, and drainage; and

WHEREAS, it is anticipated the Florida Department of Transportation will provide a 5% grant for the remaining expenses which leaves \$8,250 in anticipatory costs to the Airport; and

WHEREAS, costs for the rehabilitation project are included in the Fiscal Year 2018/2019 Capital Improvement Plan, Airport Improvements account, 420 56300, and the draft Fiscal Year 2019/2020 budget as this project will bridge fiscal years.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, THAT:

SECTION 1. The City Commission hereby authorizes FAA Grant Agreement #3-12-0022-028-2019 in the amount of \$148,500 for the design of Runway 4/22 pavement, lighting, and drainage rehabilitation, attached hereto as Exhibit "A".

SECTION 2. The City Manager and the City Clerk are hereby authorized to execute the FAA Grant Agreement, upon review of the City Attorney.

SECTION 3. This Resolution shall become effective immediately upon passage.

ADOPTED this 6th day of August, 2019.

CITY OF FERNANDINA BEACH

John A. Miller
Commissioner - Mayor

ATTEST:

APPROVED AS TO FORM & LEGALITY:



Caroline Best
City Clerk

Tammi E. Bach
City Attorney



U.S. Department
of Transportation
**Federal Aviation
Administration**

**Resolution 2019-127
Exhibit "A"**

FAA ORL ADO
8427 South Park Circle
Suite 524
Orlando, FL 32819

July 15, 2019

Mr. Dale L. Martin, City Manager
City of Fernandina Beach
204 Ash Street
Fernandina Beach, FL 32034

Dear Mr. Martin:

We are enclosing the original and two copies of the Grant Offer for Airport Improvement Program (AIP) Project No. 3-12-0022-028-2019 at Fernandina Beach Municipal Airport in Fernandina Beach, Florida. This letter outlines expectations for success. Please read the conditions and assurances carefully

To properly enter into this agreement, you must do the following:

- a. The governing body must provide authority to execute the grant to the individual signing the grant; i.e. the sponsor's authorized representative.
- b. The sponsor's authorized representative must execute the grant, followed by the attorney's certification, no later than **August 16, 2019**, in order for the grant to be valid.
 - The date of the attorney's signature must be on or after the date of the sponsor's authorized representative's signature.
 - All signatures must be made with blue or black ink; Signature stamps will not be accepted.
- c. You may not make any modification to the text, terms or conditions of the grant offer.
- d. After you properly execute the grant agreement:
 - Return one executed original Grant Agreement to our office via US mail or commercial courier.
 - Retain one copy of the executed Grant Agreement for your records.
 - Forward one copy of the executed Grant Agreement to your associated State Aviation Official
- e. Because time is now critical for entering the executed grant into the FAA system, we request you send a copy of the signed agreement to our office by facsimile or email (pdf document) prior to sending the hardcopy document through U.S. mail or commercial courier.

Subject to the requirements in 2 CFR §200.305, each payment request for reimbursement under this grant must be made electronically via the Delphi eInvoicing System. Please see the attached Grant Agreement for more information regarding the use of this System.

The terms and conditions of this agreement require you to complete the project without undue delay. We will be monitoring your progress to ensure proper stewardship of these Federal funds. **We expect you to submit payment requests for reimbursement of allowable incurred project expenses consistent with project progress.** Should you fail to make draws on a regular basis, your grant may be placed in "inactive" status, which will affect your ability to receive future grant offers.

Until the grant is completed and closed, you are responsible for submitting formal reports as follows:

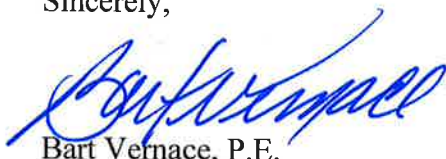
- A signed/dated SF-270 (non-construction projects) or SF-271 or equivalent (construction projects) and SF-425 annually, due 90 days after the end of each federal fiscal year in which this grant is open (due December 31 of each year this grant is open); and
- Performance Reports, which are due within 30 days of the end of a reporting period as follows:
 1. Non-construction project: Due annually at end of the Federal fiscal year.
 2. Construction project: Submit FAA form 5370-1, Construction Progress and Inspection Report at the end of each fiscal quarter.

As a condition of receiving Federal assistance under this award, you must comply with audit requirements as established under 2 CFR part 200. Subpart F requires non-Federal entities that expend \$750,000 or more in Federal awards to conduct a single or program specific audit for that year. Note that this includes Federal expenditures made under other Federal-assistance programs. Please take appropriate and necessary action to assure your organization will comply with applicable audit requirements and standards.

Once the project(s) is completed and all costs are determined, we ask that you close the project without delay and submit the necessary final closeout documentation as required by your Region/Airports District Office.

Richard Owen, (407) 487-7236, is the assigned program manager for this grant and is readily available to assist you and your designated representative with the requirements stated herein. We sincerely value your cooperation in these efforts and look forward to working with you to complete this important project.

Sincerely,



Bart Vernace, P.E.
Manager



U.S. Department
of Transportation
Federal Aviation
Administration

COPY

GRANT AGREEMENT

PART I—OFFER

Date of Offer	July 15, 2019
Airport/Planning Area	Fernandina Beach Municipal Airport
AIP Grant Number	3-12-0022-028-2019
DUNS Number	079192274
TO:	City of Fernandina Beach (herein called the "Sponsor")

FROM: **The United States of America**(acting through the Federal Aviation Administration, herein called the "FAA")

WHEREAS, the Sponsor has submitted to the FAA a Project Application dated June 24, 2019, for a grant of Federal funds for a project at or associated with the Fernandina Beach Municipal Airport, which is included as part of this Grant Agreement; and

WHEREAS, the FAA has approved a project for the Fernandina Beach Municipal Airport (herein called the "Project") consisting of the following:

Design Only - Install Runway 04/22 Lighting (±5,300 LF), Improve Airport Drainage, Rehabilitate Runway 04/22 (±3,800 LF x 100 FT).

which is more fully described in the Project Application.

NOW THEREFORE, According to the applicable provisions of the former Federal Aviation Act of 1958, as amended and recodified, 49 U.S.C. § 40101, et seq., and the former Airport and Airway Improvement Act of 1982 (AAIA), as amended and recodified, 49 U.S.C. § 47101, et seq., (herein the AAIA grant statute is referred to as "the Act"), the representations contained in the Project Application, and in consideration of (a) the Sponsor's adoption and ratification of the Grant Assurances dated March 2014, as applied and interpreted consistent with the FAA Reauthorization Act of 2018 (see 2018 FAA Reauthorization grant condition.), (b) and the Sponsor's acceptance of this Offer; and, (c) the benefits to accrue to the United States and the public from the accomplishment of the Project and compliance with the Grant Assurances and conditions as herein provided.

THE FEDERAL AVIATION ADMINISTRATION, FOR AND ON BEHALF OF THE UNITED STATES, HEREBY OFFERS AND AGREES to pay ninety (90) percent of the allowable costs incurred accomplishing the Project as the United States share of the Project.

This Offer is made on and **SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:**

CONDITIONS

1. **Maximum Obligation.** The maximum obligation of the United States payable under this Offer is \$148,500.

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The following amounts represent a breakdown of the maximum obligation for the purpose of establishing allowable amounts for any future grant amendment, which may increase the foregoing maximum obligation of the United States under the provisions of 49 U.S.C. § 47108(b):

\$0 for planning

\$148,500 airport development or noise program implementation; and,

\$0 for land acquisition.

2. **Period of Performance.** The period of performance begins on the date the Sponsor formally accepts this agreement. Unless explicitly stated otherwise in an amendment from the FAA, the end date of the period of performance is 4 years (1,460 calendar days) from the date of formal grant acceptance by the Sponsor.

The Sponsor may only charge allowable costs for obligations incurred prior to the end date of the period of performance (2 CFR §200.309). Unless the FAA authorizes a written extension, the sponsor must submit all project closeout documentation and liquidate (pay off) all obligations incurred under this award no later than 90 calendar days after the end date of the period of performance (2 CFR §200.343).

The period of performance end date does not relieve or reduce Sponsor obligations and assurances that extend beyond the closeout of a grant agreement.

3. **Ineligible or Unallowable Costs.** The Sponsor must not include any costs in the project that the FAA has determined to be ineligible or unallowable.
4. **Indirect Costs - Sponsor.** Sponsor may charge indirect costs under this award by applying the indirect cost rate identified in the project application as accepted by the FAA, to allowable costs for Sponsor direct salaries and wages.
5. **Determining the Final Federal Share of Costs.** The United States' share of allowable project costs will be made in accordance with the regulations, policies, and procedures of the Secretary. Final determination of the United States' share will be based upon the final audit of the total amount of allowable project costs and settlement will be made for any upward or downward adjustments to the Federal share of costs.
6. **Completing the Project Without Delay and in Conformance with Requirements.** The Sponsor must carry out and complete the project without undue delays and in accordance with this agreement, and the regulations, policies, and procedures of the Secretary. Per 2 CFR § 200.308, the Sponsor agrees to report to the FAA any disengagement from performing the project that exceeds three months. The report must include a reason for the project stoppage. The Sponsor also agrees to comply with the assurances which are part of this agreement.
7. **Amendments or Withdrawals before Grant Acceptance.** The FAA reserves the right to amend or withdraw this offer at any time prior to its acceptance by the Sponsor.
8. **Offer Expiration Date.** This offer will expire and the United States will not be obligated to pay any part of the costs of the project unless this offer has been accepted by the Sponsor on or before **August 16, 2019**, or such subsequent date as may be prescribed in writing by the FAA.
9. **Improper Use of Federal Funds.** The Sponsor must take all steps, including litigation if necessary, to recover Federal funds spent fraudulently, wastefully, or in violation of Federal antitrust statutes, or misused in any other manner for any project upon which Federal funds have been expended. For the purposes of this grant agreement, the term "Federal funds" means funds however used or dispersed by the Sponsor, that were originally paid pursuant to this or any other Federal grant agreement. The Sponsor must obtain the approval of the Secretary as to any determination of the amount of the Federal share of such funds. The Sponsor must return the recovered Federal share, including funds recovered by settlement, order, or judgment, to the Secretary. The Sponsor must furnish to the Secretary, upon request, all documents and records pertaining to the determination of the amount of the Federal share or to any settlement, litigation, negotiation, or other efforts taken to recover such funds. All settlements or other

final positions of the Sponsor, in court or otherwise, involving the recovery of such Federal share require advance approval by the Secretary.

10. **United States Not Liable for Damage or Injury.** The United States is not responsible or liable for damage to property or injury to persons which may arise from, or be incident to, compliance with this grant agreement.
11. **System for Award Management (SAM) Registration And Universal Identifier.**
 - A. Requirement for System for Award Management (SAM): Unless the Sponsor is exempted from this requirement under 2 CFR 25.110, the Sponsor must maintain the currency of its information in the SAM until the Sponsor submits the final financial report required under this grant, or receives the final payment, whichever is later. This requires that the Sponsor review and update the information at least annually after the initial registration and more frequently if required by changes in information or another award term. Additional information about registration procedures may be found at the SAM website (currently at <http://www.sam.gov>).
 - B. Data Universal Numbering System: DUNS number means the nine-digit number established and assigned by Dun and Bradstreet, Inc. (D & B) to uniquely identify business entities. A DUNS number may be obtained from D & B by telephone (currently 866-705-5771) or on the web (currently at <http://fedgov.dnb.com/webform>).
12. **Electronic Grant Payment(s).** Unless otherwise directed by the FAA, the Sponsor must make each payment request under this agreement electronically via the Delphi eInvoicing System for Department of Transportation (DOT) Financial Assistance Awardees.
13. **Informal Letter Amendment of AIP Projects.** If, during the life of the project, the FAA determines that the maximum grant obligation of the United States exceeds the expected needs of the Sponsor by \$25,000 or five percent (5%), whichever is greater, the FAA can issue a letter amendment to the Sponsor unilaterally reducing the maximum obligation.

The FAA can also issue a letter to the Sponsor increasing the maximum obligation if there is an overrun in the total actual eligible and allowable project costs to cover the amount of the overrun provided it will not exceed the statutory limitations for grant amendments. The FAA's authority to increase the maximum obligation does not apply to the "planning" component of condition No. 1.

The FAA can also issue an informal letter amendment that modifies the grant description to correct administrative errors or to delete work items if the FAA finds it advantageous and in the best interests of the United States.

An informal letter amendment has the same force and effect as a formal grant amendment.
14. **Air and Water Quality.** The Sponsor is required to comply with all applicable air and water quality standards for all projects in this grant. If the Sponsor fails to comply with this requirement, the FAA may suspend, cancel, or terminate this agreement.
15. **Financial Reporting and Payment Requirements.** The Sponsor will comply with all federal financial reporting requirements and payment requirements, including submittal of timely and accurate reports.
16. **Buy American.** Unless otherwise approved in advance by the FAA, the Sponsor will not acquire or permit any contractor or subcontractor to acquire any steel or manufactured products produced outside the United States to be used for any project for which funds are provided under this grant. The Sponsor will include a provision implementing Buy American in every contract.
17. **Maximum Obligation Increase For Nonprimary Airports.** In accordance with 49 U.S.C. § 47108(b), as amended, the maximum obligation of the United States, as stated in Condition No. 1 of this Grant Offer:

- A. May not be increased for a planning project;
- B. May be increased by not more than 15 percent for development projects;
- C. May be increased by not more than 15 percent or by an amount not to exceed 25 percent of the total increase in allowable costs attributable to the acquisition of land or interests in land, whichever is greater, based on current credible appraisals or a court award in a condemnation proceeding.

18. Audits for Public Sponsors. The Sponsor must provide for a Single Audit or program specific audit in accordance with 2 CFR part 200. The Sponsor must submit the audit reporting package to the Federal Audit Clearinghouse on the Federal Audit Clearinghouse's Internet Data Entry System at <http://harvester.census.gov/facweb/>. Provide one copy of the completed audit to the FAA if requested.

19. Suspension or Debarment. When entering into a "covered transaction" as defined by 2 CFR §180.200, the Sponsor must:

- A. Verify the non-federal entity is eligible to participate in this Federal program by:
 - 1. Checking the excluded parties list system (EPLS) as maintained within the System for Award Management (SAM) to determine if the non-federal entity is excluded or disqualified; or
 - 2. Collecting a certification statement from the non-federal entity attesting they are not excluded or disqualified from participating; or
 - 3. Adding a clause or condition to covered transactions attesting individual or firm are not excluded or disqualified from participating.
- B. Require prime contractors to comply with 2 CFR §180.330 when entering into lower-tier transactions (e.g. Sub-contracts).
- C. Immediately disclose to the FAA whenever the Sponsor (1) learns they have entered into a covered transaction with an ineligible entity or (2) suspends or debar a contractor, person, or entity.

20. Ban on Texting While Driving.

- A. In accordance with Executive Order 13513, Federal Leadership on Reducing Text Messaging While Driving, October 1, 2009, and DOT Order 3902.10, Text Messaging While Driving, December 30, 2009, the Sponsor is encouraged to:
 - 1. Adopt and enforce workplace safety policies to decrease crashes caused by distracted drivers including policies to ban text messaging while driving when performing any work for, or on behalf of, the Federal government, including work relating to a grant or subgrant.
 - 2. Conduct workplace safety initiatives in a manner commensurate with the size of the business, such as:
 - a. Establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving; and
 - b. Education, awareness, and other outreach to employees about the safety risks associated with texting while driving.
- B. The Sponsor must insert the substance of this clause on banning texting while driving in all subgrants, contracts and subcontracts.

21. AIP Funded Work Included in a PFC Application.

Within 90 days of acceptance of this award, Sponsor must submit to the Federal Aviation Administration an amendment to any approved Passenger Facility Charge (PFC) application that contains an approved PFC project also covered under this grant award. The airport sponsor may not make any expenditure under

this award until project work addressed under this award is removed from an approved PFC application by amendment.

22. Exhibit "A" Property Map. The Exhibit "A" Property Map dated July 2016, is incorporated herein by reference or is submitted with the project application and made part of this grant agreement.

23. Employee Protection from Reprisal.

A. Prohibition of Reprisals –

1. In accordance with 41 U.S.C. § 4712, an employee of a grantee or subgrantee may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing to a person or body described in sub-paragraph (A)(2), information that the employee reasonably believes is evidence of:
 - i. Gross mismanagement of a Federal grant;
 - ii. Gross waste of Federal funds;
 - iii. An abuse of authority relating to implementation or use of Federal funds;
 - iv. A substantial and specific danger to public health or safety; or
 - v. A violation of law, rule, or regulation related to a Federal grant.
2. Persons and bodies covered: The persons and bodies to which a disclosure by an employee is covered are as follows:
 - i. A member of Congress or a representative of a committee of Congress;
 - ii. An Inspector General;
 - iii. The Government Accountability Office;
 - iv. A Federal office or employee responsible for oversight of a grant program;
 - v. A court or grand jury;
 - vi. A management office of the grantee or subgrantee; or
 - vii. A Federal or State regulatory enforcement agency.
3. Submission of Complaint – A person who believes that they have been subjected to a reprisal prohibited by paragraph A of this grant term may submit a complaint regarding the reprisal to the Office of Inspector General (OIG) for the U.S. Department of Transportation.
4. Time Limitation for Submittal of a Complaint - A complaint may not be brought under this subsection more than three years after the date on which the alleged reprisal took place.
5. Required Actions of the Inspector General – Actions, limitations and exceptions of the Inspector General's office are established under 41 U.S.C. § 4712(b)
6. Assumption of Rights to Civil Remedy - Upon receipt of an explanation of a decision not to conduct or continue an investigation by the Office of Inspector General, the person submitting a complaint assumes the right to a civil remedy under 41 U.S.C. § 4712(c).

24. 2018 FAA Reauthorization. This grant agreement is subject to the terms and conditions contained herein including the terms known as the Grant Assurances as they were published in the Federal Register on April 3, 2014. On October 5, 2018, the FAA Reauthorization Act of 2018 made certain amendments to 49 U.S.C. chapter 471. The Reauthorization Act will require FAA to make certain amendments to the assurances in order to best achieve consistency with the statute. Federal law requires that FAA publish any amendments to the assurances in the Federal Register along with an opportunity to comment. In order not to delay the offer of this grant, the existing assurances are attached herein; however, FAA shall interpret and apply these assurances consistent with the Reauthorization Act. To the extent there is a conflict between the assurances and Federal statutes, the statutes shall apply. The full text of the Act is at <https://www.congress.gov/bill/115th-congress/house-bill/302/text>.

SPECIAL CONDITIONS

25. **Lighting.** The Sponsor must operate and maintain the lighting system during the useful life of the system in accordance with applicable FAA standards.
26. **Design Grant.** This grant agreement is being issued in order to complete the design of the project. The Sponsor understands and agrees that within 2 years after the design is completed that the Sponsor will accept, subject to the availability of the amount of federal funding identified in the Airport Capital Improvement Plan (ACIP), a grant to complete the construction of the project in order to provide a useful and useable unit of work. The Sponsor also understands that if the FAA has provided federal funding to complete the design for the project, and the Sponsor has not completed the design within four (4) years from the execution of this grant agreement, the FAA may suspend or terminate grants related to the design.

The Sponsor's acceptance of this Offer and ratification and adoption of the Project Application incorporated herein shall be evidenced by execution of this instrument by the Sponsor, as hereinafter provided, and this Offer and Acceptance shall comprise a Grant Agreement, as provided by the Act, constituting the contractual obligations and rights of the United States and the Sponsor with respect to the accomplishment of the Project and compliance with the assurances and conditions as provided herein. Such Grant Agreement shall become effective upon the Sponsor's acceptance of this Offer.

**UNITED STATES OF AMERICA
FEDERAL AVIATION ADMINISTRATION**



(Signature)

Bart Vernace

(Typed Name)

Manager

(Title of FAA Official)

PART II - ACCEPTANCE

The Sponsor does hereby ratify and adopt all assurances, statements, representations, warranties, covenants, and agreements contained in the Project Application and incorporated materials referred to in the foregoing Offer, and does hereby accept this Offer and by such acceptance agrees to comply with all of the terms and conditions in this Offer and in the Project Application.

I declare under penalty of perjury that the foregoing is true and correct.¹

Executed this _____ day of _____,

City of Fernandina Beach

(Name of Sponsor)

(Signature of Sponsor's Authorized Official)

By:

(Typed Name of Sponsor's Authorized Official)

Title:

(Title of Sponsor's Authorized Official)

CERTIFICATE OF SPONSOR'S ATTORNEY

I, Tammi E. Bach, acting as Attorney for the Sponsor do hereby certify:

That in my opinion the Sponsor is empowered to enter into the foregoing Grant Agreement under the laws of the State of Florida. Further, I have examined the foregoing Grant Agreement and the actions taken by said Sponsor and Sponsor's official representative has been duly authorized and that the execution thereof is in all respects due and proper and in accordance with the laws of the said State and the Act. In addition, for grants involving projects to be carried out on property not owned by the Sponsor, there are no legal impediments that will prevent full performance by the Sponsor. Further, it is my opinion that the said Grant Agreement constitutes a legal and binding obligation of the Sponsor in accordance with the terms thereof.

Dated at COFB City Hall (location) this 6th day of August, 2019

By:



(Signature of Sponsor's Attorney)

¹Knowingly and willfully providing false information to the Federal government is a violation of 18 U.S.C. Section 1001 (False Statements) and could subject you to fines, imprisonment, or both.

ASSURANCES

AIRPORT SPONSORS

A. General.

- a. These assurances shall be complied with in the performance of grant agreements for airport development, airport planning, and noise compatibility program grants for airport sponsors.
- b. These assurances are required to be submitted as part of the project application by sponsors requesting funds under the provisions of Title 49, U.S.C., subtitle VII, as amended. As used herein, the term "public agency sponsor" means a public agency with control of a public-use airport; the term "private sponsor" means a private owner of a public-use airport; and the term "sponsor" includes both public agency sponsors and private sponsors.
- c. Upon acceptance of this grant offer by the sponsor, these assurances are incorporated in and become part of this grant agreement.

B. Duration and Applicability.

1. Airport development or Noise Compatibility Program Projects Undertaken by a Public Agency Sponsor.

The terms, conditions and assurances of this grant agreement shall remain in full force and effect throughout the useful life of the facilities developed or equipment acquired for an airport development or noise compatibility program project, or throughout the useful life of the project items installed within a facility under a noise compatibility program project, but in any event not to exceed twenty (20) years from the date of acceptance of a grant offer of Federal funds for the project. However, there shall be no limit on the duration of the assurances regarding Exclusive Rights and Airport Revenue so long as the airport is used as an airport. There shall be no limit on the duration of the terms, conditions, and assurances with respect to real property acquired with federal funds. Furthermore, the duration of the Civil Rights assurance shall be specified in the assurances.

2. Airport Development or Noise Compatibility Projects Undertaken by a Private Sponsor.

The preceding paragraph 1 also applies to a private sponsor except that the useful life of project items installed within a facility or the useful life of the facilities developed or equipment acquired under an airport development or noise compatibility program project shall be no less than ten (10) years from the date of acceptance of Federal aid for the project.

3. Airport Planning Undertaken by a Sponsor.

Unless otherwise specified in this grant agreement, only Assurances 1, 2, 3, 5, 6, 13, 18, 25, 30, 32, 33, and 34 in Section C apply to planning projects. The terms, conditions, and assurances of this grant agreement shall remain in full force and effect during the life of the project; there shall be no limit on the duration of the assurances regarding Exclusive Rights and Airport Revenue so long as the airport is used as an airport.

C. Sponsor Certification.

The sponsor hereby assures and certifies, with respect to this grant that:

1. General Federal Requirements.

It will comply with all applicable Federal laws, regulations, executive orders, policies, guidelines, and requirements as they relate to the application, acceptance and use of Federal funds for this project including but not limited to the following:

FEDERAL LEGISLATION

- a. Title 49, U.S.C., subtitle VII, as amended.
- b. Davis-Bacon Act - 40 U.S.C. 276(a), et seq.¹
- c. Federal Fair Labor Standards Act - 29 U.S.C. 201, et seq.
- d. Hatch Act – 5 U.S.C. 1501, et seq.²
- e. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 Title 42 U.S.C. 4601, et seq.^{1,2}
- f. National Historic Preservation Act of 1966 - Section 106 - 16 U.S.C. 470(f).¹
- g. Archeological and Historic Preservation Act of 1974 - 16 U.S.C. 469 through 469c.¹
- h. Native Americans Grave Repatriation Act - 25 U.S.C. Section 3001, et seq.
- i. Clean Air Act, P.L. 90-148, as amended.
- j. Coastal Zone Management Act, P.L. 93-205, as amended.
- k. Flood Disaster Protection Act of 1973 - Section 102(a) - 42 U.S.C. 4012a.¹
- l. Title 49, U.S.C., Section 303, (formerly known as Section 4(f))
- m. Rehabilitation Act of 1973 - 29 U.S.C. 794.
- n. Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252) (prohibits discrimination on the basis of race, color, national origin);
- o. Americans with Disabilities Act of 1990, as amended, (42 U.S.C. § 12101 et seq.), prohibits discrimination on the basis of disability).
- p. Age Discrimination Act of 1975 - 42 U.S.C. 6101, et seq.
- q. American Indian Religious Freedom Act, P.L. 95-341, as amended.
- r. Architectural Barriers Act of 1968 -42 U.S.C. 4151, et seq.¹
- s. Power plant and Industrial Fuel Use Act of 1978 - Section 403- 2 U.S.C. 8373.¹
- t. Contract Work Hours and Safety Standards Act - 40 U.S.C. 327, et seq.¹
- u. Copeland Anti-kickback Act - 18 U.S.C. 874.1
- v. National Environmental Policy Act of 1969 - 42 U.S.C. 4321, et seq.¹
- w. Wild and Scenic Rivers Act, P.L. 90-542, as amended.
- x. Single Audit Act of 1984 - 31 U.S.C. 7501, et seq.²
- y. Drug-Free Workplace Act of 1988 - 41 U.S.C. 702 through 706.
- z. The Federal Funding Accountability and Transparency Act of 2006, as amended (Pub. L. 109-282, as amended by section 6202 of Pub. L. 110-252).

EXECUTIVE ORDERS

- a. Executive Order 11246 - Equal Employment Opportunity¹
- b. Executive Order 11990 - Protection of Wetlands
- c. Executive Order 11998 –Flood Plain Management

- d. Executive Order 12372 - Intergovernmental Review of Federal Programs
- e. Executive Order 12699 - Seismic Safety of Federal and Federally Assisted New Building Construction¹
- f. Executive Order 12898 - Environmental Justice

FEDERAL REGULATIONS

- a. 2 CFR Part 180 - OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement).
- b. 2 CFR Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. [OMB Circular A-87 Cost Principles Applicable to Grants and Contracts with State and Local Governments, and OMB Circular A-133 - Audits of States, Local Governments, and Non-Profit Organizations].^{4, 5, 6}
- c. 2 CFR Part 1200 – Nonprocurement Suspension and Debarment
- d. 14 CFR Part 13 - Investigative and Enforcement Procedures 14 CFR Part 16 - Rules of Practice For Federally Assisted Airport Enforcement Proceedings.
- e. 14 CFR Part 150 - Airport noise compatibility planning.
- f. 28 CFR Part 35- Discrimination on the Basis of Disability in State and Local Government Services.
- g. 28 CFR § 50.3 - U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964.
- h. 29 CFR Part 1 - Procedures for predetermination of wage rates.¹
- i. 29 CFR Part 3 - Contractors and subcontractors on public building or public work financed in whole or part by loans or grants from the United States.¹
- j. 29 CFR Part 5 - Labor standards provisions applicable to contracts covering federally financed and assisted construction (also labor standards provisions applicable to non-construction contracts subject to the Contract Work Hours and Safety Standards Act).¹
- k. 41 CFR Part 60 - Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor (Federal and federally assisted contracting requirements).¹
- l. 49 CFR Part 18 - Uniform administrative requirements for grants and cooperative agreements to state and local governments.³
- m. 49 CFR Part 20 - New restrictions on lobbying.
- n. 49 CFR Part 21 – Nondiscrimination in federally-assisted programs of the Department of Transportation - effectuation of Title VI of the Civil Rights Act of 1964.
- o. 49 CFR Part 23 - Participation by Disadvantage Business Enterprise in Airport Concessions.
- p. 49 CFR Part 24 – Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs.^{1, 2}
- q. 49 CFR Part 26 – Participation by Disadvantaged Business Enterprises in Department of Transportation Programs.
- r. 49 CFR Part 27 – Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance.¹

- s. 49 CFR Part 28 –Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities conducted by the Department of Transportation.
- t. 49 CFR Part 30 - Denial of public works contracts to suppliers of goods and services of countries that deny procurement market access to U.S. contractors.
- u. 49 CFR Part 32 –Governmentwide Requirements for Drug-Free Workplace (Financial Assistance)
- v. 49 CFR Part 37 –Transportation Services for Individuals with Disabilities (ADA).
- w. 49 CFR Part 41 - Seismic safety of Federal and federally assisted or regulated new building construction.

SPECIFIC ASSURANCES

Specific assurances required to be included in grant agreements by any of the above laws, regulations or circulars are incorporated by reference in this grant agreement.

FOOTNOTES TO ASSURANCE C.1.

- ¹ These laws do not apply to airport planning sponsors.
- ² These laws do not apply to private sponsors.
- ³ 49 CFR Part 18 and 2 CFR Part 200 contain requirements for State and Local Governments receiving Federal assistance. Any requirement levied upon State and Local Governments by this regulation and circular shall also be applicable to private sponsors receiving Federal assistance under Title 49, United States Code.
- ⁴ On December 26, 2013 at 78 FR 78590, the Office of Management and Budget (OMB) issued the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR Part 200. 2 CFR Part 200 replaces and combines the former Uniform Administrative Requirements for Grants (OMB Circular A-102 and Circular A-110 or 2 CFR Part 215 or Circular) as well as the Cost Principles (Circulars A-21 or 2 CFR part 220; Circular A-87 or 2 CFR part 225; and A-122, 2 CFR part 230). Additionally it replaces Circular A-133 guidance on the Single Annual Audit. In accordance with 2 CFR section 200.110, the standards set forth in Part 200 which affect administration of Federal awards issued by Federal agencies become effective once implemented by Federal agencies or when any future amendment to this Part becomes final. Federal agencies, including the Department of Transportation, must implement the policies and procedures applicable to Federal awards by promulgating a regulation to be effective by December 26, 2014 unless different provisions are required by statute or approved by OMB.
- ⁵ Cost principles established in 2 CFR part 200 subpart E must be used as guidelines for determining the eligibility of specific types of expenses.
- ⁶ Audit requirements established in 2 CFR part 200 subpart F are the guidelines for audits.

2. Responsibility and Authority of the Sponsor.

a. Public Agency Sponsor:

It has legal authority to apply for this grant, and to finance and carry out the proposed project; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.

b. Private Sponsor:

It has legal authority to apply for this grant and to finance and carry out the proposed project and comply with all terms, conditions, and assurances of this grant agreement. It shall designate an official representative and shall in writing direct and authorize that person to file this application, including all understandings and assurances contained therein; to act in connection with this application; and to provide such additional information as may be required.

3. Sponsor Fund Availability.

It has sufficient funds available for that portion of the project costs which are not to be paid by the United States. It has sufficient funds available to assure operation and maintenance of items funded under this grant agreement which it will own or control.

4. Good Title.

- a. It, a public agency or the Federal government, holds good title, satisfactory to the Secretary, to the landing area of the airport or site thereof, or will give assurance satisfactory to the Secretary that good title will be acquired.
- b. For noise compatibility program projects to be carried out on the property of the sponsor, it holds good title satisfactory to the Secretary to that portion of the property upon which Federal funds will be expended or will give assurance to the Secretary that good title will be obtained.

5. Preserving Rights and Powers.

- a. It will not take or permit any action which would operate to deprive it of any of the rights and powers necessary to perform any or all of the terms, conditions, and assurances in this grant agreement without the written approval of the Secretary, and will act promptly to acquire, extinguish or modify any outstanding rights or claims of right of others which would interfere with such performance by the sponsor. This shall be done in a manner acceptable to the Secretary.
- b. It will not sell, lease, encumber, or otherwise transfer or dispose of any part of its title or other interests in the property shown on Exhibit A to this application or, for a noise compatibility program project, that portion of the property upon which Federal funds have been expended, for the duration of the terms, conditions, and assurances in this grant agreement without approval by the Secretary. If the transferee is found by the Secretary to be eligible under Title 49, United States Code, to assume the obligations of this grant agreement and to have the power, authority, and financial resources to carry out all such obligations, the sponsor shall insert in the contract or document transferring or disposing of the sponsor's interest, and make binding upon the transferee all of the terms, conditions, and assurances contained in this grant agreement.
- c. For all noise compatibility program projects which are to be carried out by another unit of local government or are on property owned by a unit of local government other than the sponsor, it will enter into an agreement with that government. Except as otherwise specified by the Secretary, that agreement shall obligate that government to the same terms, conditions, and assurances that would be applicable to it if it applied directly to the FAA for a grant to undertake the noise compatibility program project. That agreement and changes thereto must be satisfactory to the Secretary. It will take steps to enforce this agreement against the local government if there is substantial non-compliance with the terms of the agreement.

- d. For noise compatibility program projects to be carried out on privately owned property, it will enter into an agreement with the owner of that property which includes provisions specified by the Secretary. It will take steps to enforce this agreement against the property owner whenever there is substantial non-compliance with the terms of the agreement.
- e. If the sponsor is a private sponsor, it will take steps satisfactory to the Secretary to ensure that the airport will continue to function as a public-use airport in accordance with these assurances for the duration of these assurances.
- f. If an arrangement is made for management and operation of the airport by any agency or person other than the sponsor or an employee of the sponsor, the sponsor will reserve sufficient rights and authority to insure that the airport will be operated and maintained in accordance Title 49, United States Code, the regulations and the terms, conditions and assurances in this grant agreement and shall insure that such arrangement also requires compliance therewith.
- g. Sponsors of commercial service airports will not permit or enter into any arrangement that results in permission for the owner or tenant of a property used as a residence, or zoned for residential use, to taxi an aircraft between that property and any location on airport. Sponsors of general aviation airports entering into any arrangement that results in permission for the owner of residential real property adjacent to or near the airport must comply with the requirements of Sec. 136 of Public Law 112-95 and the sponsor assurances.

6. Consistency with Local Plans.

The project is reasonably consistent with plans (existing at the time of submission of this application) of public agencies that are authorized by the State in which the project is located to plan for the development of the area surrounding the airport.

7. Consideration of Local Interest.

It has given fair consideration to the interest of communities in or near where the project may be located.

8. Consultation with Users.

In making a decision to undertake any airport development project under Title 49, United States Code, it has undertaken reasonable consultations with affected parties using the airport at which project is proposed.

9. Public Hearings.

In projects involving the location of an airport, an airport runway, or a major runway extension, it has afforded the opportunity for public hearings for the purpose of considering the economic, social, and environmental effects of the airport or runway location and its consistency with goals and objectives of such planning as has been carried out by the community and it shall, when requested by the Secretary, submit a copy of the transcript of such hearings to the Secretary. Further, for such projects, it has on its management board either voting representation from the communities where the project is located or has advised the communities that they have the right to petition the Secretary concerning a proposed project.

10. Metropolitan Planning Organization.

In projects involving the location of an airport, an airport runway, or a major runway extension at a medium or large hub airport, the sponsor has made available to and has provided upon request to the metropolitan planning organization in the area in which the airport is located, if any, a copy

of the proposed amendment to the airport layout plan to depict the project and a copy of any airport master plan in which the project is described or depicted.

11. Pavement Preventive Maintenance.

With respect to a project approved after January 1, 1995, for the replacement or reconstruction of pavement at the airport, it assures or certifies that it has implemented an effective airport pavement maintenance-management program and it assures that it will use such program for the useful life of any pavement constructed, reconstructed or repaired with Federal financial assistance at the airport. It will provide such reports on pavement condition and pavement management programs as the Secretary determines may be useful.

12. Terminal Development Prerequisites.

For projects which include terminal development at a public use airport, as defined in Title 49, it has, on the date of submittal of the project grant application, all the safety equipment required for certification of such airport under section 44706 of Title 49, United States Code, and all the security equipment required by rule or regulation, and has provided for access to the passenger enplaning and deplaning area of such airport to passengers enplaning and deplaning from aircraft other than air carrier aircraft.

13. Accounting System, Audit, and Record Keeping Requirements.

- a. It shall keep all project accounts and records which fully disclose the amount and disposition by the recipient of the proceeds of this grant, the total cost of the project in connection with which this grant is given or used, and the amount or nature of that portion of the cost of the project supplied by other sources, and such other financial records pertinent to the project. The accounts and records shall be kept in accordance with an accounting system that will facilitate an effective audit in accordance with the Single Audit Act of 1984.
- b. It shall make available to the Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, for the purpose of audit and examination, any books, documents, papers, and records of the recipient that are pertinent to this grant. The Secretary may require that an appropriate audit be conducted by a recipient. In any case in which an independent audit is made of the accounts of a sponsor relating to the disposition of the proceeds of a grant or relating to the project in connection with which this grant was given or used, it shall file a certified copy of such audit with the Comptroller General of the United States not later than six (6) months following the close of the fiscal year for which the audit was made.

14. Minimum Wage Rates.

It shall include, in all contracts in excess of \$2,000 for work on any projects funded under this grant agreement which involve labor, provisions establishing minimum rates of wages, to be predetermined by the Secretary of Labor, in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a-5), which contractors shall pay to skilled and unskilled labor, and such minimum rates shall be stated in the invitation for bids and shall be included in proposals or bids for the work.

15. Veteran's Preference.

It shall include in all contracts for work on any project funded under this grant agreement which involve labor, such provisions as are necessary to insure that, in the employment of labor (except in executive, administrative, and supervisory positions), preference shall be given to Vietnam era veterans, Persian Gulf veterans, Afghanistan-Iraq war veterans, disabled veterans, and small business concerns owned and controlled by disabled veterans as defined in Section 47112 of Title

49, United States Code. However, this preference shall apply only where the individuals are available and qualified to perform the work to which the employment relates.

16. Conformity to Plans and Specifications.

It will execute the project subject to plans, specifications, and schedules approved by the Secretary. Such plans, specifications, and schedules shall be submitted to the Secretary prior to commencement of site preparation, construction, or other performance under this grant agreement, and, upon approval of the Secretary, shall be incorporated into this grant agreement. Any modification to the approved plans, specifications, and schedules shall also be subject to approval of the Secretary, and incorporated into this grant agreement.

17. Construction Inspection and Approval.

It will provide and maintain competent technical supervision at the construction site throughout the project to assure that the work conforms to the plans, specifications, and schedules approved by the Secretary for the project. It shall subject the construction work on any project contained in an approved project application to inspection and approval by the Secretary and such work shall be in accordance with regulations and procedures prescribed by the Secretary. Such regulations and procedures shall require such cost and progress reporting by the sponsor or sponsors of such project as the Secretary shall deem necessary.

18. Planning Projects.

In carrying out planning projects:

- a. It will execute the project in accordance with the approved program narrative contained in the project application or with the modifications similarly approved.
- b. It will furnish the Secretary with such periodic reports as required pertaining to the planning project and planning work activities.
- c. It will include in all published material prepared in connection with the planning project a notice that the material was prepared under a grant provided by the United States.
- d. It will make such material available for examination by the public, and agrees that no material prepared with funds under this project shall be subject to copyright in the United States or any other country.
- e. It will give the Secretary unrestricted authority to publish, disclose, distribute, and otherwise use any of the material prepared in connection with this grant.
- f. It will grant the Secretary the right to disapprove the sponsor's employment of specific consultants and their subcontractors to do all or any part of this project as well as the right to disapprove the proposed scope and cost of professional services.
- g. It will grant the Secretary the right to disapprove the use of the sponsor's employees to do all or any part of the project.
- h. It understands and agrees that the Secretary's approval of this project grant or the Secretary's approval of any planning material developed as part of this grant does not constitute or imply any assurance or commitment on the part of the Secretary to approve any pending or future application for a Federal airport grant.

19. Operation and Maintenance.

- a. The airport and all facilities which are necessary to serve the aeronautical users of the airport, other than facilities owned or controlled by the United States, shall be operated at all times in a safe and serviceable condition and in accordance with the minimum standards as may be

required or prescribed by applicable Federal, state and local agencies for maintenance and operation. It will not cause or permit any activity or action thereon which would interfere with its use for airport purposes. It will suitably operate and maintain the airport and all facilities thereon or connected therewith, with due regard to climatic and flood conditions. Any proposal to temporarily close the airport for non-aeronautical purposes must first be approved by the Secretary. In furtherance of this assurance, the sponsor will have in effect arrangements for-

- 1) Operating the airport's aeronautical facilities whenever required;
 - 2) Promptly marking and lighting hazards resulting from airport conditions, including temporary conditions; and
 - 3) Promptly notifying airmen of any condition affecting aeronautical use of the airport. Nothing contained herein shall be construed to require that the airport be operated for aeronautical use during temporary periods when snow, flood or other climatic conditions interfere with such operation and maintenance. Further, nothing herein shall be construed as requiring the maintenance, repair, restoration, or replacement of any structure or facility which is substantially damaged or destroyed due to an act of God or other condition or circumstance beyond the control of the sponsor.
- b. It will suitably operate and maintain noise compatibility program items that it owns or controls upon which Federal funds have been expended.

20. Hazard Removal and Mitigation.

It will take appropriate action to assure that such terminal airspace as is required to protect instrument and visual operations to the airport (including established minimum flight altitudes) will be adequately cleared and protected by removing, lowering, relocating, marking, or lighting or otherwise mitigating existing airport hazards and by preventing the establishment or creation of future airport hazards.

21. Compatible Land Use.

It will take appropriate action, to the extent reasonable, including the adoption of zoning laws, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft. In addition, if the project is for noise compatibility program implementation, it will not cause or permit any change in land use, within its jurisdiction, that will reduce its compatibility, with respect to the airport, of the noise compatibility program measures upon which Federal funds have been expended.

22. Economic Nondiscrimination.

- a. It will make the airport available as an airport for public use on reasonable terms and without unjust discrimination to all types, kinds and classes of aeronautical activities, including commercial aeronautical activities offering services to the public at the airport.
- b. In any agreement, contract, lease, or other arrangement under which a right or privilege at the airport is granted to any person, firm, or corporation to conduct or to engage in any aeronautical activity for furnishing services to the public at the airport, the sponsor will insert and enforce provisions requiring the contractor to-
 - 1) furnish said services on a reasonable, and not unjustly discriminatory, basis to all users thereof, and
 - 2) charge reasonable, and not unjustly discriminatory, prices for each unit or service,

provided that the contractor may be allowed to make reasonable and nondiscriminatory discounts, rebates, or other similar types of price reductions to volume purchasers.

- a.) Each fixed-based operator at the airport shall be subject to the same rates, fees, rentals, and other charges as are uniformly applicable to all other fixed-based operators making the same or similar uses of such airport and utilizing the same or similar facilities.
- b.) Each air carrier using such airport shall have the right to service itself or to use any fixed-based operator that is authorized or permitted by the airport to serve any air carrier at such airport.
- c.) Each air carrier using such airport (whether as a tenant, non-tenant, or subtenant of another air carrier tenant) shall be subject to such nondiscriminatory and substantially comparable rules, regulations, conditions, rates, fees, rentals, and other charges with respect to facilities directly and substantially related to providing air transportation as are applicable to all such air carriers which make similar use of such airport and utilize similar facilities, subject to reasonable classifications such as tenants or non-tenants and signatory carriers and non-signatory carriers. Classification or status as tenant or signatory shall not be unreasonably withheld by any airport provided an air carrier assumes obligations substantially similar to those already imposed on air carriers in such classification or status.
- d.) It will not exercise or grant any right or privilege which operates to prevent any person, firm, or corporation operating aircraft on the airport from performing any services on its own aircraft with its own employees [including, but not limited to maintenance, repair, and fueling] that it may choose to perform.
- e.) In the event the sponsor itself exercises any of the rights and privileges referred to in this assurance, the services involved will be provided on the same conditions as would apply to the furnishing of such services by commercial aeronautical service providers authorized by the sponsor under these provisions.
- f.) The sponsor may establish such reasonable, and not unjustly discriminatory, conditions to be met by all users of the airport as may be necessary for the safe and efficient operation of the airport.
- g.) The sponsor may prohibit or limit any given type, kind or class of aeronautical use of the airport if such action is necessary for the safe operation of the airport or necessary to serve the civil aviation needs of the public.

23. Exclusive Rights.

It will permit no exclusive right for the use of the airport by any person providing, or intending to provide, aeronautical services to the public. For purposes of this paragraph, the providing of the services at an airport by a single fixed-based operator shall not be construed as an exclusive right if both of the following apply:

- a. It would be unreasonably costly, burdensome, or impractical for more than one fixed-based operator to provide such services, and
- b. If allowing more than one fixed-based operator to provide such services would require the reduction of space leased pursuant to an existing agreement between such single fixed-based operator and such airport. It further agrees that it will not, either directly or indirectly, grant or permit any person, firm, or corporation, the exclusive right at the airport to conduct any aeronautical activities, including, but not limited to charter flights, pilot training, aircraft rental

and sightseeing, aerial photography, crop dusting, aerial advertising and surveying, air carrier operations, aircraft sales and services, sale of aviation petroleum products whether or not conducted in conjunction with other aeronautical activity, repair and maintenance of aircraft, sale of aircraft parts, and any other activities which because of their direct relationship to the operation of aircraft can be regarded as an aeronautical activity, and that it will terminate any exclusive right to conduct an aeronautical activity now existing at such an airport before the grant of any assistance under Title 49, United States Code.

24. Fee and Rental Structure.

It will maintain a fee and rental structure for the facilities and services at the airport which will make the airport as self-sustaining as possible under the circumstances existing at the particular airport, taking into account such factors as the volume of traffic and economy of collection. No part of the Federal share of an airport development, airport planning or noise compatibility project for which a grant is made under Title 49, United States Code, the Airport and Airway Improvement Act of 1982, the Federal Airport Act or the Airport and Airway Development Act of 1970 shall be included in the rate basis in establishing fees, rates, and charges for users of that airport.

25. Airport Revenues.

- a. All revenues generated by the airport and any local taxes on aviation fuel established after December 30, 1987, will be expended by it for the capital or operating costs of the airport; the local airport system; or other local facilities which are owned or operated by the owner or operator of the airport and which are directly and substantially related to the actual air transportation of passengers or property; or for noise mitigation purposes on or off the airport. The following exceptions apply to this paragraph:
 - 1) If covenants or assurances in debt obligations issued before September 3, 1982, by the owner or operator of the airport, or provisions enacted before September 3, 1982, in governing statutes controlling the owner or operator's financing, provide for the use of the revenues from any of the airport owner or operator's facilities, including the airport, to support not only the airport but also the airport owner or operator's general debt obligations or other facilities, then this limitation on the use of all revenues generated by the airport (and, in the case of a public airport, local taxes on aviation fuel) shall not apply.
 - 2) If the Secretary approves the sale of a privately owned airport to a public sponsor and provides funding for any portion of the public sponsor's acquisition of land, this limitation on the use of all revenues generated by the sale shall not apply to certain proceeds from the sale. This is conditioned on repayment to the Secretary by the private owner of an amount equal to the remaining unamortized portion (amortized over a 20-year period) of any airport improvement grant made to the private owner for any purpose other than land acquisition on or after October 1, 1996, plus an amount equal to the federal share of the current fair market value of any land acquired with an airport improvement grant made to that airport on or after October 1, 1996.
 - 3) Certain revenue derived from or generated by mineral extraction, production, lease, or other means at a general aviation airport (as defined at Section 47102 of title 49 United States Code), if the FAA determines the airport sponsor meets the requirements set forth in Sec. 813 of Public Law 112-95.
 - a.) As part of the annual audit required under the Single Audit Act of 1984, the sponsor will direct that the audit will review, and the resulting audit report will provide an opinion concerning, the use of airport revenue and taxes in paragraph (a), and indicating whether funds paid or transferred to the owner or operator are paid or transferred in a

manner consistent with Title 49, United States Code and any other applicable provision of law, including any regulation promulgated by the Secretary or Administrator.

- b.) Any civil penalties or other sanctions will be imposed for violation of this assurance in accordance with the provisions of Section 47107 of Title 49, United States Code.

26. Reports and Inspections.

It will:

- a. submit to the Secretary such annual or special financial and operations reports as the Secretary may reasonably request and make such reports available to the public; make available to the public at reasonable times and places a report of the airport budget in a format prescribed by the Secretary;
- b. for airport development projects, make the airport and all airport records and documents affecting the airport, including deeds, leases, operation and use agreements, regulations and other instruments, available for inspection by any duly authorized agent of the Secretary upon reasonable request;
- c. for noise compatibility program projects, make records and documents relating to the project and continued compliance with the terms, conditions, and assurances of this grant agreement including deeds, leases, agreements, regulations, and other instruments, available for inspection by any duly authorized agent of the Secretary upon reasonable request; and
- d. in a format and time prescribed by the Secretary, provide to the Secretary and make available to the public following each of its fiscal years, an annual report listing in detail:
 - 1) all amounts paid by the airport to any other unit of government and the purposes for which each such payment was made; and
 - 2) all services and property provided by the airport to other units of government and the amount of compensation received for provision of each such service and property.

27. Use by Government Aircraft.

It will make available all of the facilities of the airport developed with Federal financial assistance and all those usable for landing and takeoff of aircraft to the United States for use by Government aircraft in common with other aircraft at all times without charge, except, if the use by Government aircraft is substantial, charge may be made for a reasonable share, proportional to such use, for the cost of operating and maintaining the facilities used. Unless otherwise determined by the Secretary, or otherwise agreed to by the sponsor and the using agency, substantial use of an airport by Government aircraft will be considered to exist when operations of such aircraft are in excess of those which, in the opinion of the Secretary, would unduly interfere with use of the landing areas by other authorized aircraft, or during any calendar month that –

- a. by gross weights of such aircraft) is in excess of five million pounds Five (5) or more Government aircraft are regularly based at the airport or on land adjacent thereto; or
- b. The total number of movements (counting each landing as a movement) of Government aircraft is 300 or more, or the gross accumulative weight of Government aircraft using the airport (the total movement of Government aircraft multiplied.

28. Land for Federal Facilities.

It will furnish without cost to the Federal Government for use in connection with any air traffic control or air navigation activities, or weather-reporting and communication activities related to air traffic control, any areas of land or water, or estate therein, or rights in buildings of the sponsor as the Secretary considers necessary or desirable for construction, operation, and maintenance at

Federal expense of space or facilities for such purposes. Such areas or any portion thereof will be made available as provided herein within four months after receipt of a written request from the Secretary.

29. Airport Layout Plan.

- a. It will keep up to date at all times an airport layout plan of the airport showing:
 - 1) boundaries of the airport and all proposed additions thereto, together with the boundaries of all offsite areas owned or controlled by the sponsor for airport purposes and proposed additions thereto;
 - 2) the location and nature of all existing and proposed airport facilities and structures (such as runways, taxiways, aprons, terminal buildings, hangars and roads), including all proposed extensions and reductions of existing airport facilities;
 - 3) the location of all existing and proposed nonaviation areas and of all existing improvements thereon; and
 - 4) all proposed and existing access points used to taxi aircraft across the airport's property boundary. Such airport layout plans and each amendment, revision, or modification thereof, shall be subject to the approval of the Secretary which approval shall be evidenced by the signature of a duly authorized representative of the Secretary on the face of the airport layout plan. The sponsor will not make or permit any changes or alterations in the airport or any of its facilities which are not in conformity with the airport layout plan as approved by the Secretary and which might, in the opinion of the Secretary, adversely affect the safety, utility or efficiency of the airport.
- a.) If a change or alteration in the airport or the facilities is made which the Secretary determines adversely affects the safety, utility, or efficiency of any federally owned, leased, or funded property on or off the airport and which is not in conformity with the airport layout plan as approved by the Secretary, the owner or operator will, if requested, by the Secretary (1) eliminate such adverse effect in a manner approved by the Secretary; or (2) bear all costs of relocating such property (or replacement thereof) to a site acceptable to the Secretary and all costs of restoring such property (or replacement thereof) to the level of safety, utility, efficiency, and cost of operation existing before the unapproved change in the airport or its facilities except in the case of a relocation or replacement of an existing airport facility due to a change in the Secretary's design standards beyond the control of the airport sponsor.

30. Civil Rights.

It will promptly take any measures necessary to ensure that no person in the United States shall, on the grounds of race, creed, color, national origin, sex, age, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in any activity conducted with, or benefiting from, funds received from this grant.

- a. Using the definitions of activity, facility and program as found and defined in §§ 21.23 (b) and 21.23 (e) of 49 CFR § 21, the sponsor will facilitate all programs, operate all facilities, or conduct all programs in compliance with all non-discrimination requirements imposed by, or pursuant to these assurances.
- b. Applicability
 - 1) Programs and Activities. If the sponsor has received a grant (or other federal assistance) for any of the sponsor's program or activities, these requirements extend to all of the

sponsor's programs and activities.

- 2) Facilities. Where it receives a grant or other federal financial assistance to construct, expand, renovate, remodel, alter or acquire a facility, or part of a facility, the assurance extends to the entire facility and facilities operated in connection therewith.
- 3) Real Property. Where the sponsor receives a grant or other Federal financial assistance in the form of, or for the acquisition of real property or an interest in real property, the assurance will extend to rights to space on, over, or under such property.

c. Duration.

The sponsor agrees that it is obligated to this assurance for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the assurance obligates the sponsor, or any transferee for the longer of the following periods:

- 1) So long as the airport is used as an airport, or for another purpose involving the provision of similar services or benefits; or
- 2) So long as the sponsor retains ownership or possession of the property.

d. Required Solicitation Language. It will include the following notification in all solicitations for bids, Requests For Proposals for work, or material under this grant agreement and in all proposals for agreements, including airport concessions, regardless of funding source:

"The **(Name of Sponsor)**, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises and airport concession disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."

e. Required Contract Provisions.

- 1) It will insert the non-discrimination contract clauses requiring compliance with the acts and regulations relative to non-discrimination in Federally-assisted programs of the DOT, and incorporating the acts and regulations into the contracts by reference in every contract or agreement subject to the non-discrimination in Federally-assisted programs of the DOT acts and regulations.
- 2) It will include a list of the pertinent non-discrimination authorities in every contract that is subject to the non-discrimination acts and regulations.
- 3) It will insert non-discrimination contract clauses as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a sponsor.
- 4) It will insert non-discrimination contract clauses prohibiting discrimination on the basis of race, color, national origin, creed, sex, age, or handicap as a covenant running with the land, in any future deeds, leases, license, permits, or similar instruments entered into by the sponsor with other parties:
 - a.) For the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and

- b.) For the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
- f. It will provide for such methods of administration for the program as are found by the Secretary to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the acts, the regulations, and this assurance.
- g. It agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the acts, the regulations, and this assurance.

31. Disposal of Land.

- a. For land purchased under a grant for airport noise compatibility purposes, including land serving as a noise buffer, it will dispose of the land, when the land is no longer needed for such purposes, at fair market value, at the earliest practicable time. That portion of the proceeds of such disposition which is proportionate to the United States' share of acquisition of such land will be, at the discretion of the Secretary, (1) reinvested in another project at the airport, or (2) transferred to another eligible airport as prescribed by the Secretary. The Secretary shall give preference to the following, in descending order, (1) reinvestment in an approved noise compatibility project, (2) reinvestment in an approved project that is eligible for grant funding under Section 47117(e) of title 49 United States Code, (3) reinvestment in an approved airport development project that is eligible for grant funding under Sections 47114, 47115, or 47117 of title 49 United States Code, (4) transferred to an eligible sponsor of another public airport to be reinvested in an approved noise compatibility project at that airport, and (5) paid to the Secretary for deposit in the Airport and Airway Trust Fund. If land acquired under a grant for noise compatibility purposes is leased at fair market value and consistent with noise buffering purposes, the lease will not be considered a disposal of the land. Revenues derived from such a lease may be used for an approved airport development project that would otherwise be eligible for grant funding or any permitted use of airport revenue.
- b. For land purchased under a grant for airport development purposes (other than noise compatibility), it will, when the land is no longer needed for airport purposes, dispose of such land at fair market value or make available to the Secretary an amount equal to the United States' proportionate share of the fair market value of the land. That portion of the proceeds of such disposition which is proportionate to the United States' share of the cost of acquisition of such land will, (1) upon application to the Secretary, be reinvested or transferred to another eligible airport as prescribed by the Secretary. The Secretary shall give preference to the following, in descending order: (1) reinvestment in an approved noise compatibility project, (2) reinvestment in an approved project that is eligible for grant funding under Section 47117(e) of title 49 United States Code, (3) reinvestment in an approved airport development project that is eligible for grant funding under Sections 47114, 47115, or 47117 of title 49 United States Code, (4) transferred to an eligible sponsor of another public airport to be reinvested in an approved noise compatibility project at that airport, and (5) paid to the Secretary for deposit in the Airport and Airway Trust Fund.
- c. Land shall be considered to be needed for airport purposes under this assurance if (1) it may be needed for aeronautical purposes (including runway protection zones) or serve as noise buffer land, and (2) the revenue from interim uses of such land contributes to the financial self-sufficiency of the airport. Further, land purchased with a grant received by an airport operator or owner before December 31, 1987, will be considered to be needed for airport purposes if the Secretary or Federal agency making such grant before December 31, 1987, was

notified by the operator or owner of the uses of such land, did not object to such use, and the land continues to be used for that purpose, such use having commenced no later than December 15, 1989.

- d. Disposition of such land under (a) (b) or (c) will be subject to the retention or reservation of any interest or right therein necessary to ensure that such land will only be used for purposes which are compatible with noise levels associated with operation of the airport.

32. Engineering and Design Services.

It will award each contract, or sub-contract for program management, construction management, planning studies, feasibility studies, architectural services, preliminary engineering, design, engineering, surveying, mapping or related services with respect to the project in the same manner as a contract for architectural and engineering services is negotiated under Title IX of the Federal Property and Administrative Services Act of 1949 or an equivalent qualifications-based requirement prescribed for or by the sponsor of the airport.

33. Foreign Market Restrictions.

It will not allow funds provided under this grant to be used to fund any project which uses any product or service of a foreign country during the period in which such foreign country is listed by the United States Trade Representative as denying fair and equitable market opportunities for products and suppliers of the United States in procurement and construction.

34. Policies, Standards, and Specifications.

It will carry out the project in accordance with policies, standards, and specifications approved by the Secretary including, but not limited to, the advisory circulars listed in the Current FAA Advisory Circulars for AIP projects, dated January 24, 2017 and included in this grant, and in accordance with applicable state policies, standards, and specifications approved by the Secretary.

35. Relocation and Real Property Acquisition.

- a. It will be guided in acquiring real property, to the greatest extent practicable under State law, by the land acquisition policies in Subpart B of 49 CFR Part 24 and will pay or reimburse property owners for necessary expenses as specified in Subpart B.
- b. It will provide a relocation assistance program offering the services described in Subpart C and fair and reasonable relocation payments and assistance to displaced persons as required in Subpart D and E of 49 CFR Part 24.
- c. It will make available within a reasonable period of time prior to displacement, comparable replacement dwellings to displaced persons in accordance with Subpart E of 49 CFR Part 24.

36. Access By Intercity Buses.

The airport owner or operator will permit, to the maximum extent practicable, intercity buses or other modes of transportation to have access to the airport; however, it has no obligation to fund special facilities for intercity buses or for other modes of transportation.

37. Disadvantaged Business Enterprises.

The sponsor shall not discriminate on the basis of race, color, national origin or sex in the award and performance of any DOT-assisted contract covered by 49 CFR Part 26, or in the award and performance of any concession activity contract covered by 49 CFR Part 23. In addition, the sponsor shall not discriminate on the basis of race, color, national origin or sex in the administration of its DBE and ACDBE programs or the requirements of 49 CFR Parts 23 and 26. The sponsor shall take all necessary and reasonable steps under 49 CFR Parts 23 and 26 to ensure

nondiscrimination in the award and administration of DOT-assisted contracts, and/or concession contracts. The sponsor's DBE and ACDBE programs, as required by 49 CFR Parts 26 and 23, and as approved by DOT, are incorporated by reference in this agreement. Implementation of these programs is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the sponsor of its failure to carry out its approved program, the Department may impose sanctions as provided for under Parts 26 and 23 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1936 (31 U.S.C. 3801).

38. Hangar Construction.

If the airport owner or operator and a person who owns an aircraft agree that a hangar is to be constructed at the airport for the aircraft at the aircraft owner's expense, the airport owner or operator will grant to the aircraft owner for the hangar a long term lease that is subject to such terms and conditions on the hangar as the airport owner or operator may impose.

39. Competitive Access.

- a. If the airport owner or operator of a medium or large hub airport (as defined in section 47102 of title 49, U.S.C.) has been unable to accommodate one or more requests by an air carrier for access to gates or other facilities at that airport in order to allow the air carrier to provide service to the airport or to expand service at the airport, the airport owner or operator shall transmit a report to the Secretary that-
 - 1) Describes the requests;
 - 2) Provides an explanation as to why the requests could not be accommodated; and
 - 3) Provides a time frame within which, if any, the airport will be able to accommodate the requests.
- b. Such report shall be due on either February 1 or August 1 of each year if the airport has been unable to accommodate the request(s) in the six month period prior to the applicable due date.



FAA Airports

Current FAA Advisory Circulars Required for Use in AIP Funded and PFC Approved Projects

Updated: 4/18/2019

View the most current versions of these ACs and any associated changes at:

http://www.faa.gov/airports/resources/advisory_circulars and
http://www.faa.gov/regulations_policies/advisory_circulars/

NUMBER	TITLE
70/7460-1L Change 2	Obstruction Marking and Lighting
150/5000-9A	Announcement of Availability Report No. DOT/FAA/PP/92-5, Guidelines for the Sound Insulation of Residences Exposed to Aircraft Operations
150/5000-17	Critical Aircraft and Regular Use Determination
150/5020-1	Noise Control and Compatibility Planning for Airports
150/5070-6B Changes 1- 2	Airport Master Plans
150/5070-7 Change 1	The Airport System Planning Process
150/5100-13B	Development of State Standards for Nonprimary Airports
150/5200-28F	Notices to Airmen (NOTAMS) for Airport Operators
150/5200-30D Change 1	Airport Field Condition Assessments and Winter Operations Safety
150/5200-31C Changes 1-2	Airport Emergency Plan
150/5210-5D	Painting, Marking, and Lighting of Vehicles Used on an Airport
150/5210-7D	Aircraft Rescue and Fire Fighting Communications

NUMBER	TITLE
150/5210-13C	Airport Water Rescue Plans and Equipment
150/5210-14B	Aircraft Rescue Fire Fighting Equipment, Tools and Clothing
150/5210-15A	Aircraft Rescue and Firefighting Station Building Design
150/5210-18A	Systems for Interactive Training of Airport Personnel
150/5210-19A	Driver's Enhanced Vision System (DEVS)
150/5220-10E	Guide Specification for Aircraft Rescue and Fire Fighting (ARFF) Vehicles
150/5220-16E Changes 1	Automated Weather Observing Systems (AWOS) for Non-Federal Applications
150/5220-17B	Aircraft Rescue and Fire Fighting (ARFF) Training Facilities
150/5220-18A	Buildings for Storage and Maintenance of Airport Snow and Ice Control Equipment and Materials
150/5220-20A	Airport Snow and Ice Control Equipment
150/5220-21C	Aircraft Boarding Equipment
150/5220-22B	Engineered Materials Arresting Systems (EMAS) for Aircraft Overruns
150/5220-23	Frangible Connections
150/5220-24	Foreign Object Debris Detection Equipment
150/5220-25	Standard Airport Avian Radar Systems
150/5220-26 Changes 1-2	Airport Ground Vehicle Automatic Dependent Surveillance - Broadcast (ADS-B) Out Squitter Equipment
150/5300-13A Change 1	Airport Design
150/5300-14C	Design of Aircraft Deicing Facilities
150/5300-16A	General Guidance and Specifications for Aeronautical Surveys: Establishment of Geodetic Control and Submission to the National Geodetic Survey
150/5300-17C Change 1	Standards for Using Remote Sensing Technologies in Airport Surveys
150/5300-18B Change 1	General Guidance and Specifications for Submission of Aeronautical Surveys to NGS: Field Data Collection and Geographic Information System (GIS) Standards

NUMBER	TITLE
150/5320-5D	Airport Drainage Design
150/5320-6F	Airport Pavement Design and Evaluation
150/5320-12C Changes 1-8	Measurement, Construction, and Maintenance of Skid Resistant Airport Pavement Surfaces
150/5320-15A	Management of Airport Industrial Waste
150/5235-4B	Runway Length Requirements for Airport Design
150/5335-5C	Standardized Method of Reporting Airport Pavement Strength - PCN
150/5340-1L	Standards for Airport Markings
150/5340-5D	Segmented Circle Airport Marker System
150/5340-18F	Standards for Airport Sign Systems
150/5340-26C	Maintenance of Airport Visual Aid Facilities
150/5340-30J	Design and Installation Details for Airport Visual Aids
150/5345-3G	Specification for L-821, Panels for the Control of Airport Lighting
150/5345-5B	Circuit Selector Switch
150/5345-7F	Specification for L-824 Underground Electrical Cable for Airport Lighting Circuits
150/5345-10H	Specification for Constant Current Regulators and Regulator Monitors
150/5345-12F	Specification for Airport and Heliport Beacons
150/5345-13B	Specification for L-841 Auxiliary Relay Cabinet Assembly for Pilot Control of Airport Lighting Circuits
150/5345-26D	FAA Specification For L-823 Plug and Receptacle, Cable Connectors
150/5345-27E	Specification for Wind Cone Assemblies
150/5345-28G	Precision Approach Path Indicator (PAPI) Systems
150/5345-39D	Specification for L-853, Runway and Taxiway Retro reflective Markers
150/5345-42H	Specification for Airport Light Bases, Transformer Housings, Junction Boxes, and Accessories
150/5345-43H	Specification for Obstruction Lighting Equipment

NUMBER	TITLE
150/5345-44K	Specification for Runway and Taxiway Signs
150/5345-45C	Low-Impact Resistant (LIR) Structures
150/5345-46E	Specification for Runway and Taxiway Light Fixtures
150/5345-47C	Specification for Series to Series Isolation Transformers for Airport Lighting Systems
150/5345-49D	Specification L-854, Radio Control Equipment
150/5345-50B	Specification for Portable Runway and Taxiway Lights
150/5345-51B	Specification for Discharge-Type Flashing Light Equipment
150/5345-52A	Generic Visual Glideslope Indicators (GVGI)
150/5345-53D	Airport Lighting Equipment Certification Program
150/5345-54B	Specification for L-884, Power and Control Unit for Land and Hold Short Lighting Systems
150/5345-55A	Specification for L-893, Lighted Visual Aid to Indicate Temporary Runway Closure
150/5345-56B	Specification for L-890 Airport Lighting Control and Monitoring System (ALCMS)
150/5360-12F	Airport Signing and Graphics
150/5360-13A	Airport Terminal Planning
150/5360-14A	Access to Airports By Individuals With Disabilities
150/5370-2G	Operational Safety on Airports During Construction
150/5370-10H	Standards for Specifying Construction of Airports
150/5370-11B	Use of Nondestructive Testing in the Evaluation of Airport Pavements
150/5370-13A	Off-Peak Construction of Airport Pavements Using Hot-Mix Asphalt
150/5370-15B	Airside Applications for Artificial Turf
150/5370-16	Rapid Construction of Rigid (Portland Cement Concrete) Airfield Pavements
150/5370-17	Airside Use of Heated Pavement Systems
150/5390-2C	Heliport Design

NUMBER	TITLE
150/5395-1A	Seaplane Bases

THE FOLLOWING ADDITIONAL APPLY TO AIP PROJECTS ONLY

Updated: 3/22/2019

NUMBER	TITLE
150/5100-14E Change 1	Architectural, Engineering, and Planning Consultant Services for Airport Grant Projects
150/5100-17 Changes 1 - 7	Land Acquisition and Relocation Assistance for Airport Improvement Program Assisted Projects
150/5300-15A	Use of Value Engineering for Engineering Design of Airport Grant Projects
150/5320-17A	Airfield Pavement Surface Evaluation and Rating Manuals
150/5370-12B	Quality Management for Federally Funded Airport Construction Projects
150/5380-6C	Guidelines and Procedures for Maintenance of Airport Pavements
150/5380-7B	Airport Pavement Management Program
150/5380-9	Guidelines and Procedures for Measuring Airfield Pavement Roughness

								Current Grant Totals			Project Summary
								Note: If there is no award date, the grant has only been announced, and the totals are preliminary estimates, subject to change prior to award			
State	City	Worksite	LocID	Grant Number	Sponsor	Announcement Date	Award Date	Entitlement Amount	Discretionary Amount	Total AIP Amount	
FL	Arcadia	Arcadia Municipal	X06	3-12-0093-007-2019	City of Arcadia	7/9/2019		\$ 272,843	\$ -	\$ 272,843	Construct Taxiway
FL	Brooksville	Brooksville-Tampa Bay Regional	BKV	3-12-0008-022-2019	Hernando County Board of Commissioners	7/9/2019		\$ 150,000	\$ 4,487,469	\$ 4,637,469	Reconstruct Taxiway
FL	Crestview	Bob Sikes	CEW	3-12-0014-025-2019	Okaloosa County	6/24/2019		\$ 900,000	\$ -	\$ 900,000	Rehabilitate Runway - 17/35
FL	Cross City	Cross City	CTY	3-12-0015-013-2019	Dixie County Board of County Commissioners	6/24/2019		\$ 450,000	\$ -	\$ 450,000	Rehabilitate Apron
FL	Crystal River	Crystal River-Captain Tom Davis Field	CGC	3-12-0156-009-2019	Citrus County, Florida	6/5/2019		\$ 91,800	\$ -	\$ 91,800	Install Airport Beacons
FL	Daytona Beach	Daytona Beach International	DAB	3-12-0017-079-2019	County of Volusia	6/5/2019		\$ 2,581,644	\$ -	\$ 2,581,644	Improve Terminal Building
FL	DeLand	DeLand Municipal-Sidney H Taylor Field	DED	3-12-0019-023-2019	City of DeLand	6/5/2019		\$ 150,000	\$ -	\$ 150,000	Rehabilitate Apron [East Apron], Rehabilitate Apron [West Apron], Rehabilitate Runway Lighting - 05/23
FL	Dunnellon	Marion County	X35	3-12-0147-004-2019	County of Marion	6/5/2019		\$ 225,000	\$ -	\$ 225,000	Update Airport Master Plan Study
FL	Fernandina Beach	Fernandina Beach Municipal	FHB	3-12-0022-028-2019	City of Fernandina Beach	6/24/2019		\$ 148,500	\$ -	\$ 148,500	Improve Airport Drainage, Install Runway Lighting - 04/22, Rehabilitate Runway - 04/22
FL	Fort Lauderdale	Fort Lauderdale/Hollywood International	FLL	3-12-0025-087-2019	Broward County	6/5/2019	6/19/2019	\$ -	\$ 20,000,000	\$ 20,000,000	Extend Runway [Letter of Intent] - 10R/28L
FL	Fort Lauderdale	Fort Lauderdale/Hollywood International	FLL	3-12-0025-088-2019	Broward County	6/5/2019		\$ 5,019,490	\$ 19,696,823	\$ 24,716,313	Rehabilitate Runway - 10L/28R
FL	Jacksonville	Cecil	VQQ	3-12-0032-021-2019	Jacksonville Aviation Authority	7/9/2019		\$ 2,007,470	\$ -	\$ 2,007,470	Install Airfield Guidance Signs, Rehabilitate Runway - 18L/36R
FL	Jacksonville	Jacksonville International	JAX	3-12-0035-057-2019	Jacksonville Aviation Authority	6/24/2019		\$ 975,000	\$ -	\$ 975,000	Improve Service Road, Rehabilitate Taxiway
FL	Key West	Key West International	EYW	3-12-0037-059-2019	Monroe County Board of County Commissioners	7/9/2019		\$ -	\$ 5,250,000	\$ 5,250,000	Noise Mitigation Measures for Residences within 65-69 DNL
FL	Kissimmee	Kissimmee Gateway	ISM	3-12-0038-036-2019	City of Kissimmee	6/5/2019		\$ 100,000	\$ -	\$ 100,000	Wildlife Hazard Assessments
FL	Leesburg	Leesburg International	LEE	3-12-0042-024-2019	City of Leesburg	7/9/2019		\$ 468,000	\$ -	\$ 468,000	Rehabilitate Runway - 13/31
FL	Melbourne	Melbourne International	MLB	3-12-0046-047-2019	Melbourne Airport Authority	6/5/2019		\$ 3,857,117	\$ -	\$ 3,857,117	Improve Terminal Building, Remove Obstructions [Non-Hazard]
FL	Milton	Peter Prince Field	2R4	3-12-0052-014-2019	County of Santa Rosa	6/24/2019		\$ 300,000	\$ -	\$ 300,000	Update Airport Master Plan Study
FL	Ocala	Ocala International-Jim Taylor Field	OCF	3-12-0055-027-2019	City of Ocala	6/5/2019		\$ 300,000	\$ 4,900,000	\$ 5,200,000	Rehabilitate Taxiway
FL	Panama City	Northwest Florida Beaches International	ECP	3-12-0159-014-2019	Panama City Airport and Industrial District	7/9/2019		\$ 129,308	\$ -	\$ 129,308	Environmental Mitigation
FL	Pensacola	Pensacola International	PNS	3-12-0063-043-2019	City of Pensacola	7/9/2019		\$ 3,754,291	\$ -	\$ 3,754,291	Acquire Aircraft Rescue & Fire Fighting Vehicle, Construct Building, Improve Airport Drainage
FL	Plant City	Plant City	PCM	3-12-0065-010-2019	Hillsborough County Aviation Authority	7/9/2019		\$ 2,900,000	\$ -	\$ 2,900,000	Rehabilitate Runway - 10/28, Rehabilitate Runway Lighting - 10/28, Rehabilitate Taxiway, Rehabilitate Taxiway Lighting
FL	Saint Augustine	Northeast Florida Regional	SGJ	3-12-0073-042-2019	St Augustine - St Johns County Airport Authority	6/5/2019		\$ 225,000	\$ -	\$ 225,000	Improve Airport Drainage, Install Taxiway Lighting, Rehabilitate Taxiway
FL	Sanford	Orlando Sanford International	SFB	3-12-0069-080-2019	Sanford Airport Authority	6/24/2019		\$ 4,464,990	\$ -	\$ 4,464,990	Construct Apron, Install Airfield Guidance Signs, Rehabilitate Taxiway [Taxiway B], Rehabilitate Taxiway [Taxiway C], Rehabilitate Taxiway Lighting [Taxiway B Lighting], Rehabilitate Taxiway Lighting [Taxiway C Lighting], Security Enhancements
FL	Sarasota	Sarasota/Bradenton International	SRQ	3-12-0071-055-2019	Sarasota-Manatee Airport Authority	6/24/2019		\$ 1,198,800	\$ -	\$ 1,198,800	Rehabilitate Aircraft Rescue & Fire Fighting Building, Rehabilitate Taxiway
FL	Sarasota	Sarasota/Bradenton International	SRQ	3-12-0071-056-2019	Sarasota-Manatee Airport Authority	6/24/2019		\$ 725,400	\$ -	\$ 725,400	Update Airport Master Plan Study
FL	Sarasota	Sarasota/Bradenton International	SRQ	3-12-0071-057-2019	Sarasota-Manatee Airport Authority	6/24/2019		\$ 3,168,782	\$ 3,634,572	\$ 6,803,354	Improve Airport Drainage
FL	Stuart	Witham Field	SUA	3-12-0076-022-2019	County of Martin	6/24/2019		\$ 585,000	\$ -	\$ 585,000	Update Airport Master Plan Study
FL	Tallahassee	State of Florida	*FLS	3-12-0000-015-2019	State of Florida	7/9/2019		\$ 1,700,000	\$ -	\$ 1,700,000	Conduct State System Plan Study
FL	Tampa	Peter O Knight	TPF	3-12-0079-004-2019	Hillsborough County Aviation Authority	6/24/2019		\$ 150,000	\$ -	\$ 150,000	Extend Taxiway
FL	Tampa	Tampa International	TPA	3-12-0078-065-2019	Hillsborough County Aviation Authority	7/9/2019		\$ 7,190,881	\$ -	\$ 7,190,881	Security Enhancements
FL	Tampa	Tampa International	TPA	3-12-0078-066-2019	Hillsborough County Aviation Authority	7/9/2019		\$ -	\$ 750,000	\$ 750,000	Conduct Noise Compatibility Plan Study
FL	Titusville	Arthur Dunn Air Park	X21	3-12-0101-014-2019	Titusville-Cocoa Airport Authority	6/5/2019		\$ 300,000	\$ -	\$ 300,000	Install Runway Vertical/Visual Guidance System - 15/33, Rehabilitate Runway - 15/33

CITY COMMISSION AGENDA ITEM

City of Fernandina Beach



SUBJECT: Resolution 2019-128
Impact Fee Withholding - Nassau Habitat for Humanity

ITEM TYPE: Resolution (w/ fiscal impact)

REQUESTED ACTION: Consider Resolution 2019-128

SYNOPSIS: In accordance with the City's Impact Fee Withholding Policy (Resolution 2009-37), an application has been filed by Nassau Habitat for Humanity, Inc. for consideration of withholding the collection of Fire, Police, Parks & Recreation, and Public Facilities Impact Fees associated with the construction of one affordable housing unit at 601 Calhoun Street in the amount of \$4,623.84.

The application has been reviewed by staff and found to be eligible for the Commission's consideration at 100% of the impact fees assessed. The project supports the activities of a documented non-profit entity based in Nassau County which provides affordable housing. Proof of non-profit status has been provided. Staff finds this project to be in alignment with the Commission's intentions to provide assistance to non-profit entities providing projects of benefit to City residents.

FISCAL IMPACT: This Resolution approves a refund to Nassau Habitat for Humanity in the amount of \$4,623.84 for impact fees paid on Building Permits issued to construct one affordable housing units (permit#: BLDR-2019-0453). The refund will be issued as consistent with Resolution 2009-37.

Refund from accounts: 310 1000 32410 Impact Fees Admin; 310 2100 32421 Impact Fees Police; 310 2200 32422 Impact Fees Fire; 310 7200 32470 Impact Fees Recreation.

CITY ATTORNEY COMMENTS: No additional comments.

CITY MANAGER RECOMMENDATION(S): I recommend that the City Commission adopt proposed Resolution 2019-128.

Jacob Platt, Senior Planner	7/16/2019
Nicole Bednar, Administrative Services Manager	7/19/2019
Dale Martin, City Manager	7/26/2019
Pauline Testagrose, Comptroller	7/26/2019
Tammi E. Bach, City Attorney	7/29/2019
Katie Newton, Legal Assistant	7/29/2019

Date: July 12, 2019

Submitted By: Sylvie McCann, Administrative Coordinator

COMMISSION ACTION: Adopt

RESOLUTION 2019-128

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, WITHHOLDING THE COLLECTION OF CITY ASSESSED IMPACT FEES FOR NASSAU HABITAT FOR HUMANITY, INC. FOR THE CONSTRUCTION OF ONE AFFORDABLE HOUSING UNIT LOCATED AT 601 CALHOUN STREET; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on March 17, 2009, the City Commission of the City of Fernandina Beach adopted Resolution 2009-37, creating an Impact Fee Withholding Policy for certain land development activities; and

WHEREAS, Nassau Habitat for Humanity, Inc. has made application to request City impact fees be withheld under the terms of this Policy; and

WHEREAS, Nassau Habitat for Humanity, Inc., as a provider of affordable housing for very low-, low- and moderate-income persons and has demonstrated eligibility in its application to be considered by the City Commission for the withholding of up to 100% of the City-assessed Impact Fees; and

WHEREAS, the Impact Fees associated with one affordable housing unit located at 601 Calhoun Street total \$4,623.84, based on \$3,375.45 for Parks & Recreation, \$518.31 for Public Facilities, \$421.20 for Fire and \$308.88 for Police.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, THAT:

SECTION 1. The City Commission has agreed to support qualifying land development activities by withholding the collection of certain City assessed impact fees through adoption of a policy and application process.

SECTION 2. The City Commission acknowledges the eligibility of Nassau Habitat for Humanity, Inc. in providing affordable housing units.

SECTION 3. The City Commission approves Nassau Habitat for Humanity, Inc.'s application to withhold collection of City Impact Fees for Parks & Recreation, Public Facilities, Police and Fire, totaling \$4,623.84.

SECTION 4. This Resolution shall take effect immediately upon its approval.

ADOPTED this 6th day of August, 2019.

CITY OF FERNANDINA BEACH

JOHN A. MILLER
Mayor - Commissioner

ATTEST:

APPROVED AS TO FORM AND LEGALITY:



CAROLINE BEST
City Clerk

TAMMI E. BACH
City Attorney

OFFICE USE ONLY

REC'D: 7-10-19 BY: 8

APPLICATION #:

RESO #: 2019-COMMISSION MEETING DATE: 8-6-19

APPLICATION FOR IMPACT FEE WITHHOLDING

APPLICANT INFORMATION

Owner or Organization Name: NASSAU Habitat for Humanity
 Mailing Address: 516 S. 10th Street Fernandina Beach FL 32034
 Telephone: 904-277-0600 Fax: _____
 Email: nassauhfh@gmail.com
 Agent Name: Debby Ruble
 Mailing Address: 1430 Leon St Fernandina Beach FL
 Telephone: 904-335-1523 Fax: _____
 Email: nassauhfh@gmail.com

PROPERTY INFORMATION

Street Address: 601 Calhoun St. Fernandina Beach FL 32034
 Parcel Identification Number(s): 00-0031-1800 - 0062-0012
 Lot Number: _____ Block Number: _____

ORGANIZATION/PROJECT INFORMATION

☒ Residential = Heated Area 1170 SF ☐ Nonresidential = Floor Area _____ SF

Impact Fee Total \$ _____ Requested Withholding: ☒ Full or ☐ Partial

If partial, please indicate amount you wish to have withheld: \$ _____

- The mission of your organization and/or its basic purpose:
To provide safe affordable housing to the
WORKING POOR (< 60% of medium income) in
NASSAU County
- The specific public good the proposed facility will provide to Fernandina Beach residents:
It will provide safe affordable housing to a
family in FERNANDINA BEACH

3. Describe the qualifying circumstances for this request (i.e. hardship or replacement of facilities serving the public which have been lost as a result of disaster and when the loss is not reimbursable from a third party). Please use a separate sheet of paper if necessary:

NASSAU HABITAT FOR HUMANITY provides
Affordable housing to families who cannot
Afford market rate housing

4. Whether land development related impact fees have previously been withheld for this organization:

Yes - ALL previous applications for building
single family homes in FERNANDINA BEACH

5. Public or private contributions that have been received for this project:

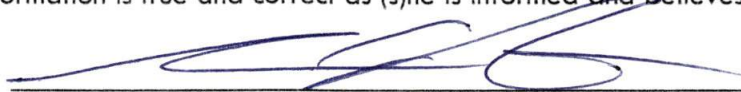
Private contributions from Amelia Plantation
Chapel / First Presbyterian Church / Publix Super-
Market / Rayonier A&M / West Rock

- ☒ If applicable, please attach a copy of the documentation of your organization's IRS non-profit status or a copy of your personal income tax filing for the prior year.

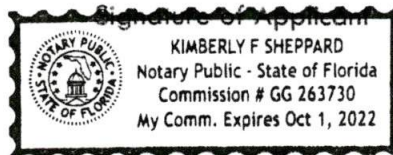
SIGNATURE/NOTARY

The undersigned states the above information is true and correct as (s)he is informed and believes.

7/8/19
Date

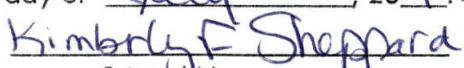


STATE OF FLORIDA }
COUNTY OF NASSAU } ss



Subscribed and sworn to before me this 8th day of July, 2019


Notary Public: Signature


Printed Name

10-1-22
My Commission Expires

Personally Known _____ OR Produced Identification ☒ ID Produced: FL Drivers License



OWNER'S AUTHORIZATION FOR AGENT REPRESENTATION

I / WE Nassau Habitat for Humanity
(print name of property owner(s))

hereby authorize: Deborah Ruble
(print name of agent)

to represent me/us in processing an application for: Impact Fee Refund
(type of application)

on our behalf. In authorizing the agent to represent me/us, I/we, as owner/owners, attest that the application is made in good faith and that any information contained in the application is accurate and complete.



(Signature of owner)

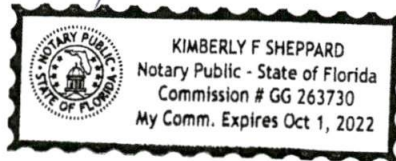
(Signature of owner)

Nassau Habitat for Humanity

(Print name of owner)

(Print name of owner)

STATE OF FLORIDA }
COUNTY OF NASSAU } ss



Subscribed and sworn to before me this 24th day of July, 2019.


Notary Public: Signature

Kimberly F. Sheppard
Printed Name

10-1-22
My Commission Expires

Personally Known _____ OR Produced Identification ☒ ID Produced: FL Drivers License

Office Use Only:

All eligible applicants – 40 base points: _____
Project type – up to 40 points: _____
Question # 4 – up to 10 points: _____
Question # 5 – up to 10 points: _____
TOTAL POINTS: _____

Maximum Eligibility:

- 50-60 points 60% of request
- 61-70 points 70% of request
- 71-80 points 80% of request
- 81-90 points 90% of request
- 91-100 points 100% of request

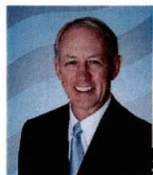
City of Fernandina Beach

City of Fernandina Beach Community Development Department · 204 Ash Street Fernandina Beach, FL 32034

P: 904.310.3135 F: 904.310.3460 www.fbfl.us/cdd

Revised January 2016

Page 4 of 6



A. Michael Hickox, CFA
Cert. Res. RD1941

NASSAU COUNTY
PROPERTY APPRAISER



PROPERTY INFORMATION

Parcel Number 00-00-31-1800-0062-0012

Owner Name NASSAU HABITAT FOR HUMANITY
Mailing Address 516 SOUTH 10TH ST STE 115
Location Address FERNANDINA BEACH, FL 32034
601 CALHOUN ST
FERNANDINA BEACH 32034
Tax District FERNANDINA BEACH
Millage 20.3245
Homestead Yes
Property Usage VACANT 000000
Deed Acres 0
Short Legal BLOCK 62 LOT W1/2 OF 1 IN OR 976/1911 CITY OF FDNA BEACH

2018 PROPERTY VALUES (Certified Final Roll)

Land Value	\$41,250		Map This Parcel
(+) Improved Value	\$0		
(=) Market Value	\$41,250		GIS Report
(-) Agricultural Classification	\$0		
(-) SOH or Non-Hx* Capped Savings	\$0		Property Record Card
(=) Assessed Value	\$41,250		
(-) Homestead	\$0		Print Friendly Page
(-) Additional Exemptions	\$0		
(=) School Taxable Value	\$0		
(-) Non-School HX & Other Exempt Value	\$0		
(=) County Taxable Value	\$0		

Note - *10% Cap does not apply to School Taxable Value

PARCEL MAP



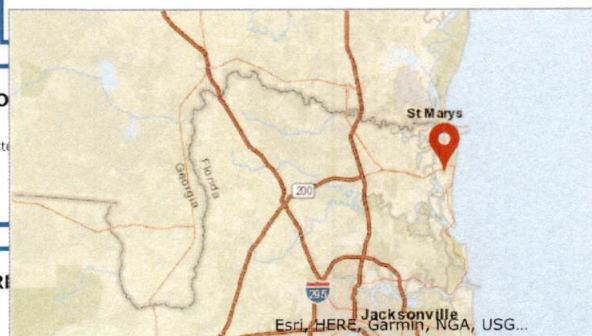
2019 AERIAL MAP



PROPERTY PHOTO

If this picture is incorrect, please email info@nassauflpa.com

LOCATION MAP



BUILDING INFO

Type	Total Area	Heated Area	Bedrooms	Baths	Primary Ext

SALES INFO

Sale Date	Book Page	Price	Instr	Qual
2001-03-21	976 / 1911	\$100	QC	U

NASSAU COUNTY BOARD OF COUNTY COMMISSIONERS
NASSAU HABITAT FOR HUMANITY INC

Impact Fee Withholding Applications (as authorized by Resolution 2009-37, March 17, 2009)

Applicant	Requested Amount	Approved Amount	Date of Action	Resolution #
Amelia Community Theatre 209 Cedar Street	\$6,194.27	\$6,194.27	4/21/2009	2009-70
E. S. Boney & Associates, Inc. 705 and 707 S. 11th Street / 825 and 827 S. 10th Street	\$10,231.20	\$10,231.20	4/21/2009	2009-71
E. S. Boney & Associates, Inc. 1121, 1123, 1125 and 1127 S. 11th Street	\$10,901.52	\$10,901.52	4/21/2009	2009-72
Nassau Humane Society 641 Airport Road	\$797.00	\$797.00	5/19/2009	2009-82
DOGI Land Development, LLC Lots 10 and 11, Block 213 S. 12th Street	\$4,338.36	\$4,338.36	5/19/2009	2009-83
Habitat for Humanity 522 and 526 S. 13th Terrace	\$3,904.52	\$3,904.52	7/6/2010	2010-68
DOGI Land Development, LLC 4 Units on Lots 1, 2 and 3 of Block 213 S. 11th Street	\$8,676.72	\$8,676.72	7/6/2010	2010-69
Habitat for Humanity 514 and 518 S. 13th Terrace and 313 and 1102 S. 10th Street	\$9,761.31	\$9,761.31	2/1/2011	2011-09
Nassau Humane Society 641 Airport Road	\$10,428.71	\$10,428.71	12/3/2013	2013-175
Habitat for Humanity 315 S. 10th Street and 417 and 419 S. 13th Terrace	\$6,908.00	\$6,908.00	1/7/2014	2014-04
Habitat for Humanity 328 S. 10th Street	\$2,892.24	\$2,892.24	9/15/2015	2015-132
Habitat for Humanity 921 S. 7th Street	\$1,991.20	\$1,991.20	10/6/2015	2015-143
Habitat for Humanity 923 S. 7th Street	\$1,991.20	\$1,991.20	10/6/2015	2015-143
Habitat for Humanity 917 S. 7th Street	\$2,196.99	\$2,196.99	2/6/2018	2018-16
Habitat for Humanity 919 S. 7th Street	\$2,196.99	\$2,196.99	2/6/2018	2018-16

CITY COMMISSION AGENDA ITEM
City of Fernandina Beach



SUBJECT: Resolution 2019-129
Outside Legal Counsel - Jacobs Scholz & Wyler, LLC.

ITEM TYPE: Resolution (w/ fiscal impact)

REQUESTED ACTION: Consider Resolution 2019-129.

SYNOPSIS: The City Commission has deemed certain property along North Front Street (Parcel # 00-00-31-1760-0001-0020) necessary to complete the proposed waterfront park.

Jacobs Scholz & Wyler, LLC. has submitted a proposal in the amount of \$18,500 to represent the City in an eminent domain action relating to this property.

FISCAL IMPACT: Funds are/will be available in the City Commission Professional Services account, 0011100 53100, in FY 2018/2019 and FY 2019/2020.

CITY ATTORNEY COMMENTS: No additional comments.

CITY MANAGER RECOMMENDATION(S): I recommend that the City Commission adopt proposed Resolution 2019-129.

Dale Martin, City Manager 7/26/2019

Pauline Testagrose, Comptroller 7/26/2019

Tammi E. Bach, City Attorney 7/29/2019

Katie Newton, Legal Assistant 7/29/2019

Date: July 16, 2019

Submitted By: Nicole Bednar, Administrative Services Manager

COMMISSION ACTION: Adopt

RESOLUTION 2019-129

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, AUTHORIZING QUALIFIED OUTSIDE LEGAL COUNSEL TO REPRESENT THE CITY IN MATTERS RELATED TO EMINENT DOMAIN ACTION; AUTHORIZING EXECUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission has deemed certain property along North Front Street (Parcel # 00-00-31-1760-0001-0020) necessary to complete the proposed waterfront park; and

WHEREAS, Jacobs Scholz & Wyler, LLC. has submitted a proposal in the amount of \$18,500 to represent the City in an eminent domain action relating to this property; and

WHEREAS, funding is/will be available in the City Commission Professional Services account, 0011100 53100, in FY 2018/2019 and FY 2019/2020.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, THAT:

SECTION 1. The City Commission hereby authorizes the City Attorney and City Manager to utilize the services of Jacobs Scholz & Wyler, LLC. to represent the City in an eminent domain action.

SECTION 2. The City Commission hereby approves the proposal for services, attached hereto as Exhibit "A." The City Commission authorizes the City Manager and City Clerk to execute the proposal to engage the services of Jacobs Scholz & Wyler, LLC.

SECTION 3. This Resolution shall become effective immediately upon passage.

ADOPTED this 6th day of August, 2019.

CITY OF FERNANDINA BEACH

John A. Miller
Commissioner-Mayor

ATTEST:

APPROVED AS TO FORM & LEGALITY:



Caroline Best
City Clerk

Tammi E. Bach
City Attorney

JACOBS SCHOLZ & WYLER, LLC.

A LIMITED LIABILITY COMPANY OF PROFESSIONAL ASSOCIATIONS

THE LAW OFFICES OF
JACOBS & ASSOCIATES, P.A.
ARTHUR L. JACOBS

ATTORNEYS AT LAW
GATEWAY TO AMELIA
961687 GATEWAY BLVD., SUITE 201-I
FERNANDINA BEACH, FLORIDA 32034

TELEPHONE (904) 261-3693
FAX NO. (904) 261-7879

RICHARD J. SCHOLZ, P.A.
RICHARD J. SCHOLZ

DOUGLAS A. WYLER, P.A.
DOUGLAS A. WYLER

July 12, 2019

Via Electronic & U.S. Mail:

Dale Martin, City Manager
204 Ash Street
Fernandina Beach, FL 32034
dmartin@fbfl.org

RE: Condemnation Proceeding
Property I.D. #: 00-00-31-1760-0001-0020

Dear Mr. Martin:

You recently requested our firm represent the City of Fernandina Beach in an eminent domain action pursuant to Chapter 73, Fla. Stat. Our representation will include pre-suit negotiations with all fee simple owners of the property as well as business owners operating upon the subject property, if any, in accordance with § 73.015, Fla. Stat. Our firm will concurrently provide pre-litigation notice in accordance with § 73.0511, Fla. Stat. In the event the identities of the fee simple owners to the property are not readily available, our firm will conduct a title search to ensure that notice is properly given. Should such documentation be requested, we will work with you and various third parties in order to gather appropriate documentation that must be provided at the request of the fee simple owners pursuant to § 73.015, Fla. Stat., including but not limited to appraisals and right-of-way maps and other proposed documents that depict the proposed taking. Furthermore, our firm will file the condemnation proceeding with the Circuit Court in and for Nassau County, Florida in the event the matter is not resolved in pre-suit negotiations. Our firm will be responsible for the drafting, filing, and service of all court documents in accordance with § 73.021 and § 73.031, Fla. Stat. as well as appearances at the pretrial hearing, trial and any other hearings, depositions, and mediations related to the matter that may be scheduled. Additionally, our firm will negotiate on behalf of the City the amount of attorney's fees sought by the fee simple owners and business owners and represent the City in any proceedings in front of the Court regarding attorney's fees and costs. In the event of success, our firm will facilitate all additional actions required to ensure the City's possession of the property pursuant to the judgment issued by the Court.

Accordingly, our non-refundable flat fee is \$18,500.00, of which \$500.00 is a retainer for costs. Any additional costs incurred beyond the original cost retainer, which include but are not limited to mediator fees, court reporter fees, expert fees, copying, filing, postage, etc. will be forwarded directly to you for payment.

By signing below, you agree to the terms as set forth above. Please return a signed and dated copy of this letter to our office with your fee. If you have any questions or concerns, please contact our office. On behalf of the firm, we are proud to represent the City of Fernandina Beach in this matter.

Sincerely,

A handwritten signature in blue ink that reads "Buddy Jacobs".

Arthur I. Jacobs, Esq.
AIJ/trj

Client

Date

APPROVED AS TO FORM AND LEGALITY:



CITY ATTORNEY

CITY COMMISSION AGENDA ITEM
City of Fernandina Beach



SUBJECT: Resolution 2019-130
Establishing a Charter Review Committee

ITEM TYPE: Resolution (w/o fiscal impact)

REQUESTED ACTION: Consider Resolution 2019-130

SYNOPSIS: This Resolution establishes an ad hoc Committee to review the City's Charter and recommend changes to the City Commission.

FISCAL IMPACT: N/A

CITY ATTORNEY COMMENTS: No additional comments.

CITY MANAGER RECOMMENDATION(S): I recommend that the City Commission adopt proposed Resolution 2019-130.

Tammi E. Bach, City Attorney 7/19/2019

Dale Martin, City Manager 7/26/2019

Date: July 19, 2019

Submitted By: Katie Newton, Legal Assistant

COMMISSION ACTION: Adopt

RESOLUTION 2019-130

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA ESTABLISHING AN AD HOC CHARTER REVIEW COMMITTEE TO REVIEW THE EXISTING CHARTER OF THE CITY, AND RECOMMEND CHANGES TO THE CITY COMMISSION, PROVIDING FOR GOALS, WORK PLAN, ORGANIZATION, CONDUCT OF BUSINESS AND STAFF SUPPORT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission finds that the current City Charter has not been reviewed since 2007, and the City Charter is in need of review and updating periodically; and

WHEREAS, the City Commission believes it to be in the best interest of the City to create an ad hoc Committee to review the existing City Charter, and recommend changes to make the Charter more effective and up to date; and

WHEREAS, the City Commission is committed to having representation from citizens, as well as input from legal and municipal management professionals to review the Charter and recommend changes in the best interest of the City and its citizens; and

WHEREAS, the City staff will actively participate in, and support the goals of, the ad hoc Charter Review Committee, and professional services may be obtained as needed by the Committee.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, THAT:

SECTION 1. The Charter Review Committee (Committee) is officially designated as an ad hoc advisory board to the City Commission, and is responsible for adhering to the following:

a. Goal and Charge to the Charter Review Committee.

The goal and charge to the Committee is to review the existing City Charter, analyze how the Charter addresses the needs of the City, and propose appropriate changes to remove obsolete or out of date provisions, practices, or policies contained in the Charter. The review must consist of a full review of the Charter, including wording changes and updating sections to reflect modern local government management practices.

b. Work Plan.

The Committee must establish a work plan that has measurable results. The work plan may consist of review of the existing Charter, input from professionals, discussion and recommendations for changes, and final report. The final report must be presented to the City Commission by the completion date listed in subsection (g) below.

c. Organization; Quorum; Officers.

The Committee is comprised of seven regular members who serve without compensation. The Committee must elect from its membership a Chairperson, Vice-Chairperson and Recording Secretary. In the absence or disability of the Chairperson, the Vice-Chairperson must perform the duties of the

Chairperson. The Committee must meet at a regularly set date, time and location established by the Committee. The Committee is subject to the public meeting laws and the public records laws.

d. Appointment of Members

The Mayor and each City Commissioner must appoint one member of the Committee, and the City Manager and City Clerk must each appoint one member of the Committee for a total of seven members.

e. Assistance from Professionals

The Committee may request input from professionals in the area of local government law, municipal management, or other areas as it determines are necessary. The Committee must coordinate its request for professional assistance through the City Attorney's office. The City Attorney or her designee must be present at all regular meetings of the Committee for professional legal support.

f. Staff Assistance

The City Clerk, City Manager and City Attorney shall provide the necessary staff support to the Committee for preparation of agendas.

g. Completion of Committee's Assigned Goal

The Committee must complete its review and recommendations no later than June 30, 2020.

SECTION 2. This Resolution becomes effective immediately upon its final passage.

ADOPTED this 6th day of August, 2019.

ATTEST:

CITY OF FERNANDINA BEACH

Caroline Best
City Clerk

John A. Miller
Commissioner- Mayor

APPROVED AS TO FORM AND LEGALITY:



Tammi E. Bach
City Attorney

CITY COMMISSION AGENDA ITEM
City of Fernandina Beach



SUBJECT: Ordinance 2019-19
Code Amendment - Balloon Release Prohibition

ITEM TYPE: Ordinance (w/o fiscal impact)

REQUESTED ACTION: Consider Ordinance 2019-19 at First Reading.

SYNOPSIS: The City Commission at its July 2, 2019 Regular Meeting, discussed and approved moving forward with an Ordinance to prohibit balloon releases because of the detrimental environmental impact.

FISCAL IMPACT: No fiscal impact

CITY ATTORNEY COMMENTS: No additional comments.

CITY MANAGER RECOMMENDATION(S): I recommend that the City Commission approve proposed Ordinance 2019-19 at First Reading.

Tammi E. Bach, City Attorney 7/19/2019

Dale Martin, City Manager 7/26/2019

Date: June 12, 2019

Submitted By: Katie Newton, Legal Assistant

COMMISSION ACTION: Approve

ORDINANCE 2019-19

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA AMENDING THE CODE OF ORDINANCES, CHAPTER 42, ARTICLE III, LITTER, BY CREATING SECTION 42-96 BY PROVIDING FOR PROHIBITION AGAINST BALLOON RELEASES WITH BALLOONS INFLATED WITH A GAS LIGHTER THAN AIR SUCH AS HELIUM; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the release of helium, foil, mylar or “biodegradable” balloons (which have a lifespan of 5-7 years) into the atmosphere has a deleterious effect on the environment when the balloons inevitably deflate;

WHEREAS, these balloons, many of which land in rivers, streams, marshes and the oceans, represent one of the most common and destructive forms of floating garbage;

WHEREAS, both research and local first-hand observation shows that marine life and animals ingest these balloons because they mistake them for jellyfish or other edible resources;

WHEREAS, the U.S. Fish and Wildlife Service regularly issues media notices, warning of the devastating impacts of balloons on wildlife;

WHEREAS, the animals and marine life are not able to process the balloons and choke (or the balloon forms an intestinal obstruction) and the creature is sentenced to a painful death; and

WHEREAS, the City Commission believes that balloon releases should be prohibited in order to protect the air, land, and waters of the City, Nassau County, the State of Florida and other natural resources against environmental contamination and degradation and to protect the health and life of animals, birds, and fish.

NOW THEREFORE BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, AS FOLLOWS:

SECTION 1. It is hereby proposed that the Code of Ordinances, City of Fernandina Beach, Florida, Chapter 42, Article III, Litter, is hereby amended by adding a section to be numbered Section 42-96, which section reads as follows:

Sec. 42-96. Balloon Release.

- (a) It is unlawful for any person to intentionally release, organize the release of, or intentionally cause to be released one or more balloons inflated with a gas

that is lighter than air which includes but is not limited to, helium, with the exception of:

- (1) Balloons released by a person on behalf of a governmental agency or pursuant to a governmental contract for scientific or meteorological purposes; or
- (2) Balloons released indoors.

- (b) Any person who violates or fails to comply with the provisions of this section will be fined \$100.00 by citation as provided in Section 1-12 of this Code of Ordinances.

SECTION 2. All Ordinances or parts of Ordinances and all Resolutions in conflict herewith be and the same are hereby repealed.

SECTION 3. SEVERABILITY In the event any word, phrase, clause, sentence or paragraph hereof is held invalid by any court of competent jurisdiction, such holding will not affect any other word, clause, phrase, sentence or paragraph hereof.

SECTION 4. EFFECTIVE DATE This Ordinance will take effect immediately upon its final enactment.

ENACTED this _____ day of _____, 2019.

CITY OF FERNANDINA BEACH

John A. Miller
Commissioner – Mayor

ATTEST:

APPROVED AS TO FORM AND LEGALITY:



Caroline Best
City Clerk

Tammi E. Bach
City Attorney

CITY COMMISSION AGENDA ITEM
City of Fernandina Beach



SUBJECT: Ordinance 2019-15
Charter Amendment - Conservation Referendum

ITEM TYPE: Ordinances (w/ fiscal impact)

REQUESTED ACTION: Consider Ordinance 2019-15 at Second Reading.

SYNOPSIS: Commissioner Chip Ross requested at a City Commission meeting in May 2019, that an Ordinance be drafted to amend the Charter to provide that a referendum be required to sell or lease for 40+ years any City-owned conservation land.

This proposed Ordinance amends Section 10A of the City Charter to add a third subsection regarding referendum for sale or lease of City-owned conservation land. If the City Commission wishes to approve the proposed Ordinance, it will have to insert the election date for amending the City Charter, either a special election or the 2020 general election. Voters must approve an amendment to Section 10A of the City Charter before the new provision would be included in the Charter.

This Ordinance was approved at First Reading by the City Commission at its Regular Meeting on July 2, 2019.

FISCAL IMPACT: The City would be responsible for election costs for all resulting referendums. Funds will be budgeted accordingly.

CITY ATTORNEY COMMENTS: No additional comments.

CITY MANAGER RECOMMENDATION(S): I recommend that the City Commission enact proposed Ordinance 2019-15 at Second Reading.

Katie Newton, Legal Assistant	7/19/2019
Tammi E. Bach, City Attorney	7/19/2019
Nicole Bednar, Administrative Services Manager	7/24/2019
Dale Martin, City Manager	7/26/2019
Pauline Testagrose, Comptroller	7/29/2019

Date: July 03, 2019

Submitted By: Nicole Bednar, Administrative Services Manager

COMMISSION ACTION: Enact

ORDINANCE 2019-15

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, SUBMITTING TO THE CITY ELECTORS PROPOSED AMENDMENTS TO THE CHARTER WHICH AMEND SECTION 10A TO ADD PROVISIONS TO THE CITY CHARTER REQUIRING REFERENDUM ELECTION FOR SALE OR LEASE OF CITY-OWNED CONSERVATION LAND; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, THE CITY OF FERNANDINA BEACH, FLORIDA, HEREBY ENACTS:

SECTION 1. It is hereby proposed that the amendments to the Charter of the City of Fernandina Beach be enacted.

SECTION 2. It is proposed that Section 10A of the City of Fernandina Beach's Charter be hereby amended to read as follows:

Sec. 10A Referendum required for sale of city-owned recreational facilities and land.

- (1) A referendum election shall be required prior to the sale, lease for a period of more than 40 years, or other transfer of City owned swimming pools, golf course or courses, any and all recreational facilities, or lands which are designated for recreational use in the City's comprehensive plan or any portion thereof, and all buildings, improvements and appurtenances pertaining thereto, whether presently built or hereafter built. The City Commission shall pass an ordinance by a majority vote to place the matter on the ballot for the voters to decide. The decision of the voters shall be binding. If approved by the voters, the City Commission shall have the authority to issue a deed for the property, or to issue such other documents as may be necessary to complete the transaction.
- (2) "Recreational facilities" as used in this section is hereby defined as any real property, including improvements thereon, owned by the City of Fernandina Beach and used or intended for use by the general public primarily for parks, playgrounds, amusements, resorts, pleasure, nature preserves; botanic, zoological or marine conservatories; sporting events, pleasure boating, swimming, fishing or any other recreational activity. Such recreational facilities shall be designated by a Resolution of the City Commission and which Resolution shall be updated from time to time.
- (3) A referendum election is required prior to sale, lease for a period of more than 40 years, or other transfer of City-owned conservation land which includes land burdened by a conservation easement and/or land that is in a conservation zoning district or has a future land use map designation of conservation. The City Commission must pass an ordinance by super-majority vote to place the matter on the ballot for voters to decide. The decision of the voters is binding on the City Commission. If approved by the voters, the City Commission has the authority to issue a deed for the property, or to issue such other documents as may be necessary to complete the transaction.

SECTION 3. A referendum election is hereby called and will be held on the ____ day of _____, 20__ at the _____ (regular or special) City Election to be held on said date, for the consideration by the voters of the City of Fernandina Beach of the proposed amendments to the City Charter. The questions to appear on the referendum ballot reflecting the proposed amendments to the City Charter at the election scheduled for _____, 20__ shall be as follows:

Question No. 1

Should the Fernandina Beach City Charter be amended to provide that City-owned conservation land can only be sold or leased for more than 40 years if approved by voters at a referendum election?

Yes – for Approval

No – for Rejection

SECTION 4. The City Clerk is directed to notify the Nassau County Supervisor of Elections that the referendum items provided above shall be considered at the regular City election to be held on _____, 20__ by the electors of the City of Fernandina Beach.

SECTION 5. This Ordinance shall be published in accordance with law.

SECTION 6. If any section, subsection, sentence, clause, phrase of this ordinance, or the particular application thereof shall be held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases under application shall not be affected thereby.

SECTION 7. The provisions of this Ordinance shall take effect immediately upon its passage and enactment. The amendments to the Charter shall take effect only upon approval of a majority of the City electors voting at the referendum election on each issue and upon the filing of the amended Charter with all amendments approved by the City electors with the Secretary of State.

ENACTED this 6th day of August, 2019.

CITY OF FERNANDINA BEACH

John A. Miller
Commissioner – Mayor

ATTEST:

APPROVED AS TO FORM & LEGALITY:



Caroline Best
City Clerk

Tammi E. Bach
City Attorney

NOTICE OF PUBLIC HEARING
CITY COMMISSION
CITY OF FERNANDINA BEACH

NOTICE IS HEREBY GIVEN that a Public Hearing is scheduled for **Tuesday, August 6, 2019, at 6:00 PM** in the City Commission Chambers, 204 Ash Street Fernandina Beach, Florida to consider the following application:

ORDINANCE 2019-15

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, SUBMITTING TO THE CITY ELECTORS PROPOSED AMENDMENTS TO THE CHARTER WHICH AMEND SECTION 10A TO ADD PROVISIONS TO THE CITY CHARTER REQUIRING REFERENDUM ELECTION FOR SALE OR LEASE OF CITY-OWNED CONSERVATION LAND; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Interested parties may appear at said hearing and be heard as to the advisability of any action, which may be considered. Any persons with disabilities requiring accommodations in order to participate in this program or activity should contact 310-3115, TTY/TDD 711 or through the Florida Relay Service at 1-800-955-8771 at least 24 hours in advance to request such accommodation.

IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE BOARD/COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH HEARING, S/HE WILL NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

For information, please contact the Staff of the City Clerk's Office, 204 Ash Street, between the hours of 8:00 AM – 5:00 PM, Monday through Friday, (904) 310-3115.

Note:

Please run as a DISPLAY in the July 24, 2019 edition of the News Leader.

Please send proof of publication to:

City Clerk's Office

City Hall, 204 Ash Street

Fernandina Beach, FL 32034

904-310-3115

CITY COMMISSION AGENDA ITEM

City of Fernandina Beach



SUBJECT: Ordinance 2019-16
Land Development Code Amendment - Airport Design Standards

ITEM TYPE: Ordinance (w/o fiscal impact)

REQUESTED ACTION: Consider Ordinance 2019-16 at Second Reading.

SYNOPSIS: City Airport Director Mr. Nathan Coyle worked with the Airport Advisory Commission (AAC) and its consultants to provide revisions to the architectural and building standards for development of Airport property. In January 2019, Mr. Coyle identified the need to make revisions to the standards and requested Planning and Conservation Department staff provide direction for making changes. These standards are specific to structures within the operational area of the Airport itself and do not extend to Airport leaseholds outside of the operational area (fence line).

The proposed revisions are adopted by reference into Section 4.02.03 of the Land Development Code (LDC). As such, revisions to the document follow the same process as a standard LDC amendment. The AAC provided its final recommendation of approval for the proposed changes in March 2019. In April and May, Mr. Coyle appeared before the Planning Advisory Board (PAB) to discuss the revisions and to make any changes based on feedback. He has also been available to discuss changes and questions of the board in the two months leading up to the June 12, 2019, PAB Meeting.

Planning and Conservation Department staff continues to issue a recommendation of approval for the proposed revisions.

This Ordinance was approved at First Reading by the City Commission at its Regular Meeting on July 2, 2019. Following the First Reading, staff identified that a statement regarding issuance of a temporary certificate of occupancy, which was recommended for inclusion by the PAB, was not included within the draft language of the architectural standards presented in July. This language has now been added and highlighted within the proposed standards. Staff also clarified the intent for these standards to apply only to airport property designated for aeronautical use.

FISCAL IMPACT: None

CITY ATTORNEY COMMENTS: No additional comments.

CITY MANAGER RECOMMENDATION(S): I recommend that the City Commission enact proposed Ordinance 2019-16 at Second Reading.

Jacob Platt, Senior Planner	7/16/2019
Nathan Coyle, Airport Director	7/17/2019
Nicole Bednar, Administrative Services Manager	7/24/2019
Dale Martin, City Manager	7/26/2019
Tammi E. Bach, City Attorney	7/26/2019
Katie Newton, Legal Assistant	7/26/2019

Date: July 03, 2019

Submitted By: Nicole Bednar, Administrative Services Manager

COMMISSION ACTION: Enact

ORDINANCE 2019-16

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE (LDC) TO INCORPORATE AMENDED AIRPORT DESIGN STANDARDS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Fernandina Beach has applied for an LDC text amendment to incorporate revised Airport Development Standards, by reference; and

WHEREAS, the City Commission adopted a unified Land Development Code (LDC) on September 5, 2006 which became effective on October 1, 2006; and

WHEREAS, the City's adopted 2030 Comprehensive Plan directs changes to the Land Development Code for consistency with State Laws and current planning methods for growth and economic development; and

WHEREAS, the Airport Advisory Commission (AAC) considered the application at its Regular Meeting on Thursday, March 14, 2019, and issued a recommendation of approval; and

WHEREAS, the Planning Advisory Board (PAB), acting as the City's Local Planning Agency, considered the application at its Regular Meeting on Wednesday, June 12, 2019, and issued a recommendation of approval; and

WHEREAS, notice of public hearing on such Land Development Code amendments was published in the Fernandina Beach News Leader, a newspaper of general circulation in Fernandina Beach, Nassau County, Florida, on March 29, 2019.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH AS FOLLOWS:

SECTION 1. PURPOSE AND INTENT. The City Commission finds that the amendments, attached hereto as Exhibit "A," incorporating revisions to the Airport Development Standards

SECTION 2. SEVERABILITY. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any Court of competent jurisdiction, the holding shall in no way affect the validity of the remaining portions of this Ordinance.

SECTION 3. This Ordinance shall become effective immediately upon enactment.

ENACTED this 6th day of August, 2019.

CITY OF FERNANDINA BEACH

JOHN A. MILLER
Mayor - Commissioner

ATTEST:

APPROVED AS TO FORM AND LEGALITY:



CAROLINE BEST
City Clerk

TAMMI E. BACH
City Attorney

ORDINANCE 2019-16
EXHIBIT “A”

Architecture and Building Design Standards for Development on the Airport

Architecture and Building

Design Standards for Development on the Airport

(Included within Land Development Code by Reference)

For purposes of this document the City shall be the City of Fernandina Beach and the airport shall be Fernandina Beach Municipal Airport.

These architecture and building design standards shall be applied to airport construction or improvement on or within Fernandina Beach Municipal Airport ~~boundaries~~property boundary ~~designated for aeronautical use on the most recent FAA approved Airport Layout Plan.~~ These design standards have been incorporated by reference into the Airport Overlay section of the City of Fernandina Beach Land Development Code. The City of Fernandina Beach Land Development Code applies to all tenant and lessee construction on the Airport. These design standards are used by the City's Technical Review Committee (TRC) as its basis for beginning the approval process for any construction on the Airport. All construction must meet current adopted Florida Building Codes, City Building Ordinances, and National Fire Prevention Association (NFPA) requirements. In cases of conflict with other City codes or regulations, the more stringent provisions shall apply ~~unless specifically addressed within the terms of any written agreement with the City.~~

Approvals and Submittals Required:

1. No building nor any improvement shall be erected, placed, or altered on any building site at the Airport until the plans for such building or improvement, including site plan, landscape plan, building plans and specifications have been approved by the City.
2. Approval or disapproval of such plans shall be with respect to conformity with these restrictions and other applicable ordinances and requirements of the City and with respect to harmony of external design and land use as it effects property within and adjacent to the Airport.
3. Building plans shall be in conformance with all Federal, State, County and City laws and ordinances, and shall conform to the most recent FAA approved Airport Layout Plan.
4. An FAA Form 7460, Notice of Proposed Construction, shall be submitted to FAA for review and shall be approved by the FAA prior to start of construction.
5. No construction, including site improvements, shall be undertaken without first receiving all applicable City Land Development Orders.
6. Submittal requirements for review include a site plan, landscaping plan, and building plan and shall also include the following components listed below and/or any other submittals referenced within these design standards:
 - a. Drainage plan indicating predevelopment flow and contours/elevations of proposed development parcel as well as adjacent parcel(s).
 - b. Roof drainage and a soil erosion control plan shall be indicated on plan submittal.
 - c. For hangar development, a proposed thickness and weight bearing of the hangar floor shall be indicated on the site plan, and shall be of sufficient thickness/weight bearing for the largest aircraft that could use the hangar.
 - d. All antennas, satellite dishes, and similar equipment shall be indicated on the site plan to include proposed location and height.
 - e. Proposed signage shall be indicated on the site plan and shall specify sign placement, height, and design.
 - f. All plan submittals shall include sufficient detailed information on all utility designs and

Comment [NC1]: New Section

design loads.

- g. The location of any proposed outside storage areas shall be indicated on a site plan with proposed screening materials.
- h. Plan submittals shall include proposed exterior lighting location and light intensity.
- i. A vehicle parking plan shall be identified on the site plan in compliance with requirements outlined further within these design standards.

Variances:

The City, through the Board of Adjustments, shall consider and may grant a variance to these covenants, conditions and restrictions. Request for variance must include a full explanation as to why these codes or requirements cannot be fully met.

Comment [NC2]: New Section

Occupancy:

No occupancy of any building shall be permitted before the building is completed and a certificate of occupancy is issued. Temporary occupancy may be granted contingent upon approval of the City Building Official and Airport Director, and pursuant to the terms for compliance and final inspection prior to issuance of a certificate of occupancy.

Comment [NC3]: New Section

Setbacks:

- 1. The City will determine setback distances for construction based on FAA advisory circulars and/or regulations, the most recent FAA approved Airport Layout Plan and other City regulations that may be enacted from time to time.
- 2. No part or portion of any building shall be erected, constructed, or extended into any setback area.
- 3. No building construction equipment or materials shall be staged, placed, or operated in a manner that impedes the movement of aircraft along taxilanes or taxiways or encroaches into a safety or object free areas without the prior permission of the City.
- 4. The minimum building setback shall be 25 feet from any adjacent ground lease boundary.
- 5. Minimum building separation requirements shall be complied with as set forth by the current-State of Florida-adopted version of the National Fire Protection Agency (NFPA) 409, *Standard on Aircraft Hangars*, irrespective of ground lease boundary line location.
- 6. Adjoining hangars sharing a common center wall shall be built by the same lessee. Such hangars shall have a minimum 25 foot side building setback on all unattached sides from the ground lease boundary line.

Comment [NC4]: New Section

Drainage:

- 1. A drainage plan shall be submitted indicating pre-development stormwater flow, contours/elevations of the proposed development site, and elevations of adjacent property or parcels.
- 2. Drainage shall not negatively impact adjacent properties or leaseholds and shall flow into the airport's natural or developed drainage.
- 3. The elevation of the lot shall not be changed so as to materially affect the drainage pattern of the surrounding lots.
- 4. Drainage from roofs shall not create erosion or affect adjacent properties or leaseholds. Perimeter roof drainage with gutter and downspouts shall be required.
- 5. Roof drainage and a soil erosion control plan shall be indicated on plan submittal.

Comment [NC5]: New Section

Hangar/Building on any Area of the Airport Hangars/Buildings:

- 1. A primary building is an aircraft hangar with use as addressed in the lease.
- 1. ~~Stand alone non-hangar buildings are not permitted within the airport perimeter fence unless for aeronautical use and/or approved by City.~~
- 1. Aircraft hangars constructed under these standards shall only be for use or uses authorized under a ground lease from the City. Stand-alone non-hangar buildings within the area of the airport designated as aeronautical use on the most recent FAA approved Airport Layout Plan shall only be used for an aeronautical use approved under a ground lease from the City.
- 2. Outbuildings may be permitted as an ancillary to the primary building. An outbuilding

must be attached or in near proximity to the primary building. Such outbuildings must be directly related to the operation of the primary building and limited to office(s), storage area, or related work area.

3. For multiple nested hangars with no direct road access, such as T-Hangars, the location of the hangar door designates the front of the building. For stand-alone hangars constructed on a named access road, the front of building shall be the side facing the nearest access road upon which the address is affixed
4. ~~The location of the hangar door designates the front of the building.~~
4. The minimum bulk hangar size allowed shall be 1,600 square feet, unless otherwise approved by the City Manager or designee subject to grant assurances provided to the FAA and FAA regulations, and may be private or City construction.
5. T-hangars shall only be constructed by the City.
6. ~~Minimum bulk hangar size is 40 x 40 feet (1,600 square feet) and may be private or City construction; t-hangar construction permitted only by City.~~
6. All hangars must have a concrete finished and sealed floor. The proposed thickness and weight bearing of the floor must be indicated on the site plan and be sufficient for the largest aircraft that could use the hangar.
7. ~~Any hangar must have a concrete floor; any building must have finished flooring.~~
7. Any hangar constructed, unless an individual hangar or separated hangar units within a structural building and built for non-commercial use only and not exceeding 2,000 square feet per unit or individual hangar, requires an oil/water separator to discharge water and oil by-products, as appropriate, into either a sanitary sewer or into a holding tank.
8. Hangars/buildings shall meet all appropriate fire codes for the proposed use of building.
9. No residential occupancy is permitted.
10. Maximum building height is 45 feet or an elevation lower than imaginary surfaces outlined in Federal Regulation Title 14 Part 77, *Safe, Efficient Use and Preservation of Navigable Airspace*, at the development site location, whichever is lower.
11. ~~Maximum building height is 45 feet. New construction may require a Form 7460 be submitted to FAA for review.~~
11. ~~Since roofs are highly visible from aircraft using the Airport, roofs shall be attractively designed and constructed. Signs, lettering, designs, or other graphics shall not be placed, painted or otherwise located on roofs.~~
11. Roof materials shall be non-reflective, not create glare, and be of a type, style and color approved by the City.
12. Open sided structures may be authorized if approved by the City Manager or designee based upon type, style, structural integrity, and proposed location.
13. No alterations or additions to the exterior or interior of a building shall be accomplished without first obtaining all required City permits.
14. All antennas, satellite dishes, and similar equipment, shall be indicated on the site plan and shall include the proposed installation location and height.

~~Roof materials shall be non-reflective, not create glare, and be of a neutral color.~~

Signage:

Comment [NC6]: New Section

1. All signs must adhere to the requirements specified in the City's Sign Code. All hangar sign plans and sign proposals shall be submitted to the City for review and approval prior to construction or installation.
2. Additional address signage may be required to be displayed if required by City emergency service providers.
3. Signs, lettering, designs, or other graphics shall not be placed, painted or otherwise located on roofs.

Aprons/Pavement:

1. Taxi lanes within hangar areas provided by the City are generally designed to accommodate an aircraft with a wing span no greater than 49 feet. Facilities designed for larger wingspan aircraft shall have direct access to taxiways, unless otherwise approved by the City Manager or designee subject to grant assurances provided to the FAA and FAA regulations.
2. Entrance pavement is required from the hangar door to the taxilane or taxiway, shall be at least 20 feet wide.
3. Pavement, at a minimum, is required from the hangar door to the taxi lane or taxiway and shall be at least 20 feet wide.
3. All required apron/ramp areas shall be constructed to remain outside the taxilane or taxiway object free area except for the entrance pavement required in 2 above.
4. Under no circumstances shall required apron/ramp areas encroach into the taxi lane or taxiway objective free area (TOFA) except for the entrance pavement.
4. Apron space between the hangar and the adjacent taxilane or taxiway shall be sufficient to support the proposed use and potential future use of the hangar. The design of the apron is subject to review and approval by the City.
5. Any individual hangar having less than 3,000 square feet shall have an area available for an apron between the hangar door and the taxi lane or taxiway object free area (TOFA), at a minimum, equal to the distance of the depth of its hangar floor area.
5. Any hangar having 3,000 square feet or greater but not more than 7,999 square feet of hangar floor space shall have an area available for an apron between the hangar door and the taxi lane or taxiway object free area (TOFA), at a minimum, of a size at least 50% of its hangar floor area.
5. Any hangar with 8,000 square feet or greater of hangar floor space shall have an area available for an apron between the hangar door and the taxi lane or taxiway object free area (TOFA), at a minimum, of a size at least 75% of its hangar floor area.
5. Sidewalks are permitted only to provide for internal circulation on leasehold property.
5. All airside leasehold pavements must be of sufficient quality and weight bearing capacity for the largest aircraft that could be hangared on the leasehold and shall be designed for a minimum 20 year life using any applicable current FAA standards.
6. Landside pavements shall be designed per the City's Local Development Orders.
7. Airside pavement shall have a compatible look and performance as to any airport taxi lanes/taxiways/apron to which it may abut. All leasehold pavement must be of sufficient quality and weight bearing capacity for the aircraft to be parked on the leasehold.
7. Landside pavement shall have a compatible look and performance as to any street/driveway pavement it shall abut.
7. All pavements shall be designed for a minimum 20 year life using the following guidelines
 - 7.—airside to meet FAA standards for the aircraft to be parked and landside to meet

~~equivalent axle load projections.~~

7. Any permitted airside access routes are to be a minimum of 12 feet wide.

Utilities:

1. Extension of Utilities to the proposed facilities shall be the financial responsibility of the Lessee.
2. All plan submittals shall include sufficient detailed information on all utility designs and design loads.
3. Work shall not commence until approval has been received by the City and all permits have been received.
4. Plan submittals shall indicate above ground utilities such as, but not limited to, condensers and transformers.
5. Sewer, gas, water, electric, and communication utilities shall be located underground.
6. The Lessee shall be responsible to restore all areas disturbed during the utility installation including pavement and grass areas.
7. All electrical wiring shall be in conduit and placed underground from the electrical power source to the hangar/building.
8. Septic tanks are not authorized for use on the airport.

Comment [NC7]: New Section

Hangar Doors:

1. Types (Bi-fold, Hydraulic single swing, Track Mounted/rolling, accordion).
2. Hangar door clear opening shall be:
 - a. Horizontal – equal to or greater than 80% of the width of the side of the hangar where the door is located (I.E. building width of 100 feet, hangar door clear opening shall be a minimum of 80 feet), or equal to or greater than 80% the total width of individual T-Hangar or shared wall hangar units.
 - b. Vertical – For a hangar door width of:
 - i. Less than 40 feet, minimum door height shall be 14 feet
 - ii. 40 feet up to 50 feet, minimum door height shall be 16 feet
 - iii. 50 feet up to 60 feet, minimum door height shall be 20 feet
 - iv. 60 feet up to 70 feet, minimum door height shall be 24 feet
 - v. 70 feet up to 80 feet, minimum door height shall be 26 feet
 - vi. greater than 80 feet, minimum door height shall be 26 feet
3. All hangar doors shall be installed in such a manner as to not obstruct the movement of any aircraft on an adjacent taxiway or taxilane or of another airport tenant outside the leased premises.

Comment [NC8]: New Section.

Leasehold Size:

~~Parcel length is determined from edge of taxi lane or taxiway object free area (TOFA) to edge of roadway or established property line unless parcel already plotted.~~

~~Minimum parcel width is determined by width of hangar/out buildings coupled with required setbacks unless parcel already plotted.~~

~~Should a hangar back up to another hangar or building there are minimum separation requirements set forth by NFPA 409 standards irrespective of lease line location from back of hangar or outbuilding (from whichever structure may extend out furthest).~~

~~Individually built hangars shall have a minimum 25 foot setback on each side or side of outbuilding (from whichever structure may extend out furthest) to establish the side yard and minimum leasehold area unless one side abuts the runway restriction line.~~

~~Adjoining hangars sharing a common center wall shall be built by the same lessee. Such hangars shall have a minimum 25 foot side setback on the unattached opposite side from parcel property line. Adjoining hangar aprons may or may not abut to each other.~~

Comment [NC9]: Section deleted. Parcel setback requirements moved to new setback section.

Hangar/Building Characteristics:

1. ~~At least one bathroom facility is required for any stand-alone commercial use hangar or building. The bathroom facility must be constructed to be American Disabilities Act (ADA) compliant as required by local building code.~~
2. ~~At least one toilet is required for any stand-alone hangar/outbuilding development whether personal or commercial use. Any commercial use of building will require the toilet to be American Disabilities Act (ADA) compliant as required by local building code.~~
2. For non-commercial use hangars, bathroom facilities are required when:
 - There is no public use restroom within 400 feet of the proposed hangar development as measured by linear feet distance from the closest exterior wall of the proposed hangar development to the closest exterior or interior wall of any existing public restroom, or
 - The proposed development consists of, or will result in, more than 24 t-hangars in a specific location without access to a public use restroom, or
 - The proposed development will be a single hangar larger than 12,000 SF, or
 - The proposed development will be a divided hangar with more than 25,000 SF of total space.
3. Hangar/building materials shall be a metal building or concrete block or related material. ~~No wood or aluminum. Wood buildings are prohibited.~~ The roof may be aluminum if coated with a non-glare substance.
4. Hangar/building materials that produce glare or other effects that are hazardous to aircraft operation shall not be permitted.
5. Hangar/building colors shall be neutral tones.
6. The location of outside storage areas and materials used for screening shall be a part of the site plan submitted by lessee. All materials used for screening shall be opaque and ~~be~~ the same as or similar to the main or primary building, or by installation of berms and landscaping acceptable to the City.
5. ~~(All electrical wiring shall be in conduit and placed underground from the electrical power source to the hangar/building.)~~
5. Hangars shall have a fire suppression system, if required, as prescribed in the current current-State of Florida-adopted version of the National Fire Protection Agency (NFPA) 409, *Standard on Aircraft Hangars*.
6. ~~Any hangar over 10,000 square feet will require an approved NFPA sprinkler system.~~
6. All mechanical equipment shall be housed within the building when possible or screened as defined in section 6 above. When roof mounted equipment is required, it must be concealed by parapet walls sufficient to screen the equipment but no more than 42". Such parapet does not count against building height restriction as long as there is no penetration/violation of imaginary surfaces described in Federal Regulation Title 14 Part 77, *Safe, Efficient Use and Preservation of Navigable Airspace*. Plumbing vents are the only non-screened roof penetrations allowed.
7. Any exterior equipment shall be enclosed or screened so as to be an integral part of the architectural design and not in public view. Large pieces of equipment shall be located at ground level.
8. Any hangar or building abutting or a part of the Airport Operation Area (AOA) is also considered part of the security fence system. Such hangar or building shall provide the only

Comment [NC10]: Moved under utility section.

entrance ~~through the security fencing to the airside operations area~~ unless approved by the City ~~Manager or designee subject to grant assurances provided to the FAA and FAA regulations~~. In addition lessee shall provide a chain link fence without gates separating the airside and the landside with not less than 6 feet chain link ~~with 3 strand barbed wire on top vinyl encased black~~ between buildings to the property line to establish a security perimeter. If landscaping screening is provided, it shall be located on the landside and no closer than 6 feet from the fence and maintained in a manner to preclude overgrowth of the security fence.

9. The outside storage of hazardous materials or hazardous waste shall be prohibited as identified in the Airport Rules and Regulations.
10. Adequate lighting ~~sufficient for safety and security is required and shall be installed on the building for both airside and landside areas and in general shall be uniform in style as determined by the City. Light fixtures that face a taxilane or taxiway shall not exceed 0.5 foot-candles at the edge of the taxilane or taxiway. Plan submittal shall include exterior lighting information including location. All lighting shall conform to the current City ordinance and the City's specifications and standards for off-street parking areas.~~ ~~required for both airside and landside and in general shall be uniform style as determined by the City.~~

Landscaping:

1. Landscaping within the Air Operations Area for non-building and non-pavement areas shall have as a minimum natural ground covering and is limited to grass or very low lying vegetation for unpaved areas. ~~For safety reasons no~~ ~~No~~ trees or shrubbery shall be permitted within the air operations area (within the airport security or perimeter fence.)
2. At least 20% of the total gross land area of a development site shall be landscaped and can include grass or ground cover for the calculation. ~~The landscaped areas outside the AOA (outside the airport perimeter fence) shall be located on the site in such a manner as to maximize preservation of existing trees with priority given to specimen trees. Such landscaping should not be on the airfield side of any hangar or building construction that is not accessible by the public.~~ ~~The landscaped areas shall be located—on~~
2. ~~the site in such manner as to maximize preservation of existing trees with priority given to specimen trees. Such landscaping should not be on the airfield side of any hangar or building construction that is not accessible by the public.~~
2. Landscaping shall not block sight distance or pose a traffic hazard.
3. ~~All grass, trees, and shrubbery must be kept in good appearance at all times. If the Lessee fails to maintain these areas the City reserves the right to maintain or remove them at an additional cost to the Lessee.~~

~~(Any free standing signage shall not exceed a height of 5 feet from the ground, shall be monument style, and constructed per city code.)~~

Comment [NC11]: Signage requirements moved under signage section.

ParkingAutomobile Parking:

1. Parking shall not be established or designated along the front of building ~~if the front of the building is on the airside of the airport.g.~~
2. All parking must be identified in site plan.
1. Spaces shall be sized ~~and marked in accordance with requirements outlined within the current Fernandina Beach Land Development Code.~~

3. ~~by city code (currently 10 x 20 feet) and may be marked.~~
3. Commercial use of hangar must comply with the quantity, sizing, and marking of ADA parking spaces outlined within the current Fernandina Beach Land Development Code.~~meet city code as to number and shall meet the dimensions and the number required under ADA requirements and to be located in areas convenient to building entrances.~~
4. ~~Stand alone private non-commercial use hangar parking requires a minimum of two spaces for any total gross floor area (including any outbuilding floor area) not exceeding 2,000 square feet and a minimum of four spaces for a building exceeding 2,000 square feet up to 3,500 square feet. One additional parking space shall be required for each additional 1,500 square feet of gross floor area above 3,500 square feet. Such number of spaces shall be rounded up or down to the nearest 1,000 square feet.~~
4. Parking Spaces Required By Facility Type:

Box Hangar (Aircraft Storage Only)	-
1 Space per 1,500 square feet of hangar floor space (5 minimum) rounded up to the next space	-
Sample: 8,000 sq/ft hangar would require 6 parking spaces	
Box Hangar W/Office or Maintenance Space	-
1 Space per 1,500 sq/ft of hangar floor space (5 minimum)	<u>and</u>
1 Space per 200 sq/ft of office space (5 minimum)	<u>and</u>
1 space per 750 sq/ft of maintenance/shop space (5 minimum)	<u>and</u>
Sample: 8,000 sq/ft hangar (6) and 2,000 sq/ft of office (10) would need 16 spaces	
T-Hangar or Shared Wall Box Hangars w/individual unit size not exceeding 40'x40'	-
1 space for 50% of units rounded up to the next space	
GA Terminal/FBO Building	-
1 Space per 300 sq/ft of office space (5 minimum)	-
Airport Administrative Building	-
1 Space per 300 sq/ft of office space (5 minimum)	-
MES Building	-
1 Space per vehicle bay	<u>and</u>
1 space per 750 sq/ft of maintenance/shop space (5 minimum)	<u>and</u>
Example: a MES building with four bays (4) and 810 sq/ft of shop space would need 9 spaces	

- 5.
6. ~~Non-commercial use of hangar exempt from ADA requirements.~~
6. Any parking area next to a hangar or building shall have car stops or curbs placed at least five feet from ~~the hangar or building.~~ the closest sidewalk, hangar or building.
7. All parking areas shall be setback at least 10 feet from other lessee lease lines.
1. East Area:
1. ~~Stand alone non-hangar buildings are permitted on the non-airfield side of Jamestown Road and must be an approved commercial only use.~~
1. ~~A commercial building not attached to a hangar shall provide its parking behind the building. Such a building may not be located on the airfield side of Jamestown Road unless as part of a hangar development and then parking may be between the building and Jamestown Road.~~

1. ~~For non hangar buildings the front yard is considered Jamestown Road.~~
1. ~~Non hangar buildings or hangars fronting Jamestown Road must have set back of at least 25 feet from the street.~~
1. ~~Internal driveways off Jamestown Road shall be 20 feet wide.~~
1. ~~Minimum curb cuts off Jamestown Road—in general use of joint-use driveway to serve several buildings will be required to provide access to a public street. Only in exceptional circumstances is more than one (1) curb cut permitted.~~
1. ~~No parking permitted along Jamestown Road.~~
1. ~~Common use driveways along Jamestown Road shall be used as much as possible.~~

Compliance with Building Codes

2. ~~-~~
3. The building codes and restrictions for buildings and structures at the Airport shall run with the land and be binding to all parties and all persons on Airport property.
4. ~~-~~
5. All buildings constructed, erected, or placed upon any lot within the borders of the Airport shall conform to all government zoning and use requirements.
6. ~~-~~
7. All Building and structures shall comply with all current federal, state and local requirements.

Refuse

8. ~~-~~
9. Where necessary, dumpster enclosures shall be constructed at the rear of a structure/site and should be enclosed with an opaque wall constructed of a material that is the same as, or similar to, the primary building structure and have gates made of metal.
10. ~~-~~

Architecture and Building
Design Standards for Development on the Airport
(Included within Land Development Code by Reference)

2/4/2019 Clean Draft

(A table of contents will be developed after final formatting. *Editor's Note)

For purposes of this document the City shall be the City of Fernandina Beach and the airport shall be Fernandina Beach Municipal Airport.

These architecture and building design standards shall be applied to airport construction or improvement on or within Fernandina Beach Municipal Airport property boundary **designated for aeronautical use on the most recent FAA approved Airport Layout Plan**. These design standards have been incorporated by reference into the Airport Overlay section of the City of Fernandina Beach Land Development Code. The City of Fernandina Beach Land Development Code applies to all tenant and lessee construction on the Airport. These design standards are used by the City's Technical Review Committee (TRC) as its basis for beginning the approval process for any construction on the Airport. All construction must meet current adopted Florida Building Codes, City Building Ordinances, and National Fire Prevention Association (NFPA) requirements. In cases of conflict with other City codes or regulations, the more stringent provisions shall apply.

Approvals and Submittals Required:

1. No building nor any improvement shall be erected, placed, or altered on any building site at the Airport until the plans for such building or improvement, including site plan, landscape plan, building plans and specifications have been approved by the City.
2. Approval or disapproval of such plans shall be with respect to conformity with these restrictions and other applicable ordinances and requirements of the City and with respect to harmony of external design and land use as it effects property within and adjacent to the Airport.
3. Building plans shall be in conformance with all Federal, State, County and City laws and ordinances, and shall conform to the most recent FAA approved Airport Layout Plan.
4. An FAA Form 7460, *Notice of Proposed Construction*, shall be submitted to FAA for review and shall be approved by the FAA prior to start of construction.
5. No construction, including site improvements, shall be undertaken without first receiving all applicable City Land Development Orders.
6. Submittal requirements for review include a site plan, landscaping plan, and building plan and shall also include the following components listed below and/or any other submittals referenced within these design standards:
 - a. Drainage plan indicating predevelopment flow and contours/elevations of proposed development parcel as well as adjacent parcel(s).
 - b. Roof drainage and a soil erosion control plan shall be indicated on plan submittal.
 - c. For hangar development, a proposed thickness and weight bearing of the hangar floor shall be indicated on the site plan, and shall be of sufficient thickness/weight bearing for the largest aircraft that could use the hangar.
 - d. All antennas, satellite dishes, and similar equipment shall be indicated on the site plan to include proposed location and height.

- e. Proposed signage shall be indicated on the site plan and shall specify sign placement, height, and design.
- f. All plan submittals shall include sufficient detailed information on all utility designs and design loads.
- g. The location of any proposed outside storage areas shall be indicated on a site plan with proposed screening materials.
- h. Plan submittals shall include proposed exterior lighting location and light intensity.
- i. A vehicle parking plan shall be identified on the site plan in compliance with requirements outlined further within these design standards.

Variances:

The City, through the Board of Adjustments, shall consider and may grant a variance to these covenants, conditions and restrictions. Request for variance must include a full explanation as to why these codes or requirements cannot be fully met.

Occupancy:

No occupancy of any building shall be permitted before the building is completed and a certificate of occupancy is issued. Temporary occupancy may be granted contingent upon approval of the City Building Official and Airport Director, and pursuant to the terms for compliance and final inspection prior to issuance of a certificate of occupancy.

Setbacks:

- 1. The City will determine setback distances for construction based on FAA advisory circulars and/or regulations, the most recent FAA approved Airport Layout Plan and other City regulations that may be enacted from time to time.
- 2. No part or portion of any building shall be erected, constructed, or extended into any setback area.
- 3. No building construction equipment or materials shall be staged, placed, or operated in a manner that impedes the movement of aircraft along taxilanes or taxiways or encroaches into a safety or object free areas without the prior permission of the City.
- 4. The minimum building setback shall be 25 feet from any adjacent ground lease boundary.
- 5. Minimum building separation requirements shall be complied with as set forth by the current-State of Florida-adopted version of the National Fire Protection Agency (NFPA) 409, *Standard on Aircraft Hangars*, irrespective of ground lease boundary line location.
- 6. Adjoining hangars sharing a common center wall shall be built by the same lessee. Such hangars shall have a minimum 25 foot side building setback on all unattached sides from the ground lease boundary line.

Drainage:

- 1. A drainage plan shall be submitted indicating pre-development stormwater flow, contours/elevations of the proposed development site, and elevations of adjacent property or parcels.
- 2. Drainage shall not negatively impact adjacent properties or leaseholds and shall flow into the airport's natural or developed drainage.
- 3. The elevation of the lot shall not be changed so as to materially affect the drainage pattern of the surrounding lots.
- 4. Drainage from roofs shall not create erosion or affect adjacent properties or leaseholds. Perimeter roof drainage with gutter and downspouts shall be required.
- 5. Roof drainage and a soil erosion control plan shall be indicated on plan submittal.

Hangars/Buildings:

- 1. Aircraft hangars constructed under these standards shall only be for use or uses authorized under a ground lease from the City. Stand-alone non-hangar buildings within the area of the airport

designated as aeronautical use on the most recent FAA approved Airport Layout Plan shall only be used for an aeronautical use approved under a ground lease from the City.

2. Outbuildings may be permitted as an ancillary to the primary building. An outbuilding must be attached or in near proximity to the primary building. Such outbuildings must be directly related to the operation of the primary building and limited to office(s), storage area, or related work area.
3. For multiple nested hangars with no direct road access, such as T-Hangars, the location of the hangar door designates the front of the building. For stand-alone hangars constructed on a named access road, the front of building shall be the side facing the nearest access road upon which the address is affixed
4. The minimum bulk hangar size allowed shall be 1,600 square feet, unless otherwise approved by the City Manager or designee subject to grant assurances provided to the FAA and FAA regulations, and may be private or City construction.
5. T-hangars shall only be constructed by the City.
6. All hangars must have a concrete finished and sealed floor. The proposed thickness and weight bearing of the floor must be indicated on the site plan and be sufficient for the largest aircraft that could use the hangar.
7. Any hangar constructed, unless an individual hangar or separated hangar units within a structural building and built for non-commercial use only and not exceeding 2,000 square feet per unit or individual hangar, requires an oil/water separator to discharge water and oil by-products, as appropriate, into either a sanitary sewer or into a holding tank.
8. Hangars/buildings shall meet all appropriate fire codes for the proposed use of the building.
9. No residential occupancy is permitted within any building constructed on airport property.
10. Maximum building height is 45 feet or an elevation lower than imaginary surfaces outlined in Federal Regulation Title 14 Part 77, *Safe, Efficient Use and Preservation of Navigable Airspace*, at the development site location, whichever is lower.
11. Roof materials shall be non-reflective, not create glare, and be of a type, style and color approved by the City.
12. Open sided structures may be authorized if approved by the City Manager or designee based upon type, style, structural integrity, and proposed location.
13. No alterations or additions to the exterior or interior of a building shall be accomplished without first obtaining all required City permits.
14. All antennas, satellite dishes, and similar equipment, shall be indicated on the site plan and shall include the proposed installation location and height.

Signage:

1. All signs must adhere to the requirements specified in the City's Sign Code. All hangar sign plans and sign proposals shall be submitted to the City for review and approval prior to construction or installation.
2. Additional address signage may be required to be displayed if required by City emergency service providers.
3. Signs, lettering, designs, or other graphics shall not be placed, painted or otherwise located on roofs.

Aprons/Pavement:

1. Taxilanes within hangar areas provided by the City are generally designed to accommodate an aircraft with a wing span no greater than 49 feet. Facilities designed for larger wingspan aircraft shall provide direct access to taxiways, unless otherwise approved by the City Manager or designee subject to grant assurances provided to the FAA and FAA regulations.

2. Entrance pavement is required from the hangar door to the taxilane or taxiway, shall be at least 20 feet wide.
3. All required apron/ramp areas shall be constructed to remain outside the taxilane or taxiway object free area except for the entrance pavement required in 2 above.
4. Apron space between the hangar and the adjacent taxilane or taxiway shall be sufficient to support the proposed use and potential future use of the hangar. The design of the apron is subject to review and approval by the City.
5. All airside leasehold pavements must be of sufficient quality and weight bearing capacity for the largest aircraft that could be hangared on the leasehold and shall be designed for a minimum 20 year life using any applicable current FAA standards.
6. Landside pavements shall be designed per the City's Local Development Orders.
7. Any permitted airside vehicle access routes are to be a minimum of 12 feet wide.

Utilities:

1. Extension of Utilities to the proposed facilities shall be the financial responsibility of the Lessee.
2. All plan submittals shall include sufficient detailed information on all utility designs and design loads.
3. Work shall not commence until approval has been received by the City and all permits have been received.
4. Plan submittals shall indicate above ground utilities such as, but not limited to, condensers and transformers.
5. Sewer, gas, water, electric, and communication utilities shall be located underground.
6. The Lessee shall be responsible to restore all areas disturbed during the utility installation including pavement and grass areas.
7. All electrical wiring shall be in conduit and placed underground from the electrical power source to the hangar/building.
8. Septic tanks are not authorized for use on the airport.

Hangar Doors:

1. Types (Bi-fold, Hydraulic single swing, Track Mounted/rolling, accordion).
2. Hangar door clear opening shall be:
 - a. Horizontal – equal to or greater than 80% of the width of the side of the hangar where the door is located (I.E. building width of 100 feet, hangar door clear opening shall be a minimum of 80 feet), or equal to or greater than 80% the total width of individual T-Hangar or shared wall hangar units.
 - b. Vertical – For a hangar door width of:
 - i. Less than 40 feet, minimum door height shall be 14 feet
 - ii. 40 feet up to 50 feet, minimum door height shall be 16 feet
 - iii. 50 feet up to 60 feet, minimum door height shall be 20 feet
 - iv. 60 feet up to 70 feet, minimum door height shall be 24 feet
 - v. 70 feet up to 80 feet, minimum door height shall be 26 feet
 - vi. greater than 80 feet, minimum door height shall be 26 feet
3. All hangar doors shall be installed in such a manner as to not obstruct the movement of any aircraft on an adjacent taxiway or taxilane or of another airport tenant outside the leased premises.

Hangar/Building Characteristics:

1. At least one bathroom facility is required for any stand-alone commercial use hangar or building. The bathroom facility must be constructed to be American Disabilities Act (ADA) compliant as required by local building code.
2. For non-commercial use hangars, bathroom facilities are required when:

- There is no public use restroom within 400 feet of the proposed hangar development as measured by linear feet distance from the closest exterior wall of the proposed hangar development to the closest exterior or interior wall of any existing public restroom, or
 - The proposed development consists of, or will result in, more than 24 t-hangars in a specific location without access to a public use restroom, or
 - The proposed development will be a single hangar larger than 12,000 SF, or
 - The proposed development will be a divided hangar with more than 25,000 SF of total space.
3. Hangar/building materials shall be a metal building or concrete block or related material. Wood buildings are prohibited. The roof may be aluminum if coated with a non-glare substance.
 4. Hangar/buildings that produce glare or other effects that are hazardous to aircraft operation shall not be permitted.
 5. Hangar/building colors shall be neutral tones.
 6. The location of outside storage areas and the materials required for screening shall be included on the site plan submitted by lessee. All materials used for screening shall be opaque and the same as or similar to the main or primary building, or by installation of berms and landscaping acceptable to the City.
 7. Hangars shall have a fire suppression system, if required, as prescribed in the current current-State of Florida-adopted version of the National Fire Protection Agency (NFPA) 409, *Standard on Aircraft Hangars*.
 8. All mechanical equipment shall be housed within the building when possible or screened as defined in 6 above. When roof mounted equipment is required, it must be concealed by parapet walls sufficient to screen the equipment but no more than 42". Such parapet does not count against building height restriction as long as there is no violation of imaginary surfaces described in Federal Regulation Title 14 Part 77, *Safe, Efficient Use and Preservation of Navigable Airspace*. Plumbing vents are the only non-screened roof penetrations allowed.
 9. Any exterior equipment shall be enclosed or screened so as to be an integral part of the architectural design and not in public view.
 10. Any hangar or building abutting a part of the Airport Operation Area (AOA) is also considered part of the security fence system. Such hangar or building shall provide the only entrance to the airside operations area unless approved by the City Manager or designee subject to grant assurances provided to the FAA and FAA regulations.. In addition lessee shall provide a chain link fence without gates separating the airside and the landside with not less than 6 feet chain link with 3 strand barbed wire on top between buildings to the property line to establish a security perimeter. If landscape screening is provided, it shall be located on the landside and no closer than 6 feet from the fence and maintained in a manner to preclude overgrowth onto the security fence.
 11. The outside storage of hazardous materials or hazardous waste shall be prohibited as identified in the Airport Rules and Regulations.
 12. Adequate lighting sufficient for safety and security is required and shall be installed on the building for both airside and landside areas and in general shall be uniform in style as determined by the City. Light fixtures that face a taxilane or taxiway shall not exceed 0.5 foot-candles at the edge of the taxilane or taxiway. Plan submittal shall include exterior lighting information including location. All lighting shall conform to the current City ordinance and the City's specifications and standards for off-street parking areas.

Landscaping:

1. Landscaping within the Airport Operation Area for non-building and non-pavement areas shall have as a minimum natural ground covering and is limited to grass or very low lying vegetation for unpaved areas. No trees or shrubbery shall be permitted within the Airport Operation Area (within the airport security or perimeter fence.)
2. All gross land area of a development site that is not paved or building shall be landscaped and can include grass or ground cover. The landscaped areas outside the AOA (outside the airport perimeter fence) shall be located on the site in such a manner as to maximize preservation of existing trees with priority given to specimen trees. Such landscaping should not be on the airfield side of any hangar or building construction that is not accessible by the public.
3. Landscaping shall not block sight distance or pose a traffic hazard.
4. All grass, trees, and shrubbery must be kept in good appearance at all times. If the Lessee fails to maintain these areas the City reserves the right to maintain or remove them at an additional cost to the Lessee.

Automobile Parking:

1. All parking shall be identified in the site plan.
1. Parking shall not be established or designated along the front of a building if the front of the building is on the airside of the airport.
2. Vehicle parking spaces shall be sized and marked in accordance with requirements outlined within the current Fernandina Beach Land Development Code.
3. Commercial use of a hangar must comply with the quantity, sizing, and marking of ADA parking spaces outlined within the current Fernandina Beach Land Development Code.
4. Parking Spaces Required By Facility Type:

Box Hangar (Aircraft Storage Only)	
1 Space per 1,500 square feet of hangar floor space (5 minimum) rounded up to the next space	
Sample: 8,000 sq/ft hangar would require 6 parking spaces	
Box Hangar W/Office or Maintenance Space	
1 Space per 1,500 sq/ft of hangar floor space (5 minimum)	and
1 Space per 200 sq/ft of office space (5 minimum)	and
1 space per 750 sq/ft of maintenance/shop space (5 minimum)	and
Sample: 8,000 sq/ft hangar (6) and 2,000 sq/ft of office (10) would need 16 spaces	
T-Hangar or Shared Wall Box Hangars w/individual unit size not exceeding 40'x40'	
1 space for 50% of units rounded up to the next space	
GA Terminal/FBO Building	
1 Space per 300 sq/ft of office space (5 minimum)	
Airport Administrative Building	
1 Space per 300 sq/ft of office space (5 minimum)	
MES Building	
1 Space per vehicle bay	and
1 space per 750 sq/ft of maintenance/shop space (5 minimum)	and

Example: a MES building with four bays (4) and 810 sq/ft of shop space would need 9 spaces
--

5. All parking areas shall have car stops or curbs placed at least five feet from the closest sidewalk, hangar or building.
6. All parking areas shall be setback at least 10 feet from the lessee's lease lines.

Compliance with Building Codes

The building codes and restrictions for buildings and structures at the Airport shall run with the land and be binding to all parties and all persons on Airport property.

All buildings constructed, erected, or placed upon any lot within the borders of the Airport shall conform to all government zoning and use requirements.

All Building and structures shall comply with all current federal, state and local requirements.

Refuse

Where necessary, dumpster enclosures shall be constructed at the rear of a structure/site and should be enclosed with an opaque wall constructed of a material that is the same as, or similar to, the primary building structure and have gates made of metal.

OFFICE USE ONLY

REC'D: _____ BY: _____

PAYMENT: \$ N/A TYPE: _____

APPLICATION #: _____

CASE #: 2019-05

BOARD MEETING DATE: APRIL 10, 2019



PLANNING ADVISORY BOARD APPLICATION

- | | |
|---|--|
| ☐ ZONING MAP AMENDMENT
(≤ 10 acres \$1,000 / > 10 acres \$2,000) | ☐ SUBDIVISION PLAT – PRELIMINARY
(≤ 20 units \$1,000 / > 20 units \$1,600) |
| ☒ LAND USE MAP AMENDMENT
(≤ 10 acres \$1,000 / > 10 acres \$2,000) | ☐ SUBDIVISION PLAT – FINAL (\$850) |
| ☐ LDC TEXT AMENDMENT (\$1,000) | ☐ VACATION OF R.O.W. (\$1,700) |
| ☐ COMP PLAN AMENDMENT (\$1,700) | ☐ VOLUNTARY ANNEXATION (\$1,500) |
| | ☐ Revision to each PAB Application
To offset additional display ad fee (\$400) |

APPLICANT INFORMATION

Owner Name: CITY OF FERNANDINA BEACH, FLORIDA

Mailing Address: 204 ASH STREET FERNANDINA BEACH, FLORIDA 32034

Telephone: 904-310-3100

Fax: _____

Email: DMARTIN@FBFL.ORG

Agent Name: _____

Mailing Address: _____

Telephone: _____

Fax: _____

Email: _____

PROPERTY INFORMATION

Street Address: N/A

Parcel Identification Number(s): _____

Lot Number: _____

Block Number: _____

Subdivision: _____

Section: _____

Township: _____

Range: _____

PROJECT INFORMATION

Total Number of Lots/Parcels: _____

Less than One (1) acre Sq. Footage: _____ One (1) Acre or Greater: _____

Existing Zoning Classification: _____

Existing Future Land Use Classification: _____

Previous Planning/Zoning Approvals: _____

Description of Request:

LAND DEVELOPMENT CODE TEXT AMENDMENTS (PAB CASE #: 2019-05): CITY OF FERNANDINA BEACH, FLORIDA REQUESTS LAND DEVELOPMENT CODE TEXT AMENDMENTS TO MODIFY THE REFERENCE DOCUMENT SPECIFIC TO AIRPORT DESIGN STANDARDS AS CONTAINED SECTION 4.02.03 AIRPORT ARCHITECTURE AND BUILDING DESIGN STANDARDS FOR DEVELOPMENT ON THE AIRPORT.

SIGNATURE/NOTARY

The undersigned states the above information is true and correct as (s)he is informed and believes.

4/2/19
Date

[Signature]
Signature of Applicant



STATE OF FLORIDA }
COUNTY OF NASSAU } ss

Subscribed and sworn to before me this 3rd day of April, 2019.

[Signature]
Notary Public: Signature

Nicole Bednar
Printed Name

Feb. 2, 2020
My Commission Expires

Personally Known X OR Produced Identification _____ ID Produced: _____

1. **Call to Order:** Chairperson Chuck Colcord called the meeting to order at 6:00 pm.
2. **Members Present:** Chuck Colcord (Chair), Prudence Hostetter, Kent McKee, Ward Gill, and Dave Austin
Members Absent: Tom Piscitello and Don Edlin

Others Present: Commissioner Len Kreger, Commissioner Chip Ross, Brian Echard, Kathryn Echard, Andrew Holesko (Passero Associates), Robert Kozakoff (Airport Staff), Nathan Coyle (Airport Staff), David Broughton, and R.D. Lake.
3. **Public Comment Regarding Items Not On The Agenda:** No public comment was received.
4. **Old Business:** Member McKee asked if there were any updates on the coordination of a GPS procedure, and Airport Manager Coyle stated that he continued to work with the FAA ADO office and flight procedures on this matter, and would hopefully have an update soon.
5. **New Business:**

5.1 Airport Architectural Standards – Final Discussion and Recommendation

Airport Manager Coyle presented a revised copy of draft airport architectural standards which included recommended changes that had previously been provided to the AAC. Mr. Coyle stated that the item regarding T-Hangar exclusivity still required discussion.

Mr. Coyle provided an excerpt from an AOPA publication on hangar development which outlined pros/cons between airport hangar development and private hangar development. Mr. Coyle then asked AAC members for feedback on this provision within the draft standards. Member McKee stated that he felt as though the T-Hangar exclusivity should be removed to allow private development of T-Hangars which would allow for sufficient development to help better meet the demand for hangar space at the airport. Member Austin stated that he supported this concept to allow private development of T-Hangars and that additional development may have beneficial impacts to the airport beyond land lease revenue through aviation activity, such as fuel flowage. Member Colcord asked if there were any options to control private development once exclusivity is removed, and Mr. Coyle stated that he had attempted to research this but that, in discussion with the City's Attorney, felt as though once the exclusivity is removed that it may never be available to the airport again. Member McKee asked if there were a method to control private development of T-Hangars through a process such as identifying an area within the Master Plan or on the airport's layout plan for private T-Hangar development. Andrew Holesko provided comment stating that a simple amendment to the airport's ALP could be achieved but that he was not sure about the proposed concept. Mr. Coyle stated that he thought this concept was interesting and that he had not considered it before. Mr. Coyle stated that he could discuss this concept with the FAA to see if it might be an option for consideration of the airport. The group provided

consensus that it would be beneficial to research this option and come back with more information.

Mr. Coyle then asked if there were any other comments or questions on the rest of revisions within the proposed draft airport architectural standards as presented. No other comments or questions were posed.

A motion was made by Member Hostetter, seconded by Member Austin, to recommend that the City adopt all proposed revisions to the airport's architectural standards and for the AAC to further evaluate T-Hangar exclusivity, specifically the option of identifying a parcel on the airport's layout plan for private T-Hangar development, before proposing any amendments to that language within the airport's architectural standards. A vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

5.2 AAC Vacancy – Review of Applicants and Recommendation

Airport Manager Coyle presented four applications of interest for appointment under the existing vacancy for the AAC. Mr. Coyle also introduced Mr. R.D. Lake and Mr. David Broughton, two of the applicants, who were in the audience at the meeting. Mr. Lake and Mr. Broughton both introduced themselves and provided background regarding their experience within aviation.

The AAC deliberated on the recommendation stating that all applicants, and those at the meeting, were well qualified to fill the vacancy.

A motion was made by Member Hostetter, seconded by Member McKee, to recommend that the City Commission appoint Mr. David Broughton to the Airport Advisory Commission to fill the existing voting vacancy on the committee. A vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

6. Airport Manager and Staff Reports:

Airport Manager Coyle presented his monthly department report to the group as included within the agenda packet.

Airport Manager Coyle also provided information about a recent discussion that had been conducted with City Manager Martin regarding an interest in potentially moving forward to develop a joint-use fire station on airport property, as shown on the airport's ALP, to serve firefighting needs of the general public and the airport alike. Mr. Coyle stated that the airport currently carries a capital improvement project in 2026 for FDOT funds to develop an ARFF facility on the airport, and that FDOT funding could be used to fund eligible (ARFF-related) expenses within construction of this facility. The City is interested in moving forward on this project within the next few years. Mr. Coyle stated that he had asked FDOT about obtaining grant funding to support the project and/or support eligible components of design work and

FDOT suggested that funds could be transferred from an existing project. Mr. Coyle stated that the FBO has offered a zero percent loan in support of funding needed for the fuel farm and perhaps there is an option to use that offer to cover any grant dollars which would potentially be transferred from the fuel farm project. Mr. Coyle asked for thoughts from the group.

Member Gill stated that he thought there would be benefit to the airport from having a fire station and ARFF capability on-site. Member Hostetter asked if the preliminary design/conceptual work would look at traffic flow and any potential issues with fire vehicles access Amelia Parkway, and Mr. Coyle stated that he believes response capability would most likely be a part of the planning process. Member Colcord stated that he would be concerned if this project would jeopardize replacement of the existing fuel farm. Mr. Coyle stated that he felt the fuel farm project could still be completed but did not yet have cost estimates as Passero will be completing initial scoping for the project in the coming weeks, which would reveal general cost estimates for the project. Mr. Coyle stated that he would keep the group advised on this discussion as it evolves.

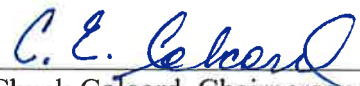
7. Commission Member Reports and Comments:

Member Colcord asked if there were any updates on Hangar B or the demolition of the old FBO office facility. Mr. Coyle stated that there were no updates on Hangar B however the plans for demolition of office space had been received from Passero and a bid packet had been developed for release, and would be released in the coming weeks.

8. Next Meeting Date: Thursday April 11, 2019.

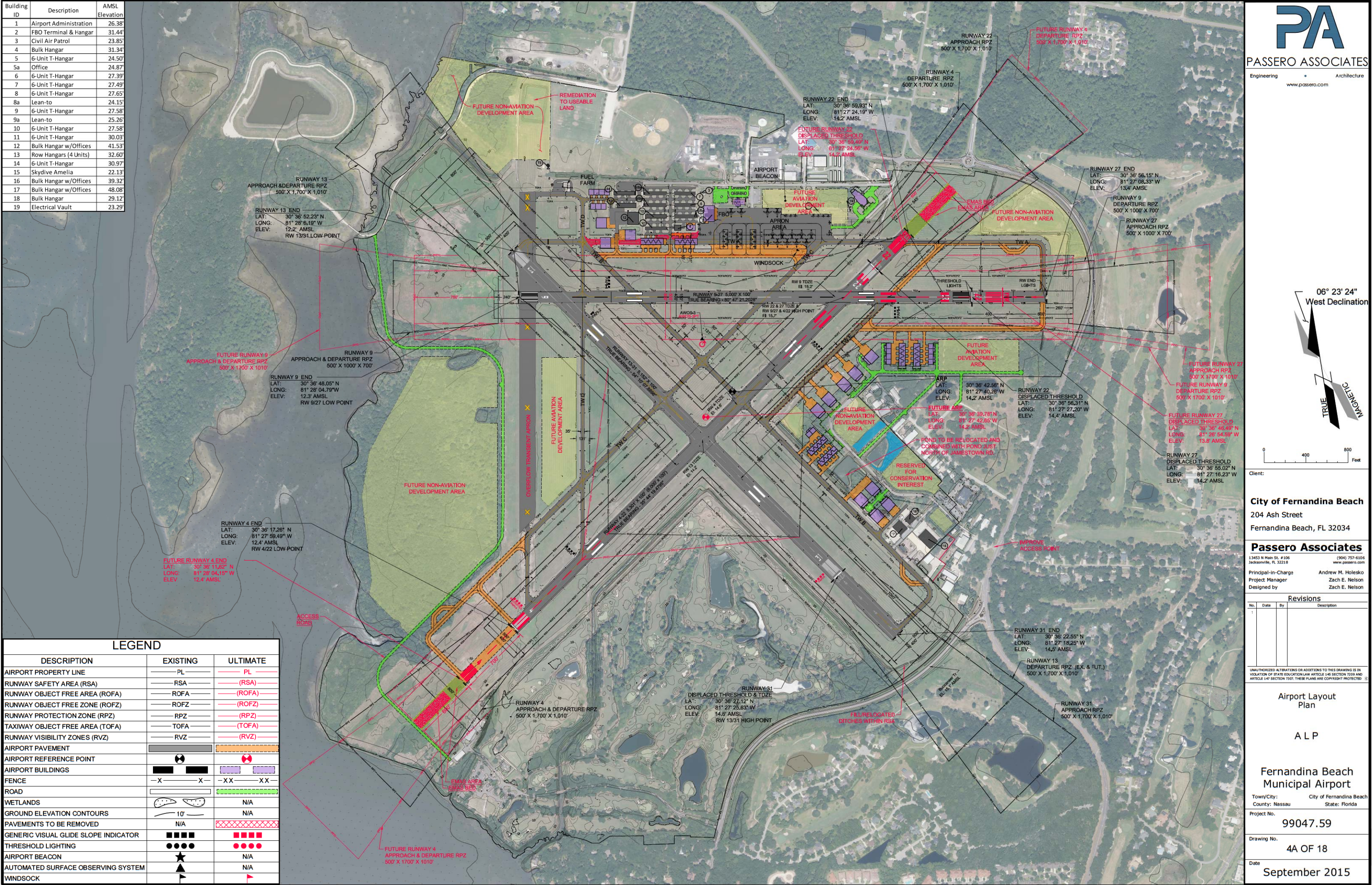
9. Adjournment: There being no further business to come before the Airport Advisory Commission, the meeting was adjourned at 8:00 p.m.


Secretary


Chuck Colcord, Chairperson

Building ID	Description	AMSL Elevation
1	Airport Administration	26.38'
2	FBO Terminal & Hangar	31.44'
3	Civil Air Patrol	23.85'
4	Bulk Hangar	31.34'
5	6-Unit T-Hangar	24.50'
5a	Office	24.87'
6	6-Unit T-Hangar	27.39'
7	6-Unit T-Hangar	27.49'
8	6-Unit T-Hangar	27.65'
8a	Lean-to	24.15'
9	6-Unit T-Hangar	27.58'
9a	Lean-to	25.26'
10	6-Unit T-Hangar	27.58'
11	6-Unit T-Hangar	30.03'
12	Bulk Hangar w/Offices	41.53'
13	Row Hangars (4 Units)	32.60'
14	6-Unit T-Hangar	30.97'
15	Skydive Amelia	22.13'
16	Bulk Hangar w/Offices	39.32'
17	Bulk Hangar w/Offices	48.08'
18	Bulk Hangar	29.12'
19	Electrical Vault	23.29'

LEGEND		
DESCRIPTION	EXISTING	ULTIMATE
AIRPORT PROPERTY LINE	— PL —	— PL —
RUNWAY SAFETY AREA (RSA)	— RSA —	— (RSA) —
RUNWAY OBJECT FREE AREA (ROFA)	— ROFA —	— (ROFA) —
RUNWAY OBJECT FREE ZONE (ROFZ)	— ROFZ —	— (ROFZ) —
RUNWAY PROTECTION ZONE (RPZ)	— RPZ —	— (RPZ) —
TAXIWAY OBJECT FREE AREA (TOFA)	— TOFA —	— (TOFA) —
RUNWAY VISIBILITY ZONES (RVZ)	— RVZ —	— (RVZ) —
AIRPORT PAVEMENT		
AIRPORT REFERENCE POINT		
AIRPORT BUILDINGS		
FENCE	- X - X -	- XX - XX -
ROAD		
WETLANDS		N/A
GROUND ELEVATION CONTOURS		N/A
PAVEMENTS TO BE REMOVED	N/A	
GENERIC VISUAL GLIDE SLOPE INDICATOR		
THRESHOLD LIGHTING		
AIRPORT BEACON		N/A
AUTOMATED SURFACE OBSERVING SYSTEM		N/A
WINDSOCK		



PASSERO ASSOCIATES
Engineering • Architecture
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06° 23' 24"
West Declination

0 400 800 Feet

Client:

City of Fernandina Beach
204 Ash Street
Fernandina Beach, FL 32034

Passero Associates
13453 N Main St. #106 Jacksonville, FL 32218 (904) 757-6106 www.passero.com

Principal-in-Charge: Andrew M. Holesko
Project Manager: Zach E. Nelson
Designed by: Zach E. Nelson

Revisions

No.	Date	By	Description
1			

Unauthorized alterations or additions to this drawing is in violation of State Education Law Article 145 Section 7209 and Article 147 Section 7307. These plans are copyright protected.

Airport Layout Plan

A L P

Fernandina Beach Municipal Airport

Town/City: City of Fernandina Beach
County: Nassau State: Florida

Project No. **99047.59**

Drawing No. **4A OF 18**

Date **September 2015**

FERNANDINA BEACH MUNICIPAL AIRPORT

AIRPORT RULES AND REGULATIONS

Initial Adoption October 1, 1987

Amended July 17, 2007

Amended August 21, 2007

Amended September 2, 2008

Amended December 7, 2010

Prepared By:

City of Fernandina Beach

700 Airport Road

Fernandina Beach, Florida 32034

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Introduction

Fernandina Beach Municipal Airport (FBMA-FHB) is municipally owned and operated by the City of Fernandina Beach, Florida as a General Aviation Reliever Airport. These Airport Rules and Regulations (R&R) are intended to promote the health, safety, interest, and welfare of the public in general and in particular the operators, lessees, tenants, consumers, and users of FBMA, and to promote the safe, orderly, and efficient use of the Airport.

These R&R apply to all users, aeronautical and otherwise, of FBMA property, are not all-inclusive, and reinforce and emphasize federal, state, and local statutes, laws, ordinances, and regulations as well as leases and agreements that may apply (see Appendix A - References). In addition the content of Appendixes A and B attached hereto and made a part hereof shall be adhered to by all users of FBMA. In the event of a conflict between these R&R and a lease or other agreement, the lease or other agreement shall govern. Individual Airport users must adhere to the applicable provisions of these R&R and its attached Appendices, as well as any applicable leases and agreements, and all pertinent federal, state, and local statutes, laws, ordinances, and regulations that may be applicable to their operations.

Violations of the R&R may result in revocation of Airport access privileges, denial of use of the Airport, termination of leases or other agreements, and/or prosecution under applicable laws. Perpetration of violation(s) shall be considered as a factor in renewing or not renewing a violator's application or permit/lease renewal. Use of Airport property without approval or in conflict with these R&R is considered a trespass. Nothing in these R&R is intended to preclude any authorized City personnel from taking other action authorized by law. Section 6 of these R&R provides an appeal process to be followed in the event a user of the Airport is aggrieved by the interpretation and application of the R&R.

These R&R may be amended as required, however, every three years an updated revision should be published.

Section 1 – General

1.01 COMPLIANCE AND RESPONSIBILITIES:

- a. By publication of these R&R, all persons based at FBMA will be deemed to have knowledge of the contents herein. Copies of these R&R will be distributed to all tenants and leaseholders, posted at the Airport, and available through the Airport Manager's office.
- b. Entry upon/into the Airport by any person shall be deemed to constitute an agreement by such person to comply with and be governed by these R&R. All persons employed on or using the Airport shall cooperate with the Airport Manager or his designated representatives to enforce these R&R.
- c. Airport tenants/leaseholders shall be responsible for compliance with all requirements of these R&R applicable to them for their exclusive areas and they shall be held liable for any fines, penalties, or other monetary assessments imposed upon the City by any agency having jurisdiction with respect to any violations involving these areas. Any user, who by their intentional or unintentional action or activity, cause the City to be fined, cited, sued, or charged unnecessary fees/fines, will be responsible for reimbursement of said fines/fees upon demand to the City.
- d. Any permission granted by the Airport Manager or the City under these R&R is conditioned upon the payment of any and all applicable fees and charges established by the City.
- e. Voiding of any particular rule or regulation contained herein shall not affect the validity of the remainder of these regulations.

1.02 EMERGENCY PROCEDURES AND DIRECTIVES:

- a. Under emergency conditions, e.g., a natural disaster, the Airport Manager, or designated representative, is empowered to suspend these R&R, or any part thereof, including ordering persons to leave the Airport or portions of the Airport and prevent access to such areas for such time as may be necessary, and to issue such directives and take such actions as is necessary to protect life and property and ensure the safe operation of the Airport. Such directives and actions have the full power of regulation as long as the emergency exists.
- b. In the event of an extreme threat, condition, or event the Airport Manager shall have, in his discretion, the authority to close the Airport in its entirety or any portion thereof to air traffic, to prohibit aircraft landing and/or taking off, and may delay or restrict any flight or other aircraft operation.
- c. The Airport Manager may also, in his discretion, temporarily close the Airport due to periods of adverse climatic conditions when such action is considered necessary and desirable to avoid endangering persons or property.
- d. Under no circumstance shall an authorized Airport closure or restriction constitute grounds for reimbursement of any expense, loss of revenue, or damage incurred by any operator, lessee, or any other entity.

1.03 LIABILITY:

- a. The City shall not be responsible for loss, injury, or damage to persons or property by reason of fire, theft, vandalism, wind, flood, earthquake, collision, strikes, war, acts of terrorism, or act of God, nor shall the City be liable for injury to persons while on the Airport.
- b. The City, City Commission, Airport, and the Airport Manager, individually and collectively, and their representatives, officers, employees, agents, and volunteers shall be held harmless and shall not be liable for loss, loss of use, damage, or injury to persons or property arising out of any accident, incident, or mishap of any nature whatsoever, or from any cause whatsoever to any individual, aircraft or property occurring on or from the Airport or in the use of any facility situated on Airport property.

1.04 FACILITIES AND PROPERTY:

- a. Operational deficiencies regarding buildings, structures, equipment, utilities, or other property owned by the City shall be reported to the Airport Manager so that repairs, as necessary, may be made in a timely manner.
- b. No person shall alter, add to, or erect any building or sign on the Airport or make any excavation on the Airport without prior written approval of the City.
- c. Any person causing, or responsible for damage to or destruction of Airport property of any kind, including facilities, equipment, real property, fixtures or appurtenances, shall be required to pay the City for the full amount of said damage. Any such damage shall be immediately reported to the Airport Manager.

1.05 OTHER LAWS:

All applicable provisions of Federal Aviation Regulations (FAR), federal, state, and local regulations, laws, statutes, and/or ordinances now in existence or hereafter promulgated are hereby adopted as part of the R&R for FBMA.

1.06 USE AND ENJOYMENT OF AIRPORT PREMISES:

- a. All FBMA users are required to abide by applicable federal, state, and local statutes and ordinances regarding personal conduct on Airport property.
- b. Any person who causes injury to any person or damages equipment or property on the Airport shall be liable for such injuries and/or damages.
- c. All commercial activities shall be conducted in accordance with the FBMA Minimum Standards for Commercial Activities (Minimum Standards).

- d. No person may throw, shoot, or propel any object nor shine a light or laser in such a manner as to interfere with or endanger the safe operation of any aircraft taking off from, landing at, or operating on the Airport or any vehicle operating on the Airport.

1.07 ENTRY UPON AND USE OF AIRPORT:

- a. Entry into FBMA property shall be through designated gates.
- b. All FBMA users shall observe and obey all posted signs, fences, and barricades regarding activities and demeanor while on the Airport.
- c. Use of any FBMA facility for other than authorized purposes is prohibited.
- d. Nothing herein contained shall be construed to limit the use of any area of the Airport by its employees, approved contractors, or to prevent law enforcement or fire department personnel from acting in their official capacity.
- e. No person, except representatives of the press on duty or during official announcements, shall take still, motion, or sound pictures for commercial purposes on non-leasehold Airport property without first obtaining written permission of the Airport Manager.
- f. No camping is permitted on FBMA without written permission of the Airport Manager.

1.08 ACCESS TO THE AIRPORT OPERATIONS AREA:

- a. No person may, without authorization of the Airport Manager, enter the FBMA Airport Operations Area (AOA) except:
 - 1. Persons under the direct supervision of a tenant or leaseholder
 - 2. Persons or entities and their employees performing aeronautical activities
 - 3. Passengers, under appropriate supervision, who enter for the purpose of enplaning or deplaning an aircraft
 - 4. Visitors to Fixed Base Operations (FBO)
 - 5. Emergency vehicles
- b. Except for entry/exit, all ground vehicle gates will be secured. Vehicle operators using an Airport perimeter gate shall ensure the gate closes prior to leaving the vicinity; additionally, should a vehicle operator observe any suspicious vehicles or persons gain (or attempt to gain) access to the airside, they shall notify law enforcement immediately.
- c. Persons who have been provided an Airport access device or access code for the purpose of obtaining access to the AOA shall use only Airport issued devices and shall not duplicate or otherwise distribute or disseminate the same to any other person unless the Airport Manager provides written permission.
- d. No person shall walk or drive on taxiways or runways without written authorization from the Airport Manager.
- e. It shall be the responsibility of a tenant, lessee, or contractor to restrict persons or vehicles to their exclusive use area or leasehold and to establish operating procedures for them, reviewed by the Airport Manager for appropriateness.
- f. No one under 16 years of age will be allowed to enter the AOA except under the direct supervision of an adult or unless visiting an FBO.
- g. No person shall assist an unauthorized individual in accessing the AOA.

1.09 ANIMALS:

- a. Animals, including service animals, are permitted on Airport property only when under the control of their owners/handlers; any waste must be properly collected and removed by the animal's owner/handler
- b. No person shall commit any act to encourage the congregation of birds or other animals on the Airport.

1.10 CARGO, MATERIAL STORAGE, AND ABANDONED PROPERTY:

- a. Unless otherwise provided for by lease or other contractual agreement, no person, firm, partnership, or corporation, shall use any area of the Airport, including buildings, either

- privately owned or publicly owned, for the storage of non-aeronautical related cargo, equipment, or any other property without written permission of the Airport Manager.
- b. Any property, aircraft, or vehicle, determined by the Airport Manager to be abandoned, disabled, or which creates an operations problem, nuisance, security or safety hazard, or which otherwise is placed in an illegal, improper, or unauthorized manner, will be removed, stored, and/or disposed of at the owner's expense. The City shall not be liable for any damage to the property or loss or diminution of value that may be caused by the act of removal.

1.11 FIREARMS AND WEAPONS:

Firearms are allowed on FBMA only as permitted by state and federal statutes.

1.12 ADVERTISING, COMMERCIAL SPEECH, AND SIGNAGE:

- a. No person shall post, circulate, distribute, or display written or printed materials or signs on Airport property or facilities or on motor vehicles and aircraft without prior written permission from the Airport Manager. However persons approved to be on Airport property may use vehicles on Airport property that display advertising, pictures, or written material.
- b. Airport entry signage or signage in public areas of the Airport must meet specifications of City codes and be approved by the Airport Manager.

Section 2 – Aeronautical Operations

2.01 COMPLIANCE WITH ORDERS:

All aeronautical activities at FBMA shall be conducted in compliance with applicable FARs, federal and Florida statutes, and local ordinances, these Rules and Regulations, Minimum Standards, and directives/resolutions, as currently written or as may be amended from time to time.

2.02 HOLD HARMLESS:

The aircraft owner, pilot, agent, or his or her duly authorized representative agrees to release, discharge and hold harmless the City, its City Commission, the Airport, and its employees of and from liability for any damage which may be suffered by any aircraft and its equipment, and for personal injury or death. The use of the AOA and related facilities shall constitute acceptance of the terms of this provision, these R&R and other Airport procedures and operating directives.

2.03 NEGLIGENT OPERATIONS PROHIBITED:

- a. Aircraft operators shall not land; take off; taxi; or park an aircraft on any area that has been restricted to a maximum weight bearing capacity of less than the weight of the aircraft. It shall be the aircraft owner's responsibility to repair any damage to the Airport's runways, taxiways, or aprons caused by excessive aircraft weight loading.
- b. No person shall operate any equipment or device on the Airport that will interfere with any aircraft radio communication frequency or any aircraft navigational aid.

2.04 AIRCRAFT ACCIDENTS/INCIDENTS, AIRWORTHY, DISABLED, AND DERELICT AIRCRAFT:

- a. The owner or operator of any aircraft involved in an accident or incident on the Airport, resulting in any injury or death or damage to property shall immediately notify the appropriate emergency response agencies, the Airport Manager, and other governmental agencies as applicable.
- b. The pilot or owner of an aircraft involved in an accident or incident shall be responsible for all costs associated with the accident or incident, including but not limited to, wreckage removal/disposal, environmental clean up, and repair or replacement of property.
- c. Disabled aircraft shall be removed from runways and/or taxiways as quickly as practicable.

- d. Disabled and derelict aircraft shall not be permitted on the tie-down or ramp areas unless in response to an emergency and with written approval of the Airport Manager.
- e. If the owner of an aircraft fails for any reason to remove a disabled or derelict aircraft from the Airport property as may be requested, the Airport Manager may cause the removal and storage or disposal of such disabled or derelict aircraft at the sole expense of the owner.

2.05 AIRPORT OPERATIONAL AREA RESTRICTIONS:

- a. Unless contrary to federal regulations and/or grant assurances, the City shall have the authority to designate or restrict the use of runways or other operational areas at the Airport with respect to, but not limited to, the following:
 - 1. Experimental Flights (Advance notification to Airport Manager of first flight);
 - 2. Equipment Demonstration;
 - 3. Air Shows;
 - 4. Parachute Operations;
 - 5. Banner Towing Operations (Permit required);
 - 6. Aircraft Type.
- b. No kites, model airplanes, rockets, tethered unmanned balloons, or other objects constituting a hazard to aircraft operations shall be operated on the Airport.

2.06 AIRCRAFT PARKING:

- a. No person shall use any area of the Airport for parking and/or storage of aircraft unless otherwise provided for in a lease or other agreement without the written permission of the Airport Manager. If any person uses unauthorized areas for aircraft parking, the aircraft may be removed by or at the direction of City, at the risk and expense of the owner, without liability for damage that may arise from or out of such removal or storage.
- b. No person shall leave an aircraft parked and unattended on the Airport unless it is in a hangar or properly locked and secured with either wheel chocks and/or tie-down ropes. Owners of such aircraft shall be held responsible for any damage resulting from failure to properly comply with this provision.
- c. Articles left in aircraft are the sole responsibility of the aircraft owner/operator. The City is not responsible for theft or vandalism of said articles.

2.07 STARTING AND RUNNING AIRCRAFT ENGINES:

- a. No aircraft engine will be started or operated inside or taxied from/into any hangar or under the roofline of a hangar, whether said hangar is enclosed or not. This shall not be construed as prohibiting the use of tractors, with National Fire Protection Association (NFPA) approved exhaust systems, when moving aircraft within any hangar.
- b. Starting an aircraft when there is any flammable liquid on the ground in the immediate vicinity is prohibited.
- c. No person may run an engine of an aircraft parked on the Airport in a manner that propeller or jet blast could cause injury to persons, damage to any other property, or in any way hinder the safe operation of the Airport. In no case will the operator of an aircraft block any runway, taxiway, or taxi lane while conducting any maintenance/repair run-up.
- d. No full power aircraft engine run-ups are authorized between 2200 and 0700 hours local for maintenance purposes without written approval of the Airport Manager.

2.08 AIRCRAFT OPERATIONS:

- a. All aircraft operations shall be conducted in accordance with published FARs.
- b. Aircraft operators will familiarize themselves with published local noise abatement guidelines.

2.09 REPAIRING AND MAINTAINING AIRCRAFT:

- a. Aircraft owners, under self-maintenance operations, are permitted to fuel, wash, repair, or otherwise service their owned based aircraft utilizing their own equipment and their own employees, as outlined in FAR Part 43 "Maintenance, Preventative Maintenance, Rebuilding and Alteration" and/or as identified in provisions of written agreement.
- b. Aircraft maintenance or repair is permitted only on paved areas of the Airport.
- c. No aircraft or aircraft component shall be suspended or lifted utilizing the building or any component of the building.

Section 3 – Fire, Safety and Environment

3.01 GENERAL:

- a. All persons using the Airport shall exercise the utmost care to guard against fire and injury to persons and property.
- b. All activities at FBMA shall comply with applicable state, local, and National Fire Protection Association (NFPA) codes and standards now in existence or hereafter promulgated and not in conflict with FARs. All applicable codes, standards, and recommended practices are hereby adopted by reference as part of the R&R of the Airport. In the event of conflict, Florida Statute 633 and NFPA codes and/or FARs shall prevail.
- c. Any fire causing damage, regardless of the size of the fire or whether or not the fire has been extinguished, shall be reported immediately to the Fernandina Beach Fire Department as well as the Airport Manager.

3.02 SMOKING:

Smoking or carrying lighted smoking materials or striking matches or other incendiary devices, such as lighters, are not permitted:

- a. Within 50 feet of parked aircraft and fuel carriers not in motion; within 100 feet of aircraft being fueled or de-fueled, a fuel storage facility, or a flammable liquid spill;
- b. In any area on the Airport where smoking is prohibited by the City or leaseholder by means of posted signs;
- c. In any hangar, shop, or other building in which flammable liquids are stored or used, except in cases where specifically approved smoking areas have been designated for that purpose.

3.03 FIRE EXTINGUISHERS:

- a. All tenants or lessees of hangars, aircraft maintenance buildings or shop facilities shall maintain a minimum of one readily accessible, operable fire extinguisher that shall conform to applicable NFPA standards. Current inspection tags shall be left attached to each unit.
- b. No person shall tamper with any fire extinguisher equipment at the Airport or use the same for any purpose other than fire fighting or fire prevention.

3.04 OPEN FLAME OPERATIONS:

- a. The use of any equipment employing open flames or sparks within any aircraft storage area is prohibited. This excludes open flames utilized by lessees and tenants in the performance of aircraft maintenance approved by agreement.
- b. Lead and carbon burning, fusion gas and electric welding, blow-torch work, engine testing, and all operations involving open flames shall be restricted to the repair shops. During such operations, the shop shall be separated from the storage section by closing all doors and openings to the storage section.

3.05 STORAGE OF MATERIALS:

- a. No operator, tenant, or lessee on the Airport shall keep, store, stack, box, bag, or stock material or equipment in such a manner as to constitute a hazard to persons or property, obstructing any operation, littering, or in such a manner as to create any unsightly appearance.
- b. Storage of materials or equipment except for hoses attached to water spigots shall not be permitted outside buildings or hangars unless under approved sheds, within designated storage areas, or in designated parking areas.

3.06 HAZARDOUS WASTE AND MATERIALS:

- a. No person shall store, keep, handle, use, disperse, discharge, or transport at, in, or upon the Airport any hazardous materials in contravention of any regulatory measures.
- b. No more than five gallons of fuel in a container shall be stored in any building or structure on the Airport at any time. An approved fuel container shall be used at all times.
- c. All empty oil, paint, and varnish cans, bottles, or other containers shall be removed from the Airport in a timely manner and shall not remain on the floor, wall stringers, or overhead storage areas of the hangars, offices, shops, or other buildings and only those hazardous materials used in the maintenance of aircraft, engines, and components may be stored and utilized on the Airport.
- d. No person shall use volatile or flammable substances for cleaning hangar floors, hangars or other buildings on the Airport. Cleaning agents shall meet all federal, state, and local codes, regulations, and permit requirements.
- e. All persons on the Airport shall keep all premises, including floors, leased, or used by them, clean and clear of accumulation of oil, grease, and other flammable material and free of rags, waste materials, or other trash or rubbish or accumulated debris.
- f. Gasoline, oil, and solvent drums or receptacles shall not be stored within aircraft and/or vehicle operating areas nor be in excess of that required as current stock. Such materials shall be kept enclosed and covered in clearly marked and labeled housing.
- g. No person shall use, keep, or permit to be used or kept, any foul or noxious gas or substance at the Airport, or permit or suffer the Airport to be occupied or used in a manner offensive or objectionable to other users by reason of noise, odors, and/or vibrations, or interfere in any way with other occupants or those having business therein.
- h. No volatile substances such as fuels, grease, oil, dopes, acid, flammable liquids, solvents and other cleaning fluids, paints and contaminants of any kind, may be stored inside t-hangars, bulk hangar facilities, or other leased property from the City used for storage of aircraft unless included as part of a rental agreement or lease.
- i. All petroleum products, dopes, paints, solvents, acids, or any other hazardous waste shall be disposed of off the Airport and in compliance with all applicable regulatory measures and shall not be dumped or run into drains, on ramp aprons, catch basins, ditches, sewer systems, storm drains, or elsewhere on the Airport.
- j. No person shall store, keep, handle, use, dispose of, or transport at, in, or upon the Airport any Class A, Class B, or Class C explosives or Class A poison, as defined in the Federal Motor Carrier Safety Administration regulation for transportation of explosives and other dangerous articles, and other poisonous substances, solid, liquid, or gas, compressed gas, and/or radioactive article, substance, or material at such time or place or in such manner or condition that may, or may be likely, to unreasonably endanger persons or property.
- k. Cleaning of aircraft parts and other equipment shall preferably be done with non-flammable cleaning agents or solvents. When the use of flammable solvents cannot be avoided, only liquids having flash points in excess of 100⁰ F shall be used and special precautions shall be taken to eliminate ignition sources in compliance with good practice recommendations of the NFPA.

3.07 DOPING, SPRAY PAINTING, AND PAINT STRIPPING:

- a. No paint, varnish, or lacquer spraying of aircraft or motor vehicles is permitted inside any building or hangar on the Airport unless such facility was properly designed and constructed for such activity. Hand-held aerosol containers or a small air compressor powered automotive type touch up spray gun not to exceed 7 oz. capacity may be permitted for paint touchup, used outside and in a no wind situation, with the specific written approval of the Airport Manager.
- b. The use of “dope”, cellulose, nitrate, or cellulose acetate dissolved in volatile flammable solvents, within any hangar is prohibited.

3.08 SANITATION AND ENVIRONMENTAL POLLUTION:

- a. Each person while on Airport property shall conduct his/her activities so as to not cause litter, environmental pollution, or unsanitary conditions.
- b. No person shall unnecessarily or unreasonably or in violation of law, cause any smoke, dust, fumes, gaseous matter, or particulates to be emitted into the atmosphere or be carried by the atmosphere. Exceptions include normal emissions from internal combustion engines, jet engines, smoke from cigarettes, cigars, or pipes, or aircraft maintenance activities.
- c. Aircraft may not be washed with running water in hangars.
- d. Any person who experiences overflow or spillage of oil, grease, fuel, or similar contaminants anywhere on the Airport is responsible and shall take appropriate action in the control, containment, clean up, disposal, and rehabilitation of such hazardous spill. Failure to take appropriate action to clean the area shall result in the City providing the cleanup at the expense of the responsible party. If the responsibility for the spill cannot be promptly determined, the leaseholder will be held responsible for the clean up.
- e. Spills, such as, jet fuel, gasoline, fuel oil, hydraulic oil, motor oil, turbine oil, alcohol, glycol, and all similar chemicals that could be considered hazardous, that covers over 10 feet in any direction or is over 50 square feet in area, continues to flow or is otherwise a hazard to persons or property require notification to the Fernandina Beach Fire Department as well as to the Airport Manager. The spill shall be investigated to determine the cause, to determine whether emergency procedures were properly carried out, and to determine the necessary corrective measures.
- f. In the event of spillage, fuel delivery devices and other vehicles shall not be moved or operated in the vicinity of the spill until the spillage is removed. A fireguard shall be promptly posted to the spill area.
- g. No garbage, empty boxes, crates, rubbish, trash, papers, refuse, and/or other litter of any kind shall be placed, discharged, or deposited on the Airport, including cigarettes, cigars, and matches, except in receptacles specifically provided for such purpose.
- h. The burning of garbage, empty boxes, crates, rubbish, trash, papers, refuse, and/or other litter of any kind is prohibited. With prior written permission of the Airport Manager, Fire Department personnel may engage in training exercises that require controlled burning.
- i. Any person discarding chemicals, paints, oils, batteries, or any products, which may not be discarded in a routine manner, will adhere to all applicable federal, state, and local laws and regulations.
- j. No fuel, grease, oil, dopes, paints, solvents, acid, flammable liquids, or contaminants of any kind shall be allowed to flow into or be placed in any Airport sanitary sewer system or storm drain system.
- k. No person shall dispose of any fill or building, discarded, or waste materials on Airport property except as approved in writing by the Airport Manager and appropriate City authorities.

3.09 ELECTRICAL EQUIPMENT AND LIGHTING SYSTEM:

- a. Extension lights and all portable and mobile lighting equipment used in and around aircraft hangars, shops, buildings, and other areas on or near combustible materials shall be explosion proof and meet NFPA standards. No portable lamp assembly shall be used without a proper protective guard or shield over such lamp assemblies to prevent breakage.
- b. All power operated equipment or electrical devices including hangar interior lights shall be shut off when not in use.
- c. A low current, constant current/constant voltage, or demand type battery charger with a maximum short term output charge rate exceeding seven amps, or a continuous trickle charge rate exceeding two amps, may not be used when an aircraft is located inside or partially inside a hangar.

3.10 HEATING EQUIPMENT:

- a. All heating equipment and fuel burning appliances installed or used on FBMA shall comply with the requirements of the State of Florida and the Florida Fire Prevention Code.
- b. Space heaters may be utilized when attended in hangars so long as the heater has a clear radius of 10 feet from aircraft, or any other object, and fire prevention/safety measures are observed.

Section 4 – Fueling Operations

4.01 GENERAL:

- a. All fuel handled on the Airport shall be treated with due caution and prudent attention with regard to the rights and safety of others so as not to endanger, or likely to endanger, persons or property.
- b. All aircraft fueling operations, including self-fueling, shall be in accordance with NFPA 407 “Standards for Aircraft Fuel Servicing.”
- c. No aircraft shall be fueled or drained of fuel while within the confines of any building, hangar, or enclosed space.
- d. Fueling of aircraft is allowed only on paved surfaces.
- e. In accordance with FAA Order 5190.6B “Airports Compliance Handbook,” any person self-fueling with their own equipment requires authorization and permit from the Airport Manager confirming compliance with all orders, procedures, standards, and these R&R regarding fueling operations.
- f. Airport tenants involved in fueling operations, including those self-fueling, shall maintain an adequate supply of fuel absorbent materials readily available for use in the event of a fuel spill.
- g. No person shall engage in aircraft fueling or de-fueling without readily accessible, adequate, operational fire extinguishing equipment at the point of fueling.
- h. Aircraft being fueled shall be positioned so that aircraft fuel system vents or fuel tank openings are not closer than 25 feet from any terminal building, hangar, or service building.
- i. During fueling operations, no person shall use any material or equipment that is likely to cause a spark or ignition within 100 feet of such aircraft or vehicle.
- j. No aircraft shall be fueled or de-fueled while passengers are on board unless a passenger boarding device is in place at the cabin door of the aircraft, the door is open, and a flight crew member or ground person is at or near the cabin door.
- k. Fueling or de-fueling operations on the Airport shall not be conducted during periods of dangerous thunderstorm activity or if an electrical storm is observed within three statute miles of the Airport.
- l. Should a fire occur during the fueling of an aircraft, fueling shall be discontinued, all emergency valves and dome covers shall be shut down, and the Fire Department notified immediately.

- m. Any malfunction or irregularity detected on or within the aircraft being refueled or de-fueled shall be brought to the attention of the fueling operator immediately.

4.02 ENGINE OPERATIONS:

- a. No aircraft shall be fueled or de-fueled while one or more of its engines are running or is being warmed by external heat.
- b. No person shall start the engine of an aircraft on the Airport if there is any gasoline or other volatile fluid on the ground within the vicinity of the aircraft.
- c. Combustion heaters on aircraft e.g., wing & tail surface heaters, integral cabin heaters, shall not be operated during fueling operations.

4.03 STATIC BONDING:

- a. Each hose, funnel, or apparatus used in fueling or de-fueling aircraft, including self-fueling, shall be maintained in good condition and be properly bonded.
- b. A conductive funnel shall be used to reduce the chance of spillage during fueling operations, when a hose with an approved nozzle is unavailable. When a funnel is used, it shall be kept in contact with the filler neck as well as the fueling nozzle spout during fueling operations.

4.04 LIABILITY:

- a. The fueling operator, tenant, or lessee shall be solely responsible for any violation incident to or in connection with fueling, storage facilities, equipment, operations, and training. The City assumes no liability or responsibility for violations of any applicable fueling requirements and procedures.
- b. The operator, tenant, or lessee shall reimburse the Airport for any fines, legal, or court costs, incurred by FBMA for such violations.

Section 5 – Motor Vehicles

5.01 GENERAL:

- a. All motor vehicles and their operators on the Airport shall comply fully with the State of Florida motor vehicle laws as amended, these R&R, and instructions issued by law enforcement personnel.
- b. Unless otherwise provided herein, the City shall have the authority to establish regulations regarding motor vehicle traffic and control on FBMA.
- c. The Airport Manager may tow, remove, or cause to be removed from the Airport any vehicle that is disabled, abandoned, and/or parked in violation of these R&R at the vehicle operator's risk and expense and without liability for damage that may result from such removal if the vehicle creates a safety hazard or interferes with Airport operations.
- d. Any person causing death or injury on the Airport or damage to Airport property as a result of a motor vehicle accident or incident shall report the accident or incident immediately to the Fernandina Beach Police Department as well as the Airport Manager. Such persons shall be responsible to the City for any damages to City property.
- e. Use of all-terrain vehicles, mini-bikes, go-carts, roller blades, roller skates, skateboards is not permitted on the Airport.
- f. Use of bicycles for transportation between buildings is permitted within hangar areas.

5.02 LICENSING AND INSURANCE:

- a. No person shall operate a motor vehicle or motorized ground equipment on the Airport without a valid operator's license appropriate for the vehicle being operated.
- b. All vehicles entering Airport property are required to have at least the minimum amount of insurance as required by State of Florida statutes.

5.03 VEHICLE OPERATIONS WITHIN AIRPORT OPERATIONS AREA:

- a. No person shall operate a motor vehicle of any kind on the Airport in a reckless manner, or in excess of the posted speed limit.
- b. Speed limits shall not exceed 10 mph on ramps, aprons, in aircraft parking or hangar areas, and other areas of the AOA unless posted.
- c. All motor vehicles on the Airport shall be operated on roadways or paved surfaces when traveling to/from/between aircraft parking areas, hangar areas, and tenant facilities.
- d. No motor vehicle shall be permitted on any portion of the AOA unless the Airport Manager has granted specific written permission to such vehicle's operator and such vehicle is utilized for, or in conjunction with, aeronautical activities.
- e. Pedestrians, aircraft, and emergency vehicles shall at all times have right of way over vehicular traffic.
- f. No person shall operate a motor vehicle in any hangar that is occupied by an aircraft on the Airport unless its exhaust is protected by screens and baffles pursuant to NFPA guidelines.
- g. No person shall park motorized ground equipment near any aircraft in such manner so as to prevent it or the other ground equipment from being readily driven or towed away from the aircraft in case of emergency.
- h. No vehicle used for hauling trash, dirt, or any other materials shall be operated on the Airport unless such vehicle is constructed so as to prevent the contents from dropping, sifting, leaking, or otherwise escaping there from.

5.04 VEHICLES CROSSING TAXIWAYS AND RUNWAYS:

- a. All motor vehicles operating on or across taxiways or runways shall have a functioning two-way radio (capable of communicating on UNICOM) and an operating yellow rotating flashing beacon, except when under escort by a motor vehicle properly authorized and equipped. During an emergency, blue/red flashing lights are acceptable for law enforcement and fire and rescue vehicles.
- b. The installation of two-way radio and/or flashing beacon shall not be construed as license to operate a motor vehicle on the taxiways or runways without prior written permission of the Airport Manager.
- c. Motor vehicles permitted to operate on the Airport will not proceed closer than 250 feet from the centerline of the runways nor across any of the runways prior to visually clearing for aircraft taking off or landing.
- d. When parking adjacent to a runway, all motor vehicles must park at least 250 feet to the outside of the runway lights. Exceptions include operational, agricultural, and maintenance equipment engaged in working on runways.
- e. Construction-related motor vehicles required to enter or work within the AOA, will be marked with an approved orange and white-checkered flag for daytime operations or a yellow beacon for nighttime operations. Non two-way radio capable construction vehicles shall be escorted at all times while within the AOA by an Airport authorized vehicle or flagman equipped with two-way radio.

5.05 PARKING:

- a. Short-term (less than 24 hours) motor vehicle parking is available only in the unpaved vehicle parking lot on Airport Road. Long-term (more than 24 hours up to 30 days) parking may be permitted in the paved vehicle parking lot on Airport Road. Any ground vehicle improperly parked in the short term or long term public parking areas without written approval of the Airport Manager may be removed at the owner's expense.
- b. No person may park in such a manner to obstruct a parking lot lane, driveway, roadway, Airport access gate, walkway, crosswalk, fire lane, runway, taxiway, taxi lane, and/or obstruct access to hangars, parked aircraft, and/or parked vehicles or create a hazard nor in a manner, which could interfere with, or create a hazard for aircraft operations.

- c. No person shall use any public parking area to temporarily or permanently store any type of motor vehicle.
- d. Boats, jet skis, snowmobiles, dune buggies, any cars including race cars and antique cars, recreational vehicles, trailers, and like equipment may not be permanently parked or stored on FBMA, including within hangars, unless permitted by written agreement or with written permission of the Airport Manager.
- e. Attended vehicles shall be parked parallel to the t-hangar. One vehicle only may be parked inside a t-hangar when hangar is empty and aircraft is not on the Airport. Additional motor vehicles shall park in long-term parking or other designated areas.
- f. Bulk hangar tenants shall park their motor vehicles in designated areas at their hangar.

5.06 REPAIR OF VEHICLES:

No person shall clean or make any repairs to motor vehicles anywhere on the Airport; except as may be approved by the Airport Manager for minor repairs.

Section 6 – Conflict Resolution Process

6.01 VIOLATIONS:

The Airport Manager may issue verbal or written violation notices to any tenant or operator and agents or employees who, in his discretion, violates any part of these R&R.

6.02 APPEAL PROCESS:

- a. Anyone issued a written notice of violation who wishes to contest such issuance shall have ten (10) calendar days from such notice to provide a written statement to the Airport Manager explaining the occurrence and providing any other information or explanation concerning the alleged violation(s). The Airport Manager has ten (10) calendar days to respond to any request for review based upon information received from the alleged violator and, if applicable, may revise, amend, or rescind his original violation notice. However, should the Airport Manager, in his discretion, conclude that the alleged violation(s) poses a threat to the safety, health, and welfare of others, may temporarily revoke the violator's Airport privileges and/or temporarily suspend the Airport operations of the violator pending completion of such appeal.
- b. An alleged violator may file a written request of appeal to the City Manager within ten (10) calendar days of the Airport Manager's written decision. The City Manager, along with the City Attorney, and an appointee of the City Manager, who shall be a Department Director but not the Airport Manager, shall schedule a meeting to review and hear an appeal from the Airport Manager's decision. The Committee shall hear the appeal and have thirty (30) calendar days to issue a written opinion which shall be final and binding on the alleged violator.

Appendix A

REFERENCES

Code of Federal Regulations – Title 14 Aeronautics and Space – All Chapters, Current Edition
(commonly called Federal Aviation Regulations – FARs)

Code of Federal Regulations – Title 49 Transportation – Current Edition

Aeronautical Information Manual (AIM) - Current Edition

Chapters 1-10, Appendix 3 Abbreviations/Acronyms, Pilot/Controller Glossary

FAA Order 5190.6B – Airport Compliance Handbook

City of Fernandina Beach Code of Ordinances

Nassau County Code of Laws and Ordinances

State of Florida Statutes as applicable including:

Chapter 163 – Intergovernmental Programs

Chapters 329-333 – Aviation

Chapter 633 – Fire Prevention and Control

National Fire Prevention Association Codes as applicable including:

NFPA Code 403 – Standard for Aircraft Rescue and Firefighting Services at Airports

NFPA Code 407 – Standard for Aircraft Fuel Servicing

NFPA Code 409 – Standard on Aircraft Hangars

NFPA Code 410 – Standard on Aircraft Maintenance

NFPA Code 30 – Flammable and Combustible Liquids Code

State of Florida Administrative Code as applicable including:

Department 9 – Department of Community Affairs

Department 14 – Department of Transportation

Department 17 – Department of Environmental Regulation

Department 62 – Department of Environmental Protection

Fernandina Beach Municipal Airport Minimum Standards for Commercial Activities

Fernandina Beach Municipal Airport Noise Abatement Procedures

Aircraft Owners and Pilots Association (AOPA) - AOPA WATCH

Florida Department of Environmental Protection

State of Florida Aviation System Plan

State of Florida Department of Transportation, “Florida (Aviation) Guidelines”

Navy Helicopter Operations MOU

Local Operations MOUs

Appendix B

DEFINITIONS

The terms below shall have the following definitions for purposes of these R&R. All other terms not defined below and related to aeronautical practices, processes, and equipment shall be construed according to their general usage in the aviation industry.

- **Aeronautical Activity** – Any activity that involves, makes possible, or is required for the operation of aircraft or that contributes to or is required for the safety of such operations. Activities within this definition, commonly conducted on airports, include, but are not limited to the following: general and corporate aviation, air taxi and charter operations, scheduled and nonscheduled air carrier operations, pilot training, aircraft rental and sightseeing, aerial photography, crop dusting, aerial advertising and surveying, aircraft sales and services, aircraft storage, sale of aviation petroleum products, repair and maintenance of aircraft, sale of aircraft parts, parachute or ultralight activities, and any other activities that, because of their direct relationship to the operation of aircraft, can appropriately be regarded as aeronautical activities.

- **Agency** – Any federal, state, or local government entity, unit, agency, organization, or authority.

- **Agreement (or Lease or Hangar Rental Agreement)** – A written contract between the City of Fernandina Beach and an entity or person to occupy, use, and/or develop land and/or improvements and engage in aeronautical activity. Such contract shall recite the terms and conditions under which the activity will be conducted at the Airport including, but not limited to, term of the agreement, rents, fees, and charges to be paid by the entity or person, and the rights and obligations of the respective parties.

- **Aircraft** – Any contrivance now known or hereafter invented, used, or designed for navigation of or flight in air. Examples of aircraft include, but are not limited to, airplane, glider, rotorcraft, helicopter or gyroplane, balloon, blimp, and ultralight.

- **Airport** – All land within the legal boundaries of Fernandina Beach Municipal Airport, owned by the City of Fernandina Beach.

- **Airport Manager** – The individual appointed and authorized by the City of Fernandina Beach to administer and manage all operations of the Airport and Airport facilities.

- **Airport Rules and Regulations** – Rules and Regulations of the Airport, properly adopted by Resolution of the City Commission of the City of Fernandina Beach, as may be amended from time to time.

- **Airport Tenant (Tenant)** – Any person or entity based on the property of the Airport possessing an approved lease or agreement with the City; any person or entity with a sublease agreement with an entity based on the Airport possessing a lease or agreement with the City.

- **AOA (Airport Operations Area)** – The area of the Airport situated within the perimeter fence line, which is used primarily for aircraft parking, taxiing, refueling, landing, takeoff, or surface maneuvering.

- **Apron (or Ramp)** – A defined area of an Airport intended to accommodate aircraft for the purposes of loading and unloading passengers or cargo, refueling, parking, or maintenance.

- **City** – The City of Fernandina Beach located in Nassau County, Florida

- **Commercial Aeronautical Activity** – An activity which involves, makes possible, or is required for the operation of aircraft, or which contributes to or is required for the safety of aircraft operations commonly conducted on the Airport and the purpose of such activity being to generate or secure earnings, income, compensation, services, goods, like-kind exchange, or profit of any kind, whether or not such results are accomplished.

- **Emergency Vehicle** – Vehicle of the police or fire department, ambulance or any vehicle conveying an Airport official or Airport employee in response to an official alarm call.

- **Entity** – A person, persons, firm, limited-liability company, corporation, partnership, unincorporated proprietorship, association, or group formed for the purpose of conducting the proposed activity.

Fernandina Beach Municipal Airport Rules and Regulations

- FAA (Federal Aviation Administration) – The federal agency within the Department of Transportation of the United States government that has the responsibility of promoting safety in the air, by both regulation and education.
- FAR (Federal Aviation Regulation) – The federal government rules and regulations governing aviation activity under Code of Federal Regulations – Title 14 Aeronautics and Space.
- Fire Department – Fernandina Beach Fire Department having jurisdiction and responsibility over the Airport.
- Fixed Base Operator (FBO) – A business granted the right by the Airport sponsor to operate on an Airport and provide aeronautical services such as fueling, hangar space, tie-down and parking, aircraft rental, aircraft maintenance, and flight instruction.
- Flammable Liquids – A liquid or agent which when in contact with another property or properties may ignite causing a flame.
- Fuel – Any petroleum product used for the purpose of providing propulsion to an aircraft.
- Fuel Handling – The transporting, delivering, dispensing, storage, or draining of fuel or fuel waste products to or from any aircraft, vehicle or equipment.
- Hazardous Materials – Any substance, waste or material which is toxic, explosive, corrosive, flammable, infectious, radioactive, carcinogenic, mutagenic, or otherwise hazardous, and is or becomes regulated as a hazardous material by any governmental authority, agency, department, commission, or board.
- Minimum Standards for Commercial Activities (Minimum Standards) – The qualifications, criteria, and standards established by the City of Fernandina Beach as the minimum requirements to be met as a condition for the right to conduct a commercial aeronautical activity on the Airport.
- Motor Vehicle (or Vehicle) – Any device that is capable of moving itself, or being moved, from place to place upon wheels, but does not include any device designed to be moved by muscular power or designed to move primarily through the air.
- NFPA (National Fire Protection Association) – All codes, standards, rules, and regulations contained in the standards of the National Fire Protection Association, as may be amended from time to time, and are incorporated herein by reference.
- Operator (Aircraft or Motor Vehicle) – Any person who is in actual physical control of an aircraft or motor vehicle.
- Operating Directive – Specific written documents detailing approved methods of operations as directed and signed by the Airport Manager. Such will become an addendum of the Airport Rules and Regulations.
- Owner – Any person who holds the legal title of an aircraft or a motor vehicle.
- Permission – A right or approval granted by the Airport Manager under authority delegated by City Manager and/or City Commission.
- Person – Any individual, firm, partnership, corporation, company, association, joint stock association, or body politic or any other group acting as an entity, or combination of thereof; and further includes any trustee, receiver, committee, assignee, or other representative or employee thereof.
- Police Department (or Law Enforcement) – Fernandina Beach Police Department having jurisdiction and responsibility over the Airport.
- Public Area (or Common Area) – The land and/or improvements at the Airport that is available for use on a non-exclusive basis and not controlled by any leasehold.
- Regulatory Measures – Federal, state, county, city, and Airport, laws, codes, ordinances, policies, rules and regulations, including, without limitation, those of the United States Department of Transportation, the FAA, the FDOT, NFPA, Airport Minimum Standards, Airport Rules and Regulations, all as may be in existence, hereafter enacted, and amended from time to time.
- Restricted Area – Any area of the Airport wherein entry or use thereof is restricted to authorized personnel only pursuant to regulatory measures, including but not limited to: runways, taxiways, fire lanes, Airport maintenance facilities, mechanical rooms, electrical vaults, fire breaks, and any of the areas marked as such with appropriate signage.

- Run-up – Aircraft engine operation above normal idle power for purposes other than initiating taxi or takeoff.
- Runway – A defined rectangular surface on an Airport prepared or suitable for the landing or taking off of aircraft. Runways are identified by a broken white centerline, solid white edge lines, and white edge lights.
- Self-fueling or self-service – Self-fueling means the fueling or servicing of an aircraft (i.e. changing the oil, washing) by the owner of the aircraft with his or her own employees and using his or her own equipment. Self-fueling or other self-services cannot be contracted out to another party. Self-fueling implies using fuel obtained by the aircraft owner from the source of his/her preference. As one of many self-service activities that can be conducted by the aircraft owner or operator by his or her own employees using his or her own equipment, self-fueling, differs from using a self-service fueling pump made available by the Airport, a FBO, or an aeronautical service provider. The use of a self-service fueling pump is a commercial activity and is not considered self-fueling as defined herein and can be subject to Minimum Standards. In addition to self-fueling, other self-service activities that can be performed by the aircraft owner with his or her own employees include activities such as maintaining, repairing, cleaning, and otherwise providing service to an aircraft, provided the service is performed by the aircraft owner or his/her employees with resources supplied by the aircraft owner. Title 14 CFR Part 43 permits the holder of a pilot certificate to perform specific types of preventative maintenance on any aircraft owned or operated by the pilot.
- Shall (or will or must) – These words are always mandatory.
- Taxi lane – The portion of the aircraft parking areas used for access between taxiways and aircraft parking positions.
- Taxiway – A defined path established for the taxiing of aircraft from one part of an Airport to another. Taxiways are identified by a solid painted yellow centerline and blue edge lights.
- Tie-down Area – An area paved or unpaved suitable for parking and mooring of aircraft wherein suitable tie-down points are located.
- UNICOM (CTAF) – A two-way communication system operated by a non-governmental entity on a designated radio frequency to provide Airport advisory information while operating to or from an Airport that does not have a control tower or an Airport when the tower is closed. The Common Traffic Advisory Frequency (CTAF) may be a UNICOM, MULTICOM, Flight Service Station (FSS), or a tower frequency and is identified in appropriate aeronautical publications. While not required for operation at Fernandina Beach Municipal Airport, use is strongly encouraged.

NOTICE OF PUBLIC HEARING
CITY COMMISSION
CITY OF FERNANDINA BEACH

NOTICE IS HEREBY GIVEN that a Public Hearing is scheduled for **Tuesday, August 6, 2019, at 6:00 PM** in the City Commission Chambers, 204 Ash Street Fernandina Beach, Florida to consider the following application:

ORDINANCE 2019-16

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE (LDC) TO INCORPORATE AMENDED AIRPORT DESIGN STANDARDS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Interested parties may appear at said hearing and be heard as to the advisability of any action, which may be considered. Any persons with disabilities requiring accommodations in order to participate in this program or activity should contact 310-3115, TTY/TDD 711 or through the Florida Relay Service at 1-800-955-8771 at least 24 hours in advance to request such accommodation.

IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE BOARD/COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH HEARING, S/HE WILL NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

For information, please contact the Staff of the City Clerk's Office, 204 Ash Street, between the hours of 8:00 AM – 5:00 PM, Monday through Friday, (904) 310-3115.

Note:

Please run as a DISPLAY in the July 24, 2019 edition of the News Leader.

Please send proof of publication to:

City Clerk's Office

City Hall, 204 Ash Street

Fernandina Beach, FL 32034

904-310-3115

CITY COMMISSION AGENDA ITEM
City of Fernandina Beach



SUBJECT: Board Appointment
Historic District Council

ITEM TYPE: Board Appointment

REQUESTED ACTION: Approve appointment of alternate member.

SYNOPSIS: In accordance with Land Development Code Chapter 9, Section 9.01.0(a); all members and alternate members of the Historic District Council (HDC) shall be appointed by the City Commission. The HDC Alternate #2 position is vacant.

HDC at its July 18, 2019 Regular Meeting, unanimously endorsed Ms, Tammi Kosack to serve as alternate member #2: term expiration May, 2022. This HDC endorsement is presented for the Honorable City Commission for consideration and approval.

Ms. Kosack is a City resident as required by City Charter, Section 69 and Land Development Code Chapter 9, Section 9.01.0(c).

FISCAL IMPACT: N/A

CITY ATTORNEY COMMENTS: N/A

CITY MANAGER RECOMMENDATION(S): I recommend that the City Commission appoint Ms. Tammi Kosack as an alternate member to the Historic District Council with a term expiration of May, 2022.

Nicole Bednar, Administrative Services Manager 7/23/2019

Dale Martin, City Manager 7/26/2019

Caroline Best

Date: July 03, 2019

Submitted By: Caroline Best, City Clerk

COMMISSION ACTION: Approve

Caroline Best

From: Caroline Best
Sent: Wednesday, July 3, 2019 9:47 AM
To: chairmail@comcast.net
Cc: kbriley@fbfl.org; Salvatore Cumella; Samantha Rogic
Subject: RE: Online Form Submittal: Advisory Board/Committee Application

Dear Ms. Kosack,

Thank you for your interest in serving on the Historic District Council (HDC).

In accordance with [City Code of Ordinances Section 2-122\(a\)\(2\)](#) your advisory board/committee application has been forwarded to Community and Conservation Development Senior Planner Mr. Sal Cumella (copied herein) who serves as staff liaison to the HDC. Mr. Cumella will have your application placed on July 18th HDC agenda for consideration. Upon HDC approval your application will move to the City Commission for their honorable consideration at the August 6th Regular Meeting.

Again, thank you for your interest in serving and please don't hesitate to contact me with any questions.

Sincerely,

Caroline Best, CMC
City Clerk
204 Ash Street
Fernandina Beach, Florida 32034
Office (904) 310-3115

If this email is related to the Board, Committee or Commission that you serve on, please DO NOT REPLY TO ALL.

P Go Green: Please don't print this unless its really necessary

Disclaimer: According to Florida Public Records Law, email correspondence to and from the City of Fernandina Beach, including email addresses and other personal information, is public record and must be made available to the public and media upon request, unless otherwise exempt by the Public Records Law. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Tuesday, July 2, 2019 2:45 PM
To: Caroline Best <cbest@fbfl.org>; Kim Briley <kelliott@fbfl.org>
Subject: Online Form Submittal: Advisory Board/Committee Application

Advisory Board/Committee Application

This application is intended to provide information that will enable the City Commission to select the most qualified Board/Committee members. Please

complete all applicable sections and return the form along with your current résumé to the City Clerk's Office.

City of Fernandina Beach
City Clerk's Office
204 Ash Street
Fernandina Beach, FL 32034
(904) 310-3115

Name	Tammi Kosack
Home Mailing Street Address	322 N 3rd St
City	Fernandina Beach
Zip Code	32034
Primary Phone	404-232-0428
Secondary Phone	<i>Field not completed.</i>

Please note that board materials are distributed electronically.

Email to receive board materials	chairmail@comcast.net
Employer	chair in the air designs, inc.
Position Title	owner/president
Business Address	50 N Mill Rd and 322 N 3rd St
City	Atlanta and Fernandina Beach
Zip	30328

Select the board you are applying for:	Historic District Council
--	---------------------------

Additional board that you are applying for:	None
---	------

Why are you interested in serving on this Board? Please explain.	Historic preservation, restoration and rehabilitation as well as conscious renovation are passions of mine and the basis for my own business, which I established 24 years ago. Living in the historic district of Fernandina Beach has heightened my awareness for vigilant, thoughtful and innovative preservation as we manage growth in this unique town.
--	---

Eligibility

Are you a resident of the City?	Yes
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Length of time:	3 years
-----------------	---------

Do you hold a public office?	No
------------------------------	----

Office name:	<i>Field not completed.</i>
--------------	-----------------------------

Are you employed by the City?	<i>Field not completed.</i>
-------------------------------	-----------------------------

Position:	<i>Field not completed.</i>
-----------	-----------------------------

Are you currently serving on a Board?	No
---------------------------------------	----

Board Name:	<i>Field not completed.</i>
-------------	-----------------------------

Potential Conflict of Interest:

Have you ever been engaged in the management/ownership of any business enterprise that has a financial interest with the City of Fernandina Beach?	No
--	----

	<i>Field not completed.</i>
If yes, please provide details:	

Major Affiliations:

List community, professional, or other applicable policy-making Boards on which you have served. Note the length of service and office held (if any):	Pro-bono consultant for historically sensitive rehabilitation of Sandy Springs Christian Church sanctuary and Narthex Pro-bono consultant for First Baptist Decatur window/sanctuary renovation and activity center improvements
--	--

Qualifications:

Please list any specific qualifications, education or experience that would directly relate to the Board for which you are being recommended:	Owner of "chair in the air designs, inc." an interior/exterior and garden design firm established 1994 Undergoing the process of restoring my home in the Historic District--house debuted as the first "In-Progress" learning lab house for the Historic District tour 2019 to show others the joys of
---	---

restoration/rehabilitation/preservation. Volunteer House Leader
Construction Supervisor for church youth trip to Mexico to build
2 houses in 4 days Skilled supervisor for Habitat for Humanity
for 3+ years Area Vice President for multi-family housing
company focusing on new construction of upscale apartment
homes in the Southeast Proficient in drafting and scaled
drawings, both by hand and in CAD Card carrying member of
National Trust for Historic Preservation Crazy anal about
research, fact-finding and information gathering Unapologetic
expectation for quality, artistry and attention to detail I am at
every meeting anyway (and usually speak) so I may as well sit
on the board!

Organization or
Commissioner sponsoring
nomination (if applicable):

Field not completed.

Educational Background:
(Check all that apply)

High School, BS/A

Other:

Field not completed.

Major areas of study:

Double major: Economics and Anthropology/Sociology

Florida's Public Records Law, Chapter 119, Florida Statutes, states:

"It is the policy of this state that all state, county, and municipal records shall at all times be open for a personal inspection by any person." Your application when filed will become a public record and subject to the above statute. In addition, any appointed member of a board of any political subdivision (except members of solely advisory bodies) and all members of bodies exercising planning or zoning, are required to file a financial disclosure form (Form1) within 30 days after appointment and annually thereafter, for the duration of the appointment as required by Chapter 112, Florida Statutes

I understand that if I am appointed to one of the City's boards, I will be required to file a financial disclosure form - Form 1, as described above, and I am willing to comply with this requirement.

I understand that any false, incomplete or misleading information given by me on the application is sufficient cause for rejection of this application. I understand and agree that any such false, incomplete or misleading information discovered on this application at any time after appointment to a Board may result in my removal.

I also understand that all board appointments are for voluntary, uncompensated services. Additionally, if appointed, I am able to attend meetings and otherwise fulfill the duties of the office.

Applications are submitted to the City Commission when vacancies occur and are effective for two years from date of completion.

Do you understand the duties and responsibilities of the Board/Committee that you are applying for?

Yes

By submitting this form, I declare the foregoing facts to be true, correct, and complete.

Date

7/2/2019

Applicant's Signature

Tammi Kosack

Email not displaying correctly? [View it in your browser.](#)

Historic District Council

Position	Term	Name & Address	Phone
1	02-20-2018	Benjamin Morrison 2107 Whitfield Drive, Fernandina Beach, FL 32034 benjamin@cotnerassociates.com	(912) 604-9870
2	03-01-2016	Robert Erickson 30 South 3rd Street, Fernandina Beach, FL 32034 rettaerickson@aol.com	(479) 270-0315
3	02-01-2017	Michael Spino 317 South 5th Street, Fernandina Beach, FL 32034 mikespino@bellsouth.net	(904) 583-3554
4	11-01-2018	Michael Harrison 820 Someruelos Street, Fernandina Beach, FL 32034 mharrison@iee.org	(904) 491-1259
5	06-18-2019	Angela Conway 510 Beech Street, Fernandina Beach, FL 32034 Angela.arnett510@gmail.com	(202) 422-2531
6	09-04-2018	James Pozzetta 103 South 18th Street, Fernandina Beach, FL 32034 jamespozzetta@comcast.net	(904) 206-3447
7	04-16-2019	Enrique Escalante 804 Atlantic Avenue, Fernandina Beach, FL 32034 epescalante18@yahoo.com	(904) 277-4300 (361) 222-4631

Historic District Council

Term Length: 36 Months

Max Terms: No Limit

Number of Members: 7

Meeting Schedule: Third Thursday of each month

Meeting Time: 5:00 PM

Meeting Location: City Commission Chambers

Meeting Address: 204 Ash Street

Type: Advisory Boards

Description:

Council Liaison:

Staff Liaison:

Salvatore Cumella

scumella@fbfl.org

Position Number	Name	Appt Date	No. of Terms Served	Term Expiration Date
1	Benjamin Morrison	02/20/2018	1	09/20/2021
2	Robert Erickson	03/01/2016	1	09/01/2019
3	Michael Spino	02/01/2017	1	01/01/2020
4	Michael Harrison	10/16/2018	3	11/01/2021
5	Angela Conway	06/18/2019	1	05/01/2022
6	James Pozzetta	09/04/2018	1	09/04/2021
7	Enrique Escalante	04/16/2019	1	05/01/2022

From: [Samantha Rogic](#)
To: [Kim Briley](#)
Cc: [Caroline Best](#); [Salvatore Cumella](#)
Subject: HDC appointment
Date: Monday, July 22, 2019 8:27:32 AM

Good morning Kim,

At the July 18 regular meeting of the HDC, the Board unanimously agreed to forward Tammi Kosack's application to the City Commission for their consideration for appointment of the Alternate 2 position. Please include this as an item on the next possible Commission agenda.

Sincerely,

Samantha Rogic
Planning Technician
Department of Planning & Conservation
City of Fernandina Beach
204 Ash Street
Fernandina Beach, FL 32034
904-310-3485
www.fbfl.us/lhc



If this email is related to the Board that you serve on, please DO NOT REPLY TO ALL.

*****Our Citizen Self Service Portal is now live!*****

To apply and pay online for building permits and planning applications, [CLICK HERE](#).

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City of Fernandina Beach



SUBJECT: Board Appointment
Golf Course Advisory Board

ITEM TYPE: Board Appointment

REQUESTED ACTION: Approve Reappointment

SYNOPSIS: In accordance with Resolution 2017-82, the City Commission determined the Golf Course Advisory Board is to consist of five members with the terms of office to be for a period of three years for three of the members, and one-year terms for the Men's and Ladies' Golf Association appointees with the concurrence of the City Commission, and shall be eligible for re-election by their association and re-appointment by the City Commission.

The Fernandina Beach Men's Golf Association recommends the reappointment of Mr. Philip Jones as the Fernandina Beach Men's Golf Association Representative to the Golf Course Advisory Board for a one-year term ending June 2020.

Mr. Jones resides within the jurisdictional boundaries of the City of Fernandina Beach as required by Charter Section 69.

FISCAL IMPACT: N/A

CITY ATTORNEY COMMENTS: N/A

CITY MANAGER RECOMMENDATION(S): I recommend that the City Commission reappoint Mr. Philip Jones as the Fernandina Beach Men's Golf Association Representative to the Golf Course Advisory Board for a one-year term ending June, 2020.

Caroline Best, City Clerk 7/24/2019

Nicole Bednar, Administrative Services Manager 7/24/2019

Dale Martin, City Manager 7/26/2019

Date: July 11, 2019

Submitted By: Kim Briley, Deputy City Clerk

COMMISSION ACTION: Approve

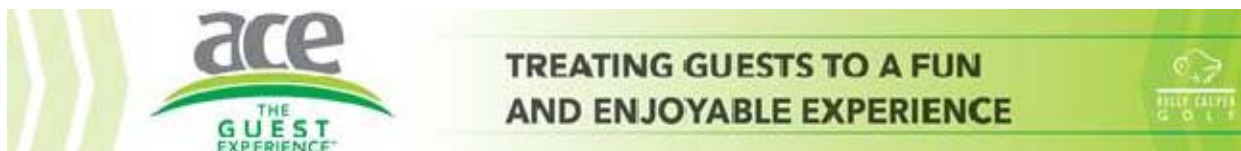
Kim Briley

From: Steve Murphy <smurphy@fernandinabeachgolfclub.com>
Sent: Wednesday, July 10, 2019 10:05 AM
To: Kim Briley
Subject: FW: Golf Course Advisory Board

For your information.

THANK YOU FOR CHOOSING FERNANDINA BEACH GOLF CLUB.

STEVEN MURPHY | General Manager
2800 Bill Melton Rd | Fernandina Beach, FL | USA
t 904.310.3178 f 904.277.7375 m 904.321.6576
Fernandina Beach Golf Club | www.fernandinabeachgolfclub.com



From: Jonathan Berk [mailto:jlberk1954@gmail.com]
Sent: Wednesday, July 10, 2019 8:55 AM
To: Steve Murphy <smurphy@fernandinabeachgolfclub.com>
Subject: Golf Course Advisory Board

Dear Mr. Murphy

Mr. Philip Jones would like to continue as the Fernandina Beach Men's Golf Association representative to the Golf Course Advisory Board for another year. Thank you.

Jon Berk
President of the Fernandina Beach Men's
Golf Association

Golf Course Advisory Board

Position	Term	Name & Address	Phone
1	06-01-2017	Claude Hartley 2535 Via Del Rey, Fernandina Beach, FL 32034 C2535h@yahoo.com	(904) 310-6571
2	06-01-2017	Harry Kegler 212 South 5th Street, Fernandina Beach, FL 32034 harry@prohelpplc.com	(813) 404-2140
3	06-01-2017	Lee Murray 2752 First Avenue, Fernandina Beach, FL 32034 L.murray637@aol.com	(443) 871-5333
4	06-19-2018	Helen Hirsch 677 King George Lane, Fernandina Beach, FL 32034 heleninfl@yahoo.com	(904) 310-6253
5	06-19-2018	Philip Jones Fernandina Beach, FL 32034 Pj_78711@yahoo.com	

Golf Course Advisory Board

Term Length: 3 Months

Max Terms: 1 Term(s)

Number of Members: 5

Meeting Schedule: Second Wednesday of each month

Meeting Time: 9:00 AM

Meeting Location: Golf Course Clubhouse

Meeting Address: 2800 Bill Melton Road

Type: Advisory Boards

Description:

Council Liaison:

Philip A. Chapman, III
(904) 624-5590
pchapman@fbfl.org

Staff Liaison:

Steve Murphy

smurphy@fernandinabeachgolfclub.com

Position Number	Name	Appt Date	No. of Terms Served	Term Expiration Date
1	Claude Hartley	06/01/2017	1	06/01/2019
2	Harry Kegler	06/01/2017	1	06/01/2020
3	Lee Murray	06/01/2017	1	06/01/2020
4	Helen Hirsch	06/19/2018	1	06/01/2019
5	Philip Jones	06/19/2018	3	06/01/2019

CITY COMMISSION AGENDA ITEM
City of Fernandina Beach



SUBJECT: Board Appointment
Arts and Culture Nassau

ITEM TYPE: Board Appointment

REQUESTED ACTION: Approve appointment.

SYNOPSIS: In accordance with Resolution 2016-69, Section 1(a) the City Commission shall, as a ministerial duty, be responsible for appointing two non-voting members recommended by the Nassau County Board of County Commissioners.

Accordingly, the Nassau County Board of County Commissioners hereby submits that Ms. Emily Baumgardner and Ms. Margie Powell have been vetted and approved for reappointment to the two Arts and Culture Nassau, Nassau County representative seats whose terms expire May 2021.

FISCAL IMPACT: N/A

CITY ATTORNEY COMMENTS: N/A

CITY MANAGER RECOMMENDATION(S): I recommend that the City Commission reappoint Ms. Emily Baumgardner and Ms. Margie Powell to two-year terms which expire May 2021.

Caroline Best, City Clerk	7/19/2019
Nicole Bednar, Administrative Services Manager	7/23/2019
Dale Martin, City Manager	7/26/2019

Submitted By: Kim Briley, Deputy City Clerk Date: July 11, 2019

COMMISSION ACTION: Approve

Kim Briley

From: Scott Mikelson
Sent: Thursday, July 11, 2019 10:22 AM
To: Kim Briley
Cc: Margaret Powell
Subject: FW: Marge and Emily
Attachments: 06-19-19 Agenda.pdf; 190619 RS.pdf

Kim,

Is this ok for the County representative? Please view email and attachments.

Scott Mikelson CPRP,
2500 Atlantic Avenue
Fernandina Beach, FL 32034
Phone: 904-310-3356
Fax: 904-310-3462
Web-Site: www.fbfl.us



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From: Sabrina Robertson [mailto:srobertson@nassaucountyfl.com]
Sent: Wednesday, July 10, 2019 4:18 PM
To: Scott Mikelson
Cc: Margaret Powell
Subject: RE: Marge and Emily

We don't have minutes from the meeting yet, however attached is a copy of the agenda and the "notes" from the meeting prepared by the Clerk's Office. The item was listed as Tab S. If you look at the corresponding notes, you will see that Tab S was approved under Item #1. I hope this helps!

Sabrina Robertson
Administrative Manager
96135 Nassau Place, Suite 6
Yulee, FL 32097
Phone: (904) 530-6010
Fax: (904) 321-5784

PLEASE NOTE MY SUITE NUMBER HAS CHANGED!

From: Scott Mikelson <smikelson@fbfl.org>
Sent: Monday, July 8, 2019 1:47 PM
To: Sabrina Robertson <srobertson@nassaucountyfl.com>

Cc: Margaret Powell <margepowel@aol.com>

Subject: RE: Marge and Emily

Maybe the minutes so I can forward to our clerk's office. Thank you.

Scott Mikelson CPRP,
2500 Atlantic Avenue
Fernandina Beach, FL 32034
Phone: 904-310-3356
Fax: 904-310-3462
Web-Site: www.fbfl.us



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From: Sabrina Robertson [<mailto:srobertson@nassaucountyfl.com>]

Sent: Monday, July 08, 2019 1:46 PM

To: Scott Mikelson

Cc: Margaret Powell

Subject: RE: Marge and Emily

Yes, both were approved at June 19th. I apologize as I thought I sent an email notifying you however I don't see anything in my outgoing mail. Do you need anything else from me to confirm these appointments?

Sabrina Robertson
Administrative Manager
96135 Nassau Place, Suite 6
Yulee, FL 32097
Phone: (904) 530-6010
Fax: (904) 321-5784

PLEASE NOTE MY SUITE NUMBER HAS CHANGED!

From: Scott Mikelson <smikelson@fbfl.org>

Sent: Monday, July 8, 2019 1:45 PM

To: Sabrina Robertson <srobertson@nassaucountyfl.com>

Cc: Margaret Powell <margepowel@aol.com>

Subject: Marge and Emily

Sabina,

Did the County ever approve the extension of these two ladies on Arts and Culture Nassau. I thought I sent you an email previously, but I may be wrong. Thank you Sabrina.

Scott Mikelson CPRP,
2500 Atlantic Avenue
Fernandina Beach, FL 32034
Phone: 904-310-3356
Fax: 904-310-3462
Web-Site: www.fbfl.us



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Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, please do not send electronic mail to this entity. Instead, please contact this office by phone or in writing.



NASSAU COUNTY BOARD OF COMMISSIONERS MEETINGS

9:00 AM, June 19, 2019

**James S. Page Governmental Complex, 96135 Nassau Place
Yulee, FL 32097**

CALL TO ORDER-CHAIRMAN

INVOCATION

PLEDGE OF ALLEGIANCE

ROLL CALL

AUDIENCE INPUT – NON-AGENDA ITEMS. This is for public comment for items not on the agenda. Comments can only be for items under the authority of the Board of County Commissioners. Time limit is three (3) minutes

AUDIENCE INPUT – AGENDA ITEMS. Except for Quasi Judicial items, any member of the public can address any item on the agenda now or wait until the matter is addressed. Time limit is three (3) minutes

EXPANSION ITEMS DELETIONS TO AGENDA

PRESENTATIONS – Time limit is fifteen (15) minutes

- A. Mike Mullin, County Manager re: recognition of County employees for years of service.
- B. Taco Pope, Assistant County Manager, and Adrienne Burke, Director of Planning & Economic Opportunity re: update on activities of the Western Nassau Heritage Preservation Committee.
- C. Adrienne Burke, Director of Planning & Economic Opportunity re: update on activities of the Affordable Housing Advisory Committee.

CONSENT ITEMS – If any board member wishes to move a Consent Item to New Business, please do so now. Does any member of the public want to speak on a Consent Item?

- D. Approve Finance Package 2019-22 and associated Resolutions.
- E. Approve a Resolution rescinding Resolution No. 2019-102, and lifting the burn ban for the unincorporated areas of Nassau County.

BUILDING DEPARTMENT/CODE ENFORCEMENT

- F. Monthly status update on Building Department and Code Enforcement activities.

COUNTY EXTENSION BUSINESS

- G. Monthly status update on County Extension activities.

FACILITIES MAINTENANCE BUSINESS

- H. Monthly status update on Facilities Maintenance/Parks & Recreation activities.

PUBLIC WORKS BUSINESS

- I. Monthly status update on Road & Bridge activities.

FIRE RESCUE BUSINESS

- J. Monthly status update on Fire Rescue activities.

OLD BUSINESS - Any member of the public may address any item under Old Business (3 minutes each). Is there anyone who wishes to address any item under Old Business?

- K. Continue discussion regarding the Stewardship District and House Bill 1075.
- L. Discussion on the status of paving, design and right-of-way acquisition of Crawford Road.

NEW BUSINESS - Any member of the public may address any item under New Business (3 minutes each). Is there anyone who wishes to address any item under New Business?

- M. Discuss/review State Housing Initiatives Partnership (SHIP) success story.
- N. Discussion of the property adjacent to the Holly Point Boat Ramp
- O. Approve and authorize the Chairman to sign Work Authorization No. CM2418-WA05 to CDM Smith, Inc., in the amount of \$124,848.41, for Construction Engineering Inspection (CEI) Services for the 2019 Pavement Management Plan. Funding Source: 03461541-546550 L&O.
- P. Award low bid for Guardrail Removal/Replacement/Installation Services to Grading & Bush Hog Services, Inc.; and authorize the Chairman to sign Contract No. CM2686. Funding Source: 03404541-546016 R&M Guardrail.
- Q. Approve a Resolution of the Board of County Commissioners, adopting the Nassau County Americans With Disabilities Act (ADA)/504 Transition Plan in Nassau County.
- R. Consider rescinding the April 22, 2019 approval of the Request for Proposals for Beach Cleaning, Trash Removal and Restroom Cleaning; and discuss/receive Board direction.

APPOINTMENTS

- S. Consider reappointment of Marge Powell and Emily Baumgartner as the County's representatives on Arts & Culture Nassau for a two year term ending May 2021.
- T. Consider appointment of Joan Knutson as the District 2 representative on the Code Enforcement Board for a three (3) year term ending December 2021.

- U. Appoint two County Commissioners to the Canvassing Board, one as a Canvassing Board Member and the other as an Alternative Canvassing Board Member.

COUNTY MANAGER'S BUSINESS – Any business to come before the Board.

COUNTY ATTORNEY'S BUSINESS – Any business to come before the Board.

- V. Approve and authorize the Chairman to sign the Agreement for Jurisdiction on Private Roads (Heron Isles).

COUNTY COMMISSION ITEMS – Any business to come before the Board.

INFORMATIONAL ITEM(S)

- W. Informational only: monthly status update on all contract amendments, change orders, task orders and work authorizations issued by the County Manager.
- X. Informational only: authorized employee travel.

ADJOURNMENT

Persons with disabilities requiring accommodations in order to participate in this program or activity should contact (904) 530-6010 or the Florida Relay Service at (800) 955-8770(v) or (800) 955-8771 (TDD) at least seventy-two (72) hours in advance to request such accommodations.

NASSAU COUNTY BOARD OF COUNTY COMMISSIONERS
NOTES OF REGULAR SESSION
JUNE 19, 2019

1. Approve the following: D, O, P, Q, S, T, and V.
2. Tab E - Approve (1) Resolution 2019-114, rescinding Resolution Number 2019-102, and lifting the burn ban for the unincorporated areas of Nassau County; and (2) Grant authority for the County Manager/County Attorney to place or rescind future burn bans based on the recommendations of the Nassau County Fire Chief and Division of Forestry.
3. Tab N - Authorize staff to negotiate with the listing agent to acquire the property that is adjacent to the Holly Point Boat Ramp starting with the average amount of the comparable sales as provided by Commissioner Leeper and not to exceed \$43,000.00.
4. Tab R - Approve (1) rescind the April 22, 2019 approval of three Bid documents for Request for Proposal for Beach Cleaning, Trash Removal and Restroom Cleaning; and (2) Authorize the County Manager/County Attorney and Doug Podiak, Facilities Maintenance Director, to proceed with the recommendations provided by Mr. Podiak, to including eliminating the five (5) years cleaning experience from the Contract Qualifications. Bid documents to be submitted within the next thirty (30) to sixty (60) days.
5. Tab U - Approve to appoint Commissioner Bell as the Canvassing Board Member, and Commissioner Ford as the Alternate Canvassing Board Member.
6. Expansion Item - Approve and authorize the Chairman to sign the Self-Evaluation Form and Federal Civil Rights Compliance Checklist, as required by the U.S. Department of Justice for the Victims of Crime Advocate (VOCA) Grant.
7. Expansion Item - Approve and authorize the Chairman to sign Amendment Number 1 and Renewal Number 1 to Contract CM2119 with the State of Florida, Department of Revenue, for reimbursement for service of process fees related to child support enforcement cases.

8. Expansion Item - Continue to June 24, 2019 discussion of the proposed development at Amelia River Golf Course in order for the County Manager/County Attorney to draft a letter to the City of Fernandina Beach Commission addressing citizens' concerns regarding the proposed development.
9. Expansion Item - Continue to June 24, 2019, consideration of setting closed meeting to discuss contract negotiations for Nassau County Fire Rescue Professionals Local 3101.

Arts and Culture Nassau

Position	Term	Name & Address	Phone
1	07-17-2018	Carol Rish P.O. Box 15642, Fernandina Beach, FL 32034 beachgall@gmail.com	(361) 290-0439
2	02-01-2018	Peggy Strickland 209 Cedar Street, Fernandina Beach, FL 32034 Peggydawg53@gmail.com	(678) 316-6412
3	06-05-2018	Fran Shea P.O. Box 824, Fernandina Beach, FL 32034 franshea@comcast.net	(904) 206-0205
4	12-01-2016	Marsha Joyner 368 Sargasso Street, Fernandina Beach, FL 32034 House917@aol.com	(904) 491-4942
5	02-01-2018	Cathy DeCou Fernandina Beach, FL 32034 kdecou@aol.com	(904) 310-9177
6	06-04-2019	Jennifer England 233 South 3rd Street, Fernandina Beach, FL 32034	9042617378
8	03-01-2017	Penny Reid 1706 Highland Dunes Court, Fernandina Beach, FL 32034 Reipel9@msn.com	(509) 294-3708
9	02-19-2019	Terri Dean 4589 Genoa Drive, Fernandina Beach, FL 32034	(404) 218-5784
10	05-01-2011	Marge Powell Fernandina Beach, FL 32034 margepowell@aol.com	(904) 614-7745
11	01-01-2017	Emily Baumgardner Fernandina Beach, FL 32034 baumgartnere689@gmail.com	(904) 879-3042 (904) 507-9042

Arts and Culture Nassau

Term Length: 24 Months

Max Terms: No Limit

Number of Members: 11

Meeting Schedule: First Monday of each month

Meeting Time: 12:00 PM

Meeting Location: Atlantic Recreation Center Aquatics Building

Meeting Address: 2500 Atlantic Avenue

Type: Advisory Boards

Description:

Council Liaison:

Staff Liaison:

Scott Mikelson

smikelson@fbfl.org

Position Number	Name	Appt Date	No. of Terms Served	Term Expiration Date
1	Carol Rish	07/17/2018	1	07/17/2020
2	Peggy Strickland	02/01/2018	1	02/01/2020
3	Fran Shea	06/05/2018	1	06/05/2020
4	Marsha Joyner	12/01/2016	1	12/01/2019
5	Cathy DeCou	02/01/2018	1	02/01/2020
6	Jennifer England	06/04/2019	1	12/31/2019
8	Penny Reid	03/01/2017	1	05/01/2019
9	Terri Dean	02/19/2019	1	03/01/2021
10	Marge Powell	05/01/2011	1	05/01/2019
11	Emily Baumgardner	01/01/2017	1	05/01/2019

CITY COMMISSION AGENDA ITEM
City of Fernandina Beach



SUBJECT: Discussion
 Land Conservation

ITEM TYPE: Discussion

REQUESTED ACTION:

SYNOPSIS: This item is placed on the agenda at the request of Commissioner Lednovich.

FISCAL IMPACT: To be determined based upon Commission direction.

CITY ATTORNEY COMMENTS: N/A

CITY MANAGER RECOMMENDATION(S): N/A

Dale Martin, City Manager 7/26/2019

Date: May 31, 2019

Submitted By: Nicole Bednar, Administrative Services Manager

COMMISSION ACTION:

CITY COMMISSION AGENDA ITEM
City of Fernandina Beach



SUBJECT: Discussion
Waterfront Park Development

ITEM TYPE: Discussion

REQUESTED ACTION:

SYNOPSIS: This item is placed on the agenda at the request of Commissioner Lednovich.

FISCAL IMPACT: N/A

CITY ATTORNEY COMMENTS: N/A

CITY MANAGER RECOMMENDATION(S): N/A

Dale Martin, City Manager 7/26/2019

Date: May 31, 2019

Submitted By: Nicole Bednar, Administrative Services Manager

COMMISSION ACTION:

COMMISSION ACTION:



HABITAT CONSERVATION PLAN

A PLAN FOR THE PROTECTION OF SEA TURTLES AND ANASTASIA ISLAND BEACH MICE ON THE BEACHES OF ST. JOHNS COUNTY, FLORIDA



Prepared for:

**U.S. FISH AND WILDLIFE SERVICE
ECOLOGICAL SERVICES DIVISION
ENDANGERED SPECIES PERMITS BRANCH
1875 CENTURY BOULEVARD #200
ATLANTA, GEORGIA 30345**

Prepared by:

**ST. JOHNS COUNTY PLANNING DIVISION
GROWTH MANAGEMENT SERVICES
4020 LEWIS SPEEDWAY
ST. AUGUSTINE, FLORIDA 32095**

HABITAT CONSERVATION PLAN

**A PLAN FOR THE PROTECTION OF
SEA TURTLES AND ANASTASIA ISLAND BEACH MICE
ON THE BEACHES OF
ST. JOHNS COUNTY, FLORIDA**

**Prepared in Support of St. Johns County's Application for an
Incidental Take Permit for the Take of
Sea Turtles and Anastasia Island Beach Mice
Causally Related to Public Vehicular Beach Access and Associated Activities**

Prepared for:

**U.S. FISH AND WILDLIFE SERVICE
ECOLOGICAL SERVICES DIVISION
ENDANGERED SPECIES PERMITS BRANCH
1875 CENTURY BOULEVARD #200
ATLANTA, GEORGIA 30345**

Prepared by:

**ST. JOHNS COUNTY PLANNING DIVISION
GROWTH MANAGEMENT SERVICES
4020 LEWIS SPEEDWAY
ST. AUGUSTINE, FLORIDA 32084**

Technical assistance provided by:

**ECOLOGICAL ASSOCIATES, INC.
POST OFFICE BOX 405
JENSEN BEACH, FLORIDA 34958**

August 18, 2003

**HABITAT CONSERVATION PLAN:
A PLAN FOR THE PROTECTION OF SEA TURTLES AND ANASTASIA ISLAND BEACH MICE ON THE
BEACHES OF ST. JOHNS COUNTY, FLORIDA**

Prepared for:
U.S. Fish & Wildlife Service
Prepared by:
St. Johns County Planning Division
Technical assistance provided by:
Ecological Associates, Inc.

August 18, 2003

EXECUTIVE SUMMARY

Introduction

The take of any federally listed species of plants or animals is prohibited under the Endangered Species Act (ESA) of 1973, as amended, unless specifically authorized through a section 10 Incidental Take Permit (ITP). The ESA defines the term take as an action “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct” (ESA section 3(18)). Harassment includes the disruption of normal behavioral patterns, like breeding, feeding, and sheltering (50 CFR 222.102). Harming includes habitat modification or degradation (50 CFR 17.3). Thus, both direct and indirect impacts can constitute a take under the ESA.

St. Johns County is applying to the U.S. Fish and Wildlife Service (USFWS) for a 20-year section 10 ITP that will authorize the incidental take of Anastasia Island beach mice (AIBM) and five species of sea turtles causally related to public vehicular beach access initiated under the County’s authorization. This Habitat Conservation Plan (HCP) is a mandatory element of the County’s ITP application. This HCP outlines programs and policies to allow for limited public beach driving to continue in a manner and extent that is compatible with protected species conservation within the HCP Plan Area.

The HCP Plan Area includes all beaches along St. Johns County between the Duval County Line on the north and the Flagler County Line on the south, except for those beaches fronting Fort Matanzas National Monument (FMNM). The beaches along FMNM are excluded from the HCP Plan Area, and incidental take coverage for public beach driving along FMNM is not requested by St. Johns County. The status of this area will be reevaluated (and the HCP may be amended) when the National Park Service addresses public beach driving in an approved FMNM General Management Plan. The eastern limit of the Plan Area is the Mean Low Water line (MLW) of the Atlantic Ocean, and the western boundary follows the Coastal Construction Control Line (CCCL).

The beaches of St. Johns County are recognized as important habitat for protected species including sea turtles, AIBM, and several species of nesting shorebirds. An average of 277 nests from loggerhead, green, and leatherback turtles are deposited along the County's 42-mile shoreline each year (FWC *unpublished data* 2001a). Additionally, these same beaches support the only known population of the endemic and highly endangered AIBM (USFWS 1993).

Currently, varying levels of beach driving occur along 16.3 miles of the County's shoreline. St. Johns County Ordinance No. 97-34 authorizes beach traffic from the southwestern tip of Porpoise Point to the southern boundary of Guana State Preserve (4.8 miles of which 4.1 miles are restricted to North Beach Vehicular Access Permit holders) and from Ocean Trace Road to Fort Matanzas Ramp (7.2 miles). Additionally, there is 1.6 miles of local resident and Old A1A right-of-way beach driving along Summer Haven south of Matanzas Inlet. St. Augustine Beach Ordinance No. 97-23 authorizes 1.8 miles of beach driving between "A" Street Ramp and Ocean Trace Road. St. Johns County considers the National Park Service to have controlling authority over public beach driving that occurs landward of the Mean High Water (MHW) line on the 0.9 miles of shoreline between Fort Matanzas Ramp and the southwestern tip of Matanzas Point. The Mean High Water (MHW) line along FMNM represents the seaward limit of the National Park Service's jurisdictional (and law enforcement) boundary.

Factors Affecting Sea Turtles and Beach Mice

Vehicular activities on the beach have the potential to directly and indirectly impact adult, hatchling, live stranded, and/or live post-hatchling washback sea turtles, as well as sea turtle nests, all takings prohibited under the ESA. As long as vehicles continue to operate within the HCP Plan Area, there will be a potential for impacting adult sea turtles, their eggs, and/or offspring during the nesting season.

In addition to beach driving, there are a variety of other human impacts to sea turtles on St. Johns County's beaches. These include: public and private beachfront lighting; special events; human presence on the beach at night; destruction of dunes by pedestrian traffic and horseback riding; trash and objects on the beach; coastal development and construction; seawalls, revetments, and other armoring structures; and other types of erosion control measures (e.g., beach nourishment, dune restoration, sand fencing, inlet sand bypassing, and in-water structures, etc.) (NMFS and USFWS 1991a, 1991b, 1992, 1993, USFWS AND NMFS 1992).

Additionally, a variety of other activities affect AIBM along St. Johns County. Such activities include uncontrolled public access, horseback riding, feral and free-roaming cats, coastal development and construction, shoreline protection, artificial lighting, emergency responses to storms and other unusual occurrences, special beach events, stormwater outfalls, contaminants and trash, and other beach management activities (USFWS 1993).

Incidental Take Assessment

The incidental take of sea turtles and AIBM has not been systematically or uniformly documented in St. Johns County. However, historical records demonstrate that both lethal and sublethal incidental take of sea turtles due to vehicles or vehicular activities has occurred along

the County's Atlantic beaches. Since 1991, an estimated 43 post-emergent hatchlings have been run over and killed by vehicles on the beaches of St. Johns County. Additionally, one nest was run over and 15 eggs/embryos were crushed/killed, 3 other nests were run over (with no or unknown damage to eggs/embryos/hatchlings), and an unspecified number of live hatchlings have been trapped in tire ruts.

There were no available documents recording historical cases of direct impacts to AIBM due to beach driving in St. Johns County (i.e., no recorded cases of a vehicle running over a beach mouse). However, the impacts on AIBM from public beach driving are most likely indirect impacts, including degradation of habitat by vehicles trimming dune vegetation, and the use of vehicles to gain public access to remote beaches where human trespassing, garbage, and unrestrained pets might pose problems.

Biological Goal

The over-arching biological goal of the HCP is to provide a net benefit to both sea turtles and AIBM throughout the life of the ITP.

Conservation Strategy: Minimization Measures

The programs and policies contained in the HCP will improve protected species management on the County's beaches relative to practices currently in place. The following minimization measures will be implemented to minimize the potential for impacts to sea turtles and the AIBM causally related to vehicular access to the beach allowed under the County's authorization.

1. ***Reducing public vehicular beach access hours during the sea turtle nesting season.*** From May 1 through October 31, public vehicular access to authorized beaches will begin each day at 8:00 AM. From May 1 through October 31, public vehicular access to authorized beaches will end each day at 8:00 PM, except for the period when the gates will remain open from 8:00 AM on July 4 through 1:00 AM on July 5 at Porpoise Point. Gates on all public driving beaches will remain open on a 24-hour basis from November 1 through April 30.
2. ***Installing and maintaining traffic barricades at beach ramps and other points to regulate vehicular access.*** St. Johns County will monitor and maintain impenetrable gate arms at all authorized public vehicular access points and identify and barricade illegal vehicular access points.
3. ***Monitoring and conspicuous marking of all sea turtle nests in the Plan Area.*** The HCP Coordinator will consult with the Marine Turtle Principal Permit Holders in St. Johns County and the Florida Fish and Wildlife Conservation Commission to develop a standardized Countywide sea turtle monitoring plan.
4. ***Developing a standard protocol to remove vehicle ruts seaward of sea turtle nests during periods when hatchlings are expected to emerge.*** Sea turtle nests expected to emerge will be flagged for rut removal. The County will develop and implement a vehicle rut removal plan along all public driving beaches within the Plan Area.

5. ***Increased and dedicated enforcement of beach driving policies and procedures.*** St. Johns County will increase the physical presence of law enforcement officers on all public driving beaches by either: 1) the addition of 2 Deputy Sheriffs that are specifically trained to enforce beach-related ordinances, or 2) the addition of 4 Beach Rangers that are dual-trained in code enforcement and lifesaving. During the summer season, 1 Beach Ranger will patrol from Vilano Ramp around Porpoise Point, 2 Rangers will patrol from Ocean Trace Road to the A1A Bridge at Matanzas Point, and 1 Ranger will patrol Old A1A at Summer Haven. Incidences of violations on the beaches will be systematically recorded and summarized in reports to USFWS.
6. ***Developing and implementing a public awareness program that includes, but is not limited to, the following features:***
 - a. Developing and distributing public awareness materials containing information regarding driving regulations and protected species' issues to beach drivers as they access beaches within the Plan Area;
 - b. Developing Public Service Announcements, including "special reports," to be aired on the St. Johns County government television station discussing HCP regulations and protected species;
 - c. Designing and conducting periodic public workshops that include the general public but will also focus on the beach community and hotels/motels to discuss HCP issues; and posting phone numbers to report HCP violations and sea turtle emergencies
7. ***Elevating trash receptacles on posts along public driving areas within AIBM habitat (i.e., Anastasia Island, excluding FMNM).*** St. Johns County will elevate all trash receptacles on posts between "A" Street Ramp and Fort Matanzas Ramp to reduce the potential for AIBM and their predators to congregate on the beach.
8. ***Increased enforcement of existing Conservation Zone (CZ) regulations (defined in Ordinance No. 97-34 and an expansion in the width of the CZ in one region to protect and enhance AIBM and nesting bird habitats).*** St. Johns County will mark and enforce the 15-foot wide CZ on all unincorporated public driving beaches in the Plan Area and a 30-foot wide CZ north of St. Augustine Inlet around Porpoise Point.
9. ***Developing and instituting a training program that must be attended by drivers wishing to obtain a four-wheel drive permit for driving north of Vilano Ramp.*** North Beach Vehicular Access Permits will be granted to qualified drivers on a quarterly cycle each year. The HCP Coordinator will design and conduct a training program for these drivers and training must be completed prior to issuance of a permit. Recurrent training will occur minimally at least once each year.
10. ***Reducing public beach driving along Summer Haven.*** The County will install a locked gate arm just south of the Summer Haven revetment and keys will be provided to local residents only. The County will post signs indicating that the general public has no rights of access on the upland road landward of the primary dune line. Additionally, the County will stabilized the existing roadbed landward of the restored dune with a mix of coquina shell and sand.

Conservation Strategy: Mitigation Measures

In addition to the minimization measures described above, the County will mitigate unavoidable take that might occur as the result of County-authorized beach driving through the following programs.

1. ***Develop a proactive Beach Lighting Management Program and align the City of St. Augustine Beach's lighting regulations and the County's lighting regulations.*** The City of St. Augustine Beach will amend their Ordinance 96-13 in order to unify their lighting regulations with those of St. Johns County (Ordinance 97-34). St. Johns County will hire a Beach Lighting Officer and assume all monitoring and enforcement responsibilities on both City and County beaches.
2. ***Developing and instituting a beach horseback riding registration and education program.*** Horseback riding will be restricted to the beach seaward of the most recent high-tide line year-round between sunrise and sunset. Beach horseback riders will receive registration cards, protected species training, and record their activity on logs at kiosks by the beach.
3. ***Restrict Porpoise Point vehicular access to allow re-establishment of natural dune features.*** St. Johns County will establish a single, marked driving lane from Vilano Ramp to the southwestern tip of Porpoise Point and a single, marked traffic corridor from Porpoise Point Ramp to this driving lane. St. Johns County will monitor and maintain barricades and signage at entrances to previous interdunal driving lanes.
4. ***Restoring the primary dune along Summer Haven.*** St. Johns County will construct 8,000 linear feet of sand berm (clean fill). This restored dune line will naturally block unauthorized vehicular access routes to the beach proper and serve to minimize vehicles on the beach, reduce light trespass on the beach, and enhance the beach/dune habitat for nesting sea turtles and least terns.

Monitoring

The County will oversee a uniform and consistent sea turtle monitoring program that will help collect the data needed to better quantify current natural and human-related impacts to sea turtles on the County's beaches. This information will be used to direct the County's limited resources toward those programs that are likely to have the greatest conservation value.

Funding

HCP programs and policies will be funded in one-third proportions from the following funding sources: Category III Tourist Development Tax, the General Fund, and Beach Toll Revenue. The St. Johns County Division of Beach Management estimates that total first-year expenses for implementation of the HCP will range between \$251,077 and \$397,290. Total estimated expenses during subsequent years will range between \$208,627 and \$370,740.

Administration of the HCP and ITP

Upon implementation of the HCP, the Division of Beach Habitat Conservation will be created under the Division of Beach Management. The Department of Beach Habitat Conservation will contain at least two new positions, the HCP Coordinator and the Beach Lighting Officer. The purpose of the HCP Coordinator is to provide professional leadership to all aspects of sea turtle and beach mouse management on the County's beaches. The HCP Coordinator will administer the ITP and coordinate sea turtle monitoring activities and related conservation programs in the County. The HCP Coordinator will be supervised by the Supervisor of Beach Management.

Under this HCP, implementation and enforcement of St. Johns County's Beach Lighting Code on the unincorporated beaches of St. Johns County will be managed and coordinated by the Beach Lighting Officer. For Countywide consistency and thoroughness, the Beach Lighting Officer will also assume the responsibilities for implementation and enforcement of the City of St. Augustine Beach's Beach Lighting Code within municipal boundaries upon unification of City and County regulations. The Beach Lighting Officer will be supervised by the HCP Coordinator.

The St. Johns County Division of Beach Management, under the management of the Supervisor of Beach Management, will provide logistical and administrative support for implementation of the HCP. The Supervisor of Beach Management will be responsible for filling the positions of HCP Coordinator and Beach Lighting Officer and for allocating sufficient material and fiscal resources to ensure that these individuals are able to effectively fulfill their responsibilities under the HCP.

Enforcement of the HCP

To provide enhanced enforcement of the St. Johns County Beach Code and HCP programs and policies, the HCP presents two alternatives:

1. Addition of two Deputy Sheriffs; or
2. Addition of four Beach Rangers.

Data will be collected and maintained to document the County's efforts to enforce provisions of the HCP and ITP. This enhanced record-keeping will document all violations of the beach driving rules and regulations.

Compliance Monitoring and Reporting

The County will submit annual reports to the USFWS to review HCP performance and discuss the County's monitoring programs during the first three years that the ITP is in effect and periodically thereafter. Formal revisions to the HCP will occur once every five years after a joint review by the County and USFWS. The HCP is intended to be a dynamic document and have the capacity to respond to changed and unforeseen circumstances. Adjustments to monitoring, minimization, and mitigation programs will be made, as needed, to ensure that the biological goals of the HCP are achieved.

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LIST OF ABBREVIATIONS

AIBM	Anastasia Island beach mouse
ASP	Anastasia State Park
ATM	Applied Technology Management
ATV	All Terrain Vehicle
BEBR	Bureau of Economic Business Research
CCCL	Coastal Construction Control Line
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
CZ	Conservation Zone
DACS	Department of Agriculture and Consumer Services
DNA	Deoxyribonucleic acid
DOR	State of Florida Department of Revenue
EA	Environmental Assessment
EAI	Ecological Associates, Inc.
EDC	Economic Development Council
EIS	Environmental Impact Statement
ESA	Endangered Species Act
F	Fahrenheit
FCREPA	Florida Committee on Rare and Endangered Plants and Animals
FDEP	Florida Department of Environmental Protection
FDOR	Florida Department of Revenue
FGDL	Florida Geographic Data Library
FMNM	Fort Matanzas National Monument
FNAI	Florida Natural Areas Inventory
FRED	Florida Research & Economic Database
FS	Florida Statutes
FWC	Florida Fish and Wildlife Conservation Commission
GPS	Global Positioning System
GRMAP	Guana River Marsh Aquatic Preserve
GRSP	Guana River State Park
HCP	Habitat Conservation Plan
HOI	Hatchling Orientation Index
ITP	Incidental Take Permit
IUCN	International Union for the Conservation of Nature (World Conservation Union)
LPDC	Louisiana Population Data Center
MHW	Mean High Water
MLW	Mean Low Water
NMFS	National Marine Fisheries Service
NEPA	National Environmental Policy Act
NOAA	National Oceanic and Atmospheric Administration
NOS	National Ocean Service
NPS	National Park Service
NRC	National Research Council
PPH	Principal Permit Holder

PSA	Public Service Assistant
PVA	Population Viability Analysis
SJCPAO	St. Johns County Property Appraiser's Office
SSC	Species of Special Concern
TDC	St. Johns County Tourist Development Council
TEWG	Turtle Expert Working Group
USACE	United States Army Corps of Engineers
USDC	United States District Court
USFWS	United States Fish and Wildlife Service

Chapter 1. INTRODUCTION AND BACKGROUND***1.1. GENERAL OVERVIEW***

The County of St. Johns, Florida, has applied to the U.S. Fish and Wildlife Service (USFWS) for an Incidental Take Permit (ITP) pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973 (ESA or the Act), as amended. If issued, the ITP will authorize the incidental take of federally listed sea turtles and Anastasia Island beach mice (AIBM) on selected Atlantic coast beaches of St. Johns County (hereafter referred to as the County) causally related to vehicular driving and associated activities. This Habitat Conservation Plan (HCP or Plan) has been developed in support of the County's ITP application.

1.2. REGULATORY AND LEGAL FRAMEWORK FOR PLAN

The ESA (Public Law 93-205) went into force on December 28, 1973 and is considered by some as the United States' strongest legal tool for conserving biodiversity (Rohlf 1991). The stated purposes of this Act are "to provide a means whereby the ecosystems upon which endangered species and threatened species depend may be conserved, to provide a program for the conservation of such endangered species and threatened species..." (ESA section 2(b)). The ESA seeks to protect both listed species and the habitats upon which they depend.

Section 9 of the ESA prohibits any person subject to the jurisdiction of the United States to "take" endangered or threatened species (fish or wildlife listed in section 9(a)(1), and plants listed in section 9(a)(2)). The Act defines the term "take" as "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct (ESA section 3(18)). Under Title 50 Code of Federal Regulations (CFR), *harm* is defined as "an act which actually kills or injures fish or wildlife. Such an act might include significant habitat modification or degradation which actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, spawning, rearing, migrating, feeding or sheltering" (50 CFR Part 222.102, Federal Register Vol. 64, No. 215, November 8, 1999). "Harassment" is defined as "an intentional or negligent act or omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding, or sheltering" (50 CFR 17.3). Thus, both direct and indirect impacts, such as modification of habitat, constitute take under the ESA.

The 1982 Amendments to the ESA allow for the "incidental take" of endangered and threatened species of wildlife by non-Federal entities (ESA as amended, 16 USC 1513-1543). The term "incidental take" is defined in section 10 of the ESA as "any taking otherwise prohibited by section 9(a)(1)(B) if such taking is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity" (section 10(a)(1)(B)). In order to apply for an ITP, the ESA requires that the applicant submit a "conservation plan" as an accompanying document. This Habitat Conservation Plan fulfills that requirement and supports St. Johns County's application for an ITP.

1.3. PLAN AREA

1.3.1. Geographical Setting

St. Johns County is located on the northeast coast of Florida, approximately midway between Cape Canaveral and the Florida-Georgia State Line. It is bounded on the north by Duval County and on the south by Flagler County (Figure 1-1). The County's coastline is comprised of a series of three barrier islands. Separated from the mainland only by the Intracoastal Waterway, the northern barrier island stretches approximately 52 km (32 mi) from the St. Johns River (north of Jacksonville in Duval County) to the St. Augustine Inlet. This northern barrier island stretches for 38.9 km (24.0 mi) in St. Johns County. The middle barrier island, Anastasia Island, is completely contained within St. Johns County and extends about 24.8 km (15.4 mi) from the St. Augustine Inlet south to the Matanzas Inlet. The southernmost barrier island stretches about 81 km (50 mi) from Matanzas Inlet south to Ponce de Leon Inlet in Volusia County, and only 4.1 km (2.6 mi) of this island falls within St. Johns County.

A vast majority of St. Johns County's coastline consists of sandy beaches, with the exception of two inlets and two major regions of oceanfront armoring. For about 5,050 ft along St. Augustine Beach and 2,300 feet along Summer Haven, the ocean tides regularly meet a rock revetment.

From the north to south, constituent municipalities fronting the County's beaches include the City of St. Augustine, the City of St. Augustine Beach, and the northern section of the Town of Marineland (Figure 1-1). Unincorporated areas include Ponte Vedra Beach, Vilano Beach, and Crescent Beach. Large portions of the oceanfront are publicly held lands within Guana River State Park (GRSP) and Anastasia State Park (ASP), both managed by the State government. Another smaller portion of oceanfront public lands is managed by the Federal government at Fort Matanzas National Monument (FMNM).

1.3.2. Boundaries of the Plan Area

The *Plan Area* represents the area for which incidental take has been requested under the ITP (Figures 1-2a and 1-2b). The beaches herein described are included in the boundaries of the Plan Area only for the limited purpose of obtaining an Incidental Take Permit. The Plan Area consists of approximately 2,400 acres of oceanfront land and includes 41.1 miles of beaches along the 42.0-mile coastline in the County (Table 1-1). This includes the beaches in GRSP, ASP, and the beaches within the municipalities of St. Augustine, St. Augustine Beach, and Marineland. Even though the County does not exercise regulatory authority in the State parks nor municipalities, these areas are included in the Plan Area, because the County performs beach services and operates safety and/or emergency vehicles in these zones. Through such activities, the County might impact protected species that occur there.

Within the Plan Area, the County Beaches include those beaches over which St. Johns County exercises sole beach management and regulatory authority. The County Beaches include all beaches, except those managed by the State and Federal parks and the City of St. Augustine, City of St. Augustine Beach, and the Town of Marineland. County Beaches

consist of 28.6mi of sandy beaches encompassing about 1,440 acres (Table 1-1). 1.3.2.1. North-South Boundaries

The Plan Area is bounded on the north by the St. Johns/Duval County Line and stretches south to the northern border of FMNM (the side north of Fort Matanzas Ramp) The southern section of the Plan Area extends from the south side of Matanzas Inlet to the St. Johns/Flagler County Line (Figures 1-2a and 1-2b).

1.3.2.2. East-West Boundaries

The eastern limit of the Plan Area is the Mean Low Water (MLW) line of the Atlantic Ocean (Figures 1-2a and 1-2b). Even though State jurisdiction officially begins at the Mean High Water (MHW) line and stretches seaward to 3 mi offshore, the area landward of the MLW line functionally defines that portion of the beach where driving might occur.

The western boundary of the Plan Area follows the Coastal Construction Control Line (CCCL) (Figures 1-2a and 1-2b), as defined in the Florida Beach and Shore Preservation Act of 1998, pursuant to Part I of Chapter 161, Florida Statutes. The CCCL “defines the portion of the beach and dune system subject to severe fluctuations based on a 100-year storm event and establishes the landward limit of jurisdiction of the Florida Department of Environmental Protection (FDEP) along sandy beaches of the State which front on the Gulf of Mexico, Atlantic Ocean, and the Straits of Florida” (FDEP 2001). FDEP uses the following process to establish the control line: “Historical weather data, including past hurricanes, which have impacted the area under study, tide cycles, offshore bathymetry, erosion trends, upland topography, and existing vegetation and structures are evaluated using appropriate engineering predictive models and scientific principles to determine the upland limits of a one-hundred-year coastal storm” (FDEP 2001).

1.4. SPECIES TO BE COVERED BY PERMIT

Sea turtles and AIBM, federally protected species, might be impacted by public vehicular access to the beach. Although several species of federally listed birds, such as the bald eagle (*Haliaeetus leucocephalus*), piping plover (*Charadrius melodus*), and wood stork (*Mycteria americana*) occasionally utilize the Plan Area for foraging and/or loafing, no impacts are expected and therefore incidental take is not requested. The same situation exists for the eastern indigo snake (*Dymarchon corais couperi*). Small numbers of eastern indigo snakes have been occasionally sighted within or near the Plan Area. Incidental take of eastern indigo snakes due to impacts from County-authorized beach driving is not expected; therefore incidental take is not requested.

Accordingly, incidental take is requested for the following species:

- loggerhead turtle (*Caretta caretta*),
- green turtle (*Chelonia mydas*),
- leatherback turtle (*Dermochelys coriacea*),
- hawksbill turtle (*Eretmochelys imbricata*),
- Kemp’s ridley turtle (*Lepidochelys kempii*), and

- Anastasia Island beach mouse (*Peromyscus polionotus phasma*).

1.5. COUNTY AUTHORITY FOR MANAGING LOCAL BEACHES

The general powers of authority to regulate the beaches and shores of St. Johns County falls upon the Board of County Commissioners, as outlined in the Beach and Shore Preservation Act of 1998, section 161.36, Florida Statutes. The following regulations and codes detail the specifics of coastal management in the County:

- The St. Johns County Comprehensive Plan, Conservation/Coastal Management Element, as adopted May 10, 2000 (sets goals and policies for coastal management),
- St. Johns County Land Development Code Article 4 (June 12, 2001), section 4.01.08: Environmentally Sensitive Area, Threatened or Endangered Species and Species of Special Concern (protection of marine turtles),
- St. Johns County Code (Ordinance No. 98-70):
- Chapter 4. Animals and Fowl. (leash laws for cats and dogs),
- Chapter 5. Beaches. Article II. Beach Code. (Ordinance 97-34; outlines policies and procedures for beach activities),
- St. Johns County Ordinance 96-48 (defines a Conservation Zone and prohibits night driving during the sea turtle nesting season except for a period of non-enforcement on the night of July 4-5),
- St. Johns County Ordinance 99-33 (beach lighting code),
- St. Johns County Ordinance 2001-5 (restrictions on horseback riding),
- Special Use Permit Number 5260-9500-009 granted to St. Johns County by the U.S. Department of the Interior, National Park Service, Castillo de San Marcos and Fort Matanzas National Monuments (to place County tollbooth at Matanzas Ramp), and
- Interlocal Agreements between St. Johns County and the City of St. Augustine Beach (regulation of beach traffic, road maintenance, and beach pass revenues).

1.6. CONFLICTS BETWEEN TRADITIONAL BEACH USES AND PROTECTED SPECIES CONSERVATION

1.6.1. Beach Driving and Protected Species

St. Johns County's beaches are utilized by a number of State- and federally protected species, the most conspicuous of which are sea turtles. Each year between May and September, several species of threatened or endangered sea turtles come ashore on local beaches and collectively deposit several hundred nests.

Vehicular activities on the beach have the potential to impact adult, hatchling, live stranded, and/or live post-hatchling washback sea turtles, as well as sea turtle nests, a taking prohibited under the Act. As long as vehicles continue to operate within the Plan Area, there will be a potential for impacting adult sea turtles, their eggs, and/or offspring during the nesting season. The nesting season, the inclusive period during which adult turtles are coming ashore to nest and hatchling sea turtles are emerging from their nests to enter the sea, is established by the Florida Fish and Wildlife Conservation Commission (FWC) and is based on long-term Statewide data. FWC defines the nesting season in St. Johns County as May 1 through October 31. Likewise, St.

Johns County Ordinance No. 97-34 section 7.03 defines the nesting season of sea turtles as May 1 through October 31. The beachfront municipality of St. Augustine Beach identifies the nesting season as the period from June 1 through September 30 of each year (St. Augustine Beach Code of Ordinances Chapter 5, Article I, section 5-15).

1.6.1.1. Historical Perspective on Beach Driving in St. Johns County

Historically, public beach driving occurred along the entire coastline of St. Johns County. “In the past, homemade motor vehicles called ‘skeeters’ were built with a lightweight chassis and over-sized wheels. They were used for driving on both the hard and soft areas of the beaches, as well as illegally in the dunes” (State of Florida Division of Administrative Hearings 1993).

The following is a timeline that describes the evolution of jurisdiction over vehicular traffic and the chronological changes regarding public beach driving on the Atlantic Ocean beaches of St. Johns County.

1941. “In 1941, the Florida Legislature declared the Atlantic Ocean beach within St. Johns County seaward of the mean high water line to be a public highway under the jurisdiction and control of St. Johns County, subject to the right of the public to use the beach for bathing and recreation. Chapter 21543, Laws of Florida (1941)” (Florida Division of Administrative Hearings 1993).

1949. “In 1949, the Legislature limited the County’s jurisdiction by prohibiting the operation of motor vehicles on the northerly two and a half miles of the beach referred to in Chapter 21543, Laws of Florida (1941). Chapter 26196, Laws of Florida (1949)” (Florida Division of Administrative Hearings 1993).

1961. “In 1961, the Legislature further limited the County’s jurisdiction by prohibiting the operation of motor vehicles on the southerly four miles of the northerly six and a half miles of the beaches referred to in Chapter 21543, Laws of Florida (1941). Chapter 61-2744, Laws of Florida (1961)” (Florida Division of Administrative Hearings 1993). This extended the beach driving prohibition to just south of the current Mickler’s Landing Beach Access in Ponte Vedra Beach.

1965. “In 1965, the Legislature specified that the County only had jurisdiction to “supervise, regulate, prohibit, and permit the operation of” motor vehicles on the beaches within the county limits over which the county had jurisdiction. Chapter 65-2178, Laws of Florida (1965)” (Florida Division of Administrative Hearings 1993).

“These earlier special acts dealing with vehicular traffic on the coastal beaches of St. Johns County must be read in *pari materia* with more recent legislative pronouncements on the same subject. Specifically, more recent legislative acts addressing the entire subject, only some of which was addressed in earlier enactments, take precedence over the older legislation. See *Alvarez v. Board of Trustees of the City Pension Fund for Fire Fighters and Police Officers in the City of Tampa*, 580 S. 2d 151 (Fla. 1991). It is assumed that the more recent laws were

enacted with full knowledge of the older ones. *Oldham v. Rooks*, 361 So. 2d 140 (Fla. 1978)” (Florida Division of Administrative Hearings 1993).

1982. The National Park Service (NPS) developed a draft General Management Plan for Fort Matanzas National Monument (NPS 1982). This draft Plan acknowledged that driving was occurring on the beach fronting the Park. The NPS has arranged for continued public vehicular access to the beaches through a NPS Special Use Permit No. 5260-9500-009 that is valid from March 1, 2001 until February 28, 2006. This permit, which was granted to the County, specifically authorized, “parking a mobile beach toll booth and collecting beach parking tolls”. The permit also authorized the, “installation of a portable toilet in the same vicinity”.

1984. Land acquisitions for Guana River State Park began in 1984 (FDEP 1999).

1985. “In 1985, the Legislature enacted the Coastal Zone Protection Act, which recognized the importance of beach ecology and the need to control and manage beaches in order to preserve their unique features. See Sections 161.52-161.58, Fla. Stat. (1991)” (Florida Division of Administrative Hearings 1993).

1985. “Also in 1985, the Legislature designated the Guana River Marsh Aquatic Preserve for inclusion in the Florida Aquatic Preserve Act of 1975. Section 258.394, Fla. Stat. (1991).” “The FDEP’s Division of Recreation and Parks (DRP) is a state agency charged with the responsibility of managing Florida’s state parks under Chapter 258, Fla. Stat. (1991), and the rules promulgated under that law” (Florida Division of Administrative Hearings 1993).

1988. Guana River State Park was leased to the State of Florida, Department of Natural Resources, Division of Recreation and Parks (DRP) (Florida Division of Administrative Hearings 1993).

1990. The management plan for Guana River State Park was approved by the Board of Trustees of the Internal Improvement Trust Fund on August 14, 1990. This management plan prohibited beach driving through the contiguous 4.2-mile stretch of Guana River State Park (based on F.A.C. Rule 16D-2.002(4)-(5)). Because there were no vehicular access ramps north of the park, this effectively prohibited beach driving in the area (about 2 miles) from the northern boundary of Guana River State Park to the boundary in Ponte Vedra Beach established by Chapter 61-2744, Laws of Florida (1961).

1991. “Section 161.58(1), Fla. Stat. (1991), prohibits ‘vehicular traffic...on the dunes or native stabilizing vegetation of the dune system of coastal beaches,’ except that which is necessary for cleanup, repair, or public safety, ‘and except for traffic upon authorized local or state dune crossovers.’ Section 161.58(2), Fla. Stat. (1991), provides:

Vehicular traffic, except that which is necessary for cleanup, repair, or public safety, or for the purpose of maintaining existing licensed and permitted traditional commercial fishing activities or existing authorized public accessways, is prohibited on coastal beaches except where a local

government with jurisdiction over a coastal beach or portions of a coastal beach has:

- (a) Authorized such traffic, by at least a three-fifths vote of its governing body, on all or portions of the beaches under its jurisdiction prior to the effective date of this act; and
- (b) Determined, by October 1, 1989, in accordance with the rules of the department, that less than 50 percent of the peak user demand for off-beach parking is available. However, the requirements and department rulemaking authority provided in this paragraph shall not apply to counties that have adopted, prior to January 1, 1988, unified countywide beach regulations pursuant to a county home rule charter” (Florida Division of Administrative Hearings 1993).

St. Johns County proved compliance with the terms of above paragraphs (a) and (b) of Section 161.58(2) of Florida Statutes (1991) (Florida Division of Administrative Hearings 1993).

1991. Guana River Marsh Aquatic Preserve Management Plan was approved by the Board of Trustees of the Internal Improvement Trust Fund on December 17, 1991 (Florida Division of Administrative Hearings 1993). This management plan prohibited the driving of motorized vehicles on the Atlantic Ocean beaches within the Preserve (however, this policy was not enforced until 1993).

1993. “The DRP was reassigned to the new Department of Environmental Protection in 1993. Chapter 93-213, Laws of Florida (1993)” (Florida Division of Administrative Hearings 1993).

Jun 1993. FDEP announced that they would no longer permit the driving of motor vehicles on the Atlantic Ocean beaches within Guana River Marsh Aquatic Preserve. On June 11, 1993, the DEP’s DRP sent a letter to the St. Johns County Commission requesting that the County “assist the Department in protecting these valuable natural resources by helping get the word out that driving will no longer be allowed within this area” (based on the Guana River Marsh Aquatic Preserve Management Plan of 1991) (Patchett *unpublished letter* 1993).

Jul 1993. On July 8, 1993, St. Johns County began challenging the FDEP’s decision to prohibit vehicular access within Guana River Marsh Aquatic Preserve (Florida Division of Administrative Hearings 1993).

Aug 1993. “On or about August 18, 1993, the DEP agreed not to enforce the beach driving prohibition in the [Guana River Marsh Aquatic] Preserve” until the court cases were resolved (Florida Division of Administrative Hearings 1993).

Nov 1993. On November 30, 1993, the Agency Final Order from the Hearing Officer upheld FDEP’s decision to ban public vehicular access to the beaches within Guana River Marsh Aquatic Preserve (Florida Division of Administrative Hearings 1993).

1997. On June 24, 1997, the St. Johns County Board of County Commissioners passed Ordinance No. 97-34 outlining that beach traffic was restricted to: “(1) A single lane of southbound traffic and a single lane of northbound traffic between the southwestern tip of Porpoise Point to the southern boundary of Guana State Preserve; (2) A single lane of southbound traffic from Ocean Trace Road to Crescent Beach Ramp; (3) A single lane of southbound traffic and a single lane of northbound traffic between the Crescent Beach Ramp and the Fort Matanzas Ramp.” This ordinance only applies to the unincorporated areas of the County and did not address beach driving within the State parks, Federal park, or municipalities (at this time, public beach driving was occurring along Anastasia State Park, Fort Matanzas National Monument, and the City of St. Augustine Beach).

“When construing a statute, the mention of one thing in the statute implies the exclusion of things not mentioned. (*Expressio unius est exclusion alterius.*) Thayer v. State, 335 So. 2d 815 (Fla. 1976); Devin v. City of Hollywood, 351 So. 2d 1022 (Fla. 1976).” (Florida Division of Administrative Hearings 1993). Applying this rule, it can be concluded that the explicit authorization of beach driving in the unincorporated areas between (1) the southwestern tip of Porpoise Point to the southern boundary of Guana State Preserve, (2) Ocean Trace Road to Crescent Beach Ramp, and (3) Crescent Beach Ramp to the Fort Matanzas Ramp (Ordinance 97-34) was intended to prohibit public beach driving in all other unincorporated areas.

1997. The St. Augustine Beach Board of City Commissioners passed Ordinance No. 97-23, which states, “Sec. 5-7(a). It is unlawful for any person to operate a motor vehicle upon any portion of the beach bordering the Atlantic Ocean between the north right-of-way line of the ‘A’ Street ramp extended easterly to the Atlantic Ocean and the northerly limit of the city [the southern boundary of Anastasia State Park]. Vehicular traffic is authorized on the coastal beach with the exception of the portion of the coastal beach lying to the north of the ‘A’ Street ramp.”

1999. In August 1999, FDEP discontinued public driving within the boundaries of Anastasia State Park in response to human safety and environmental concerns.

1999. After Hurricane Floyd, the St. Johns County Division of Beach Management temporarily closed the Surfside Beach Ramp (this ramp has remained closed through 2002) (Williams *pers. comm.* 2002).

2000. On May 15, 2000, the St. Johns County Board of County Commissioners reduced public vehicular access to the beaches between the southern boundary of Guana River Marsh Aquatic Preserve and the north side of Vilano Beach Ramp. In this area, beach driving has since been authorized only to those citizens with an appropriate four-wheel drive vehicle and a special North Beach Vehicular Access Permit.

2000. Due to erosion, St. Augustine Beach and St. Johns County have cooperatively (and temporarily) prohibited vehicular beach access through the “A” Street Ramp in St. Augustine Beach.

Before the HCP, two major sections of beach driving existed in St. Johns County (addressed in detail in section 2.4.3. of this HCP). Public beach driving was occurring along the section of beach from the southern boundary of Guana River Marsh Aquatic Preserve around to the southwestern tip of Porpoise Point at St. Augustine Inlet. Additionally, the general public could drive on the beach between “A” Street Ramp and Matanzas Beach access ramp.

1.6.1.2. Need for Continued Vehicular Access to the Beach

The Conservation/Coastal Management Element of the St. Johns County Comprehensive Plan (section E.1., as adopted on May 10, 2000 by Ordinance No. 2000-34) charges the County to “manage, use, conserve, protect, and enhance coastal resources, along with protecting human life from natural disasters.” The County’s Comprehensive Plan also mandates that “the County will maintain, improve, and increase public beach and waterway access through acquisition and other land use controls. At least one existing and/or new public beach and waterways access ways shall be improved and/or created per year beginning with the adoption of this plan amendment (Objective E.1.1 Public Beach Access).” Additionally, section 7.1.1.4. of the 2015 Comprehensive Plan Amendment (May 10, 2000) dictates that, “The County shall not vacate existing easements, walkways, and other access points to beaches, and waterways without equivalent or greater mitigation.”

One of the requisite elements for ensuring public access to the beach is accommodation for parking. Historically, beach users traveling to County Beaches by car simply parked on the beach. Insofar as the beach remains accessible to vehicles, there has been adequate parking, even during the busiest holiday periods (Williams *pers. comm.* 2001). Because of this traditional and lawful activity, few accommodations have been made for off-beach parking. Although the County is aggressively pursuing acquisition of new off-beach parking locations, development along the coastline and high costs for undeveloped property currently limit available options. For these reasons, the County seeks to maintain continued vehicular access to its beaches to ensure public access.

1.6.2. Other Activities that Impact Protected Species

In addition to beach driving, there are a variety of other human impacts to sea turtles on St. Johns County’s beaches. These include: public and private beachfront lighting; special events; human presence on the beach at night; destruction of dunes by pedestrian traffic and horseback riding; trash and objects on the beach; coastal development and construction; seawalls, revetments, and other armoring structures; and other types of erosion control measures (e.g., beach nourishment, dune restoration, sand fencing, inlet sand bypassing, and in-water structures, etc.) (NMFS and USFWS 1991a, 1991b, 1992, 1993, USFWS AND NMFS 1992).

Additionally, a variety of other activities affect AIBM along St. Johns County. Such activities include uncontrolled public access, horseback riding, feral and free-roaming cats, coastal development and construction, shoreline protection, artificial lighting, emergency responses to storms and other unusual occurrences, special beach events, stormwater outfalls, contaminants and trash, and other beach management activities (USFWS 1993).

Consequently, St. Johns County recognized the need for coordinating beach activities in a manner that maintains public use, while minimizing negative impacts to the natural beach/dune environment and the protected species that depend on its health.

1.7. GENERAL PURPOSE AND EVOLUTION OF THE PLAN

The beaches of St. Johns County are recognized as important nesting habitat for sea turtles (Meylan *et al.* 1995). Using best available data, an average of 267.5 loggerhead, 8.3 green, and 1.3 leatherback nests were deposited each year between 1996 and 2001 along the 42.0 mi of the County's coastline (FWC unpublished data 2001a; section 3.5.2.1.1.). Additionally, these same beaches support the only known population of the endemic and highly endangered AIBM (USFWS 1993). These beach mice inhabit the dunes of St. Johns County and nowhere else in the world.

The County is seeking an ITP, because take of sea turtles and AIBM might occur as a result of public vehicular driving on the beach and activities related to public vehicular driving initiated under the County's authorization.

The purpose of this HCP is to develop a framework for providing continued public access to the County's beaches through the authorization of driving and parking on the beach, in a manner and extent compatible with the protection of sea turtles and AIBM. To that end, this document presents the following:

- A description of the goals, objectives, and benefits of the HCP;
- A description of the social, economic, and environmental conditions within the Plan Area;
- General and site-specific biological information related to protected flora and fauna within the Plan Area;
- A discussion of natural factors and human activities potentially affecting sea turtles and AIBM within the Plan Area;
- Descriptions of recorded historical and anticipated future take that has or might occur from County-authorized beach driving and related activities;
- A description of the programs, policies, and procedures that the County will implement to minimize the potential for take;
- A description of measures that the County will implement to mitigate take that is unavoidable despite the minimization measures;
- A detailed HCP budget and a commitment to funding the Plan;
- A description of Plan administration and implementation;
- Methods for addressing changed and unforeseen circumstances during the period when the ITP is in effect; and
- A mechanism for assessing HCP performance through compliance monitoring.

1.8. GOALS AND OBJECTIVES

The primary goal of this HCP is to develop a comprehensive plan to protect federally endangered sea turtles and AIBM and other federally and State-listed species of wild flora and fauna within the Plan Area over the next 20 years while preserving public access to the beach. To achieve this goal, the HCP has established the following objectives:

- Embrace Federal, State, County, and municipal laws and regulations pertaining to the conservation of protected species on St. Johns County's beaches;
- Establish a plan that will effectively and efficiently manage vehicular access to the beach for the various County departments, contractors, private citizens, and State and Federal agencies that drive on the beach; and
- Create a plan that will continue to allow the public to drive and park on authorized sections of the beach in a manner that will sustain the social, recreational, cultural, economic, and environmental values of the beach.

This HCP is designed as a dynamic document. It is structured to permit adaptive changes in response to new information derived from monitoring programs. Mechanisms are established to facilitate dialogue between the USFWS and St. Johns County in response to changing conditions and to allow for the timely revision of procedures and policies to better achieve HCP objectives and/or respond to unforeseen circumstances.

1.9. DESIRED TERM OF SECTION 10(A)(1)(B) PERMIT

The County is requesting a section 10 ITP that will authorize the incidental take of sea turtles and AIBM within the Plan Area for a period of 20 years pursuant to the terms and conditions of this HCP and the ITP.

1.10. REQUESTED INCIDENTAL TAKE

The following list enumerates the incidental take requested by St. Johns County for proposed activities within the Plan Area.

1.10.1. Requested Incidental Take of Sea Turtles Causally Related to Vehicular Beach Driving and Associated Activities

1. Harassment, injury, and/or death to sea turtle eggs and/or hatchlings resulting from public vehicles driving over undetected and unmarked sea turtle nests located in designated traffic lane/driving area(s) or ramp grading area(s) within the HCP Plan Area.
2. Harassment, injury, and/or death to sea turtle eggs and/or hatchlings resulting from emergency, public safety, wildlife protection, and/or other official vehicles driving over undetected and unmarked sea turtle nests located within the Plan Area, pursuant to the terms and conditions of the ITP. Official vehicles include those operated by Code Enforcement personnel and/or County staff charged with implementing and managing the HCP or conducting other official County business.

3. Harassment, injury, and/or death to sea turtle eggs and/or hatchlings resulting from emergency and/or safety vehicles driving over marked sea turtle nests located within the Plan Area.
4. Harassment, injury, and/or death to hatchling sea turtles emerging from undetected and unmarked nests in the Plan Area and subsequently encountering vehicle ruts.
5. Harassment, injury, and/or death to hatchling sea turtles emerging from marked nests in the Plan Area and subsequently encountering vehicle ruts in areas where rut removal was not performed due to circumstances beyond the control of the Applicant, including, but not limited to, dangerous weather conditions, extreme high tides, equipment failure, vandalism of nest barriers, and hatchling emergence prior to the scheduled date/time for initiation of rut removal activities, pursuant to the terms and conditions of the ITP.
6. Harassment, injury, and/or death to hatchling sea turtles emerging from marked nests in the Plan Area and subsequently encountering vehicle ruts in areas where rut removal was performed in conformance with the terms and conditions of the ITP.
7. Harassment, injury, and/or death to adult, hatchling, stranded, or post-hatchling washback sea turtles resulting from collisions with emergency, safety, wildlife protection, and/or other official vehicles operating within the Plan Area, pursuant to the terms and conditions of the ITP; such vehicles might also disorient/harass adults and/or hatchling sea turtles with vehicle headlights or in-vehicle handheld lights, while in motion or at rest for less than one minute. In-vehicle handheld lights are used by County staff predominantly during night searches for missing persons. The lights are not continually turned on and are used mainly to scan the surface of the water. Official vehicles include those operated by Code Enforcement personnel and/or County staff charged with implementing and managing the HCP and ITP or conducting other official County business.
8. Harassment, injury, and/or death to adult female sea turtles attempting to nest within the Plan Area between 5:00 AM and 10:00 PM, resulting from collisions with vehicles operated by the general public.
9. Harassment, injury, and/or death to hatchling sea turtles emerging from the nest and/or crawling on beaches within the Plan Area to the ocean between 5:00 AM to 10:00 PM, resulting from collisions with vehicles operated by the general public, pursuant to the terms and conditions of the ITP.
10. Harassment, injury, and/or death to post-hatchling washback sea turtles resulting from collisions with vehicles operated by the general public, pursuant to the terms and conditions of the ITP.
11. Harassment, injury, and/or death to adult, hatchling, stranded, or post-hatchling washback sea turtles resulting from public nighttime driving from the north side of Vilano Road

beach access ramp to the southwestern tip of Porpoise Point from 5:00 AM on July 4, until 1:00 AM on July 5, of each year, pursuant to the terms and conditions of the ITP.

12. Harassment, injury, and/or death to adult sea turtles attempting to nest in the Plan Area related to physical changes in beach conditions resulting from vehicles operating in the Plan Area in accordance with the terms and conditions of the ITP. Changes to beach conditions include, but are not limited to, increased sand compaction and the presence of ruts, both of which might result in physiological stress to nesting turtles through reduced nesting success (percentage of crawls resulting in nests), increased digging attempts, and/or increased energy expenditure during nest construction.
13. Harassment, injury, and/or death to sea turtle eggs and/or hatchlings in undetected and unmarked nests due to physical crushing by activities associated with:
 - a. marking the established Conservation Zone (CZ) on County Beaches;
 - b. placement of trash receptacles on County Beaches;
 - c. placement of portable toilets pursuant to the terms and conditions set forth in the HCP and ITP; and/or
 - d. beach maintenance activities, including ramp maintenance.
14. Harassment, injury, and/or death to sea turtle eggs and/or hatchlings in undetected and unmarked nests within the Plan Area due to excavation, physical crushing, and/or burial caused by vehicular activities associated with:
 - a. emergency shoreline protection measures initiated under County authorization in accordance with Chapter 161, Florida Statutes and Chapter 62B-33, Florida Administrative Code;
 - b. removal of hazardous material, debris, and/or obstacles from the beach that pose a public health or safety risk; and/or
 - c. scientific monitoring and studies, pursuant to the terms and conditions of the ITP.
15. Harassment, injury, and/or death to female sea turtles attempting to nest in the Plan Area resulting from physical interaction with:
 - a. lifeguard towers;
 - b. CZ posts;
 - c. traffic signs;
 - d. portable toilets and portable toilet trailers; and/or
 - e. other devices and structures used for traffic management, public safety, or public awareness pursuant to the terms and conditions of the ITP.
16. Harassment, injury, and/or death to sea turtle eggs and/or nests laid outside the normal sea turtle nesting season, May 1 through October 31, when a nest monitoring/marketing program is not in place.

1.10.2. Requested Take of AIBM Causally Related to Vehicular Beach Driving and Associated Activities

1. Harassment, injury, and/or death to AIBM resulting from collisions and/or interactions with emergency, safety, wildlife protection, and/or other official vehicles operating within the Plan Area, pursuant to the terms and conditions of the ITP; such vehicles might also disturb the nocturnal activities of beach mice with vehicle headlights or in-vehicle handheld lights, while in motion or at rest for less than one minute. Official vehicles include those operated by Code Enforcement personnel and/or County staff charged with implementing and managing the HCP and ITP or conducting other official County business.
2. Harassment, injury, and/or death to AIBM resulting from public vehicles operating in designated traffic lane/driving area(s) or ramp grading area(s) within the Plan Area.
3. Habitat destruction or alteration, harassment, injury, and/or death to AIBM due to activities associated with:
 - a. placement of trash receptacles on County Beaches;
 - b. placement of portable toilets pursuant to the terms and conditions set forth in the HCP; and/or
 - c. beach maintenance activities, including ramp maintenance.
4. Habitat destruction or alteration, harassment, injury, and/or death to AIBM within the Plan Area due to excavation, physical crushing, and/or burial during vehicular activities associated with:
 - a. emergency shoreline protection measures initiated under County authorization in accordance with Chapter 161, Florida Statutes and Chapter 62B-33, Florida Administrative Code;
 - b. removal of hazardous material, debris, and/or obstacles from the beach that pose a public health or safety risk; and/or
 - c. scientific monitoring and studies, pursuant to the terms and conditions of the ITP.
5. Habitat destruction or alteration, harassment, injury, and/or death to AIBM within the Plan Area resulting from physical interaction with signs and structures used for traffic management, public safety, or public awareness, pursuant to the terms and conditions of the ITP.

1.11. BENEFITS OF THE HABITAT CONSERVATION PLAN**1.11.1. Benefits to St. Johns County**

The citizens of St. Johns County derive social, cultural, and economic benefits from vehicular beach access. However, beach driving might result in the incidental take of federally protected sea turtles and AIBM, a prohibition under the ESA. Thus, St. Johns County will benefit from issuance of a section 10 ITP by being afforded Federal protection for take of these species

pursuant to the terms and conditions of the ITP. If not authorized by a section 10 ITP, such take could result in civil and/or criminal penalties. Additionally, in the absence of an ITP, the County is vulnerable to citizen lawsuits alleging take of protected species in violation of the ESA. Such legal proceedings could result in a court's prohibition of beach driving or other legal actions contrary to the County's best interests. Implementation of a HCP in St. Johns County will also improve the County's management of activities on the beach and enforcement of the Beach Code. Development of a HCP in support of the ITP is one way to balance protected species conservation with the social and economic values of beach driving.

1.11.2. Benefits to Private Citizens

Some private citizens derive social, cultural, and economic benefits from vehicular access to the beach. Many types of people, from teenage "spring-breakers" to families, enjoy driving and parking on the beach for fun, recreation, and fellowship. In St. Johns County, there are also groups of people that derive cultural benefits from driving on the beaches to fish. Such groups include the Menorcan Cultural Society (with 1,500 members). Cast netting for mullet, a traditional Menorcan delicacy, is considered part of their cultural heritage, and the art of hand-weaving cast nets is generally passed from father to son (Delany *pers. comm.* 2002). Fishermen drive along the water's edge at daybreak to find schools of mullet nearshore. Once sighted, the fish are cast netted and then dumped into large coolers located in the back of the fishermen's truck.

Commercial and recreational fishermen derive economic benefits from beach driving. These fishermen use hook and line and/or cast nets at the water's edge to fish for a variety of fish. The ability to drive on the beach increases the catch per unit effort of fishermen (Gassman *pers. comm.* 2002) by:

1. Providing fast and easy access to areas of the beach that may be a considerable distance from an authorized pedestrian beach access point;
2. Allowing fishermen to haul large loads of gear and equipment to the beach;
3. Enabling fishermen to haul thousands of pounds of fresh fish from the beach (commercial fishermen only); and
4. Allowing fishermen to survey large sections of beach along the water's edge in search of schools of fish to cast net or in search of appropriate water conditions to surf fish.

By increasing their catch per unit effort, fishermen derive increased economic benefits. These economic benefits represent annual income for commercial fishermen (see section 4.3.1.4.). But, there is also a contingent of fishermen in St. Johns County that are not commercially licensed. They drive on the beach to fish in order to provide food for themselves and their families (Perry, Skinner, Delany, Gassman, L. Mickler, Y. Mickler, Maguire, Usina *pers. comm.* 2002).

Many citizens enjoy the aesthetic pleasure and intrinsic benefits associated with the long-term conservation of the coastal environment and the protected species that depend on the beaches of St. Johns County. The HCP implements many new programs to enhance the natural beach environment and improve protected species management.

1.11.3. Benefits to Municipalities and Public Parks

Portions of the HCP Plan Area fall within the regulatory jurisdiction of several municipalities and public parks. Within these stretches of the coastal zone, entities other than St. Johns County might regulate public vehicular access. Take of federally protected species causally related to those authorized vehicular activities could result in civil and/or criminal penalties and litigation similar to that described for St. Johns County (section 1.11.1.).

1.11.4. Benefits to Protected Species

1.11.4.1. Minimization Measures

The programs and policies contained in this HCP will improve protected species management on the County's beaches relative to practices currently in place. The Plan contains measures that will be implemented to minimize the potential for impacts to sea turtles and the AIBM causally related to vehicular access to the beach allowed under the County's authorization. These minimization programs, which are described in detail in Chapter 7 of this HCP, include:

1. Authorizing public vehicular beach access between 8:00 AM and 8:00 PM from May 1 through October 31 of each year, (gates will remain open on a 24-hour basis from November 1 through April 30 on all public driving beaches and from 8:00 AM on July 4 through 1:00 AM on July 5 at Porpoise Point);
2. Installing and maintaining traffic barricades at beach ramps and other points to regulate vehicular access;
3. Monitoring and conspicuous marking of all sea turtle nests in the Plan Area;
4. Developing a standard protocol to remove vehicle ruts seaward of sea turtle nests during periods when hatchlings are expected to emerge;
5. Increased and dedicated enforcement of beach driving policies and procedures;
6. Developing and implementing a public awareness program that includes, but not limited to, the following features:
 - a. Developing and distributing public awareness materials containing information regarding driving regulations and protected species' issues to beach drivers as they access beaches within the Plan Area;
 - b. Developing Public Service Announcements, including "special reports," to be aired on the St. Johns County government television station discussing HCP regulations and protected species;
 - c. Designing and conducting periodic public workshops that include the general public but will also focus on the beach community and hotels/motels to discuss HCP issues; and
 - d. Posting phone numbers to report HCP violations and sea turtle emergencies.
7. Elevating trash receptacles on posts along public driving areas within AIBM habitat (i.e., Anastasia Island, excluding FMNM);
8. Increased enforcement of existing Conservation Zone (CZ) regulations (defined in Ordinance No. 97-34) and an expansion in the width of the CZ in one region to protect and enhance AIBM and nesting bird habitats;
9. Developing and instituting a training program that must be attended by drivers wishing to obtain a four-wheel drive permit for driving north of Vilano Ramp; and

10. Reducing public beach driving along Summer Haven.

1.11.4.2. Mitigation Measures

In addition to the minimization measures described above, the County will mitigate unavoidable take that might occur as the result of County-authorized vehicular driving through a number of programs that will provide benefits to sea turtles and AIBM. These mitigation programs, which are described in detail in Chapter 7 of this HCP, include:

1. Developing a proactive Beach Lighting Management Program and align the City of St. Augustine Beach's lighting regulations and the County's lighting regulations;
2. Developing and instituting a beach horseback riding registration and education program;
3. Redirecting Porpoise Point vehicular driving to allow re-establishment of natural dune features; and
4. Restoring the primary dune along Summer Haven.

Additionally, the County will oversee a uniform and consistent sea turtle monitoring program that will help collect the data needed to better quantify current natural and human-related impacts to sea turtles on the County's beaches. This information will be used to better direct the County's limited resources toward those programs that are likely to have the greatest conservation value.

Chapter 2. HUMAN DIMENSION**2.1. POPULATION**

In 1970, only 30,727 people resided in St. Johns County (Figure 2-1). The U.S. Census revealed that this number had risen significantly to 123,135 people by 2000. Between 1970 and 1990, the County's population grew at an average rate of 5.9 percent per year. Between 1990 and 2000, the growth rate had slowed down to 4.7 percent per year. The population in St. Johns County is expected to reach 180,871 by 2010, if the average growth rate during the last decade continues. According to the 2000 US Population Census, 84.6 percent of the County's population lives in unincorporated areas (US Census Bureau 2001) and over 25 percent in coastal areas (LPDC 1998, US Census Bureau 2001).

The City of St. Augustine is the most populated municipality in St. Johns County with 11,592 residents in 2000 (Figure 2-1). Since the 1970s, its population has been decreasing at a rate of 0.17 percent a year. St. Augustine Beach is the next most populated city (4,683 residents in 2000), which experienced its largest growth during the 1980s (18 percent per year increase). This growth rate slowed to a rate of 2.7 percent per year over the past decade, as most land has been developed. In the last decade, the unincorporated areas of Vilano and Butler Beaches grew at the rates of 3.2 and 3.5 percent per year, respectively, while Crescent Beach saw a decrease in its resident population of 0.5 percent per year.

2.2. LAND USE**2.2.1. Existing Land Use**

Single- and multi-family residential properties constitute the bulk of the oceanfront development in St. Johns County. This pattern of development is interrupted by two inlets and two State parks, Guana River State Park and Anastasia State Park, which encompass 7.2 of the 42.0 mi of coastline in the County. As shown in Figure 2-2, multi-family and high-density residential housing, in the form of condominiums and apartments, are concentrated primarily along the shores of Ponte Vedra Beach, Vilano Beach, the City of St. Augustine Beach, and Crescent Beach. The remaining coastal development is dominated by single-family and low-density residential housing.

Figures 2-3a and 2-3b detail the beachfront and upland land use patterns along the County's shoreline for the year 2000. At the time of preparation of this HCP, the Property Appraiser's 2000 data from the Ponte Vedra Beach area was not available. Thus, land use patterns for this area were derived from the 1996 data (Figure 2-2).

2.2.2. Publicly Held Lands

There are three major public parks that together constitute 8.1 mi or 19.3 percent of the beachfront in St. Johns County. These publicly held parks include Guana River State Park, Anastasia State Park, and Fort Matanzas National Monument (Figure 1-1).

2.2.2.1. Anastasia State Park

Located southeast of downtown St. Augustine, Anastasia State Park has 2.5 mi of Atlantic Ocean beaches and a 1,372-acre protected bird sanctuary (FDEP 1998). Acquisition began in 1949 and continued through 1987. Approximately 170 species of birds, including spring and fall migrant songbirds, may be sited in this park between the Atlantic Ocean and Salt Run Lagoon.

2.2.2.2. Guana River State Park

Located midway between Jacksonville and St. Augustine, Guana River State Park contains 4.7 mi of beachfront property. Land acquisition for the park began in 1984 (FDEP 1999). Located in Ponte Vedra Beach, the park contains 2,478.6 acres, of which 1,630.9 acres are uplands, and 847.7 acres are wetlands/submerged areas. Portions of this park serve as a sanctuary for wildlife and birds, and there are several trails that expose visitors to ancient Spanish wells and an Indian shell bluff. Both Anastasia and Guana River State Parks are managed by the Florida Parks Service.

2.2.2.3. Fort Matanzas National Monument

Fort Matanzas National Monument encompasses the southern end of Anastasia Island about 14 mi south of St. Augustine (NPS 1982). The Fort Matanzas National Monument consists of 298.5 acres of sandy dune systems just north of Matanzas Inlet with 0.9 mi of oceanfront beach. Fort Matanzas is administratively part of the Castillo de San Marcos National Monument under the jurisdiction of the National Park Service.

2.2.3. Future Land Use

Figure 2-4 shows the County's projection of future land use patterns and the boundaries of the new development areas through 2015. This figure shows a trend towards increased development in coastal areas with lower residential densities (two dwelling units per acre) in the northern part of the County and higher densities (two to eight dwelling units per acre) in the southern part of the County.

2.3. ECONOMIC INDICATORS

2.3.1. Building Permits

The number of building permits issued each year can be used as an indicator of economic growth. As shown in Figure 2-5, the number of Single-family Permits in St. Johns County has more than doubled since 1990. In most years, the number of Building Starts corresponded to the number of Single-family Permits issued. Multi-family Permits, which include condominiums and apartments, have shown more gradual increases and more annual fluctuations. Additionally, Building Starts have not always corresponded to the number of Multi-family Permits issued, construction often lagging a year or two behind permit issuance. The years 1995 and 1999 were marked by large increases in the number of Multi-family Permits issued.

2.3.2. Property Taxes

Revenues from property taxes in St. Johns County increased steadily through the 1990s (Figure 2-6). In 2001, the total revenue from property taxes in the County was \$142,008,576.

Considering the number of permits and building starts shown in Figure 2-5, it is safe to assume that the increasing trend of rising property tax value has continued through present.

Figures 2-7a and 2-7b show the 2001 total appraised property market value for coastal properties, and Figures 2-8a and 2-8b show the same figures, but on a per acre basis. The total 2001 appraised value of barrier island private properties was over \$9.6 billion dollars, with about 8 percent of the properties being vacant (SJCPAO 2000). The total public property appraised value in 2001 was over \$2 billion (SJCPAO 2000). As shown in Figures 2-8a and 2-8b, the value of oceanfront property is higher than other property on the barrier island, and in general, property on the barrier island has a higher appraised value than property elsewhere within the County (SJCPAO 2000).

2.4. ECONOMIC IMPORTANCE OF BEACHES

In addition to the high market value of oceanfront property, tourism is also a major contributor to the economic importance of the beaches. According to the Economic Development Council (EDC) of St. Augustine and St. Johns County Chamber of Commerce, 3.5 million people visited the area in 2000 spending a total of \$490 million dollars (EDC 2002).

2.4.1. Tourism, Recreational Opportunities, and Beach Uses

Both residents and visitors to St. Johns County enjoy numerous recreational opportunities, including fishing and beach driving—two of the oldest beach uses in the County. Figures 2-9a and 2-9b (accompanied by Table 2-1) show recreational opportunities within the coastal zone of the County. The same figures show the location of lodging, condominiums, apartments, and restaurants to accommodate visitors. During 2000, about 79 percent of the visitors to the area dined out, and 57 percent paid for lodging.

A great part of tourism in St. Johns County is generated by the historical importance of the City of St. Augustine. From the 3.5 million visitors to the County in 2000, 82 percent walked St. Augustine's historical district, 42 percent visited area attractions, 28 percent toured museums, and 29 percent enjoyed other recreational activities (EDC 2002). St. Johns County's two national monuments (Fort Matanzas and Castillo de San Marcos National Monuments) attracted an average of 642,581 visitors during the year 2000 (NPS 2001), while Anastasia State Park visitation during the same year was 923,139 visitors (ASP statistics). At Guana River State Park, 125,413 people visited the park during the fiscal year of 1998-99 (BEBR 1999).

2.4.2. Tourism and the Tourist Development Tax

Since 1986, St. Johns County has collected a Tourist Development Tax (TDT). This tax is added to the bill paid by tourists who stay less than six months at overnight accommodations in the County, including hotels, motels, efficiency hotels, rooming houses, RV parks, campgrounds,

and condominiums (TDC 2002). In 2001, TDT receipts for St. Johns County exceeded 4 million dollars (Figure 2-10; DOR 2001). According to the EDC, two million visitors stayed in lodging in the area in 2001 for an average of 3.3 days, and each visitor spent about \$110.73 in lodging per day.

Thirty percent of the revenues of the TDT are used to fund projects that benefit tourists visiting the County's beaches, such as fishing piers, boat ramps, beach maintenance, dune replenishing, visitor information centers, and sports promotions. These funds are managed by the St. Johns County Recreation and Parks Department. Figure 2-10 shows the relative proportions of funds allocated to the Recreation and Parks Department from the TDT. During the past three years, the TDT has contributed each year around one million dollars to the Recreation and Parks Department.

2.4.3. Beach Traffic

2.4.3.1. Pedestrian Traffic

Figures 2-11a and 2-11b show the results of a recently completed analysis of pedestrian traffic potential along the beaches of St. Johns County (ATM 2001). Based on beachfront land uses, public parking availability, and the presence and status of footpaths/walkovers, the pedestrian traffic potential along the beach was characterized as low, medium, or high. Pedestrian traffic potential was considered *low* in areas of low/medium residential densities with no public parking and unusable/undeveloped footpaths. Pedestrian traffic potential was considered *medium* in public parks with developed walkovers and parking, in areas of high residential densities without public parking or access, and in access areas with open footpaths. Finally, pedestrian traffic potential was considered *high* in commercial/resort areas and in open access points with public parking. Locations with high-density residential areas, where pedestrian traffic is typically high and persistent during the summer months, are found in distinct areas along Ponte Vedra Beach, Vilano Beach, St. Augustine Beach, Butler Beach, and Crescent Beach.

2.4.3.2. Horseback Riding Traffic

Horseback riding is addressed in the St. Johns County Land Development Code Article 4 (June 12, 2001), "Horseback riding on the beach during Nesting Season shall be allowed only seaward of the most high-tide line on the beach during times when such riding is otherwise allowed" (Sec. 4.01.08(B)(3)(c)). Further details of when and where horseback riding is permitted on the beaches are addressed in Ordinance No. 2001-5 (Amendment to St. Johns County Beach Code, Ordinance 97-34). This amendment states that no hooved animals will be permitted "on any portion of the beach between the southern boundary of the Surfside Beach Access Ramp extending south to the southern boundary of St. Johns County from May 1 to October 31 of each year and during county recognized spring break periods..." (Sec. 1. Sec. 3.02(a)). This amendment has been further altered by Resolution No. 2001-5, which additionally allows horseback riding on *all* beaches of the County between November 1 and April 30 of each year. A permit is not needed to ride a horse on the beaches of St. Johns County, and the numbers of people who engage in this beach activity is not currently tracked. Personal observations by

County staff suggest that several hundred horseback riders use the beach for riding on a fairly regular basis (Williams *pers. comm.* 2002).

2.4.3.3. General Public Beach Driving

Beach driving in St. Johns County has traditionally occurred in six distinct sections. These sections include five stretches of two-way driving and one stretch of one-way driving (Table 1-2; Figures 2-9a and 2-9b). On the northern barrier island, owners of four-wheel drive vehicles can apply for a permit for two-way driving between the south boundary of Guana River Marsh Aquatic Preserve to the north side of the Vilano Ramp (section 2.4.3.5.). Also on the northern barrier island, the general public is afforded vehicular access for two-way driving between the Vilano beach access ramp and the southwestern tip of Porpoise Point. On the central barrier island in St. Johns County (Anastasia Island), general public beach driving occurs in the following sections: 1) one-way driving from "A" Street Ramp in St. Augustine Beach south to Ocean Trace Ramp, 2) one-way driving from Ocean Trace Ramp south to Crescent Beach Ramp, 3) two-way driving from Crescent Beach Ramp south to the north side of Fort Matanzas Ramp, and 4) two-way driving from Fort Matanzas Ramp to the north side of Matanzas Inlet.

There are a total of 12 official public vehicular access points in St. Johns County. Two of these access points are not staffed (Usina and Surfside Beach Ramps), while ten have attended tollbooths (Williams *pers. comm.* 2001) (Figures 2-9a and 2-9b). Between March 1 and Labor Day Weekend of each year, the toll booths are staffed by employees of St. Johns County. The ramps are attended from 9:00 AM to 6:00 PM on weekends and from 9:00 AM to 5:00 PM on weekdays (Williams *pers. comm.* 2002). Daily and season beach passes are sold at all tollbooths. The cost for a daily beach pass is \$5.00. Season beach passes cost \$20.00 if purchased between December 1 of the previous year and March 1 of the current year, and \$30.00 if purchased between March 2 and November 30 of the current year (Williams *pers. comm.* 2001, Ordinance 97-34 section 6.02 and 6.03). At present, gates are sometimes open to traffic during periods when the tollbooths are unattended. During these times (5:00-9:00 AM and 5:00/6:00-10:00 PM), drivers are still required to possess a valid beach pass (Williams *pers. comm.* 2002).

The only compiled data of beach traffic trends in St. Johns County is published in a study conducted by ATM in 2001. This study describes the yearly total averages of daily and seasonal driving passes sold at each vehicle access ramp, the month of highest daily traffic, and whether the highest daily traffic counts were exhibited: 1) when school was in or out, and 2) on the weekends or weekdays. Unfortunately, this study did *not* generate the following types of data regarding the volume of beach vehicular traffic: 1) during the "off-season," 2) during times when the tollbooths are unattended, and 3) for areas where there are no tollbooths (Usina or Surfside Beach Ramps). Data regarding utilization of off-beach parking lots is also lacking.

Using this best available data, Ocean Trace Road Ramp appears to be the most utilized public vehicular access point in St. Johns County; between 1995-2000, a total average of 45,166 daily and 3,347 season beach access fees were collected per year (ATM 2001). The next most trafficked ramps include Crescent Beach Ramp (22,991 daily/1,229 season), Ft. Matanzas Ramp (13,061 daily/1,203 season), and Vilano Beach Ramp (10,890 daily/929 season). The least utilized beach access ramps are Porpoise Point Ramp (1,746 daily/190 season) and the

periodically closed Surf Drive Ramp (ATM only presented data between 1998-2000 when Surf Drive Ramp was actually opened; 490 daily/36 season). Most of the vehicle access ramps were busiest during the month of July, with the exceptions of Surf Drive (highest traffic counts in April), Matanzas Avenue, and Crescent Beach Ramps (both displayed highest daily traffic in May).

The Division of Beach Management considers the maximum capacity of parked vehicles on the public driving beaches of Anastasia Island to be about 4,500 (Williams *pers. comm.* 2001). The maximum capacity of parked vehicles was calculated using the formula below.

$$\begin{aligned}\text{Maximum Capacity of Parked Vehicles on Anastasia Island} &= \{ [(L) - (U)] / (P) \} + S \\ &= \{ [(52,272 \text{ ft} - 400 \text{ ft})] / (12 \text{ ft}) \} + 200 \\ &= \{ [(51,872 \text{ ft})] / (12 \text{ ft}) \} + 200 \\ &= \{ 4,323 \} + 200 \\ &= 4,523 \text{ vehicles}\end{aligned}$$

L = Length of public driving beaches on Anastasia Island = 9.9 mi = 52,272 ft

U = Length of public driving beaches on Anastasia Island where vehicles are not permitted to park on the beach = (8 ramps) (50 ft wide) = 400 ft

P = Width of an average parking space in an average parking lot = 12 ft

S = Maximum number of vehicles that might be parked seaward of driving lane = 200

Typical summer beach attendance along Anastasia Island does not approach this maximum capacity. The maximum number of cars on these beaches on the busiest holiday weekend only reaches about 2,000 cars (Williams *pers. comm.* 2002). Beach attendance was calculated by the Division of Beach Management by multiplying the maximum number of daily passes sold by a n adjustment factor to account for beach driving visits made by season pass holders and by another factor to account for -- "beach turnover." The Division of Beach Management estimates that, on average, season pass holders use their passes five times per year, and beach attendance turns over three times a day. The typical beach visitor does not stay all day, but visits either during the 1) morning, 2) afternoon, or 3) late afternoon. Thus, "beach turnover" is equal to three.

2.4.3.4. General Public Beach Driving at Porpoise Point

The area immediately north of St. Augustine Inlet is extremely unique in that it has undergone tremendous physical changes in recent history (Figure 3-5; Miller *pers. comm.* 2001, Stauber *pers. comm.* 2002). The area known today as Porpoise Point was an east-west cross-section of Vilano Beach until 1940, when the United States Army Corps of Engineers (USACE) dug the present day St. Augustine Inlet (section 3.3.1.). For the next several decades, a large lagoon existed along the southwestern side of the point north of the new inlet. Porpoises, including the porpoise that later became the star of the popular television series *Flipper*, often congregated, corralled fish, and interacted with local people in this lagoon (Williams, S. Martin, and Gassman *pers. comm.* 2002). For this reason, the north shore of the St. Augustine Inlet became known as Porpoise Point. However, by the 1970s, this lagoon had naturally filled in (Figure 3-5).

The dune system at Porpoise Point is accreting and growing, though still ecologically very young. During the 1990s, severe storms washed in and deposited three separate and distinct shore-parallel rows of sargassum and flotsam (Gassman *pers. comm.* 2002). These sargassum rows were approximately 0.6-0.9 m (2.0-3.0 ft) high and 4.8-6.1 m (15.0-20.0 ft) wide and created a base over which windblown sand accreted and pioneering dune vegetation became established.

The rocks of the north jetty at St. Augustine Inlet were exposed and could not be driven over until 1992-1993. At that time, sand completely covered a large portion of north jetty and Porpoise Point can now be accessed either from Vilano Ramp or Porpoise Point Ramp. If the north jetty should become exposed again in the future, Porpoise Point would only be accessible by vehicle through Porpoise Point Ramp.

All parcels along Porpoise Point are platted. Since the early 1940s, the USACE has possessed the perpetual right and easement to build and maintain a sand trap groin along the parcels now containing the north jetty. There is one row of 10 houses south of the jetty and several vacant parcels based on 1999 aerial photographs. The land south of this row of houses, essentially most of Porpoise Point, has accreted since the 1950s, becoming State property (previously State submerged lands).

The development of the dune system at Porpoise Point may be slowed by the general public driving that occurs through the newly formed dune ridges, potentially a violation of F.S. Chapter 161.85 (Figure 4-9b). There are multiple shore-parallel driving lanes between the dunes, and several driving lanes fan out from the Porpoise Point Ramp. In the 1999 aerial photographs of this region, five to six shore-parallel driving lanes are visible and at least three lanes of traffic can be viewed diverging from Porpoise Point Ramp (Figure 4-9b).

Night driving is prohibited on beaches within the unincorporated boundaries of St. Johns County between the hours of 10:00 PM and 5:00 AM from May 15 through October 15 of each year (Ordinance 96-48; section 2.4.3.7.). However, a brief period of public night driving occurs at Porpoise Point. In order for citizens to view a Fourth of July fireworks display from their vehicles on the beach, Ordinance 96-48 explicitly states, "said prohibition shall not be enforced on such Beach from the north side of the Vilano Road Beach access ramp south to the St. Augustine Inlet from 5:00 AM on July 4, of each year, until 1:00 AM on July 5, of each year." The fireworks are funded jointly by the County and St. Augustine Beach and continue to be popular and well attended by local residents. The fireworks display occurs between the Vilano Bridge and the Bridge of Lions, and some of the best viewing is considered to be from the beach in the area of Porpoise Point (Williams *pers. comm.* 2001). Allowing citizens to park their vehicles on the beach to view the fireworks offsets the problem of inadequate off-beach parking in this area (Williams *pers. comm.* 2001).

2.4.3.5. Four-wheel Drive Public Beach Driving by Special Permit Only

Between the southern boundary of Guana River Marsh Aquatic Preserve south to the north side of the Vilano Ramp, beach driving is currently restricted to special permit holders (pre-HCP). These permit holders have bought an annual beach driving pass and applied for and obtained a North Beach Vehicular Access Permit (Appendix C). Permit holders must have renewed their

permit every three months. At that time, they received a packet of information regarding where they were permitted to drive and other appropriate information.

Three-month permits are only granted to owners of season beach passes who drive an appropriate four-wheel drive vehicle. The County Recreation and Parks Department gives the passes at no additional charge (above the cost of a season pass) upon completion of a permit application, which includes license and vehicle information (Appendix C). The permit application states, "Finally, I understand that any violation to the aforementioned activities including any violation to the St. Johns County Beach Code may lead to a citation and the immediate revocation of my permit" (Appendix C). The Sheriff's Office states that most of their problems with enforcement of the Beach Code, including illegal driving in the CZ and/or dunes, occur along the North Beaches and at Porpoise Point (Clark *pers. comm.* 2002, Mathis *pers. comm.* 2002). However, a North Beach Vehicular Access Permit has never been suspended or revoked (Williams *pers. comm.* 2001).

The North Beach Vehicular Access permit system was initiated on May 15, 2000. Between May 15, 2000 and May 20, 2002, a total of 556 permits were issued by the Division of Beach Management to a total of 432 individuals (Williams *pers. comm.* 2002). In order for one to have maintained permission to continuously drive on the North Beaches since the permit system's initiation, an individual would have needed 8 permits. The longest period of time that any individual drove on the North Beaches during this 24-month period was a cumulative total of 12 months (4 permits). Eight (8) individuals were granted 4 permits to drive for 12 months; 21 individuals were granted 3 permits to drive for 9 months; 59 individuals were granted 2 permits for 6 months; and 344 were granted 1 permit for 3 months. During the first 3-month period of 2002, 239 permits were issued, and 86 percent of the permit holders listed fishing as their intended purpose for vehicular access to the North Beaches (Williams *pers. comm.* 2002).

2.4.3.6. Local Resident Beach Driving in Summer Haven

As explained in section 1.6.1.1., the explicit authorization of public beach driving in the unincorporated areas between (1) the southwestern tip of Porpoise Point to the southern boundary of Guana State Preserve, (2) Ocean Trace Road to Crescent Beach Ramp, and (3) Crescent Beach Ramp to the Fort Matanzas Ramp (Ordinance 97-34) was intended to prohibit public beach driving in all other unincorporated areas, including the 4.1 km (2.6 mi) stretch of beach from Matanzas Inlet to the Flagler County Line. Most of this southern region falls within the unincorporated area of Summer Haven.

The area of Summer Haven possesses an extremely unique set of ecological and human circumstances. The physical environment is unique in that along this very narrow ribbon of sand land elevations are only about 1.5-3.0 m (5-10 ft) above sea level. In several areas of the barrier island, there is less than 61.0 m (200 ft) between the Atlantic Ocean and the Matanzas River.

The physical environment of Summer Haven exhibits recurring washover zones and repeated inlet formation (particularly just south of the Summer Haven revetment). "The most severe erosion problems in St. Johns County during storms occur in the St. Augustine Beach and Summer Haven areas due to a combination of natural conditions and the impact of man-made

structures on the beach. These two areas project seaward and act as headlands where wave energy is concentrated, causing more erosion as compared to a perfectly straight shore. In addition, man-made structures like seawalls, bulkheads, and concrete revetments contribute to greater wave scouring, lowering the beach profiles, higher velocities of the littoral currents, and higher erosion rates” (Pilkey *et al.* 1984).

FDEP has deemed 3.9 km (2.4 mi) along Summer Haven and Marineland as a critical erosion zone (R-197 to R-209; section 3.3.; Table 3-1; Figure 3-4), and periodically, Summer Haven does experience tremendous erosion as storm events pass by St. Johns County. “The granddaddy of all northeasters to affect St. Johns County was the 1962 Ash Wednesday storm. An idea of the size of this storm can be gained from the fact that the Ash Wednesday storm did most of its damage along the New Jersey shore” (Pilkey *et al.* 1984). After the Ash Wednesday storm in March 1962, the Federal Office of Emergency Planning authorized 550 m (1,800 ft) of granite revetment and 344 m (1,130 linear ft) of road pavement at Summer Haven. Since 1996, the beaches of Summer Haven (R-200 to R-208) have also been the periodic disposal area for beach-quality material dredged from the Intracoastal Waterway in St. Johns County (section 3.4.3.). According to the Beach Disposal Management Plan, the mean frequency of this beach placement was projected to be once every 2.7 years (Taylor Engineering, Inc. 1991). Additional oceanfront armoring is frequently considered in this area (Stephenson *pers. comm.* 2002), however is not recommended due to the tremendous adverse environmental consequences. Notably, the area along the Matanzas River including Summer Haven is within a CoBRA unit, thereby in the Coastal Barrier Resource System, and residents are generally not eligible for any direct or indirect Federal financial assistance, such as flood insurance, that might support development (USFWS *unpublished data* 2002).

Overlaid with this unique physical environment is a vital and vulnerable ecological environment. Summer Haven displays the highest sea turtle nesting densities in St. Johns County with 14.3 nests per mile (Figure 2-12; Figure 3-9; Table 3-5b; section 3.5.2.1.1.). Sea turtles have generally avoided nesting in the washover zones and typically cluster their nests in areas where the dunes are most stable. Additionally, least tern nesting colonies were documented along Summer Haven during the summers of 2001-2002 (section 3.5.2.1.10.8.).

There is also a complex human dimension to Summer Haven. The FDOT built the Old A1A roadway along the island (Figure 2-13). Provided with this infrastructure, homes were built along this narrow ribbon of sand. There are currently 61 privately owned parcels in Summer Haven, and 23 homes have been built along Old A1A south of the revetment. Most of the houses are only occupied seasonally or just on the weekends (Williams *pers. comm.* 2002). Every resident requires a four-wheel drive vehicle to access their home (Bowen and Cover *pers. comm.* 2002).

The Old A1A roadway suffered damage by storms in the late 1950s and during the Ash Wednesday storm of 1962 (Stephenson *pers. comm.* 2002). The paved surface of the roadway was extremely vulnerable to additional damage, prompting FDOT to abandon its responsibility for the roadway. Subsequently, the Old A1A was realigned slightly to the west, and the St. Johns County Board of County Commissioners explicitly and legally accepted responsibility for its maintenance (Stephenson *pers. comm.* 2002). In 1986, a major northeaster blew through St.

Johns County and washed away 1.6 km (1.0 mi) of the Old A1A roadway south of the revetment (Stephenson *pers. comm.* 2002). In 2002, only about 1.0 km (0.6 mi) of Old A1A was still paved and maintained (i.e., sand was periodically swept from the roadway) by the St. Johns County Public Works Department. On April 24, 2003, St. Johns County was granted a permit from FDEP to stabilize the roadway (with coquina shell and sand mix) and construct a sand berm (with clean fill) along Summer Haven. The purposes of stabilizing the roadway and restoring the dune are to provide residents with improved access to their homes, minimize public beach driving, reduce light trespass onto the beach, and enhance important sea turtle and least tern nesting habitat.

The human dimension at Summer Haven is complicated by numerous legal issues. As long as there are residents living along Summer Haven, the County cannot formally abandon the Old A1A right-of-way, because that would deny them vehicular access to their properties (Bosanko *pers. comm.* 2002). Furthermore, as long as the County maintains the right-of-way, the general public cannot be denied access. However, for the safety of their citizens, the County does prohibit parking along the Old A1A right-of-way and driving on the beach outside of the right-of-way. The County may be able to vacate some portions of the Old A1A right-of-way, pending the results of several “way of necessity” lawsuits currently working their way through the court system (Lopez *pers. comm.* 2002).

At present, some residents find it easier to access their homes by driving west of the Old A1A right-of-way along off-road trails that run parallel to the beach behind the primary dune. However, these paths take them across their neighbors’ private properties and in some cases through neighbor’s carports. Not surprisingly, some residents in Summer Haven have attempted to restrict these traditional vehicular pathways through their properties. The restrictions are being challenged through the “way of necessity” lawsuits referenced above. However, these lawsuits may not be resolved for years. Therefore, the HCP must be developed with the understanding that Summer Haven beaches are essentially the Old A1A right-of-way (Figure 2-13), and regardless of whether pavement is currently present, the County does not presently have the legal authority to restrict public access (Bosanko *pers. comm.* 2002).

2.4.3.7. Night Driving

Beach driving during the night is addressed in St. Johns County Ordinance 97-34 which stated that driving was prohibited on the beaches bordering the Atlantic Ocean within the unincorporated boundaries of St. Johns County between the hours of 10:00 PM and 5:00 AM from May 15 through October 15 of each year, except for a Fourth of July exemption at Porpoise Point (section 2.4.3.4.). Lifeguards currently lock the gates at the beach access ramps after the beaches are cleared of all vehicles, and the on-duty Deputy Sheriff reopens the gates at approximately 5:00 AM (Williams *pers. comm.* 2001). During the night, Deputy Sheriffs respond to calls regarding headlights on the beach. An unauthorized nighttime driver may be charged with a \$25.00 fine for violation of the County Beach Code.

Chapter 3. ENVIRONMENTAL SETTING AND BIOLOGICAL RESOURCES**3.1. CLIMATE**

The climate along the coast of St. Johns County displays mild year-round temperatures averaging between 55.8 and 80.6 degrees F, with maximum average temperatures between 66.2 and 89.6 degrees F and minimum average temperatures between 45.5 and 72.3 degrees F (Figure 3-1). Precipitation for the area follows the typical Florida pattern with rainy summers (averaging 5.9 inches between June and September) and dry winters; total yearly precipitation is 48.8 inches (Figure 3-2).

3.2. TOPOGRAPHY AND HYDROLOGY

The St. Johns County shoreline consists of 42.0 mi of barrier island beach backed by tidal marshes and lagoons. Figure 3-3 illustrates the County's shoreline land elevations. Along the northernmost 6 mi of St. Johns County, the barrier island is approximately 3 mi wide with dune elevations between 15 and 25 ft (Pilkey *et al.* 1984). Along the next 12 mi of County coastline, there are two dune ridges separated by low marshes. In this area, the shorefront sand dune ridge is about 500 to 1,500 ft wide with dune elevations between 15 and 44 ft. This area includes Guana River State Park and Guana River Wildlife Management Area. Over the next 7 mi from Vilano Beach to St. Augustine Inlet, the barrier island varies between 1,000 and 2,000 ft in width, and dune elevations average around 15 ft. South of the St. Augustine Inlet, Anastasia Island varies in width from over 2.5 mi on the northern part of the island to less than 1,000 ft in the narrower sections to the south. Dune elevations in this area are between 10 to 30 ft. South of Matanzas Inlet, the southernmost barrier island varies from about 0.5 mi in width just south of the inlet to about 200 ft near the Flagler County line. Dune elevations in this area range between 5 to 10 ft.

3.3. COASTAL PROCESSES AND COASTAL ENVIRONMENTAL CHARACTERISTICS**3.3.1. Erosion and the Historical Shoreline**

Areas of Critical and Noncritical Erosion are generally located near inlets and collectively encompass 8.1 mi of beach in the Plan Area (FDEP 2002c; Table 3-1; Figure 3-4). In general, erosion is more severe south of the inlets, due to the interruption of the sediment supply by the inlet and the deposition of sediment in inlet interior channels and on the beaches north of the inlets. This erosion/deposition pattern is evident at St. Augustine Inlet, a stabilized inlet with a southerly-dominated littoral drift. Matanzas Inlet is not a stabilized inlet, and sediment shifts constantly. Over the years, most of the changes in the coastline have been east-west movements, with the exception of the inlet areas where south-north migration has also occurred. Net annual longshore sediment transport along Florida's East Coast is estimated to be around 550,000 cubic yards of sand per year to the south (Dean and Grant 1989). By diminishing the longshore transport of sand to the south, manmade inlet stabilization projects and coastal armoring might exacerbate erosion in some areas. Presently, 7.6 mi of beach in St. Johns County is classified as Critically Eroded (FDEP 2002c).

In the case of the St. Augustine Inlet, the natural orientation of the inlet was northwest-southeast from the mid-1800's through 1937 (Figure 3-5). Between 1937 and 1957, however, the USACE, with local sponsorship from the newly created St. Augustine Port, Waterway, and Beach District, undertook a series of measures to stabilize the inlet and improve navigation. In 1940, the USACE cut a new channel that oriented in an east-west direction approximately 400 yards north of the natural inlet. The following year, they constructed a 1,580-ft-long sand-trapping north groin, now referred to as the "north jetty." As a final stabilization measure, the USACE constructed the 3,695-ft-long "south jetty" in 1957. These measures contributed to the ongoing morphological changes occurring south of the St. Augustine Inlet outlined below (Taylor Engineering, Inc. 1994).

- | | |
|-----------|--|
| 1924-1937 | Bird Island became a spit as it attached to Anastasia Island. |
| 1937-1952 | North Point, separated from Vilano Beach during inlet construction, merged with Crazy Bank, the most significant shoal south of the inlet. The new landmass resulting from this merger became known as Conch's Island. |
| 1952-1970 | Conch's Island merged with Anastasia Island as it enveloped Bird Island. A massive spit by 1970, Conch's Island enclosed the 2-mile embayment known today as Salt Run Lagoon. |

3.3.2. Beach Sediment Characteristics

The State of Florida occupies a part of the geographic unit called the Floridian Plateau, a partially submerged, 500-mile-long tableland that separates the Gulf of Mexico from the Atlantic Ocean (USACE 1979). The plateau has existed as dry or submerged land for millions of years. The following excerpt from the USACE's *Feasibility Report for Beach Erosion Control, St. Johns County, Florida* (1979) discusses the typical beach sediment characteristics of St. Johns County:

Young shorelines of emergence in St. Johns County are characterized by sandy barrier islands, lagoons, and swamps that separate the mainland from the ocean. Beneath the sandy surface exists a mix of sand and shell of unconsolidated sedimentary form and, beneath the unconsolidated layer, large areas of coquina rock in various stages of consolidation. Within tidal lagoons north and south of the inlet, subsurface conditions vary widely. For example, shell deposits in the subsurface strata range from a few fragments to 100 percent shell content. Soft silts and organic materials typically found in marsh areas range in thickness from very thin to over 16 ft. Below the soft silts and organic materials lie a variety of elements ranging from sands to fine silt and clay (USACE 1979).

Finally, the Anastasia Formation, coquina rock composed of 60 to 90 percent shell, occurs in various locations south of St. Augustine Inlet. These are easily eroded by wave action and constantly contribute a supply of shell fragments to the County Beaches (Pilkey *et al.* 1984).

The USACE's report (1979) addresses the characteristics of sand located at St. Augustine Inlet and the adjacent beaches. Notably, the sands found on the beaches north and south of the inlet differ significantly. North of the inlet at Vilano Beach, sand grain sizes range from very fine to very coarse sand (0.07 to 2.28 mm - Wentworth Classification), compared to fine to coarse sand (0.18 to 0.51 mm - Wentworth Classification) at Conch's Island south of the inlet. The coarser sand at Vilano Beach also contains much higher shell content than the sand found further south in St. Johns County. In general, mean sediment size increases from the dune to the Mean Low Water line.

3.3.3. Waves and Wind

As a part of the USACE Wave Information Study (WIS), the Engineering Research and Development Center develops and maintains wave hindcast data records for select locations along the eastern Atlantic seaboard (USACE 1995). Data from WIS station A2025, located at 30.00N 81.00W or 28 km (18 mi) east of St. Augustine Beach, were used to compute wave statistics for the 20-year period from 1976 to 1995 and characterize wave and wind climate for St. Johns County. Figures 3-6 and 3-7 show wave height, wave period, wave direction offshore, wind speed, and wind direction offshore for WIS Station A2025. These illustrate the range of wave and wind parameters by direction. Wave and wind directions originating between 0° N and 180° N approach the shore, with shore normal assumed to be 90° N.

Prevalent wind direction in St. Johns County is between the northeast and the southwest with winds under 10 m/s (22 mph). About 60 percent of the waves are from the east, north, and southeast and display wave heights less than 1.5 m (5 ft) and periods less than 8 seconds. Occurrences of higher wave heights and periods are common during storms. The storms that are referred to as northeasters produce high winds and large wave heights from the northeast and can last several days into weeks. Hurricane swells, which are more short-lived, generate large wave heights and higher wave periods. The largest waves generally occur from northeasters during late fall, winter, and early spring. Summers are typically tranquil with the exception of passing hurricanes. In the past seven years, five hurricanes have passed within 150 mi of St. Johns County: Erin in 1995, Floyd and Irene in 1999, Gordon in 2000, and the most recent, Gabriele in 2001. All of these caused significant damage and erosion along the beaches of the County (Williams *pers. comm.* 2001).

3.3.4. Tides and Currents

St. Johns County experiences semidiurnal tides, or two high tides and two low tides each day. Table 3-2 lists the National Ocean and Atmospheric Administration's (NOAA) National Ocean Service (NOS) published tidal datum elevations for St. Augustine Beach. St. Augustine Beach exhibits an average daily tide range of 1.4 m (4.6 ft).

3.4. MANMADE FEATURES

Table 3-3 summarizes past, ongoing, and proposed types and lengths of various shore protection measures for St. Johns County, while Figure 3-8a and 3-8b show the locations of these measures. Shore protection measures include coastal armoring, beach nourishment, beach disposal of

dredged materials from inlet and channel maintenance, dune protection and enhancement, and dune restoration.

3.4.1. Coastal Armoring

Coastal armoring along St. Johns County includes jetties, groins, rock revetments, seawalls, retaining walls, rip-rap, and rocks (Table 3-3). As shown in Figures 3-8a and 3-8b, jetties and groins are located mostly in and near the inlets, while walls, rocks, revetments, and rip-rap structures occur throughout the County's shoreline. With the exception of the St. Augustine Beach seawall, most of the armoring structures are used for residential and condominium property protection. Approximately 2.6 mi or 8 percent of the shoreline in St. Johns County is armored (Table 3-3).

3.4.2. Beach Nourishment

Beach nourishment involves the dredging, transfer, and disposal of sand from offshore "borrow" areas onto eroded sections of coastline. A large federally sponsored project was completed in 2002. It involved the placement of beach fill along 2.9 miles of shoreline in the northern portion of Anastasia Island (R-137 to R151). At buildout it had a designed beach berm width of 60 ft at a crest elevation of 12 ft above Mean Low Water (MLW). An adjacent smaller project, cost-shared by St. Johns County and FDEP, placed sand on an additional 0.9 miles of beach immediately south of the Federal project (R-132 to R-137). It too was completed in 2002. Taylor Engineering, Inc. recommended that the projected 2,040,000 cubic yards of material obtained from the inlet ebb and flood shoals adjacent to St. Augustine Inlet be applied to the downdrift beaches of the County every four years (Taylor Engineering, Inc. 1997). These projects were the first major renourishment projects in St. Johns County.

3.4.3. Beach Placement from Dredging Activities

The USACE Jacksonville District, the entity responsible for ensuring the navigability of the two inlets in St. Johns County, must dredge sediments that impede navigation in channels. Very often, the sediment that accumulates in the channels of the intracoastal waterway and inlet entrances is beach-quality and can be placed on the beach. Dredged material from the navigation channels was disposed offshore until 1996. However, in that year suitable material was dredged and placed on the downdrift beaches south of the inlet (FDEP 1998b).

Figure 3-8b shows the location in Summer Haven north of Marineland (R-200 to R-208) of the disposal area for beach-quality material dredged from the Intracoastal Waterway and Matanzas Inlet in St. Johns County. According to the Beach Disposal Management Plan, the mean frequency of this event is projected to be once every 2.7 years (Taylor Engineering, Inc. 1991). The beach disposal south of Matanzas Inlet differs from a typical beach nourishment project in that the goal of the fill placement is not necessarily to create a stable beach. Rather, the dredging and disposal operation is intended to provide a means of effective long-range dredged material management—by bypassing the sand to the beaches south of the inlet that is typically lost from the littoral system and deposited in the inlet and adjacent Intracoastal Waterway.

3.4.4. Dune Enhancement and Restoration

Additional shoreline protection measures include sand fences that are installed either parallel or diagonal to the shoreline. In 1999, the USACE carried out a dune restoration project along the southern portion of Anastasia State Park (Figure 3-8b). The restoration encompassed the area between monuments R-135 to R-138. A more extensive dune restoration project is planned for that area (R-132 to R-141) in 2002 in conjunction with the proposed beach renourishment project.

3.4.5. Future St. Augustine Inlet Management Measures

During 1998, the FDEP adopted the following management actions for the St. Augustine Inlet (FDEP 1998a):

- 1. Continue to bypass suitable sediment to the downdrift beaches.**

As a first priority, material will be placed on the beach in areas of greatest need, as determined by FDEP, with an initial goal of having an average annual placement of 510,000 cubic yards on downdrift beaches.

- 2. Restore the downdrift beaches, designated by the Department as experiencing critical erosion, to mitigate the effects of the inlet.**

This action may be pursued under the St. Johns County Shore Protection Project or other available state or Federal authorizations.

- 3. Pursue modifications to the inlet structures to improve natural sediment bypassing.**

This action should be initiated in conjunction with the Federal St. Augustine Harbor Navigation Project in the form of a General Reevaluation Report or other appropriate study.

- 4. Develop and implement a dune management program to restore and maintain the dune system located within the downdrift influence zone of the inlet.**

To the extent possible, implementation should occur in conjunction with construction of the beach restoration project.

- 5. Implement a comprehensive beach and offshore monitoring program subject to the approval of the Department.**

The program will be used to identify beach placement locations for future bypassing efforts and to revalidate the sediment budget.

3.5. BIOLOGICAL RESOURCES

The 42.0-mile oceanfront of St. Johns County includes a variety of natural communities and ecological conditions. Some areas have wide, gently sloping beaches and relatively natural vegetation in the foredune and backdune communities. Other areas have experienced, or are experiencing, severe to moderate erosion marked by steep slopes with little or no vegetation. In addition to sea turtles and the Anastasia Island beach mouse, a variety of plants and other animals find suitable habitats within the HCP Plan Area. This portion of the report provides information concerning the biological resources that exist within the boundaries of the Plan Area and gives specific attention to the animals and plants that have been designated by the Federal government and the State of Florida as “endangered” or “threatened” (Table 3-4).

3.5.1. Natural Communities

In its publication *Guide to the Natural Communities of Florida*, the Florida Natural Areas Inventory (FNAI and FDEP 1990) defines 81 natural community types present in Florida. Six of these, Beach Dune, Coastal Grassland, Coastal Strand, Scrub, Maritime Hammock, and Estuarine Tidal Marsh, are present within the HCP Plan Area (Appendix D). General descriptions of these communities, including identification of the dominant vegetation and typical animals, are provided below. The plant names provided are consistent with the nomenclature in the *Guide to the Vascular Plants of Florida* by Richard P. Wunderlin (1998).

3.5.1.1. Beach Dune

The Florida Natural Areas Inventory (FNAI; 2001) defines the Beach Dune as “a wind-deposited foredune and wave-deposited upper beach that are sparsely to densely vegetated with pioneer species, especially sea oats.” The Beach Dune community extends throughout the Plan Area, with occasional interruptions where seawalls, other beach stabilization measures, or development have replaced the natural community. The width of this zone within the Plan Area varies considerably. In some areas, where there has been substantial erosion and/or development, this community might be very narrow (i.e., less than 25 ft wide). In other areas, where there has been comparatively modest erosion and little or no landward development, it might be very wide displaying a natural gradation into the Maritime Hammock community.

In a significant portion of St. Johns County, the Beach Dune community consists of multiple lines of dunes running parallel to the shore. In particular, the region from Butler Beach through Crescent Beach (Figure 1-2b) exhibits primary, secondary, and often, tertiary systems of dunes formed from wind-blown sand and separated by interdunal swales. Countywide, these dunes vary considerably in height, reaching maximum elevations of approximately 44 ft along the shorefront sand dune ridge of Ponte Vedra Beach and GRSP (Figure 3-3; Pilkey *et al.* 1984). In some areas where the Beach Dune community is narrow and low (e.g., Summer Haven), wave-induced beach erosion has caused low dunes to be overwashed on a repeated basis.

The plants and animals that exist in the Beach Dune community are species that are able to withstand harsh environmental conditions, including loose, dry, unstable, and poor soils, exposure to wind and salt spray, sand abrasion, intense sunlight, and periodic storms. The dominant

vegetative species within this zone include sea oats (*Uniola paniculata*) and a variety of “pioneer plants” that exist above the seasonal high water levels, including beachgrass (*Panicum amarum*), cordgrass (*Spartina patens*), dune sunflower (*Helianthus debilis*), and morning glories (*Ipomoea imperati* and *I. pes-caprae*).

Due to the harsh environmental conditions, the diversity of animals that permanently inhabit the Beach Dune community is lower than in many other natural communities. Various shorebirds, such as black-bellied plovers (*Pluvialis squatarola*) and sanderlings (*Calidris alba*), often forage for sand fleas (*Emerita talpoida*) and other organisms at the beach/ocean interface, while gulls and terns often rest on the open beach. An abundant resident animal in this area is the ghost crab (*Ocypode quadrata*). The Anastasia Island beach mouse, which is described in detail in section 3.5.2.1.2., is found almost exclusively in this habitat.

3.5.1.2. Scrub

The FNAI (2001) defines Scrub as “a closed to open canopy forest of sand pines with dense clumps or vast thickets of scrub oaks and other shrubs dominating the understory.” In most Scrub communities, the ground cover is relatively sparse, with frequent patches of barren sand. Scrub occurs on old sand dunes along historic shorelines. Fire is an essential element in the Scrub community, and areas that are protected from fire will succeed to xeric hammock. Typical plants found in Scrub habitats in northeast Florida include sand pine (*Pinus clausa*), sand live oak (*Quercus geminata*), Chapman’s oak (*Quercus chapmanii*), myrtle oak (*Quercus myrtifolia*), rosemary (*Ceratiola ericoides*), and gopher apple (*Licania michauxii*). Animals that inhabit the Scrub community include the six-lined racerunner (*Cnemidophorus sexlineatus sexlineatus*), gopher tortoise (*Gopherus polyphemus*), rufous-sided towhee (*Papilo erythrophthalmus*) and, in the winter, yellow-rumped warbler (*Dendroica coronata*). The FNAI has reported that areas of Scrub are present on the barrier island north of St. Augustine Inlet along GRSP (Appendix D).

3.5.1.3. Coastal Strand

The FNAI (2001) defines the Coastal Strand as “stabilized wind-deposited coastal dunes that are vegetated with a dense thicket of salt-tolerant shrubs, especially saw palmetto.” In areas where the natural communities remain intact, the Coastal Strand is actually a transitional community that is generally situated between the Beach Dune community and the Maritime Hammock. This backdune community varies considerably in abundance throughout the Plan Area. It is largely absent from areas of residential development and is largely intact in government-owned (e.g., GRSP) and undeveloped tracts. The dominant vegetation is saw palmetto (*Serenoa repens*). Other vegetation present in the Coastal Strand includes cabbage palm (*Sabal palmetto*), yaupon holly (*Ilex vomitoria*), and sand live oak. Animal life in this community includes gopher tortoise, snakes, such as the coachwhip (*Masticophis flagellum flagellum*), and various small mammals, such as the eastern cottontail rabbit (*Sylvilagus floridanus floridanus*) and spotted skunk (*Spilogale putorius ambarvalis*).

3.5.1.4. Coastal Grassland

The FNAI (2001) defines the Coastal Grassland as “treeless flat land or gently undulating land with barren sand or a sparse-to-dense ground cover of grasses, prostrate vines, and other herbaceous or suffrutescent species that are adapted to harsh maritime conditions.” The Coastal Grassland community is typically located in the vicinity of inlets and overwash areas, where herbaceous vegetation colonizes recently deposited sands. In areas where this community is not subject to recurring overwash or other negative environmental or human-related impacts, Coastal Grassland eventually becomes colonized by shrubs and trees and naturally succeeds into Coastal Strand or Maritime Hammock habitats.

Within the Plan Area, the most extensive example of a Coastal Grassland community is on the north side of the St. Augustine Inlet at Porpoise Point. In other areas, Coastal Grassland is present only in small, intermittent patches that have been subjected to dune overwash in the relatively recent past (i.e., within five years).

Typical plants in this community include sand spurs (*Cenchrus* spp.), prickly pear cactus (*Opuntia stricta* and *O. humifusa*), beach elder (*Iva imbricata*), and sea purslane (*Sesuvium portulacastrum*). Animals that are typically found in the Coastal Grassland include ghost crabs, red-winged blackbirds (*Agelaius phoeniceus*), and wintering savannah sparrows (*Passerculus sandwichensis*).

3.5.1.5. Maritime Hammock

The FNAI (2001) defines the Maritime Hammock as “a narrow band of hardwood forest lying just inland of the Coastal Strand community. Maritime Hammock occurs on old coastal dunes that have been stabilized long enough for the growth of a forest.” Within the Plan Area, with the exception of large government-owned tracts (e.g., GRSP), only small remnants of Maritime Hammock are present. The dominant vegetation is primarily tree and shrub species, including Florida’s state tree, the cabbage palm, saw palmetto, silk bay (*Persea borbonia* var. *humilis*), coral bean (*Erythrina herbacea*), and beautyberry (*Callicarpa americana*). Groundcover species are comparatively few. Animals present within the Maritime Hammock community include the mammals that also frequent the Coastal Strand (described above), raccoons (*Procyon lotor*), and a variety of resident birds, such as the northern cardinal (*Cardinalis cardinalis*), as well as migratory birds such as warblers (*Dendroica* spp.).

3.5.1.6. Estuarine Tidal Marsh

The FNAI (2001) defines the Tidal Marsh as “expanses of grasses, rushes and sedges along coastlines of low wave-energy and river mouths.” These areas are typically subjected to routine tidal inundation by saline waters. The salinity may vary, particularly from season to season, but will normally be intermediate between freshwater and ocean water. Although there are extensive areas of Estuarine Tidal Marsh in St. Johns County, only very small areas of this habitat are present within the Plan Area. The largest of these areas is on the west side of ASP. The dominant vegetation in this community includes black needlerush (*Juncus roemerianus*) and

smooth cordgrass (*Spartina alterniflora*). Other plants include saltgrass (*Distichlis spicata*), seashore dropseed (*Sporobolus virginicus*), and glassworts (*Salicornia* spp.).

Wildlife in the Estuarine Tidal Marsh include a variety of invertebrates, reptiles, mammals, fish, and birds, including marsh periwinkles (*Littorina irrorata*), fiddler crabs (*Uca* spp.), diamondback terrapin (*Malaclemys terrapin*), and raccoons. Although most species of fish are not present in this community on a continual basis, juveniles of many species will extend into the salt marsh during high tides. A variety of wading birds (e.g., herons, egrets, rails) inhabits this community either as year-round or seasonal residents. Some birds, such as the clapper rail (*Rallus longirostris*), nest in the tall marsh grasses.

3.5.2. Listed Species in the Plan Area

Given the comparatively large size (approximately 2,400 acres) of the Plan Area and the varied natural communities that are located within it, habitat is available for a broad diversity of flora and fauna. Over 475 species of plants and over 400 species of animals have been documented within GRSP alone, and this park comprises only 4.7 mi (approximately 11.4 percent) of the 42.0 mi within the HCP Plan Area boundaries. Within these varied communities, there is habitat for numerous invertebrates (including mollusks, arthropods, crustaceans, and insects), fish, amphibians, reptiles, birds, mammals, and plants.

Information concerning the plants and animals within the HCP boundaries was obtained through a variety of sources, including both cursory field excursions and reviews of previously published materials. Included in these materials is information concerning sedentary species (e.g., plants), species with comparatively small ranges (e.g., beach mice), and species that are highly migratory (e.g., sea turtles and many birds) that may use portions of the Plan Area for only part of the year.

The primary focus of this HCP is the protection of sea turtles, the Anastasia Island beach mouse, and other animals and plants that are designated by the Federal government as “endangered” or “threatened.” Current species lists for animals and plants contained in 50 CFR 17 and 50 CFR 23 respectively, were used as the basis for field surveys and data inquiries. This work effort also included inquiries and searches for species that are protected by the State of Florida.

The FWC is the State agency responsible for enforcing Florida’s wildlife protection regulations. Under this authority, FWC evaluates the populations of various species and designates animals whose populations are threatened by natural and/or anthropogenic impacts as “endangered,” “threatened,” or “species of special concern.” In Florida, the authority to regulate plants rests with the Department of Agriculture and Consumer Services (DACS), which evaluates plant populations and, as warranted, designates individual plant species as “endangered,” “threatened,” or “commercially exploited.”

Both the State and Federal governments may list species. However, because of varied habitat requirements and geographic distributions, an individual species’ designation may vary at the Federal and State levels. Information regarding the presence of listed species within the Plan Area comes from two primary sources: 1) literature search and 2) field investigation. The results of these studies are described below.

Information concerning protected flora and fauna that have been observed within the Plan Area are primarily restricted to records available from the Florida Division of Recreation and Parks and the FNAI. At some locations where large tracts are in public ownership (i.e., GRSP and ASP), intensive surveys have already been performed to document the presence and/or abundance of protected plant and animal species. Prior to conducting field surveys, information was obtained from published sources to create a database for protected species throughout the Plan Area. The major literature sources include:

Florida Natural Areas Inventory, October 2001 (FNAI 2001). The FNAI maintains the single most comprehensive database of protected species in Florida. Based in Tallahassee, FNAI continually updates locations of protected species as verified reports are provided by governmental and private entities that are conducting fieldwork throughout the State. A query of FNAI's database revealed the known occurrence of various protected plants and animals within the Plan Area (FNAI 2001; Appendix D). In interpreting the FNAI database, the absence of listed species information at a specific site does not necessarily mean that the species does not occur at the site. Instead, it merely identifies that no documented sightings have been reported to FNAI.

Guana River State Park Unit Management Plan, November 1999 (FDEP 1999). This State-owned, beachfront tract encompasses almost 2,500 acres, extending from the Atlantic Ocean to areas west of SR A1A. 4.7 mi of oceanfront shoreline are within the Plan Area. A variety of surveys for flora and fauna have been conducted since its acquisition in 1984. These surveys, together with the records of observations by park staff, provide the most detailed biological inventories within the Plan Area.

Anastasia State Recreation Area (Anastasia State Park) Unit Management Plan, May 1998 (FDEP 1998a). Acquired by the State between 1949 and 1987, ASP contains approximately 1,370 acres, including 2.5 mi of beachfront habitat within the Plan Area. Inventories of the wildlife and plants found in the state park have been compiled from biological surveys and park staff observations.

Draft General Management Plan for Fort Matanzas National Monument, February 1982 (NPS 1982). This $\pm$ 300-acre tract is owned by the Federal government and managed by the U.S. Department of the Interior's National Park Service primarily as a site of historical significance. Located near St. Johns County's southern boundary, the majority of this tract is situated west of the CCCL on Rattlesnake Island. Approximately 50 acres of this property is east of the Matanzas River. The Draft General Management Plan provides detailed descriptions of the historical and cultural resources of the property, but has relatively little information concerning endangered and threatened species.

Atlas of Marine Resources, Version 1.3, Florida Fish and Wildlife Conservation Commission, Florida Marine Research Institute, 2000 (FWC 2000). The state of Florida maintains a comprehensive database concerning the endangered West Indian Manatee. Site-specific information concerning the locations of manatee sightings and mortalities in St. Johns County was obtained using this CD.

Field Investigation

In November 2001, biologists from Ecological Associates, Inc. (EAI), in conjunction with staff from Taylor Engineering, Inc. and the Florida Park Service, performed a field assessment of the entire length of the HCP Plan Area to characterize natural communities and document the presence of listed species.

Cumulative analyses of these data sources revealed the presence or likely presence of a variety of plants and animals that are protected by Federal and/or State regulations. Federally designated species that are reported to occur within or adjacent to the Plan Area are identified in Table 3-4 and are later described. In situations where an individual federally listed species is also protected by State endangered species regulations, the State designation is also provided. The extent to which the protected species identified in Table 3-4 are present in any specific area within the HCP Plan Area is directly related to the extent and quality of available requisite habitat. No federally listed fish, invertebrates, or plants are known to occur within the Plan Area.

3.5.2.1. Listed Wildlife Species

Table 3-4 identifies 15 species of wildlife within or adjacent to the HCP Plan Area that are listed by the Federal government as endangered or threatened. Information concerning these wildlife species is provided in this section.

3.5.2.1.1. Sea Turtles

3.5.2.1.1.1. Loggerhead Turtle (*Caretta caretta*)

3.5.2.1.1.1.1. Biological Information on the Loggerhead Turtle

The loggerhead turtle (*Caretta caretta*) was federally listed on July 28, 1978, as a threatened species under the ESA (43 FR 32800). Internationally, it is considered “endangered” by the World Conservation Union (Hilton-Taylor 2001) and is listed in Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). The loggerhead turtle is circum-global in distribution and inhabits the continental shelves and estuarine environments along the margins of the Atlantic, Pacific, and Indian Oceans (Dodd 1988). Loggerhead turtles spend virtually their entire life cycle in marine and estuarine waters, with the exception of brief periods when adult female turtles come ashore to lay their eggs.

The National Marine Fisheries Service (NMFS) and the USFWS (1991a) summarized the geographic distribution of loggerhead turtle nesting. Approximately 88 percent of loggerhead turtle nesting occurs in the southeastern United States, Oman, and Australia. Approximately 50,000 to 85,000 loggerhead turtle nests are deposited on southeastern U.S. beaches annually, ranking this rookery as the second largest in the world (NMFS and USFWS 1991a, FWC *unpublished data* 2002). The vast majority of this nesting occurs in Florida. The beaches of east central and southeast Florida from Brevard to Broward Counties are especially prolific nesting areas, accounting for about 90 percent of the total nests deposited each year in Florida (Meylan *et al.* 1995).

The adult loggerhead foraging grounds for the south Florida nesting population are thought to be around the Caribbean Islands of the Bahamas, Cuba, and Dominican Republic, as well as around the eastern seaboard of the United States, Florida Keys, and Gulf of Mexico (Meylan 1982, Meylan *et al.* 1983, Henwood 1987, Rankin-Baransky 1997). The average female makes reproductive migrations between her foraging grounds and nesting beach every two or three years (Richardson and Richardson 1982, Murphy and Hopkins 1984). Best available scientific information suggests that loggerheads, like other species of sea turtles, return to their natal beaches to lay their eggs (Bowen *et al.* 1993).

Mating season in southeastern Florida begins in early March, prior to commencement of nesting. The first loggerhead nests begin to appear in late April, and the last nests are deposited in early to mid-September (NMFS and USFWS 1991a, Meylan *et al.* 1995). Nesting peaks during the months of June and July. Aerial surveys have shown the numbers of adult turtles off the east coast of Florida to be about 15 times higher in the spring and summer than in the fall and winter, indicating that adults migrate from elsewhere to mate and nest (Thompson 1984, National Research Council 1990).

The general nesting process for all species of sea turtles is stereotypical, with subtle variations (Miller 1997). Hailman and Elowson (1992) documented the sequential behaviors associated with loggerhead turtle nesting (ascending the beach, making the body pit, digging the egg chamber, laying eggs, filling the egg chamber, covering the body pit, and returning to the surf). Unless otherwise noted, the phases described below for loggerheads apply to the other sea turtle species as well.

Nesting occurs almost exclusively at night. Female sea turtles emerge from the surf zone and ascend the beach in search of an appropriate place to construct their nests. If a suitable nesting site cannot be found, the turtle will return to the ocean (a non-nesting emergence or false crawl) and will typically select another site either later that night or the next night (Miller *et al.* in press). If the turtle receives favorable visual cues, and if undisturbed, she will emerge from the water and ascend the beach.

For development, sea turtle eggs require a low-salinity, high-humidity, well-ventilated substrate that is not inundated by tidal overwash (Miller 1997). It has been suggested that abrupt changes in temperature, moisture, salinity, and/or beach slope along an ocean-to-dune gradient may aid in nest site selection (Stoneburner and Richardson 1981, Wood and Bjorndal 2000). Nest placement may also be influenced by local lighting conditions and/or the presence of structures on the beach. On urban beaches, where a bright sky glow is often present landward of the beach, Salmon *et al.* (1995a) found that females tended to concentrate their nests on the beach within the darker silhouettes of large condominiums, and nested with lower frequency in the more illuminated areas between the structures. Mosier (1998) and Bouchard *et al.* (1998) observed that nest densities in front of armoring structures were reduced relative to areas of natural dune vegetation.

Once a suitable site is found, the turtle will begin excavating a shallow body pit. At the rear of this depression, she will then excavate an egg chamber, which is about 60 cm deep (Ernest and Martin 1999). Into the egg chamber, the loggerhead female will usually deposit between 100

and 120 eggs (Ehrhart 1979, Raymond 1984, Ehrhart and Witherington 1987, Steinitz 1990, Broadwell 1991, Ernest and Martin 1993, Ehrhart 1995). Once egg-laying is complete, the female packs the top of the egg chamber with moist sand with her rear flippers then covers the entire body pit by throwing sand backwards with her front flippers. The turtle then crawls back to the ocean. The average time that a loggerhead turtle spends on dry land during the entire nesting process is 63.0 minutes (Hailman and Elowson 1992). The young receive no subsequent parental care.

Female sea turtles typically lay several clutches of eggs during each season that they nest (Ehrhart 1982, Murphy and Hopkins 1984). In a review of literature on loggerhead turtles, Ehrhart (1989) concluded that the estimate of 4.1 nests per female made by Murphy and Hopkins (1984) was the current best estimate of mean intraseasonal clutch frequency in this species. Renesting intervals vary among species but are generally approximately two weeks (Hirth 1980, Ehrhart 1982). Individuals usually return to the same general area to lay successive clutches (Carr 1967, Dodd 1988). Recent genetic evidence supports long-held beliefs that turtles exhibit a natal homing instinct (i.e., upon reaching reproductive age, sea turtles return to their natal beaches to nest) (Meylan *et al.* 1990, Bowen *et al.* 1993, Allard *et al.* 1994, Encalada *et al.* 1998).

Genetic research (mtDNA) has identified five distinct loggerhead nesting subpopulations/nesting aggregations in the western North Atlantic (Bowen 1994, 1995a, and 1995b, Bowen *et al.* 1993, Encalada *et al.* 1998, Pearce 2001):

- Northern (North Carolina, South Carolina, Georgia, and northeast Florida);
- South Florida (from 29°N latitude on Florida's east coast to Sarasota on Florida's west coast);
- Dry Tortugas, Florida
- Northwest Florida (Eglin Air Force Base and the beaches near Panama City); and
- Yucatan (eastern Yucatan Peninsula).

Data indicate that gene flow between these five regions is very low. If nesting females are extirpated from one region, dispersal from adjacent subpopulations will not be sufficient to replenish the depleted stock. The Northern Subpopulation has declined substantially since the early 1970s, but most of that decline occurred prior to 1979. No significant trend has been detected in recent years (TEWG 1998 and 2000). Adult loggerheads of the South Florida Subpopulation have shown significant increases over the last 25 years, indicating that the subpopulation may be recovering. Between 1989 to 1998, based on the State of Florida's Index Nesting Beach Survey program, loggerhead nesting in Florida appears to be stable or increasing (Witherington and Koeppel 1999). Nesting surveys in the Northwest Florida and Yucatan Subpopulations have been too irregular to date to allow for a meaningful trend analysis (TEWG 1998 and 2000). The Dry Tortugas Subpopulation has only recently been identified as a distinct management unit (Pearce 2001).

To date, it has not been possible to identify precise boundaries between the Northern and South Florida Subpopulations. Encalada *et al.* (1998) hypothesized that the break should occur somewhere between Amelia Island and Cape Canaveral, which includes St. Johns County.

Recent analyses of samples from Amelia Island and Volusia County do not resolve the issue (Pearce 2001). The Volusia County area may represent yet another distinct nesting subpopulation or an overlap of the two adjacent subpopulations.

From the time a female turtle crawls onto the beach until the time that egg laying begins, she may be disturbed by noises, lights, or movement on the beach (Hendrickson 1958, Dodd 1988). This may cause her to abort her nesting attempt and return to the ocean (Hailman and Elowson 1992). Disruption to the nesting process may place an energy burden, and hence a reproductive cost, on a female turtle, but this impact has not been quantified. The further into the nesting process she becomes, particularly with respect to digging activity, the greater the potential energy cost associated with the disruption. Repeated disruptions may cause a turtle to venture to a “safer” area or deposit her eggs in a suboptimal habitat (Murphy 1985). Excessive energy expenditures theoretically could reduce an individual’s total reproductive output for the season. Salmon *et al.* (1995a) studied nesting preference in loggerheads on the urbanized beaches of Boca Raton, Florida. They report that nesting turtles showed a propensity for nesting in front of dark buildings and trees that block bright lights and urban glow. This indicated that light barriers might be effective in mitigating lighting problems. However, shading from light barriers may affect the incubation temperature of nests and result in skewed sex ratios of hatchlings produced.

During incubation, sea turtle nests can be impacted by a variety of natural and anthropogenic factors. Natural factors include tidal inundation, erosion, sediment accretion, root invasion, excavation by other turtles, and predation (Bustard and Greenham 1968, Stancyk 1982, Whitmore and Dutton 1985, Ehrhart and Witherington 1987, Ernest and Martin 1999, EAI 2001b). Human-related impacts include construction activities, stormwater and pool runoff, deliberate or incidental excavation of eggs, nest penetration by recreational equipment (e.g., beach umbrellas, volleyball posts), and excessive pressure above the nest caused by foot or vehicular traffic (Mann 1977, Witham 1982, Coston-Clements and Hoss 1983).

Sea turtle nests incubate for variable periods of time. The loggerhead turtle incubation period ranges from approximately 49 to 80 days for nests left *in situ* (in place) (Dodd 1988). The warmer the temperature of the sand surrounding the egg chamber, the faster the embryos develop (Mrosovsky and Yntema 1980). Sediment temperatures prevailing during the middle-third of the incubation period also determine the phenotypic sex of sea turtles (Mrosovsky and Yntema 1980). Moisture conditions in the nest similarly influence incubation period, hatching success, and hatchling size (McGehee 1990). Sea turtle hatchlings do not typically emerge from the nest immediately after hatching from their eggs. Instead, they remain in the egg chamber for several days before ascending to the beach surface (Christens 1990). The inclusive time between the date a clutch of eggs is laid and the date the first hatchling emerges from the nest is termed the incubation period. The average incubation period for loggerhead nests along the central and south Florida east coast is typically between 49 and 54 days (Ehrhart and Witherington 1987, EAI 2000a and 2001b). In Volusia County, Florida, the incubation period for loggerheads is slightly longer and typically ranges between 47 and 73 days (EAI 2001a). Incubation periods for loggerhead nests in St. Johns County range between 46 and 76 days in 2001 (FWC *unpublished nesting* 2002).

Hatchlings emerge from their nests almost exclusively at night, presumably using decreasing sand temperature as a cue (Hendrickson 1958, Mrosovsky 1968, Witherington *et al.* 1990). Nighttime emergences are beneficial, because the risks of predation and hyperthermia are reduced. An abrupt lowering of sand temperatures after nightfall apparently increases hatchling activity and elicits an emergence response. Even after the initial emergence of hatchlings from the nest, there may be secondary emergences on subsequent nights (Carr and Ogren 1960, Ernest and Martin 1993). The number of hatchlings leaving each nest is extremely variable. Ehrhart and Witherington (1987) reported that average emerging success (percentage of eggs that produce hatchlings which escape from the nest) of 85 nests in southern Brevard County was 63.7 percent. Thus, the average loggerhead nest (116 eggs) would produce about 74 hatchlings.

Emergence marks the beginning of the period of high activity during which hatchlings enter the sea and swim away from land in a “frenzy” (Wyneken and Salmon 1992). Hatchlings may use a variety of cues to guide them to the offshore, pelagic environments where they spend their early years (Carr 1987, Bolten *et al.* 1993, Witherington 1994, Bolten and Balazs 1995). Hatchlings first use light cues to find the ocean. On natural, undeveloped beaches, ambient light reflected off the ocean creates a relatively bright horizon compared to the dark dune and vegetation landward of the nest. This contrast guides the hatchlings to the ocean (Witherington 1992, Salmon *et al.* 1992), where they then begin orienting to waves (Wyneken *et al.* 1990). Salmon *et al.* (1995b) demonstrated scientifically the relationship between artificial lighting and disorientation.

Prevailing waves along Florida’s east coast during the nesting season are typically from the east and southeast. By swimming into the waves, hatchlings are guided to offshore habitats. Upon entering the surf, hatchlings swim incessantly in an offshore direction for about 24 hours (Wyneken and Salmon 1992). During this period, they also may set an internal magnetic compass, which may account for their ability to accurately navigate over long distances in the world’s oceans (Lohmann and Lohmann 1994). Cues hatchlings receive in the nest or between the time they leave the nest and arrive at offshore habitats may be critical to their ability to return to their natal beaches for nesting as adults.

Western Atlantic loggerheads are estimated to spend about ten years in the pelagic environment (Bolten and Balazs 1995). When loggerhead turtles reach the size of 40-60 cm (1.3-1.9 ft) straight carapace length, they move into various inshore estuaries or reef-system habitats in the shallow coastal waters of the western Atlantic (Carr 1986 and 1987). The nearshore regions where juvenile and subadult loggerheads live and forage have been termed developmental habitats. Loggerheads may reside in these developmental habitats either seasonally or year-round until they reach sexual maturity, which is estimated to occur between 20 to 30 years or more of age (Frazer and Ehrhart 1985, Klinger and Musick 1995, Parham and Zug 1997).

Hatchlings may be impacted by a variety of natural processes and human activities, both while in the nest and during their nest-to-sea migration. Prior to emerging from the nest, hatchlings are vulnerable to predation (by raccoons, ghost crabs, and other predators) and tidal inundation (Stancyk 1982, Ehrhart and Witherington 1987, Milton *et al.* 1994, Martin 1996). If water fills the nest and does not drain rapidly, the hatchlings may drown. Vehicles, beach cleaning equipment, foot traffic, and recreational equipment can cause physical disturbances above the

nest, which may crush hatchlings, prematurely remove them from the nest, or cause their premature emergence. Obstacles over the top of the nest may impede or prevent their emergence.

After hatchlings emerge from the nest, they may be attacked by a variety of nocturnal predators, including raccoons, ghost crabs, night herons, dogs, foxes, and cats (Stancyk 1982, Dodd 1988). In addition to mortality from predators, hatchlings also may be impacted by human activities.

Probably the single largest anthropogenic threat to hatchlings along Florida's nesting beaches is the impact of coastal lighting. Because hatchlings instinctively orient to the brightest horizon, they are frequently drawn toward illuminated buildings and roadways in urban areas (McFarlane 1963, Philibosian 1976, Mann 1977, Witherington 1992). False lighting cues can cause misorientation (hatchlings travel along a consistent course towards a light source) or disorientation (hatchlings are not able to set a particular course and wander aimlessly) (Witherington 1990). Both situations have potential for serious impacts.

Hatchlings attracted to lights near roadways may be run over by vehicles. Additionally, prolonged crawling on the beach depletes valuable energy stores that are intended to take the hatchlings on their offshore odyssey. Excessive crawling leads to exhaustion and extends a hatchling's period of vulnerability to terrestrial predators. Weakened hatchlings that eventually reach the ocean may be more vulnerable to marine predators, which are abundant in nearshore waters (Wyneken *et al.* 1994).

In addition to problems created by beachfront lights, hatchlings often must navigate through a variety of obstacles before reaching the ocean. These include natural and human debris, physical structures on the beach, recreational equipment, pedestrian and horse footprints, parked vehicles, and vehicle ruts. As with impacts associated with beachfront lighting, obstacles on the beach interfere with a hatchling's timely progress toward the ocean. Travel times of hatchlings from the nest to the water may be extended when traversing areas of heavy foot traffic or vehicular ruts (Hosier *et al.* 1981). Hatchlings may be upended and spend both time and energy in righting themselves. Although hatchlings may be capable of scaling the walls of some vehicular ruts, the walls often cast a shadow causing the hatchlings to move shore-parallel within the rut in the direction of the brightest light (Mann 1977, Arianoutsou 1988, LeBuff 1990, Cox *et al.* 1994, Hughes and Caine 1994).

3.5.2.1.1.2. Site-Specific Information on the Loggerhead Turtle

Between 1988 and 1992, St. Johns County's 42.0 mi of beach supported about 0.3 percent of the total loggerhead nesting in the State of Florida (Meylan *et al.* 1995). More recent data (1996-2001) indicate that an average of about 267.5 loggerhead nests are deposited in the County each season, yielding an overall nest density of 6.5 nests per mile (FWC *unpublished data* 2002; Table 3-5a and 3-5b). Between 1996 and 2000, the highest loggerhead nest densities were reported in Guana River State Park, North St. Augustine Beaches survey zone (actually the Vilano Beach area), and Ponte Vedra South survey zone (Table 3-5a; FWC *unpublished data* 2002). During the 2001 nesting season (new FWC survey zones were used), loggerhead nest densities were greatest in Vilano Beach, Guana River State Park, and Guana River South (Table

3-5b; FWC *unpublished data* 2002). Using another set of data from 1998-2001, the highest loggerhead turtle nesting densities occurred in Fort Matanzas South (Summer Haven), Guana River State Park, Guana River South, and Vilano Beach (Table 3-5c; FWC *unpublished data* 2002, Stoll *pers. comm.* 2002). The earliest recorded nesting by a loggerhead in St. Johns County was on May 1 (Table 3-7). The latest nest was recorded on September 26.

3.5.2.1.1.2. Green Turtle (*Chelonia mydas*)

3.5.2.1.1.2.1. Biological Information on the Green Turtle

In 1978, the breeding populations of the green turtle (*Chelonia mydas*) in Florida and on the Pacific Coast of Mexico were federally listed as endangered; all other populations were listed as threatened (43 FR 32800).

The green turtle is a circum-global species in tropical and subtropical waters. The major green turtle nesting colonies in the Atlantic Ocean occur on Ascension Island, Aves Island, Costa Rica, and Surinam (NMFS and USFWS 1991b). Nesting in the United States occurs in small numbers in the U.S. Virgin Islands and on Puerto Rico and in larger numbers along the east coast of Florida, particularly in Brevard, Indian River, St. Lucie, Martin, Palm Beach, and Broward Counties.

Allard *et al.* (1994) concluded that the Florida nesting population of green turtles is genetically distinct, and Meylan *et al.* (1995) stated that the Florida green turtle nesting aggregation deserves recognition as a regionally significant colony. Between 1988 and 1992, Brevard County accounted for nearly 39.5 percent, the majority, of green turtle nesting in Florida (Meylan *et al.* 1995).

The nesting behavior and life history stages of green turtles are similar to those of loggerheads. However, green turtles typically do not begin nesting until late May. Estimates of the number of green turtle nests deposited each year in Florida range from several hundred to over 8,400 (FWC *unpublished data* 2002).

Like the loggerhead, green turtles lay multiple clutches of eggs during the nesting season. Based on research conducted in south Brevard County during 1991 and 1992, Johnson (1994) estimated that green turtles deposited one to seven clutches during the nesting season with an average of about three nests per female. However, he cautioned that, because of inherent biasing factors, the true mean probably lies between three and four.

The mean clutch size of green turtle nests is usually 110 to 115 eggs, but this mean varies among populations (NMFS and USFWS 1991b). Witherington and Ehrhart (1989) reported an average clutch size of 136 eggs for 130 clutches on the east coast of Florida. In south Brevard County, Johnson (1994) reported a mean clutch size of 131 eggs. When data from 1985 through 1992 were combined, Johnson (1994) estimated overall hatchling emerging success to be 56.7 percent; thus, the average nest yielded approximately 74.8 hatchlings. Incubation periods for green turtle nests range from approximately 48 to 70 days (Marquez 1990).

In the State of Florida, green turtle nesting appears to be increasing, at least in the last half of the twentieth century (Dodd 1982, Meylan *et al.* 1995). During the period from 1989 to present, green turtle nesting in Florida has shown a clear biannual periodicity, with relatively low nest numbers being recorded in odd-numbered years and high nest numbers being documented in even-numbered years (Witherington and Koepfel 1999, FWC *unpublished data* 2002).

3.5.2.1.1.2.2. Site-Specific Information on the Green Turtle

Between 1988 and 1992, St. Johns County Beaches supported about 0.1 percent of the State's green turtle nests (Meylan *et al.* 1995). Between 1996 and 2001, an average of 8.3 nests were deposited on County Beaches each year (FWC *unpublished data* 2002). This equates to about 0.2 nests per mile for the entire Plan Area (Table 3-5a and 3-5b). Between 1996-2000, green turtle nest densities were highest in GRSP, ASP, and the areas monitored by FMNM (Crescent Beach Ramp to Flagler County Line) (Table 3-5a). In 2001 when the new FWC survey zones revealed more detail in the nesting trends, green turtle nest densities were highest in Fort Matanzas South, Vilano Beach, and GRSP. Using another set of data from 1998-2001, the highest green turtle nesting densities occurred in Fort Matanzas South (Summer Haven) and Guana River State Park (Table 3-5c; FWC *unpublished data* 2002, Stoll *pers. comm.* 2002). The earliest recorded nesting by a green turtle in St. Johns County was on May 6, though this may be erroneous since green turtle nesting generally does not begin before late May in Florida. The latest nest was recorded on September 14 (Table 3-7).

3.5.2.1.1.3. Leatherback Turtle (Dermochelys coriacea)

3.5.2.1.1.3.1. Biological Information on the Leatherback Turtle

The leatherback turtle (*Dermochelys coriacea*), the largest of the extant species of sea turtle, was federally listed as an endangered species in 1970 (35 CFR 8491). Unlike other sea turtles, the carapace, or top shell, of the leatherback is not covered with bony plates. Rather, its carapace is composed of a black, oil-saturated, rubber-like tissue which is strengthened by a mosaic of thousands of small bones just below the outer skin of the carapace. The morphology of the leatherback is so distinct that it is placed in a separate family (Dermochelyidae) from other extant species of sea turtles (Cheloniidae) (NMFS and USFWS 1992).

Other unique characteristics include the leatherback's presence in cold waters, an internal temperature that exceeds ambient water temperature, and its ability, unique among reptiles, to be active at temperatures that have been reported to be as low as 0 degrees Celsius (Frair *et al.* 1972, Goff and Lien 1988). Whereas the other species of sea turtles tend to inhabit relatively shallow coastal waters where they feed on bottom dwelling plants and animals, leatherbacks tend to be pelagic (Pritchard and Trebbau 1984). They feed primarily on soft-bodied animals, such as jellyfish, that are abundant in the open ocean (Lazell 1980, Hendrickson 1980, Shoop and Kenney 1992).

Leatherback turtles travel great distances between their winter foraging and summer nesting grounds (Goff *et al.* 1994, Girondot and Fretey 1996). The leatherback turtle is found in the Atlantic, Pacific, and Indian Oceans and has been spotted as far north as the Barents Sea,

Canadian Maritime Provinces and Alaska, and as far south as Chile, the Cape of Good Hope, and New Zealand (Pritchard and Trebbau 1984).

Nesting grounds are distributed circum-globally (40° North to 35° South Latitude). The total population of mature females worldwide has been estimated to be about 34,500 (Spotilla *et al.* 1996). At present, two of the largest populations of leatherbacks occur in the Western Atlantic in French Guiana and Suriname (Spotilla *et al.* 1996). In French Guiana, 4,500 to 7,500 females are estimated to nest annually, and 600 to 2,000 nesting females in Suriname (Girondot and Fretey 1996). Nesting occurs frequently, but in lesser numbers, from Costa Rica to Columbia and in Guyana and Trinidad (National Research Council 1990). Nesting in the United States occurs primarily in Puerto Rico, the U.S. Virgin Islands, and southeastern Florida.

Until recently, only about 16 to 31 leatherback turtles were thought to nest annually in Florida (Meylan *et al.* 1995, NMFS and USFWS 1992). However, that figure appears to have increased significantly over the last decade (Witherington and Koepfel 1999). The majority (more than 90 percent) of the leatherback turtle nests recorded in Florida between 1988 and 1992 occurred in St. Lucie, Martin, and Palm Beach Counties. During that same period, 0.9 percent occurred in St. Johns County (Meylan *et al.* 1995).

Leatherbacks are thought to migrate to their nesting beach about once every two to three years (NMFS and USFWS 1992, Miller 1997). Nesting by this species in Florida typically begins and ends earlier in the season than for the other species, with the first nests being recorded in late February or early March and the last nests in July (Meylan *et al.* 1995). Tucker (1989) and Tucker and Frazer (1991) reported that leatherback turtles nested an average of five to seven times per year, with a mean internesting interval of nine to ten days. The mean annual clutch size of leatherback turtles varies from 65 to 80 yolked eggs (Tucker and Frazer 1991, NMFS and USFWS 1992), and incubation periods vary from 55 to 75 days (NMFS and USFWS 1992).

On Hutchinson Island, Florida, in Martin and St. Lucie Counties, the average leatherback nest contains 76.8 yolked eggs and the average emerging success is 50.0 percent (EAI *unpublished data* 2001). Thus, a typical leatherback nest unaffected by predation or storms produces about 38 hatchlings. Incubation periods for leatherback nests in Florida are generally longer than for loggerhead and green turtle nests, because leatherbacks have a tendency to deposit nests earlier in the season when cooler temperatures prevail.

3.5.2.1.1.3.2. Site-Specific Information on the Leatherback Turtle

The bulk of leatherback nesting in Florida occurs south of St. Johns County in St. Lucie, Martin, and Palm Beach Counties (Meylan *et al.* 1995). Between 1988 and 1992, St. Johns County received about 0.9 percent of the State's leatherback nesting. Since 1985, a total of 17 leatherback nests have been documented in the County (Meylan *et al.* 1995). This equates to an average of 1.3 nests per year. The majority of all leatherback nests are deposited in the northern portion of the County in GRSP and Ponte Vedra South (FWC *unpublished data* 2002). Using data from 1998-2001, the highest leatherback nesting densities occurred in Fort Matanzas South (Summer Haven) and Guana River State Park (Table 3-5c; FWC *unpublished data* 2002, Stoll

pers. comm. 2002). The earliest recorded nesting by a leatherback in St. Johns County was on April 18 (Table 3-7). The latest nest was recorded on July 22.

3.5.2.1.1.4. Hawksbill Turtle (*Eretmochelys imbricata*)

3.5.2.1.1.4.1. Biological Information on the Hawksbill Turtle

The hawksbill turtle (*Eretmochelys imbricata*) occurs in all of the tropical and subtropical oceans. It was federally listed as endangered in 1970 (35 CFR 8491). Throughout their range, hawksbills typically nest at lower densities compared to green and loggerhead turtles (National Research Council 1990). The low numbers may be the direct result of long-term over fishing. Although they are regularly spotted in coastal waters and reefs off South Florida, few hawksbills nest on Florida beaches (Meylan *et al.* 1995). Most of the Western Atlantic nesting takes place on the Yucatan Peninsula, Belize, Nicaragua, Panama, Venezuela, Antigua, and other Caribbean islands (NMFS and USFWS 1993). Hawksbills have an apparent preference for remote beaches with dense shrubbery on the landward side of the intertidal zone where offshore reefs or rock outcrops are in the vicinity (National Research Council 1990).

Hawksbills share many of the same life-history traits as loggerhead and green turtles. They are thought to migrate to their nesting beach about every three years, and nest about two to three times during the nesting season (Miller 1997). The average renesting interval is about 14.5 days. Hawksbills lay an average of 140 eggs per clutch, and the average incubation period is 59.2 days (NMFS and USFWS 1993).

3.5.2.1.1.4.2. Site-Specific Information on the Hawksbill Turtle

Between 1979 and 2000, only 20 hawksbill nests were reported in the State of Florida. These nests were documented in Broward, Dade, Martin, Monroe, Palm Beach, and Volusia Counties during the period from June through December (Meylan *et al.* 1995, FWC *unpublished data* 2002). However, hawksbill tracks are difficult to differentiate from those of loggerheads and may not be recognized by monitoring personnel.

Although no hawksbill nests have been documented in St. Johns County, the turtles can probably be found during warmer months of the year in nearshore waters of the County. This is evidenced by occasional strandings of hawksbills on beaches within the Plan Area (FWC *unpublished data* 2001b).

3.5.2.1.1.4. Kemp's Ridley Turtle (*Lepidochelys kempii*)

3.5.2.1.1.4.1. Biological Information on the Kemp's Ridley Turtle

The Kemp's ridley sea turtle (*Lepidochelys kempii*) has received protection in Mexico since the 1960s and was listed as endangered under United States law in 1970 (35 FR 18320). Together with the olive ridley, it is the smallest of the extant species of sea turtles. The Kemp's ridley is also the rarest and most endangered of the sea turtles, with nesting primarily occurring in the Mexican states of Tamaulipas and Veracruz (USFWS and NMFS 1992, USFWS 2001).

Kemp's ridley distribution is mainly limited to the Gulf of Mexico and Western Atlantic with occasional sightings in the Eastern Atlantic. Adult turtles are thought to spend most of their time in the Gulf of Mexico, while juveniles and subadults also regularly occur along the eastern seaboard of the United States (USFWS and NMFS 1992). The Kemp's ridley is carnivorous, feeding on swimming crabs, mollusks, jellyfish, and fish, with blue crabs apparently a preferred food.

Breeding and nesting occur from April through August on sandy beaches during broad daylight. They may nest singly or in large groupings called *arribadas*. Once they have mated, the females wait for heavy surf and high northeast winds before emerging from the water to nest. Kemp's ridleys are thought to nest every one or two years, depositing an average of 2.5 clutches per nesting season (TEWG 2000). The renesting interval is between 20 and 28 days, and the mean clutch size is about 110 eggs (Miller 1997).

3.5.2.1.1.4.2. Site-Specific Information on the Kemp's Ridley Turtle

Only seven Kemp's ridley nests have been documented in the State of Florida from 1979 through 2001 (Johnson *et al.* 1999, FWC *unpublished data* 2002). The nests were found in Volusia, Pinellas, Sarasota, and Lee Counties in the months of May and June. While it is likely that Kemp's ridleys utilize the nearshore Atlantic waters of St. Johns County, there have been no documented nests on the County's beaches (Meylan *et al.* 1995, FWC *unpublished data* 2002). Generally, several Kemp's ridleys strand on the beaches of St. Johns County each year (FWC *unpublished data* 2001b).

3.5.2.1.2. Anastasia Island Beach Mouse (*Peromyscus polionotus phasma*)

3.5.2.1.2.1. Biological Information on the Anastasia Island Beach Mouse (AIBM)

The Anastasia Island beach mouse (*Peromyscus polionotus phasma* Bangs 1898) (AIBM) is one of eight subspecies of the oldfield mouse (*Peromyscus polionotus*) known collectively as "beach mice." Table 3-8 illustrates the status and type localities of each these subspecies, of which seven are still extant and dwell in the coastal dunes of Florida and Alabama. On May 12, 1989, the AIBM was determined to be an endangered species pursuant to the ESA of 1973, as amended on June 6, 1985 (54 FR 20598-20602). This subspecies is also listed as endangered by FWC (Table 3-4).

The oldfield mice, including beach mice, are the smallest of the North American *Peromyscus*. Adult AIBM characteristically weigh from 12 to 18 grams (0.4 to 0.63 ounces), but pregnant females may weigh 20 to 30 grams (0.70 to 1.05 ounces; Frank and Humphrey 1992). Frank and Humphrey (1996) found the overall mean body mass was 15.0 +/- 0.1 grams for adult male Anastasia Island beach mice and 14.8 +/- 0.1 grams for adult non-pregnant females. Interestingly, they also reported that the mean body mass of adult non-pregnant beach mice from ASP was greater than that of mice from FMNM.

All subspecies of *Peromyscus polionotus* are specialists of habitats in the early stages of vegetative succession. Additionally, all subspecies of beach mice, including the AIBM, preferentially inhabit the dynamic foredunes and transitional backdunes of coastal barrier islands.

They are found in the greatest numbers in areas characterized by open, bare patches of sparsely vegetated sandy sediments (Ivey 1949, Frank 1996, Frank and Humphrey 1992 and 1996, Wooten 2001). AIBM prefer areas scantily vegetated with sea oats (*Uniola paniculata*), though they also have been trapped in sandy areas with broomsedge (*Andropogon sp.*) (Frank and Humphrey 1992).

Hurricanes and winter storms occur at semi-predictable intervals along the east coast of Florida. Since the AIBM are the only small mammal uniquely adapted to thrive in the foredunes, it stands to reason that they are also naturally adapted to deal with periodic storm events. According to Frank (1996), "Beach mice live in a very dynamic and unpredictable habitat, and they depend on their ability to recolonize habitats after a disturbance to persist." Many storms along Florida's east coast are characterized by tidal inundation, storm surge, washover events, and high winds and rain. These storm features threaten the very survival of beach mice, yet also sustain their preferred habitat.

Beach mice populate some of the most geologically active barrier islands in Florida, including Perdido Key (Perdido Key beach mouse), Santa Rosa Island (Santa Rosa beach mouse), Shell Island (Choctawatchee beach mouse), and Anastasia Island (AIBM). The constantly shifting shorelines of these islands have undergone remarkable geological changes over the last century (see Figures 3-5 for changes to Anastasia Island; Johnson and Barbour 1990, Pilkey *et al.* 1984). Beach mice rely on these geological changes and periodic storms to overwash and/or erode the dune system, thereby pruning vegetation and maintaining their habitat in early succession. But, beach mice also rely on the availability of the backdune transitional zone, where they can temporarily retreat during storm events. These backdune areas are commonly altered or eliminated by beachfront development, thereby threatening the ability of beach mice populations to persist through sequences of intermittent storms.

The AIBM and all *Peromyscus polionotus* are nocturnal rodents. The nocturnal habits of the AIBM have not been studied specifically; however they are expected to behave similarly to the Santa Rosa beach mouse. Santa Rosa beach mice were trapped more commonly on nights with half to new moons and cloudy skies, and they were observed to rarely leave their burrows during full moons (Blair 1951). According to Wooten (2001), "Recent radio tracking studies indicate that while active throughout the night, peaks of activity occur shortly after dusk and again after midnight."

All oldfield mice construct and maintain burrows. Blair (1951) documented that an individual Santa Rosa beach mouse may use up to 20 burrows, but generally 4 to 6 burrows is more common (Wooten 2001). Burrows are usually located on the well-drained sloping side of a dune and typically consist of: a) an entrance tunnel up to 1 m (3.28 ft) deep (mean depth of 53 cm (1.7 ft); Smith 1966, as cited in Wooten 2001), b) a nest chamber at a depth of 0.6 to 0.9 m (2 to 3 ft) (Blair 1951, as cited by USFWS 1993), and c) an escape tunnel. The escape tunnels generally rise from the nest chamber to just below the exterior of the dune, typically within 2.5 cm (1 inch) of the surface (USFWS 1993). These escape tunnels are extremely vulnerable to crushing via trampling by humans, horses, or other animals and provide reason to limit dune access in areas where AIBM burrows are evident.

Peromyscus polionotus are generally omnivorous rodents, but their diet mostly consists of seasonal seeds of dune plants, such as sea oats and dune panic grass (Gentry and Smith 1968, Smith 1971, Moyers 1996, as cited in Wooten 2001). However, they may also consume small invertebrates (Blair 1951, Ehrhardt 1978, as cited in USFWS 1993). According to USFWS (1993), AIBM in particular are noted to eat the seeds of sea oats, railroad vine, and prickly pear cactus.

The following excerpt from Frank and Humphrey (1996) indicates that AIBM commonly scavenge through trash receptacles in search of food.

Beach mice regularly used refuse containers placed directly on the beach above the high tide line at ASP. We observed mouse tracks and small burrows entering the drainage holes in the bottoms of 50-gallon drums used as trash barrels on the beach at ASP. To determine the identity of the rodent species using the barrels, traps were set directly in the trash barrels among the refuse. Trapping of this type resulted in beach mouse captures only, but it was quickly discontinued due to loss of traps and possibly of beach mice by aluminum can collectors. In contrast, beach trash containers at FMNM were elevated aboveground on wooden frames and equipped with sealed lids, preventing mice from entering the interior of the containers and using refuse as a food source. However, judging from the regular presence of mouse tracks at the trash containers at FMNM, beach mice also foraged in the vicinity of trash containers at this site.

Researchers had formerly hypothesized that the refuse containers near the dunes would attract the exotic house mouse (*Mus musculus*), which might compete with the AIBM. Frank and Humphrey (1996) concluded that house mice are probably not a serious threat to the persistence of beach mice in undisturbed dune habitats where beach mice are uniquely adapted.

The age structure demonstrated by the AIBM populations sampled by Frank and Humphrey (1996) is characterized by a conventional Type III survivorship curve, indicating extensive early mortality of newborn offspring with very few individuals surviving to adulthood (Pearl 1928, Deevey 1947, as cited in Begon *et al.* 1996). Wooten (2001) reports, "The average life span of *Peromyscus polionotus* in natural populations is less than nine months, although it is not uncommon to encounter mice that are one year of age. Captures of mice known to be two years old have been reported, and captive *P. polionotus* have reached four-plus years of age." The mean longevity of AIBM (from both ASP and FMNM), including all age classes and sexes, is 80 days (ranging from 20 to 593 days), though the mice appear to live significantly longer at FMNM than at ASP (Frank and Humphrey 1996).

Survivorship tends to decrease from spring through autumn and then experience an increase during the months of autumn and winter (Frank and Humphrey 1996). Peak population densities tend to occur in the winter (January) at both ASP and FMNM, followed by low recruitment and low population numbers in April (Frank and Humphrey 1996). Additionally, other studies have shown that juvenile Alabama beach mice that dispersed greater than 160 m from their natal site exhibited a significantly longer persistence time (Swilling and Wooten 2002 *in press*).

The reproductive potential and reproductive output of all beach mice is generally high (Ehrhardt 1978, as cited in USFWS 1993). The subspecies of *Peromyscus polionotus* are similar to all other mice in this genus in that they are extremely prolific, yet differ from most others by forming monogamous pairs (Blair 1951, Smith 1966, Foltz 1981, Swilling and Wooten 2002 *in press*, as cited in Wooten 2001). Breeding facilities have found that reproduction is optimized, when animals are continuously retained in breeding pairs (Wooten 2001).

Young *Peromyscus* reach sexual maturity at six to eight weeks of age (Frank and Humphrey 1992, as cited in USFWS 1993, Wooten 2001). At peak reproduction, serial litters are born at 26- to 30-day intervals, and beach mice are capable of producing 80 or more young in their lifetime (Bowen 1968, as cited in USFWS 1993, Wooten 2001). Female oldfield mice enter postpartum estrus about 12 hours after a litter is delivered and then may re-mate (Wooten 2001). According to USFWS (1993), "Smith (1996) reported that one captive female beginning at 118 days of age gave birth to 26 consecutive litters (139 young) with an average inter-litter interval of 30 days." Litter sizes for beach mice normally range from 6 to 8 offspring (Caldwell and Gentry 1965, Carmon *et al.* 1967, as cited in Wooten 2001).

As has been documented for most oldfield mice, the subspecies of beach mice generally reproduce throughout the year and display continuously high recruitment. Both the ASP and the FMNM populations of the AIBM appear to undergo a significant increase in reproductive activity between April and July (Frank and Humphrey 1996). However, the beach mice of ASP exhibit consistently high turnover rates, while the mice of FMNM display more seasonal recruitment (Frank and Humphrey 1996). These slightly different reproductive strategies between the populations at ASP and FMNM may be partially explained by the disparities between the two populations in body mass and survivorship. According to 1989-1990 data, ASP mice weigh more than FMNM mice, perhaps due to more available food at ASP; FMNM mice live longer than ASP mice, perhaps due to less cat predation at FMNM (Frank and Humphrey 1996). However, more recent information reveals a decrease in cats at ASP (due to the State Park's predator control program) and an increase in cats at FMNM (Bard *pers. comm.* 2002).

For management purposes, it is important to understand the size and use of home ranges of the AIBM in order to estimate how much spatial area is required for the population's persistence through time. Data is not available for this particular subspecies, so we must assume that the AIBM behave similarly to other subspecies of *Peromyscus polionotus*. The following excerpt is taken from Wooten (2001):

Davenport (1964), using trapping data, estimated mean home range size to be 1,376 m² (0.34 acre) for oldfield mice, while Novak (1997) reported a substantially larger value of 3,168 m² (0.78 acre) for home ranges of *Peromyscus polionotus allopshrys* on Shell Island, Florida. Average values reported by Lynn (2000) for Alabama beach mice, *Peromyscus polionotus ammobates*, were 4,086 to 5,512 m² (1.00 to 1.36 acre) from trapping data and 6,783 to 7,000 m² (1.67 and 1.73 acre) from telemetry data. Values as small as 389 m² (0.02 acre) and as large as 29,330 m² (7.24 acre) have been observed (Lynn 2000).

Young mice typically move an average of 432 m (1,415 ft) before establishing a home range (USFWS 1993). Then, as seen above, these mice inhabit home ranges that may greatly vary in size from one individual to another.

The size of an individual's home range seems to be correlated with food and burrow site availability (Smith 1971 and Lynn 2000, as cited in Wooten 2001) and may vary according to season and reproductive state of the mice (Wooten 2001). Wooten (2001) found that populations of other subspecies of *Peromyscus polionotus* do not appear to display intraspecies competition with increasing densities, but do display an increased compaction of home ranges. Wooten (2001) viewed the compaction of home ranges as resulting in the formation of spatial "neighborhoods" within populations. "For Alabama and Perdido Key beach mice, the approximate size of these spatial units is 550 m (0.34 mi) (linear) with occupancy of 40 to 70 mice" (Wooten 2001). In contrast, Frank (1996) did report density-dependent intraspecific competition, as expressed in the AIBM's habitat occupancy of the primary dune system. Frank (1996) found that the mice favor open sandy areas, but will use dense grassy regions intermittently, particularly when populations become dense.

With a typical r-selected life history, the AIBM repeatedly produces a large number of offspring with a small chance of surviving to adulthood (Begon *et al.* 1996). Because they dwell in such unpredictable and vulnerable habitats, their reproductive strategy is generally tailored to quickly recover from natural catastrophic events during which part of the population may be suddenly annihilated. In some cases, however, severe hurricanes have been blamed for regional extirpations of pockets of beach mice along the Gulf Coast of Florida and Alabama. For example, Meyers (*unpublished data*; as cited in Holler *et al.* 1989) suggested that Hurricane Frederic in 1979 was the impetus for the regional extirpation of the Perdido Key beach mouse (*P. p. trissyllepsis*) from the Gulf Shores National Seashore. Holler *et al.* (1989) viewed Hurricane Elena in 1985 as the cause for a substantial population decrease of the Perdido Key beach mouse at Gulf State Park.

Generally, scientists believe that AIBM populations are capable of substantial rebounds following storm events. Hurricanes typically strike during the autumn months, and populations tend to reflect hurricane losses as evidenced by recessed population levels during the following spring. But, during the summers following hurricanes, seed production by sea oats is unusually excellent due to fertilization from the previous storm's overwash (Holler *et al.* 1989). This extraordinary abundance of food resources prompts a restorative population boom, and the subspecies continues to prosper through catastrophic storm events.

Frank (1996) estimated the densities of the AIBM in 1989-1990 through live-trapping surveys, estimated their habitat area (by digitizing aerial maps and using GIS techniques to calculate the area of selected polygons), and multiplied the densities by the habitat areas to estimate the size of the AIBM population. Frank determined beach mouse densities on Anastasia Island ranged from a mean low of 10 mice per ha (about 4 mice per acre) to a mean high of 75 per ha (about 30 per acre), with an overall average of 30 per ha (about 12 per acre). His final estimates of the total population size in 1989-1990 ranged from a low of 1,719-1,755 individuals to a high of 12,891-13,165 individuals, with an annual mean of 5,157-5,266 individual beach mice in St. Johns County (Frank 1996).

The minimum number of individuals required for a population not to decline into extinction is a highly debated topic in conservation biology. Frank (1996) cited a chapter written by Soule and Wilcox (1981) in which the authors followed theoretical principles to calculate that approximately 500 individuals may constitute a viable population over the long term (Franklin 1981, as cited in Frank 1996). Frank (1996) stated, "Clearly the AIBM population exceeds this threshold and, without catastrophic storms, is probably a viable population" (Frank 1996). Frank viewed this population of 500 as the *effective population*, which would not include males nor non-breeding females (Frank *pers. comm.* 2002). However, recent estimates are more conservative when calculating the minimum number of individuals in a viable population. Meffe and Carol (1997) claim that populations of 1,000 to 10,000 individuals "are often said to be adequate to ensure long-term persistence." They continue by warning, "Such numbers can, however, at best be viewed as very general guidelines. The evolutionary record tells us that populations of 10,000 or more will almost certainly go extinct eventually, even though the expected persistence time is very long. Also, populations that appear to be safe for many years may suddenly decline," if their numbers drop below a required threshold or catastrophe strikes (Meffe and Carol 1997).

The Population Viability Analysis (PVA) constructed and manipulated by Frank during his dissertation work was, like most models, based on the very limited scientific evidence available and riddled with assumptions. But, Frank's PVA is the only model that simulates how the AIBM population will fail or prosper in response to specific circumstances (Frank 1996). Frank's unexpected result was that the long-term survival of AIBM populations were more threatened by a series of frequent, less severe storms (i.e., Category I hurricanes that, in the model, killed an estimated 10 percent of the population), than by a few catastrophic storms (i.e., Category 5 hurricanes that eliminated 95 percent of the population in simulations). In summary, the modeling scenario that forced a 10 percent reduction in the AIBM population each time a 10-year Category I hurricane hit St. Augustine Inlet drove the entire subspecies to extinction within an alarming 40 years.

In the scenarios where the AIBM survived to the end of the PVA's 50-year simulation period, the population generally reached a plateau at around 8,000 individuals (Frank 1996). Similarly, Frank estimated the total carrying capacity of Anastasia Island at around 8,500 individuals (this parameter may be necessarily arbitrary). Carrying capacity is an idealized concept used to describe the maximum population size that a given environment can support indefinitely (and an essential parameter in the PVA) (Begon *et al.* 1996). Perhaps, a total population of approximately 8,000 to 8,500 could be used as a management target, with the understanding that a greater number of individuals would be preferred to buffer against natural environmental, demographic, and genetic stochasticity. As stated earlier, Frank (1996) estimated the population size to unpredictably range between approximately 1,700 to 13,000 individuals, centering around a fluid mean of 5,200 individuals. Bard (*unpublished data* 2001) estimates the total AIBM population to range between 2,204 and 16,553 (these numbers only include mice in the State parks and national monument). However, it may be misleading to compare these two countywide population estimates. Due to the differing sampling methods used in each study, the difference between these two estimates may not necessarily represent an increase in AIBM over the last decade. Due to increased anthropogenic pressures and habitat loss since Frank's initial surveys in 1989-1990, the actual population numbers of AIBM may be lower today.

3.5.2.1.2.2. *Site-Specific Information on the Anastasia Island Beach Mouse*

The historical range of the AIBM probably included most of the beaches of St. Johns County. Their former range is thought to have stretched north to at least Mickler's Landing (Ivey 1949 and 1959, as cited in Frank and Humphrey 1992 and 1996), or perhaps as far north as the Duval County Line (USFWS 1993). The southern end of their range historically and presently extends to Matanzas Inlet (Ivey 1949 and 1959, Frank and Humphrey 1992 and 1996, USFWS 1993). The length of their total historical habitat consisted of about 50 linear mi of beach (USFWS 1993).

Today, the AIBM occupies a much reduced range consisting of about 14 linear miles of beach, of which only 3 mi may support viable populations (USFWS 1993). The current distribution of AIBM is limited to two barrier islands in St. Johns County—Anastasia Island and the unnamed barrier island north of St. Augustine Inlet. On these two barrier islands, the AIBM distribution can be further subdivided into four geographical regions—GRSP, ASP, FMNM, and the private properties north of FMNM.

Because each of these four geographical regions falls under a different regulatory authority, each is described separately. Yet, it is important to point out that these four regions represent *three distinct populations* of the AIBM that are incapable of natural genetic exchange. The first genetically isolated population resides within the boundaries of ASP. The beach mice at ASP have been cut off from the rest of Anastasia Island by a section of intense beachfront development in St. Augustine Beach. Within this approximately one-mile strip of the beach, the former dune system has been largely eliminated due to a critically eroding shoreline (see Figure 3-4) armored by a rock revetment seaward of a concrete seawall (Figure 3-8b) (Frank 1996).

The primary dune system reappears south of the St. Augustine Beach revetment and stretches largely uninterrupted south to the Matanzas Inlet at FMNM. FMNM serves as a second population nucleus for the beach mice, but there is reason to believe that AIBM also utilize the wide, hospitable dune system found on the private lands of Crescent and Butler Beaches to the north. In 1989-1990, Frank (1996) trapped beach mice along the entire length of Anastasia Island, and biologists periodically see beach mice sign (e.g., footprints, burrows, etc.) in the foredunes of Crescent Beach (EAI 2001c; Miller *pers. comm.* 2001).

The third genetically distinct population is now found at GRSP. GRSP falls within the historical range of the AIBM, though they appear to have been regionally extirpated from this barrier island sometime between the late 1950s (Ivey 1949, 1959) and the early 1980s (Humphrey *et al.* 1987). A population was re-introduced to GRSP in 1992 and supplemented in early 2000 (Miller *pers. comm.* 2001). The population at GRSP is isolated from the mice at ASP by the St. Augustine Inlet, which is a fast-flowing inlet about 300 m (984 ft) wide that beach mice are unlikely to traverse (Frank 1996).

Anastasia Island, St. Johns County***Anastasia State Park***

ASP, located at the northern end of Anastasia Island, contains 10.8 linear km (6.7 mi) of shoreline, with 4.0 km (2.5 mi) of Atlantic Ocean shoreline. ASP falls within the State park system and is managed by the Florida Department of Environmental Protection. Beach mice predominantly inhabit the wide undisturbed dune system in the northern portion of the park locally known as Conch's Island. Since Conch's Island was only formed about 50 years ago (Figure 3-5), Frank and Humphrey (1996) assert that "the topography of Conch [sic] Island differs from the rest of Anastasia Island. The transition zone is wide, and a stable dune zone is absent. Instead, the transition zone adjoins salt marsh to the west." In order to maintain this early stage of vegetative succession, the State Park Service has initiated an ongoing habitat restoration project in a large section of Conch's Island (Miller *pers. comm.* 2001). The Park Service is using a variety of methods, including mowing, herbicide, and fire, to curb the growth of wax myrtle stands in the interdunal swales (Mulholland *pers. comm.* 2001). This will retain open sandy patches of sea oats, the preferred habitat of beach mice.

Frank (1996) estimated the amount of habitat available to the AIBM by digitizing aerial photographs of Anastasia Island. He calculated that beach mouse habitat in ASP was approximately 124.7 ha (308 acres). He estimated that the carrying capacity of the State park to be around 5,000 beach mice. From his trapping surveys conducted in 1989-1990, Frank estimated that the population size of AIBM at ASP ranged from 1,247 to 9,352 individuals (Frank 1996). Bard (*unpublished data* 2001) used Frank's estimates to calculate that the population at ASP in 2001 ranged from 1,600 to 12,000 beach mice.

Fort Matanzas National Monument

FMNM is located at the southern end of Anastasia Island and is managed by the National Park Service of the U.S. Department of the Interior. The Monument is spatially much smaller than ASP, including 2.9 km (1.8 mi) of continuous dunes and a calculated habitat area suitable for beach mice of 7.3 ha (18 acres) (Frank 1996). The following excerpt is taken from Frank and Humphrey's report (1996), "Vegetation at the two sites is generally similar, with the exception that the transition zone at FMNM has a greater abundance of woody species, shrubs, and dense swales than at ASP, and the transition zone at FMNM borders stable dunes vegetated by oak forest to the west." Frank (1996) estimated that FMNM has a carrying capacity of approximately 500 beach mice, and an estimated population size ranging from 73 to 547 individuals. Currently, there are no beach mice monitoring programs underway at FMNM. Bard (*unpublished data* 2001) calculated the 2001 population size to range from 200 to 1,518 AIBM in FMNM.

Private property north of FMNM

South of the seawall and revetment at St. Augustine Beach are 13.7 km (8.5 mi) of continuous dunes that stretch south to FMNM with a calculated beach mouse habitat area of about 79.8 ha (197.1 acre) (Frank 1996). This zone has only been systematically trapped for AIBM once—during a transect trapping study conducted by Phillip Frank in 1989-1990. In 1989, Frank found

AIBM at 100 percent of sampled sites (Frank and Humphrey 1996). In 1990, AIBM were present at 87 percent of sites trapped (Frank and Humphrey 1996). Though this stretch of land has not been trapped since 1990, beach mouse sign is sporadically seen in the foredunes of Crescent and Butler Beaches, including at Frank B. Butler Park (County-owned and managed) (Bard *pers. comm.* 2002, EAI 2001c, Miller *pers. comm.* 2001).

Although this area consists of mostly private lands, it is believed to support a significant and important portion of the AIBM population. Frank (1996) estimated that the density of beach mice on these lands was one-half the density on the public lands of ASP and FMNM, and the carrying capacity of the dunes along Crescent and Butler Beaches may approach 2,000 individuals. Under these assumptions, the estimated population size of AIBM ranged from 399 to 2,992 mice. Frank and Humphrey (1996) explain, “Despite the poor conditions of the unprotected habitat, large numbers of beach mice still occur there, and this habitat has an important function in maintaining demographic and genetic fitness of the beach mouse population as a whole. Demographically, the connectivity provided by this strip of habitat allows recolonization of patches of habitat that otherwise might remain vacant. Thus, distribution of beach mice along the length of the island also decreases the probability of extinction in the event of a catastrophic event such as a major hurricane.”

Guana River State Park

In 1949 and 1959 publications, Ivey documented the presence of the AIBM on two East Coast barrier islands—Anastasia Island and the unnamed barrier island stretching from St. Augustine Inlet north to the St. Johns River (Jacksonville Beach). By the 1980s, it appeared that the range of AIBM was reduced to Anastasia Island (Humphrey and Barbour 1981, Humphrey *et al.* 1987). In 1992, Frank trapped transects the length of GRSP and did not document the presence of any AIBM (Frank 1996). According to Frank (1996), “Why the Anastasia Island beach mouse was extirpated from the northern portion of the range was not documented, but severe hurricanes such as Donna in 1960 and David in 1979 that passed through the area may have contributed.” The USFWS Recovery Plan (1993) for the AIBM dictated that a management priority should be to establish at least two more viable populations. In 1992 and 1993, the USFWS funded the re-establishment of a population of beach mice on this unnamed northern barrier island at GRSP (Frank 1996).

Within four months after the initial release of AIBM into GRSP in 1992, they were detected to be present throughout the entire 6.7 km (4.2 mi) of contiguous undeveloped dune grassland within park boundaries (Frank 1996). Researchers are hopeful that the AIBM will persist in GRSP, because human disturbance is low and feral and free-ranging house cats are uncommon. Frank (1996) estimated that the carrying capacity of GRSP was approximately equivalent to the estimated population size—both projected to be 1,000 beach mice (Frank 1996).

Frank’s early estimates may have been overly optimistic. The Guana River population grew initially after introduction, but has dwindled since then (Bard *unpublished data* 2001). In a trapping study conducted in 1992, 34 beach mice were captured, and the population was estimated to total only 220 individuals (USFWS 1993). Bard (*unpublished data* 2001) estimated the GRSP population in 2001 to be increasing to a range between 404 and 3,035 individuals,

though the actual number is likely much lower according to recent and historic capture success. Bard (*unpublished data* 2001) estimated a minimum of 0.60 mice per km (0.97 mice per mi) in GRSP.

The GRSP population may have plummeted due to impacts from Hurricane Floyd (September 1999) and Hurricane Irene (October 1999). The foredunes at GRSP are generally low (compared to the foredunes on Anastasia Island), and the dune platform at GRSP commonly overwashes during storm events, as was the case during Hurricanes Floyd and Irene. These particular overwash events at GRSP in 1999 were devastating for the AIBM, as they caused severe scarping of the dune system. This eliminated both the habitat and food (i.e., sea oats) of beach mice and contributed to an unusually slow post-storm recovery (Miller *pers. comm.* 2001).

In addition to the population at GRSP, Frank (1996) believed that “the population had almost certainly expanded beyond the park boundaries onto private properties both north and south of the park. Suitable habitat is available and beach mice were captured at the park boundaries.” Thus, the AIBM may also inhabit private properties adjacent to GRSP.

3.5.2.1.3. American Alligator (*Alligator mississippiensis*)

3.5.2.1.3.1. Biological Information on the American Alligator

The American alligator (*Alligator mississippiensis*) is a relatively large resident reptile that is designated by the Federal government as a threatened species due to its similarity of appearance with the American crocodile (*Crocodylus acutus*). Due to a large increase in their numbers, alligators have been “down-listed” by the State of Florida to a species of special concern.

The American alligator is likely the most well-known reptile found in Florida. Alligators eat fish, turtles, snakes, small mammals, and birds. They build elevated nests in wetland areas during early summer and lay 30-50 eggs. Nests are guarded by females, incubation is approximately 70 days, and hatchlings will generally stay together for their first year. Alligators can live in close proximity to mankind, but if repeatedly fed by humans, they may lose their fear of man and become a nuisance and potential threat.

Alligators can be found in suitable open-water and wetland habitats throughout most of peninsular Florida but are less abundant in the Panhandle. They inhabit forested and herbaceous wetlands and may be found in high quality natural habitat areas, impacted wetlands, man-made canals, and stormwater treatment retention/detention areas.

3.5.2.1.3.2. Site-Specific Information for St. Johns County on the American Alligator

Within or adjacent to the Plan Area, the presence of alligators has been documented only at ASP and GRSP. In these areas, the preferred habitat is freshwater wetlands.

3.5.2.1.4. Bald Eagle (*Haliaeetus leucocephalus*)

3.5.2.1.3.1. Biological Information on the Bald Eagle

The bald eagle (*Haliaeetus leucocephalus*) is a large bird of prey that is designated as a threatened species by both the Federal government and the State of Florida. In addition to protection afforded by the Federal Endangered Species Act and the Florida Wildlife Code, the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act also protect eagles. Although the Federal government is considering “de-listing” the bald eagle, the legal protections are currently still in effect, and there has been no parallel effort to reduce the protection by the State of Florida.

Bald eagles are Florida’s largest birds of prey, reaching 3 ft in length with a wingspan of 7 ft. The adult birds have a distinct white head and tail; the entire body is blackish-brown, and the beak and feet are yellow. Immature birds are a chocolate brown with some white on the breast and tail. Florida’s bald eagle population has increased since the 1970s, due in part to the ban on DDT, which caused “thin egg shell” syndrome. The population of bald eagles in Florida consists of some year-round individuals and some part-time winter residents that migrate to Florida from more northerly latitudes. Florida has more resident bald eagles than any other state in the country except Alaska. Bald eagles are found throughout the State, particularly along the coasts and near major rivers and lakes. The official nesting season runs from October 1 through May 15. The birds build large bulky nests primarily in tall pine or cypress trees, and add to the nest every year. There are over 1,000 occupied eagle nesting territories in Florida (FWC *unpublished data* 2001d).

3.5.2.1.3.2. Site-Specific Information for St. Johns County on the Bald Eagle

The bald eagle population in St. Johns County can be separated into three distinct groups: 1) resident eagles that nest along the St. Johns River, 2) resident eagles that nest in eastern portions of the County, and 3) migratory eagles that nest in other areas but which spend part of the year in the County. The FWC documented nine occupied eagle nesting territories during 1999-2000 (FWC *unpublished data* 2001d). Of these nine, the majority (seven) were located near the St. Johns River in western St. Johns County. These birds likely feed primarily in the St. Johns River. There are no reported eagle nests within the Plan Area, although two nests were documented in the eastern portion of the County. One nest is known to be located on Bird Island in the Matanzas River, and issues concerning the protection of this nest are being coordinated through the State and Federal wildlife agencies.

Migratory eagles that winter in Florida do not defend territories and may be found virtually anywhere in the County. Because fish are eagles’ primary food item, this species is most often observed at or near large areas of open water, including the Matanzas River and the Atlantic Ocean.

Similar to other areas in Florida and the southeastern U.S., the population of eagles in St. Johns County appears to be increasing. This is likely the result of the protection afforded to them through the Federal Endangered Species Act and the Florida Wildlife Code. Additional factors that provide a favorable outlook for bald eagles include: 1) bald eagles are relatively long-lived

(generally 30-50 years) and will return to successful nesting territories on an annual basis; 2) juvenile eagles are known to return to the general area of their hatching when they enter reproductive status; and 3) bald eagles in Florida appear to be demonstrating an increasing ability to exist in proximity to humans.

3.5.2.1.4. Piping Plover (*Charadrius melodus*)

3.5.2.1.4.1. Biological Information on the Piping Plover

The piping plover (*Charadrius melodus*) is a relatively small migratory shorebird that is designated as a threatened species by the Federal government and the State of Florida. Piping plovers have been documented to occasionally occur within the Plan Area.

Piping plovers are one of several closely related members of the plover family (Charadriidae). Although the killdeer and Wilson's plover are year-round residents that nest in Florida, most members of this family, including the piping plover, are highly migratory. Some species migrate thousands of miles annually to and from breeding grounds in the Arctic tundra. At approximately 7 inches in length and having a wingspread of approximately 15 inches, the piping plover is one of the smallest members of the plover family. There are three distinct nesting populations of piping plovers: a coastal population that nests from Virginia northward through Maine, a Great Lakes population that nests in northern Michigan, Wisconsin, and eastern Minnesota, and a Midwestern population that nests in the Dakotas, Manitoba, and Saskatchewan. All subpopulations nest on sandy areas, including beaches, riverine sand bars, and alkali wetlands. After summertime nesting seasons, piping plovers fly south to spend winters in more southerly latitudes, including Florida, the Gulf of Mexico, and the Caribbean.

In Florida, piping plovers typically arrive in August or September, and some individuals may remain as late as April or May before returning to northern breeding areas. While in Florida, piping plovers most often are observed on sandy, low-wave-energy beaches, where they are present either singly or in small groups, often in proximity to other small shorebirds (e.g., sanderlings, semi-palmated plovers). Their diet consists primarily of invertebrate prey, including the small amphipods that are typically abundant in the shoreline wrack and at the water's edge. Piping plovers are often distinguished from other small shorebirds by their characteristic behavior of darting across the beach, stopping suddenly, and then sprinting off again. With close observation, piping plovers can be differentiated from other plovers by differences in plumage, bill length, and leg color.

3.5.2.1.4.2. Site-Specific Information for St. Johns County on the Piping Plover

In 1991, 1996, and 2001, wintertime censuses were conducted throughout the southeastern U.S. to document the presence/absence of piping plovers. These censuses are coordinated by the USFWS and are typically conducted by volunteers, many of whom are associated with a local Audubon Society or birding club.

Because piping plover habitat consists of sandy beaches, the majority of the beachfront within the Plan Area is *potential* wintering habitat for piping plovers. However, the high wave-energy

conditions that are typical of St. Johns County make the east-facing beaches relatively poor habitat for piping plovers, which prefer areas sheltered from the wind and waves. Two such areas occur within the Plan Area: 1) the sandy beach areas on the north and south sides of the St. Augustine Inlet (including ASP), and 2) the sandy beaches and sand bars in the vicinity of Matanzas Inlet.

Three piping plovers were observed during the 1991 piping plover census. During a 6-mile survey, two of these individuals were observed at Matanzas Inlet and the FMNM west of State Road A1A. The third piping plover was observed in ASP at the St. Augustine Inlet during an 8-mile survey. Database queries have not indicated that any piping plovers were observed during the 1996 census. In the 2001 survey, one piping plover was reportedly observed in the Matanzas Inlet area.

3.5.2.1.5. *Wood Stork (Mycteria americana)*

3.5.2.1.5.1. *Biological Information on the Wood Stork*

The Wood stork (*Mycteria americana*) is a relatively tall wading bird that is designated as an endangered species by both the Federal government and the State of Florida. The only species of stork that is native to North America, the wood stork is present in relatively sparse numbers in wetland areas of Florida and southeastern Georgia. Wood storks are large, white, long-legged wading birds with black wings and tail feathers. They average approximately 85-115 cm (35-45 inches) in head-to-tail length and have a wingspread of approximately 150-165 cm (60-65 inches). They typically nest in cypress swamps, mangrove forests, and islands where they are relatively free from predators. Wood storks forage for small fish and aquatic organisms in shallow ponds, flooded pastures, and ditches. Their annual nesting success is highly dependent on hydrologic regimes and their ability to obtain prey during the springtime dry season. Nesting failures are typically associated with water levels being either unusually low or high.

The results of field surveys suggest that the population of wood storks in Florida consists of 3,000-6,000 individuals. The range of wood storks appears to be expanding somewhat, to include both a more northerly population and establishment of nesting colonies in coastal areas. These changes may be a result of the continued impacts to the seasonally flooded, isolated wetlands that are being lost due to development throughout much of peninsular Florida. Wood storks have no major natural threats, and loss of wetlands and modifications to natural hydrological cycles are the primary threats to their continued existence.

3.5.2.1.5.2. *Site-Specific Information on St. Johns County on the Wood Stork*

Although wood storks are observed in St. Johns County on a fairly regular basis, their presence in the coastal areas within the HCP boundaries is comparatively rare. The FNAI database does not identify any known wood stork nesting areas within the Plan Area, although a nesting rookery was documented west of SR A1A within GRSP in 1976 and again in 1978. However, wood storks have been observed foraging in the Plan Area along the shoreline at Porpoise Point in Vilano Beach north of St. Augustine Inlet. This behavior is not typical for wood storks, as they are more successful foraging in shallow, isolated wetland areas.

3.5.2.1.6. Eastern Indigo Snake (*Drymarchon corais couper*)**3.5.2.1.6.1. Biological Information on the Eastern Indigo Snake**

The eastern indigo snake (*Drymarchon corais couper*) is a relatively large, dark-colored snake that is designated as a threatened species by both the Federal government and the State of Florida. These snakes occur in southeastern Georgia and throughout Florida, including the Florida Keys. In peninsular Florida, indigo snakes may be found in a variety of habitats, including mangrove swamps, wet prairie, tropical hammocks, xeric pinelands, and scrub.

Eastern indigo snakes sometimes appear iridescent black and have a reddish or coral-colored throat. They are comparatively mild-tempered, smooth-scaled snakes. Although the average length of the adult eastern indigo snake is approximately five to 6 ft, individuals over 8 ft have been recorded, making them potentially one of the largest snakes in North America.

Eastern indigo snakes are active primarily during daylight hours. They have a diverse diet, preying upon small mammals and birds, as well as frogs, lizards, and other snakes, including venomous species. During warmer months, they range widely, with individuals actively utilizing 125-250 acres or more. During the winter months, indigo snakes usually stay fairly close to some deep shelter (e.g., gopher tortoise burrow, stump hole, land crab burrow). Their winter activity area is usually less than 25 acres.

Due to their comparatively large size, indigo snakes have few natural enemies. However, because of their passive demeanor, they were heavily collected for the pet trade. Federal and State protection as a threatened species has diminished this threat. Presently, the single leading threat to their continued existence is the loss and fragmentation of habitat.

Due to the large territorial range of indigo snakes, they are particularly susceptible to habitat fragmentation and hazardous road crossings. Land development activities can endanger indigo snakes not only by direct impact but also by destroying gopher tortoise burrows, a favorite habitat and refuge for this species. Thus, environmental disturbance that threatens the survival of gopher tortoises may likewise affect indigo snakes. Indigo snakes shed their skins approximately every 30-45 days, and typically become inactive for a period of 10-14 days, immediately before shedding. During this period, they may not be able to quickly respond and escape from impending danger.

3.5.2.1.6.2. Site-Specific Information for St. Johns County on the Eastern Indigo Snake

Habitat that is suitable for indigo snakes is widespread throughout St. Johns County. Within the Plan Area, the Coastal Strand, Coastal Grassland, and Maritime Hammock communities all potentially harbor this species. However, the open beach provides relatively poor habitat for indigo snakes. The FNAI database includes three documented sightings of indigo snakes within the Plan Area. These sightings have all been on State or Federal lands—one each at GRSP, ASP, and FMNM.

3.5.2.1.7. Florida Manatee (*Trichechus manatus latirostris*)**3.5.2.1.7.1. Biological Information on the Florida Manatee**

The Florida manatee (*Trichechus manatus latirostris*) is a large, air-breathing aquatic mammal that is designated as an endangered species by the Federal government and the State of Florida.

Manatees utilize both estuarine and ocean waters adjacent to the Plan Area. Adult manatees range from 2.8-3.5 m (9.2-11.5 ft) in length and weigh approximately 400.0-900.0 kg (888.9-2000.0 lbs). Newborn calves weigh approximately 20.0-30.0 kg (44.4-66.7 lbs) and are 1.0-1.5 m (3.3-4.9 ft) in length. Manatees inhabit both freshwater and saltwater and consume large amounts of aquatic vegetation, including seagrasses, bank vegetation, overhanging plants, and submerged, rooted, or floating vegetation. They are warm-blooded, display seasonal movement patterns, and congregate during the wintertime at sites in south Florida and thermal refugia (i.e., springs, power plant discharges) in north Florida.

Scientists with the State of Florida and the Federal government have been involved with manatee tracking and population censuses for over 20 years. These investigations have included aerial surveys, and the tracking of individual manatees that have been fitted with radio or satellite antennas. Although the precise number of manatees in Florida is not known, aerial censuses conducted in 2001 documented the population to be at least 3,276 individuals (FWC *unpublished data* 2001c).

The population of manatees in Florida has been separated into four subpopulations. These include an Atlantic (east coast) population (approximately 47 percent of the Statewide population), a St. Johns River population (approximately 4 percent of the Statewide population), a southwest Florida population (approximately 37 percent of the Statewide population), and a northwest population (approximately 12 percent of the Statewide population).

Manatees are relatively long-lived mammals, with estimates of maximum life expectancy reaching approximately 60 years. Females enter their reproductive cycle at three to four years of age, and the mean age when they first give birth is five years. The gestation period is 11-14 months, and a calf remains dependent on its mother for approximately 1-2 years.

Manatees have no natural predators. Subsequent to their designation as an endangered species, efforts have been underway to recover the carcass of each deceased animal to determine the cause of mortality. Statewide, although the largest percentage of manatee deaths cannot be linked to a specific cause, a substantial proportion of manatee mortality has been determined to be related to human activities, particularly boat collisions.

3.5.2.1.7.2. Site-Specific Information for St. Johns County on the West Indian Manatee

Manatees in the waters of St. Johns County may be part of either the Atlantic or St. Johns River subpopulations. Manatees using the nearshore waters closest to the Plan Area are, however, most likely from the Atlantic population. Analyses conducted by manatee researchers suggest that the number of manatees in this region has remained fairly steady or decreased slightly during recent

years. Aerial surveys suggest that manatees use the Intracoastal Waterway (ICW) as the primary corridor to move from more northerly latitudes during the summer to more southerly areas during the colder winter months. Manatees have also been observed in the Atlantic Ocean, and it is thought that their north and south travels may include excursions along the coast after having been carried through inlets by tidal currents.

Surveys by the State of Florida and Federal government have documented numerous sightings of manatees in the coastal areas of St. Johns County. The vast majority of these sightings have been of individuals in the Tolomato and Matanzas Rivers and the ICW. Carcasses of deceased manatees have been recovered from the coastal waters of St. Johns County and from various locations along the beachfront.

3.5.2.1.8. Other Marine Mammals

3.5.2.1.8.1. Biological Information on Other Marine Mammals

Five species of whales that are designated as endangered species by the Federal government and the State of Florida have been documented to occur in the Atlantic Ocean along the coastline of St. Johns County (Table 3-4). These include the northern right whale (*Eubalaena glacialis*), sei whale (*Balaenoptera borealis*), fin whale (*Balaenoptera physalus*), humpback whale (*Megaptera novaeangliae*), and sperm whale (*Physeter catodon macrocephalus*).

Northern right whales are large, generally uniformly dark-colored baleen whales that reach lengths of approximately 15.2 m (50.0 ft). They are present in the North Pacific and North Atlantic Oceans, although the population is small or nonexistent in the eastern Atlantic. In the western Atlantic, however, right whales are known to range from eastern Canada in the summer to southeastern Florida and the Gulf of Mexico during the winter. Because calving grounds appear to be off the coasts of Georgia and northeast Florida, these areas have been designated as “critical habitat” for this species. In 1991, the National Marine Fisheries Service estimated the population of right whales in the North Atlantic was at least 350 individuals.

Sei whales are large baleen whales that are dark on their dorsal side and paler on their ventral side and reach lengths of approximately 15.2 m (50.0 ft). They range from warm-temperate to subarctic waters and are not restricted to nearshore coastal areas. It is believed that members of the Nova Scotia population migrate to northeast Florida, where they spend winters. Sei whales are thought to be comparatively shallow divers that feed primarily by skimming plankton at the surface. In 1991, the National Marine Fisheries Service estimate the population of sei whales in the North Atlantic was at least 4,000 individuals.

Fin whales are large baleen whales that are also dorsally dark and ventrally paler and reach lengths of approximately 22.9 m (75.0 ft). They are distributed worldwide but are less common in tropical waters than in cooler oceans. Similar to other baleen whales, fin whales are highly migratory, spending summers in polar waters and winters as far south as the Gulf of Mexico and the Caribbean. In 1991, the National Marine Fisheries Service estimated the population of fin whales in the North Atlantic was approximately 17,000 individuals.

Humpback whales are baleen whales that are dorsally dark and have large variable patches of white on their underside. They reach body lengths of approximately 13.7 m (45.0 ft). Characteristic features of this whale are the large white flippers that extend approximately one-third of the body length. Humpback whales are more coastal than many other species, and there is a single stock that summers along the New England coast and winters in the Caribbean. In 1991, the National Marine Fisheries Service estimated the population of humpback whales in the North Atlantic was approximately 5,800 individuals.

Sperm whales reach lengths of approximately 16.8 m (55.0 ft) and are dark gray to black. The dorsal fin is hump-like. Sperm whales are distributed worldwide, from polar to tropical waters, and most winter in equatorial regions and summer in more northerly latitudes. They typically inhabit the deep waters along the edge of the continental shelf. In 1991, the National Marine Fisheries Service estimated the population of humpback whales in the North Atlantic was approximately 190,000 individuals.

3.5.2.1.8.1. Site-specific Information on Other Marine Mammals

Protected species of marine mammals use the nearshore waters of St. Johns County as evidenced by their stranding on the beaches of the HCP Plan Area. Between 1992 and 2001, a wide variety of marine mammals stranded in St. Johns County, including the endangered humpback, northern right, and sperm whales (Hubbs-Sea World Research Institute *unpublished data* 2002).

3.5.2.1.10. State-Listed Species in the Plan Area

The species described above are animals that are listed by both the Federal government and the State of Florida as endangered or threatened. Additionally, there are a number of wildlife species that are designated as endangered, threatened, or species of special concern by the State of Florida but are not federally listed (Table 3-9).

3.5.2.1.10.1. Gopher Tortoise (*Gopherus polyphemus*)

The gopher tortoise (*Gopherus polyphemus*) is a medium-size terrestrial turtle with an average adult carapace (shell) length of 23.1-28.3 cm (9.0-11.0 inches). These reptiles have stumpy, elephantine hind feet and flattened, shovel-like forelimbs that are adapted for digging. The shell is domed and oblong; coloration is generally tan, brown, or gray. The head is wide and scaled.

Gopher tortoises excavate burrows, averaging 4.5 m (14.8 ft) in length and 2.0 m (6.6 ft) in depth. These burrows provide protection from temperature extremes, fire, desiccation, and predators, and serve as refuges for a variety of other animals. An individual tortoise may use more than one burrow and may excavate new burrows at any time during its life. Generally, feeding activity is confined to within 45.7 m (150.0 ft) of the burrow. Principal foods include grasses, legumes, and grass-like plants of the sedge and aster families. Fruits such as blackberries, pawpaws, gopher apples, and saw palmetto berries are also consumed. Gopher tortoises lay 3-12 eggs in one clutch from mid-May to mid-June. The incubation period varies from 80-110 days, and predation on nests and hatchlings is heavy.

Although still widely distributed in Florida, the gopher tortoise population is continuing to decline. Thus, the gopher tortoise is listed by the State as a species of special concern. Although tortoises still occur in all of Florida's 67 counties, their distribution in the southern peninsula is limited and fragmented by unsuitable habitat and increased urbanization. Gopher tortoise burrows provide protection for numerous vertebrate and invertebrate species including other protected species such as the eastern indigo snake, Florida mouse, gopher frog, and Florida pine snake. Thus, impacts to tortoise burrows may also affect these species.

In addition to the preferred longleaf pine sandhills habitat, gopher tortoises also inhabit sand pine scrub, coastal strands, live oak hammocks, dry prairies, pine flatwoods, and mixed hardwood-pine communities. Disturbed habitats, such as roadsides, fencerows, clearings, and old fields, often support relatively high densities as well. Although gopher tortoises are not typically found on the open beach, their burrows are present in the Coastal Strand, Coastal Grassland, and Scrub areas within the HCP Plan Area.

3.5.2.1.10.2. Florida Pine Snake (*Pituophis melanoleucus mugitus*)

Listed as a species of special concern by the State of Florida, the Florida pine snake (*Pituophis melanoleucus mugitus*) is a comparatively large, stocky snake with dark brown to reddish blotches on its light gray to sandy-colored back. Adults range from 0.9-2.3 m (3.0-7.5 ft) long. They occupy dry habitats, and radio-tracked individuals suggest that they have home ranges of 12.1-97.2 ha (30.0-240.0 acres). Prey items include ground-dwelling birds, eggs, mice, pocket gophers, small rodents, and small mammals. They lay 4-8 large white eggs from June to August. Within the Plan Area, Florida pine snakes have been documented to exist in the Coastal Strand community in the Vilano Beach area.

3.5.2.1.10.3. Wading Birds

Several species of medium-sized wading birds that occur within the Plan Area are listed as species of special concern by the State of Florida. These include the roseate spoonbill (*Ajaia ajaja*), little blue heron (*Egretta caerulea*), reddish egret (*Egretta rufescens*), snowy egret (*Egretta thula*), tri-colored heron (*Egretta tricolor*), and white ibis (*Eudocimus albus*). Adults of these species all vary in height from 59.1-82.3 cm (23.0-32.0 inches) and have wingspans of 92.6-128.6 cm (36.0-50.0 inches). Although color varies significantly among species, and even between juveniles and adults within some species, they share several critical features. All species are wetland dependent, and small fish and aquatic organisms constitute the majority of their prey. All species are colonial nesters, and most nest in mixed flocks with one another. Although no nesting rookeries of any of these species are known to occur within the Plan Area, sightings are frequent, especially in large publicly owned parcels such as GRSP and ASP.

3.5.2.1.10.4. Arctic Peregrine Falcon (*Falco peregrinus tundrius*)

The Arctic peregrine falcon (*Falco peregrinus tundrius*) is a large bird of prey that is designated as an endangered species by the State of Florida. At lengths of 41.4-51.4 cm (16.0-20.0 inches) and wingspans of 90.0-110.6 cm (35-43 inches), peregrines are the largest member of the falcon family found in Florida. They are extremely fast fliers, and their primary prey items are other

birds, which they typically strike from the air. Although there are several sub-species of peregrine falcons, their plumages are very similar. Most peregrines are highly migratory, spending summertime breeding seasons as far north as the arctic tundra, and returning to Florida and other areas further south to spend winters. Peregrines have been sighted in GRSP, and one was observed on the beach near St. Augustine Inlet at ASP during a field survey on October 12, 2001 (EAI 2001c).

3.5.2.1.10.5. American Oystercatcher (*Haematopus palliatus*)

The American oystercatcher (*Haematopus palliatus*) is a medium-sized, distinctly colored black and white bird that is typically found in coastal areas near oyster bars, mud flats, and riverine sand bars. This species is listed by the State of Florida as a species of special concern. They have stout, brightly colored orangish-red bills that are used to slice into oysters or to forage for benthic organisms. During periods of extremely high tides, oystercatchers seek refuge on sandy beaches. Oystercatchers are year-round residents in northeast Florida, nesting on the ground from March through July. Although they have been observed in GRSP and ASP, there has been no documented nesting within the Plan Area.

3.5.2.1.10.6. Brown Pelican (*Pelecanus occidentalis*)

With wingspreads of approximately 2.1 m (7.0 ft), brown pelicans (*Pelecanus occidentalis*) are unmistakable as they dive for their prey of live fish. Listed by the State as a species of special concern, pelicans are generally brown in color, though the head and neck change color during the nesting season. Juveniles are nearly all brown and generally have adult plumage by their third year. Feeding exclusively on fish, brown pelicans are common in coastal areas in Florida, where they often fly in long lines over the beach. Although pelicans are often observed resting on the beach, no nesting rookeries have been documented within the Plan Area.

3.5.2.1.10.7. Black Skimmer (*Rhynchops niger*)

The unusual foraging style differentiates this medium-size water bird from any other species. Black skimmers (*Rhynchops niger*) fly just above the water with their orange and black bottom mandible extended just below the water surface. The State of Florida has designated this species as a species of special concern. A member of the tern family, black skimmers are dorsally black and white on their underside. They are approximately 46.3 cm (18.0 inches) in length and have a wingspan of approximately 113.1 cm (44.0 inches). Although skimmers that nest as far north as coastal New England may move southward during the winter, most skimmers in Northeast Florida are year-round residents. Black skimmers are ground-nesting birds and will often nest in small groups with others of their kind and with least terns. Black skimmers require calm seas when foraging, and therefore are more frequently observed in the ICW, Tolomato River, and Matanzas River than over the open ocean. The only location within the Plan Area where black skimmers have been documented to nest is at the northern tip of ASP on the south side of the St. Augustine Inlet.

3.5.2.1.10.8. Least Tern (*Sterna antillarum*)

Designated as a threatened species by the State, the least tern (*Sterna antillarum*) is Florida's smallest member of the tern family, having a length of 23.1 cm (9.0 inches) and a wingspan of approximately 51.4 cm (20.0 inches). Although their gray and white plumage is similar to other terns, the least tern's yellow bill, legs, and feet differentiate it from other species. Additionally, although many other species of terns are wintertime residents, least terns reside in Florida during the summertime. Returning from wintering areas in South America, they arrive in March and April, nest on barren, sandy beaches during the summer, and return south in the fall. Least terns will return to the same nesting areas year after year, if previous nesting attempts have been successful. However, even successfully used nesting areas will be forsaken, when/if vegetation becomes established and covers the ground surface. During the last several years, there has been documentation of successful nesting by least terns on rooftops. Flat tar-and-gravel roofs near open-water foraging areas appear to offer alternate nesting areas. These new nesting sites are becoming increasingly important, as natural nesting areas on the beach become more and more susceptible to human disturbance.

Within the Plan Area, least terns have been documented to nest in the vicinity of the St. Augustine and Matanzas Inlets, as well as within GRSP (FNAI 2001; Appendix D). Between 1987 and 2002, least terns nested on the beaches within GRSP (Owen *pers. comm.* 2002). Owen remarked, "The fate of each year's nesting has varied significantly through the years, and, generally speaking, nesting success has been low due to high tides washing over nests." During the summer of 2002, there were between 20-30 nests and probably just less 20 successful nests that produced fledglings (Owen *pers. comm.* 2002). Each year, the park staff at GRSP have roped off and monitored the nesting area and posted it with appropriate signage.

U.S. Park Rangers at FMNM, in cooperation with biologists from FWC, perform least tern surveys at least once a year and have designated a bird sanctuary at FMNM west of the A1A Bridge as an important least tern nesting area. In the late 1990s, this bird sanctuary, also designated as a Florida Critical Wildlife Area by the FWC, was one of the largest least tern nesting colonies on the east coast of Florida (Rich *pers. comm.* 2002). However, the area west of the A1A Bridge is highly ephemeral, and during 2002 least terns began utilizing a newly roped area east of the A1A Bridge (Rich and Van Ghent *pers. comm.* 2002).

A bird sanctuary (delineated by signs and posts interconnected by twine) also exists at ASP south of the St. Augustine Inlet. Least terns have historically nested in this area, but have not returned to nest during the past several years (Miller *pers. comm.* 2002). Although the reasons why least terns have abandoned ASP are not fully understood, the nesting habitat appears intact, and local biologists have speculated that the terns may return to nest at ASP in the future (Miller *pers. comm.* 2002). During the summers of 2001 and 2002, least terns were also observed nesting along Summer Haven south of Matanzas Inlet (Rich *pers. comm.* 2002).

3.5.2.1.10.9. Common Snook (*Centropomus undecimalis*)

The common snook (*Centropomus undecimalis*) is a powerful, streamlined, silvery-green fish that is tolerant of wide ranges in salinity. Snook are listed as a species of special concern by the State

of Florida. They are a highly prized recreational game fish, most often caught in estuaries, inlets, and along the beach in waters adjacent to the Plan Area. Peak spawning season is June and July, and juveniles live primarily in small brackish water streams, canals, and ditches. Although growth rates are highly variable, most become sexually mature by two to three years of age at lengths of approximately 33.4 cm (13.0 inches). Mature snook can reach lengths of over 102.9 cm (40.0 inches) and may weigh 22.5 kg (50.0 lbs) or more. Snook are carnivores, preying mainly on small fish, especially fingerling mullet. Their diet also includes shrimp and crabs.

3.5.2.1.11. Other Rare Species of Wildlife

The species described above include those which are designated as endangered, threatened, or species of special concern by the Federal and/or the State government. Several non-regulatory, science-based entities have developed independent lists of species that they believe are in danger or potential danger of extinction. For instance, the FNAI tracks the reported occurrences of other rare species of wildlife, such as the eastern diamondback rattlesnake, which is known to occur within the Plan Area. FNAI's response to a request for information, which includes these non-regulatory listings, is included in Appendix D.

3.5.2.2. Listed Plant Species

The plant names provided below are consistent with the nomenclature in the *Guide to the Vascular Plants of Florida* by Richard P. Wunderlin (1998).

3.5.2.2.1. State-Listed Species in the Plan Area

Both the Federal government and the State of Florida have used their authority to designate plants as endangered or threatened. Over 50 plant species that occur in Florida have been designated by the Federal government as endangered or threatened. Although there are no federally listed plant species known to occur within the Plan Area, 11 plant species listed by the State of Florida as endangered, threatened, or commercially exploited have been documented within or adjacent to the Plan Area (Table 3-9).

3.5.2.2.1.1. Sand-dune Spurge (Chamaesyce cumulicola)

The sand-dune spurge (*Chamaesyce cumulicola*), also known as the coastal dune sandmat, is one of several species of *Chamaesyce* that are present within the Plan Area. This species of spurge is listed by the State of Florida as threatened. It is low growing, as opposed to other more erect species, blooms in spring, summer, and fall, and is found in dunes and scrub. Within the Plan Area, it appears to be fairly common in areas where the groundcover is discontinuous.

3.5.2.2.1.2. Coastal Vervain (Glandularia maritima)

Designated as an endangered species by the State of Florida, coastal vervain (*Glandularia maritima*), which is also known as coastal mock vervain (*Verbena maritima*), is a small, lavender-flowered member of the Verbenaceae (Vervain) family. It inhabits dunes and coastal pinelands

and is found primarily on Florida's east coast. It blooms intermittently throughout the year and has been documented near the south boundary of GRSP.

3.5.2.2.1.3. Crested Coralroot (*Hexalectris spicata*)

Crested coralroot (*Hexalectris spicata*), which is also known as spiked crested coralroot, is a small, ground-dwelling member of the orchid family. Crested coralroot is listed as endangered by the State of Florida. Crested coralroot is known to inhabit calcareous hammocks and shell middens, and it blooms in the spring and summer. It has been documented within ASP.

3.5.2.2.1.4. Angle Pod (*Matelea gonocarpa*)

Also known as angular milkvine, angle pod (*Matelea gonocarpa*) is a perennial, twisting vine that is found in hammocks. It is listed as a threatened species by the State and is a member of the milkweed (Asclepiadaceae) family. Angle pod flowers have yellow or greenish-brown petals, when it blooms during the spring and summer. The resulting seedpod is smooth and angled, without wings or spines. Within or adjacent to the Plan Area, it is only known from GRSP.

3.5.2.2.1.5. Pygmy-pipes (*Monotropsis odorata*)

Members of the heath (Ericaceae) family, pygmy-pipes (*Monotropsis odorata*) are a State-listed endangered species. These small perennial herbs are conspicuous for their lack of chlorophyll, for which they compensate by being parasitic on underground fungi associated with tree roots. When blooming in January and February, an individual stem 1.5-5 inches tall will have several small white or lavender bell-shaped flowers.

3.5.2.2.1.6. Prickly Pear Cactus (*Opuntia stricta*)

Members of the Cactaceae family, several species of *Opuntia* are present within the Plan Area. Of these, only *Opuntia stricta*, the erect or shell mound prickly pear is listed as threatened by the State of Florida. It is abundant within the Plan Area, where it can be found in most undeveloped backdune areas. It blooms throughout the year, and the dark purple fruits are edible.

3.5.2.2.1.7. Giant Orchid (*Pteroglossapsis ecristata*)

A large terrestrial member of the orchid (Orchidaceae) family, the giant orchid (*Pteroglossapsis ecristata*) inhabits dry habitats throughout much of peninsular Florida. It is a perennial herb that may reach heights in excess of 1.5 m (5.0 ft) when blooming. The terminal bloom spike may have 5-30 small, yellowish green flowers. Within the Plan Area, the giant orchid has only been documented in GRSP.

3.5.2.2.2. Other Rare Species of Plants

As described previously, in addition to the classification of "endangered" and "threatened," the State of Florida also has a designation of "commercially exploited." Collectors typically seek these species, and their populations could be jeopardized by continued harvest from the wild.

The three such species, one orchid and two ferns, that have been documented to occur within or adjacent to the Plan Area are identified in Table 3-9 and described below.

3.5.2.2.2.1. *Green-fly Orchid (Encyclia conopseum)*

A member of the orchid family, the green-fly orchid (*Encyclia conopseum*) is a small, epiphytic plant that is found in swamps and moist hammocks. Due to its epiphytic growth form, collectors easily remove this species from the wild. Within the Plan Area, the green-fly orchid has only been reported from GRSP.

3.5.2.2.2.2. *Cinnamon Fern (Osmunda cinnamomea) and Royal Fern (Osmunda regalis)*

The only members of the royal fern family (Osmundaceae), both the cinnamon fern (*Osmunda cinnamomea*) and the royal fern (*Osmunda regalis*) are wetland indicator species that are immediately distinguished from other ferns during their reproductive stage. Instead of producing spores in sporangia located on the underside of the leaves, these two ferns produce specialized, fertile, cinnamon-colored leaves that hold the sori. These species are typically understory plants in forested wetlands, and are therefore likely to occur west of the CCCL.

Chapter 4. FACTORS AFFECTING LISTED SPECIES IN PLAN AREA

Sea turtles nesting on the County's beaches, as elsewhere in Florida, face a variety of natural and human-related threats (NMFS and USFWS 1991a and b). Natural threats include nest depredation and beach erosion. Various anthropogenic threats to nesting habitat include beach armoring, beach nourishment, coastal construction, artificial lighting, increased human presence on the beach at night, beach cleaning, recreational beach equipment, beach vehicular driving, and poaching. Threats to turtles in the water include oil and gas exploration, dredging, marina and dock development, debris entanglement, commercial fisheries, boats, power plant entrapment, and ingestion of marine debris (National Research Council 1990). Most pertinent to this HCP are impacts associated with beach vehicular driving.

The populations of AIBM dwelling in the dunes of St. Johns County routinely encounter both natural and anthropogenic threats. The most serious natural threats to the subspecies' long-term persistence include the overwash and habitat loss due to storm events. Humans negatively influence AIBM through beach driving, trespassing and littering in the dunes, alteration or elimination of habitat through coastal development and construction, shoreline protection measures, artificial lighting, and the release of predatory feral and free-roaming cats.

Additionally, a wide variety of natural and human-induced impacts potentially occur to threatened, endangered, and migratory birds along the beaches of St. Johns County. Factors, such as erosion of nesting habitats and anthropogenic disturbances such as pedestrian, horseback, or vehicular traffic, free-roaming domestic cats and dogs, and habitat loss due to beachfront development, can negatively affect birds. Birds utilizing the HCP Plan Area might also be affected by trash on the beach, artificial lighting, and the eggs or young may be unintentionally crushed by traffic in nesting areas.

This section first describes the methods and programs utilized within the Plan Area to monitor for protected species. Subsequently, the natural and human-related activities that have been documented to, or may potentially, impact sea turtles, AIBM, and birds along the beaches of St. Johns County are discussed.

4.1. MONITORING PROGRAMS IN ST. JOHNS COUNTY**4.1.1. Sea Turtle Nest Monitoring Program in St. Johns County**

Sea turtle monitoring personnel conduct daily surveys of all County Beaches during the sea turtle nesting season. At present, monitoring is conducted by seven independent groups, each coordinated by a person possessing a valid Marine Turtle Permit from FWC. This Principal Permit Holders (PPH) may be assisted by up to 24 additional personnel, each of whom is also listed on the permit. Survey methodologies vary among PPHs. Monitoring personnel initiate their surveys between 5:30 and 9:00 AM and generally finish anywhere from 15 minutes to 2 hours later. Monitors generally begin surveying daily sometime between May 1 and 15 and continue at least through August 15. Some groups continue until the last nest emerges, which may be in October. Nests deposited before monitoring officially begins in May are usually noted by the public or County beach staff and reported to the PPHs for marking and monitoring. Since

the leatherback turtle is typically the first species to begin nesting, the large size of their tracks and nest would probably not go undetected. Sea turtles rarely nest after August 15 in St. Johns County, however both loggerhead and green turtle nests have been recorded in September (see Table 3-7). As for early season nests, late season nests are generally noted by the public or County staff, and the appropriate PPH is called to mark and monitor the nest. However, both early and late season nests may potentially go undetected and remain unmarked throughout their incubation period.

Another scenario leading to an unmarked nest is when monitoring personnel fail to recognize a new nest on the beach during the daily morning survey. In order to determine which species came ashore and whether or not it nested, the distinctive tracks left on the beach at night by turtles are interpreted the following morning. However, sometimes these tracks can be misinterpreted or go undetected. In an assessment of data generated by permitted and trained turtle surveyors throughout Florida, FWC determined that 7 percent of the crawls marked for study were incorrectly recorded as false crawls (non-nesting emergence) when they were actually nests (Schroeder 1994). In other cases, natural elements or human activity on the beach may obscure a turtle's tracks and cause a nest to be missed. Rain and wind obscure tracks, while wavewash can completely erase a track, particularly during storms or abnormally high tides. In some cases, wavewash may obliterate all signs that a turtle has been on the beach. Humans on the beach can also obscure signs of nesting. Sometimes tracks are intentionally obliterated, either maliciously or in misguided efforts to protect the nest from human tampering. Typically, however, heavy foot traffic is responsible, particularly at locations where crowds gather to watch a turtle nest. As a result of such various factors, some nests are likely to be missed, even by the most experienced personnel.

Missed nests are usually identified by signs of hatchling emergences in areas where no nest was previously documented. Anecdotally and based on hatchling tracks, monitors typically recount one missed nest every few years on County Beaches (Miller *pers. comm.* 2002). However, signs of hatchling emergence are very easily obliterated by the same elements that interfere with detection of nests. Thus, it is likely that some missed nests go completely undetected, and these nests are at the greatest risk of impact from vehicles on the beach. The loss of nest markers due to tides or vandalism is another means for a nest to be placed at risk to vehicular impacts.

4.1.2. AIBM Monitoring Programs in St. Johns County

In ASP and GRSP, quarterly trapping surveys for AIBM have been conducted by Florida Park Service personnel since 1989 (Miller, Bard, and Mulholland *pers. comm.* 2001). Due to lack of personnel and resources, FMNM staff are not able to perform frequent transect trapping studies for beach mice. U.S. Park Rangers from FMNM have sporadically conducted cooperative studies with FDEP Park Service district biologists and the biologist from GRSP (Rich *pers. comm.* 2002).

The following methods are utilized during FDEP surveys:

Quarterly monitoring protocol at GRSP and ASP follows that of Humphrey and Frank (unpub.): at GRSP, three transects were established at the north, central,

and south portions of the park in primary dune habitat. At ASP, two transects were established in primary dune habitat in the central and south portion of the park. Each transect consists of 20 stations spaced at 10 m intervals with two traps per station. Trapping is conducted for two to three consecutive nights per transect. Traps are baited with either sunflower seeds or peanut butter and oats and opened shortly before sunset; the traps are checked at sunrise and closed. Mice are handled immediately upon detection; standard morphometric measurements are recorded at that time. Mice have been ear-tagged at ASP for mark-recapture purposes since 1994; GRSP mice have been ear-tagged following the commencement of this augmentation project [1992]. Following ear-tagging, the mice are released at the point of capture (Bard *unpublished data* 2001).

Additionally, Park Service personnel have taken blood and tissue samples from mice in ASP and GRSP for DNA microsatellite determination by geneticists at the University of Illinois (Bard *pers. comm.* 2001). Unfortunately, these samples have not yet been processed due to a lack of funding. Park personnel would also like to take blood and tissue samples from AIBM taken in potential future trapping at FMNM. The benefits of such a study would include elucidation as to whether genetic drift has occurred between the population at ASP and the population at FMNM, which are assumed to be genetically isolated due to the seawall and rock revetment at St. Augustine Beach. This important data would assist scientists in determining how often and how many mice should be exchanged between ASP, GRSP, and FMNM to maintain genetic fitness.

4.2. NATURAL EVENTS

4.2.1. Natural Events Affecting Sea Turtles in Plan Area

4.2.1.1. Depredation

Depredation of sea turtle eggs and hatchlings by natural and introduced species occurs on almost all nesting beaches. The most common predators in the State of Florida are ghost crabs (*Ocypode quadrata*), fire ants (e.g., *Solenopsis invicta*), raccoons (*Procyon lotor*), feral hogs (*Sus scrofa*), foxes (e.g., *Urocyon cinereoargenteus*) and armadillos (*Dasypus novemcinctus*). The following predators have been implicated to negatively impact sea turtle nests on the beaches of St. Johns County: gray foxes (e.g., *Urocyon cinereoargenteus*), raccoons (*Procyon lotor*), domestic dogs (*Canis familiaris*), ghost crabs (*Ocypode quadrata*), and fire ants (e.g., *Solenopsis invicta*) (FWC *unpublished data* 2002).

The data reported on depredation of sea turtle nests in St. Johns County between 1996 and 2001 was examined (FWC *unpublished data* 2002; Table 4-1). The precise extent of depredation on County Beaches could not be determined, because of inconsistent data reporting. Consequently, the following analysis provides only a general characterization of depredation trends and patterns.

From 1996 to 2001, the lowest predation rates appeared to be in the monitoring zones of Ponte Vedra North, Vilano Beach (formerly North St. Augustine Beach), and St. Augustine Beach (formerly South St. Augustine Beach). The areas of highest nest depredation typically occurred

within GRSP and ASP. During this six-year period, depredation impacts in GRSP were recorded at 17 out of 257 nests (approximately 6.7 percent of the nests). These depredation events resulted in the damage of approximately 277 sea turtle eggs. Depredation reached the highest rates during the 2001 nesting season, when 9 of 51 nests were lost to foxes or raccoons, and another 3 nests were impacted by fire ants. Thus, in GRSP, 23.5 percent of nests deposited in 2001 were negatively impacted by depredation; 17.6 percent of the nests were totally lost.

The other area of relatively heavy nest depredation has been ASP. Park staff at ASP placed self-releasing cages on all of their nests between 1996 and 2001 in response to past heavy predation by gray foxes (Miller *pers. comm.* 2001). During these years, raccoons and gray foxes attempted to raid nests, but were generally unsuccessful in penetrating the cages to reach the eggs (Miller *pers. comm.* 2001). Predation on post-emergence hatchlings also appears to be a notable problem for sea turtle hatchlings in ASP. In 2000 and 2001, ghost crabs, foxes, raccoons, and birds preyed on hatchlings leaving the nest; those disoriented by lights appeared to be particularly susceptible to this type of predation.

Ghost crabs have been recorded to negatively impact sea turtle nests and/or hatchlings from GRSP south to the Flagler County Line. However, the extent to which these crabs are invading nests, depredating eggs and hatchlings, and/or affecting reproductive success is not known. Ghost crabs appear to depredate emergent hatchlings, as indicated by hatchling tracks terminating at crab burrows and crab tracks adjacent to dead hatchlings on the beach. Ghost crabs (*Ocypode quadrata*) appear to have the greatest impact on sea turtle nests in the southern portions of St. Johns County beaches. The northernmost record of ghost crab depredation is in GRSP in 2000, where ghost crabs damaged two eggs in one loggerhead nest (Table 4-1).

Fire ants (e.g., *Solenopsis invicta*) have only recently been documented as a problem for sea turtle eggs and hatchlings (Wilmers *et al.* 1996, Moulis 1997). During recent years, the presence of fire ants at nest sites was reported throughout the County. Often times, they were observed inside the nest during nest excavation or on hatchlings at the surface of the nest. However, as for ghost crabs, the extent of damage to eggs and hatchlings directly attributable to ants cannot be reliably quantified.

Although not considered a typical form of predation, roots of sea oats (*Uniola paniculata*), railroad vine (*Ipomoea pescapre*), and other dune plants sometimes invade the nest cavity and penetrate incubating eggs. This occurs primarily in nests laid high on the beach at, or landward of, the toe of the dune. From 1996 through 2001, monitoring personnel in Ponte Vedra South reported that two of the excavated nests had roots above or inside the egg chamber.

4.2.1.2. Tidal Inundation

Erosion, inundation, and accretion appear to be the major abiotic factors negatively affecting incubating egg clutches (NMFS and USFWS 1991a). Short-term erosion events (e.g., storms) are a natural phenomenon throughout the tropics and subtropics where both the number of turtle nests and the amount of storm activity vary considerably from year to year. Turtles have evolved a strategy to offset episodic impacts to hatchling productivity by laying large numbers of eggs and distributing their nests both spatially and temporally (Milton *et al.* 1994). Thus, rarely is the

total annual reproductive output affected by a storm that impacts a nesting beach. However, chronic erosion exacerbated by human activities along the coastline can result in a permanent reduction in both the quantity and quality of available nesting habitat leading to long-term impacts to productivity (Milton *et al.* 1994). During erosion events, nests deposited closest to the water's edge may be completely washed out. Nests incubating higher on the beach can be uncovered or inundated with seawater during unusually high tides, both of which can reduce reproductive success.

Similar to the case with depredation, the data records of nests overwashed and/or washed out appear to be patchy and may not have been consistently reported. However, using best available data, it appears that approximately 12 percent of all nests deposited between 1998 and 2001 in St. Johns County were washed out by tides (this data was generally not reported for 1996-1997; FWC *unpublished data* 2002; Table 4-2). The vast majority of damage from tidal inundation occurred during two separate years. In 1999, Hurricanes Dennis, Floyd, and Irene all impacted the coast of St. Johns County, causing considerable erosion and beachfront damage. During 1999, 14.1 percent of all nests were reportedly washed out. The nests deposited during 2001 were even more severely impacted by Tropical Storm Gabrielle, which directly hit St. Johns County. Tropical Storm Gabrielle caused serious erosion throughout the County, even creating a new inlet through the barrier island at Summer Haven (this inlet has since been filled in). During 2001, about 28.6 percent of the nests in St. Johns County were reportedly lost to tidal inundation. The survey zones with the highest proportion of nests washed out during 2001: Vilano Beach (44.4 percent), Guana River South (41.7 percent), Ponte Vedra North (35.7 percent), GRSP (35.3 percent), Beach Club Dr. North (33.3 percent), St. Augustine Beach (33.3 percent), and Fort Matanzas North (33.3 percent).

Nests that are not washed out of the beach may suffer reduced reproductive success as the result of tidal inundation. Eggs saturated with seawater are particularly susceptible to embryonic mortality (Bustard and Greenham 1968, Milton *et al.* 1994, Martin 1996). Accretion of sand above incubating nests may also result in egg and hatchling mortality. Although occasional overwash of nests on Hutchinson Island, Florida, appeared to have had minimal effect on reproductive success, prolonged or repeated exposure to tidal inundation resulted in fewer emergent hatchlings (Ernest and Martin 1993). Ehrhart and Witherington (1987) reported that 17.5 percent of the loggerhead nests deposited in their Brevard County study area did not emerge due to erosion, accretion, and storm surge.

From available data, it is difficult to ascertain the effects of wave overwash on sea turtle nests in St. Johns County. On Hutchinson Island, Florida, nests overwashed at least once incubated on average about 1.5 days longer than those on dry sections of beach (EAI 2001a). The effect was even more pronounced for those nests experiencing multiple days of overwash. Longer incubation periods may increase susceptibility of eggs to depredation.

To reduce the negative effects of erosion and tidal overwash, nests that are deposited low on the beach are sometimes moved to "safer" locations higher on the beach. Survey monitors in St. Johns County reported that nests were most commonly relocated, because they were laid at, or seaward of, the current high tide mark (FWC *unpublished data* 2002; Table 4-4). The greatest percentage of all relocated nests between 1996 and 2001 occurred in ASP (20.3 percent) and St.

Augustine Beach (formerly South St. Augustine Beach; 11.7 percent). Nest monitors in all survey zones relocated some nests between 1996 and 2001, with the lowest percentage of nest relocations occurring in GRSP (2.3 percent).

4.2.1.2.1. Post-hatchling Washback Sea Turtles

In addition to those direct impacts associated with tidal overwash, storm events during the nesting season may cause hatchlings that have already entered the water to wash back up on the beach with algae and flotsam. In some instances, these hatchlings may have been at sea for weeks or months. Stranded post-hatchling washbacks, as they are referred to, are vulnerable to being accidentally run over by vehicles on the beach. Washback hatchlings are generally dealt with in St. Johns County by personnel from the Volusia Turtle Patrol, Beach Management Division, State Park Service, and the National Park Service. The appearance of washback hatchlings typically coincides with late summer and autumn storms. Collected post-hatchlings are dealt with in accordance with FWC Marine Turtle Conservation Guidelines (Miller *pers. comm.* 2002, Rich *pers. comm.* 2002, and Williams *pers. comm.* 2002).

Between 1992 and 2001, 78 Stranding Reports of washback post-hatchlings were filed with FWC (1 in 1997, 2 in 1998, 73 in 1999, 0 in 2000, and 2 in 2001; FWC *unpublished data* 2001b). About 97 percent of the recorded washbacks occurred during the month of October; the remaining few occurred in September. Approximately 94 percent of the washbacks reported to FWC occurred during a red tide event documented in mid-October 1999.

Additionally, 1996-2001 data records regarding washbacks between Crescent Beach and the Flagler County Line were searched (Rich *pers. comm.* 2002). In this area, post-hatchlings washed back onto Crescent Beach on November 22, 1998 (1 loggerhead), July 10, 2000 (2 loggerheads), August 19, 2000 (1 loggerhead), and October 11, 2001 (1 loggerhead) (Rich *pers. comm.* 2002). The water conditions at the time of each washback event were not recorded.

4.2.1.3. Ephemeral Escarpments and Other Natural Obstructions

Escarpments caused by erosion are extremely common along the foredunes throughout the beaches of St. Johns County, particularly during the winter months. During a fall survey conducted by EAI in November 2001, the escarpments ranged from 2 to 6 ft in height along South Ponte Vedra, North Beach, and Vilano Beach (EAI 2001c). Escarpments reaching maximum heights of 15-16 ft were measured along a small stretch of beach in South Ponte Vedra (Figure 4-1). Escarpments on the South Beaches (ASP south to Marineland) generally ranged between two and nine feet in height with a maximum of 14 ft recorded just north of the Summer Haven revetment. Natural dune escarpments have been reported to negatively impact sea turtles during the nesting season (R.E. Martin *pers. comm.* 2002). Nests at the base of a scarp are generally more susceptible to tidal inundation and/or being washed out by high tides. Additionally, the escarpment can collapse, thereby placing additional sand on top of the nest. In both of these cases, the nest may be lost completely or exhibit reduced reproductive success. Although unlikely, it is also possible that a steep escarpment may collapse on a nesting female causing increased stress and/or burial.

Another natural obstruction to nesting female sea turtles and emergent hatchlings is exposed Anastasia rock formations. Such rock formations are periodically exposed on the south side of Matanzas Inlet and in the vicinity of the Town of Marineland. The beaches in both of these areas are intermittently scattered with pieces of broken Anastasia rock. In Martin County, Florida, exposed Anastasia rock formations annually cause problems for sea turtles (R.E. Martin *pers. comm.* 2002). Nesting females have become trapped within the rock formations; they have also fallen from steep outcroppings when returning to the sea after nesting. Such rock formations may also prompt false crawls, thereby increasing the total energy expenditure required for a sea turtle to successfully nest. Jagged rock formations may also trap emerging hatchlings during their crawl to the sea. Sometimes these rock formations are covered by sand when the female turtle emerges to nest, but are later exposed to pose obstacles for emerging hatchlings. Monitoring personnel in St. Johns County have documented sea turtle tracks winding around exposed Anastasia rock formations and false crawls occurring at the rock formations just south of Matanzas Inlet and near the Town of Marineland (Rich *pers. comm.* 2002).

Additionally, dense sprawling vegetation may trap female sea turtles before or after a nesting attempt (R.E. Martin *pers. comm.* 2002). However, the cases when vegetation has acted as a natural obstruction to nesting turtles have been extremely rare. Such an event is most likely to occur when a female unintentionally crawls landward of the dune system because the dune has been altered to an unnatural state or she is disoriented by lights or other cues.

Encounters with natural escarpments or physical obstructions, such as seawalls, may cause a female turtle to abort her nesting attempt (i.e., false crawl). To potentially identify areas where false crawls are most common, nesting success was examined for each of the survey zones in St. Johns County (Table 4-3). Between 1996 and 2001, the highest nesting success (percentage of all crawls resulting in nests) were documented in Ponte Vedra North (78.8 percent), followed by GRSP (70.2 percent), St. Augustine Beach (formerly South St. Augustine Beach) (68.9 percent), and Fort Matanzas National Monument (including both Fort Matanzas North and South (67.8 percent) (FWC *unpublished data* 2002). The lowest nesting success occurred in ASP (62.7 percent) and Beach Club Drive South (61.9 percent). Overall nesting success in the County was 67.1 percent (FWC *unpublished data* 2002). In Florida, loggerhead sea turtles typically deposit eggs on about 50 percent of their emergences onto the dry beach (Trindell *et al.* 1998). Thus, the relatively high nesting success values for St. Johns County suggest that obstructions on the beach are not demonstrating a substantial problem.

4.2.2. Natural Events Affecting AIBM in Plan Area

4.2.2.1. Natural Predation

The Recovery Plan for the AIBM states that the predators of this species include “snakes, bobcats, foxes, raccoons, skunks, owls, and feral cats and dogs” (USFWS 1993). Since feral and free-roaming cats and dogs are considered exotic species, they are classified as unnatural predators and are discussed in section 4.11 of this HCP. The levels of predation by natural predators were monitored and documented during a two-year study of AIBM within GRSP and throughout Anastasia Island (Frank and Humphrey 1996). The following excerpts track Frank’s observations and constitute the only published records of predation on AIBM:

Snakes were the most abundant native predators observed in beach mouse habitat. The eastern coachwhip (*Masticophis flagellum*) was the most commonly observed snake, and once a large individual was seen entering a beach mouse burrow and consuming 4 juvenile beach mice. Black racers (*Coluber constrictor*) were also commonly observed and on 2 occasions were seen to capture beach mice that had been released from traps during early morning. Eastern diamondback rattlesnakes (*Crotalus adamanteus*) were frequently observed in dune habitat and probably also prey on beach mice.

Avian predators observed in beach mouse habitat include great horned owls (*Bubo virginianus*), northern harriers (*Circus cyaneus*), and kestrels (*Falco sparverius*). Other owl species (barred owls (*Strix varia*), screech owls (*Otus asio*), and barn owls (*Tyto alba*)) that are potential beach mouse predators occur on Anastasia Island, but were not observed in beach mouse habitat. Great blue herons (*Ardea herodias*) were frequently observed in the dunes at night at ASRA [ASP], and probably prey on beach mice opportunistically.

Additionally, raccoons, opossums, and bobcats are present on Anastasia Island and may occasionally prey upon AIBM. However, the impacts of natural mammalian predators are thought to be insignificant (Frank and Humphrey 1996).

4.2.2.2. Competition

Beach mice are the only mammal endemic to the dune systems of Florida; hence there are no natural competitors who exhibit a similar size, food habits, or habitat requirements (Frank and Humphrey 1996). However, low levels of competition may occur with the exotic house mouse (*Mus musculus*). When factors depress AIBM populations, house mice are more likely to colonize the area. Elegant trapping studies conducted by Frank and Humphrey (1996) concluded that house mice are probably not a serious threat to the persistence of beach mice in undisturbed dune habitats where beach mice are uniquely adapted. Results are summarized below:

House mice were present in low densities at ASRA [ASP] during a period of low beach mouse density (1989), but following a period of high beach mouse density in January 1990, probably as a result of cat removal, house mouse densities decreased to zero. In contrast, house mice exhibited a broad distribution over Anastasia Island during the summers of 1989 and 1990 in disturbed habitat adjacent to houses and commercial development, where feral cats were common and beach mouse densities were low.

Thus, house mice appear to invade and flourish in areas disturbed by humans or near human structures that provide shelter, but are outcompeted by the native AIBM in an intact, natural dune system.

4.2.2.3. Escarpments, Tidal Inundation, and Storm Overwash

Because the AIBM has lost most of its historical habitat and populations have been isolated from one another, one of the greatest threats to the survival of AIBM is recurring tropical storms (USFWS 1993). The Recovery Plan for AIBM (1993) indicates, “The remaining viable populations could be exterminated by a single tropical storm, with much of the habitat destroyed at the same time. Contingency plans should be prepared to take Anastasia Island beach mice into captivity if populations drop to a level at which chances of survival in the wild decrease significantly.”

The reproductive strategy of AIBM is generally tailored to quickly recover from severe storm events. However, hurricanes have been blamed for regional extirpations of Gulf Coast beach mice. As explained in section 3.5.2.1.2.1., a Population Viability Analysis (PVA) model revealed that the long-term survival of AIBM populations were more threatened by a series of frequent, less severe storms (i.e., Category I hurricanes that, in the model, killed an estimated 10 percent of the population), than by a few catastrophic storms (i.e., Category 5 hurricanes that eliminated 95 percent of the population in simulations) (Frank 1996). In summary, the modeling scenario that forced a 10 percent reduction in the AIBM population each time a 10-year Category I hurricane hit St. Augustine Inlet drove the entire subspecies to extinction within 40 years.

Though AIBM populations naturally exhibit considerable fluctuations, their continued survival is contingent upon available back dune habitat into which they can retreat when the primary dunes are overwashed (Frank and Humphrey 1996, Miller *pers. comm.* 2001). Thus, AIBM depend not only on the conservation of the line of primary dunes, but also sufficient back dune (scrub habitat) in order to survive episodic storm events and avoid extinction.

4.3. HUMAN BEACH ACTIVITIES

4.3.1. Effects of Human Beach Activities on Sea Turtles in Plan Area

4.3.1.1. Beach Visitors

Until a nesting sea turtle begins laying eggs, she may be frightened back into the ocean by human activity and lighting on the beach (McFarlane 1963). It is not known if the fright response has a long-term negative effect on nesting success. Once a turtle leaves the beach, she may return to the same location or select a new site later that night or the following night. However, repeated interruption of nesting may cause a turtle to place her nest in a sub-optimal incubation environment (Murphy 1985). The extent to which heavy nighttime beach use by humans may cause a turtle to abandon its historical nesting range is not known.

Little information is available on the potential impacts of typical beach visitors on adult and hatchling sea turtles on the beaches of St. Johns County. Visitors using flashlights or lanterns on the beach at night during the nesting season can cause nesting turtles to leave the beach and hatchlings to become temporarily disoriented. Direct harassment may also cause adult turtles to abandon nesting efforts (Johnson *et al.* 1996). Monitoring personnel reported beachgoers were caught trying to put a sea turtle in the back of a pick-up truck in Vilano Beach (Reed *pers. comm.*

2001). Although illegal, handling, playing with, or collecting hatchling sea turtles, may also occur on County Beaches. This may cause desiccation and fatigue and reduce the survivorship of hatchlings once they are released into the surf.

It is unlawful for beach visitors to be in the dune vegetation or to disturb sea turtle nests, hatchlings, or adults. Nevertheless, uninformed beachgoers, particularly children, have been reported digging into nests on other Florida beaches in search of eggs and/or hatchlings, presumably out of curiosity. On other Florida beaches, human poaching of turtle nests has been a problem (Ehrhart and Witherington 1987). However, between 1996 and 2001 on the beaches of St. Johns County, there has been only one confirmed case of poaching and four cases of nest vandalism (FWC *unpublished data* 2002). The poaching incident occurred in St. Augustine Beach in 1999. In Vilano Beach, three nests were vandalized in 1997, and one was vandalized in 1999 (the details of these acts of vandalism were not reported to FWC).

More often, however, impacts of visitors to sea turtles on the beaches of St. Johns County are indirect. Research has shown that human footprints on the beach can interfere with the ability of hatchlings to reach the ocean (Hosier *et al.* 1981), and heavy pedestrian traffic may possibly compact sand over unmarked nests. Visitors are generally sympathetic to hatchlings that are having difficulty crawling to the ocean and may pick them up and release them into the surf. Monitoring personnel reported that on two occasions in 1997 disoriented hatchlings in St. Augustine Beach were returned to the ocean by the public (FWC *unpublished data* 2001e). The negative impacts of this activity may include some loss of imprinting to the beach (LeBuff 1990) and an inability to establish a seaward direction during the hatchlings' offshore migration (Lohmann 1994). Minimization of each of these potential impacts will be addressed primarily through the County's educational and public awareness programs, as addressed in Chapter 7 of this HCP.

Hatchling and adult sea turtles may become trapped in large holes commonly dug by beach visitors along the beach, particularly in St. Augustine Beach (Holmberg *pers. comm.* 2002). Although Florida Statute 161.052 prohibits "excavation" on the beach throughout the sea turtle nesting season can only be performed if permitted by the FDEP, it is doubtful that its legislative intent was to restrict traditional beach activities, such as building sand castles. However, if these activities are taken to extreme (such as people using shovels to dig craters or deep holes in the beach), the holes created pose hazards for nesting or emergent sea turtles. If lifeguards or law enforcement officers observe visitors excavating deep holes in the beach during the sea turtle nesting season, they should instruct them to fill them in. Holes are also removed through St. Johns County's rut removal program (Williams *pers. comm.* 2001). However, minimization of such human impacts is most likely to come from public educational and awareness programs.

4.3.1.2. Recreational Beach Equipment

Damage to dune vegetation caused by the improper storage of recreational equipment on the beach is a violation of section 161.053 Florida Statutes. Additionally, the use and storage of lounge chairs, cabanas, umbrellas, catamarans, sailboats, and other types of recreational equipment on nesting beaches can hamper or deter nesting by adult females and trap and/or impede hatchlings during their nest to sea migrations. The recovery plan for Atlantic

loggerhead turtles (NMFS and USFWS 1991a) indicates “the documentation of false crawls at these obstacles is becoming increasingly common as more recreational beach equipment is left in place nightly on nesting beaches.” The recovery plan cites documented reports of adult turtles being trapped under heavy wooden lounge chairs, eggs being destroyed by equipment (e.g., beach umbrellas) penetrating the egg chamber, and hatchlings being hampered during emergence by equipment inadvertently placed on top of the nest.

In St. Johns County, private landowners sometimes improperly store boats and other equipment in, or at the toe of, the dunes (Figure 4-2). This equipment might cause problems for adult nesting turtles each year and less frequently for hatchlings. Recreational equipment is placed on the beach during daylight hours seaward of condominiums along North Beach, Vilano Beach, and South Ponte Vedra, and at the Holiday Inn in St. Augustine Beach (Lardner, Stam, and Stauber *pers. comm.* 2002). A stranded sea turtle that washed onto the beach at Ponte Vedra Beach reportedly died after being entrapped in a beach chair (Stoll *pers. comm.* 2002). Monitoring personnel stated that recreational equipment is generally not a problem for sea turtles in St. Johns County, although such equipment (e.g., boats and/or volleyball nets) on the beach has reportedly caused an occasional false crawl in the South Ponte Vedra survey zone (Stam *pers. comm.* 2002).

4.3.1.3. Special Beach Events

St. Johns County beaches are host to a small number of special events each year. These events temporarily increase the number of people and/or vehicles in a given area on the beach (Williams *pers. comm.* 2001). St. Johns County’s Beach Code (Ordinance 97-34) defines special events as follows:

- A. Any use, activity or event conducted or promoted on the beach that would, if not permitted hereunder, constitute a violation of any provision of the Beach Code or any rule or regulation issued under the authority of the Code; or
- B. Any activity or event that is organized and promoted to attract, and is likely to attract, a crowd of more than 50 persons to a certain place on the beach at a certain time under circumstances that are likely to interfere with the public’s right of access and use of the beach or create a need for additional services or other resources; or
- C. Any activity or event on the beach that is promoted or sponsored by commercial interests and will advertise or promote private commercial interests.

St. Johns County’s Division of Beach Management can grant permits for events that fit one of the categories above. Special events in St. Johns County have historically included, but are not limited to, weddings, paddleball competitions, and volleyball tournaments. The permits are issued at no charge to the applicant. Organizers of such events must apply for and be granted this free permit in order to hold the special event on the beach. The County does not organize these events but will assist with scheduling, logistics, and details such as helping organizers schedule events to avoid high tides.

The County grants permits for both Small and Large Special Events on the beach. A Small Event is considered one that includes less than 200 people; a Large Event involves more than 200 people (Williams *pers. comm.* 2001). Organizers of Small Events must fill out a permit application form and submit it to the Supervisor of Beach Management of St. Johns County. Large Events must first be approved by the Recreation Advisory Board and then by the Board of County Commissioners. On both permit applications, the event organizers must specify if they will be using any additional structures (such as a tent or other props) or require additional law enforcement officers (for a fee). Events can be permitted to occur into the night. However, no lights or vehicles are allowed on the beach during nighttime events permitted by the County during the sea turtle nesting season (Williams *pers. comm.* 2001). A special event organizer is required to obtain a FDEP permit for any special event that involves excavation on the beach, the use of lights at night, or overnight storage of equipment on the beach during the sea turtle nesting season.

The largest and most popular special event that occurs on the beaches of St. Johns County is the public viewing of the annual Fourth of July fireworks display (section 2.4.3.4.). Citizens are allowed to drive onto the beach at night between the north side of the Vilano Ramp and the St. Augustine Inlet (Porpoise Point; Figure 4-9). To accommodate this event, the County suspends enforcement of its general prohibition against night driving by allowing vehicular access to Porpoise Point between the hours of 5:00 AM on July 4 until 1:00 AM on July 5 (Ordinance 96-48). Additionally, two supplementary County staff persons are assigned to the Porpoise Point Region during July 4-5. These additional County staff persons patrol the beach all day and clear the beaches of all public vehicles after the fireworks display is concluded.

The viewing of the annual Fourth of July fireworks display by car has the potential to negatively impact nesting sea turtles and/or emerging hatchlings. However, monitoring personnel cannot recall a sea turtle nest ever being present within the Porpoise Point region during the period surrounding the Fourth of July (Reed and Lardner *pers. comm.* 2001). In recent years, monitoring personnel have patrolled Porpoise Point under their own initiative during this special event in order to protect any female turtles that might crawl onto the beach to nest (Lardner *pers. comm.* 2001); no nesting female turtles have ever been observed to emerge from the ocean at Porpoise Point during the fireworks display.

No known incidental take of sea turtles has been documented on County Beaches as a result of a special beach event. Nevertheless, special events that occur within the nesting season could potentially impact nesting sea turtles and/or emergent hatchlings.

4.3.1.4. Commercial and Recreational Fishing

In 2001, 164 individuals based in St. Johns County possessed a Saltwater Products License issued by the State of Florida (FWC *unpublished data* 2001f), and 128 of these commercial fishers were recorded to have landed fish that same year (FWC *unpublished data* 2001g). A small number of commercial fishermen prefer to travel to and from their fishing spots in four-wheel drive vehicles. In order to estimate the number of commercial fishermen that drive on the beach, those with Saltwater Products Licenses were sorted by gear types that could be used from the surf zone (i.e., hook and line and cast net). There were 45 commercial fishermen that landed

fish using hook-and-line, 16 using a cast net, and 3 using both. However, some of the fish landed by hook-and-line fishermen in 2001 included species that are typically caught offshore in deeper waters, such as wahoo, dolphin, and tuna, which suggests that they were not fishing from the beach. On the other hand, two commercial fishermen in St. Johns County reported landing pompano, a species that is generally caught from the shore. Without conducting an extensive survey, it is not known exactly how many commercial fishermen drive on the beach and to what extent each depends on that activity for their livelihood.

Anecdotal information regarding commercial fishing activities in St. Johns County was provided by Bill Sabo, who has been writing a fishing column for the *St. Augustine Record* for the past 18 years. According to Mr. Sabo, commercial fishermen typically fish off the beach for pompano, whiting, and mullet, and to a lesser extent, flounder, shark, and red and black drum. All of these species can be caught year-round; however pompano and whiting are best caught during the spring, summer, and fall. Silver and black mullet are targeted during September and October. Fishermen for mullet typically will follow the schools of fish along the beach in their vehicles and catch them via cast nets. The majority of commercial fishing, according to Mr. Sabo, is done in the vicinity of the Matanzas Inlet by fishermen who access the beach at the public beach access at Fort Matanzas Ramp. Due to restrictions on beach driving and lighting, commercial fishing at night is a rarity.

Recreational anglers on St. Johns County beaches far outnumber commercial fisherman (Sabo, Gassman, and Delaney *pers. comm.* 2002). The number of recreational fishermen in St. Johns County is not known, but some would estimate the number to range between 12,000 to 15,000 individuals (Delaney *pers. comm.* 2002). Generally, recreational surf fishermen are targeting the same species as commercial fishermen (described above) along County Beaches. Recreational fishing is most popular around St. Augustine and Matanzas Inlets, however all beaches of the County are utilized. From Duval County to Porpoise Point, surf fishing for drum, whiting, pompano, sheepshead, and bluefish is popular. Cast netting for mullet is also popular, particularly between May and the first week of December (Gassman and Delaney *pers. comm.* 2002). Surf fishermen also drive on the beach between “A” Street and FMNM. In this area, pompano, whiting, jack, and red drum are caught every month of the year, and bluefish are caught between May and October (Delaney *pers. comm.* 2002). Fishermen, many from Palatka, often fish on the north shore of the Matanzas Inlet, where flounder, pompano, redfish/channel bass, mullet, and whiting are commonly taken (Delaney *pers. comm.* 2002). Fishermen seldom fish on the west side of the A1A Bridge at Matanzas Inlet, because this area is heavily utilized by families and jetskiers (Delaney *pers. comm.* 2002). Surf fishing along the beaches of Summer Haven (“Short Beach”) is also popular: drum, whiting, pompano, sheepshead, and bluefish are typically targeted (Delaney *pers. comm.* 2002).

Both commercial and recreational fishermen can impact sea turtles by driving on the beach to and from their fishing destination. Additionally, fishing debris (e.g., improperly discarded line) can entangle sea turtles, and occasionally sea turtles are foul-hooked or caught by hook-and-line fishermen. No known incidental take of turtles related to fishing activities on County Beaches has been reported in St. Johns County.

4.3.2. Effects of Human Beach Activities on AIBM in Plan Area

4.3.2.1. Beach Visitors

Frank and Humphrey (1996) cited “the most apparent problem caused by human activities is physical damage to dune structure and vegetation caused by walking on the dunes.” The beaches of St. Johns County are visited by large numbers of people, particularly during the summer season, and foot traffic through the dunes can occur. Although a large majority of beach visitors utilize dune walkovers from their private residences, commercial establishment, or public access points, there are footpaths through the dunes in various locations along Anastasia Island (EAI 2001c). Each of these footpaths may represent habitat fragmentation for the AIBM.

Like all oldfield mice, AIBM construct and maintain burrows along the primary dune system. Because the escape tunnels of these burrows generally rise from the nest chamber to just below the surface of the dune, they are extremely vulnerable to crushing via trampling by humans, horses, or other animals (USFWS 1993).

Frank and Humphrey (1996) describe another human impact on the dune system that has potential to negatively impact AIBM and other dune-dwelling species:

Another situation contributing to habitat damage in the parks at ASRA [ASP] and FMNM is a lack of public restroom facilities. To use a public restroom at ASRA [ASP] or at FMNM requires either walking or driving [prohibited at ASP since 2000] to the beach entrance ramp where public facilities are located. Instead, many people simply take a quick walk over the dunes and relieve themselves out of view of the public, often displaying enough forethought to bring their own toilet tissue. Solutions to this problem involve either placing temporary facilities (portable toilets) on the beach or erecting a more permanent structure behind the dunes, with walkways over the dunes for access from the beach.

Beach mice experts consider the deposition of urine, defecation, and soiled diapers in the dunes by beach visitors to be a serious threat to beach mice. Researchers cite vehicular beach access as a contributor to this problem, because vehicular access often allows people to reach remote beaches that may be a considerable distance from a portable toilet or a public facility, and beach visitors may be disinclined to drive back to a restroom (Frank *pers. comm.* 2002). These incident reports are anecdotal and not well documented.

4.3.2.2. Recreational Beach Equipment and Special Beach Events

Negative impacts to AIBM due to the presence of recreational equipment or special events on the beach have not been documented in St. Johns County. Damage to dune vegetation caused by either of these activities (a violation of Chapter 161.053 Florida Statutes) could contribute to habitat loss or degradation. Additionally, special events that are permitted by St. Johns County and take place during the night may disturb the nocturnal activities of AIBM. Any such disturbance might qualify as harassment—an incidental take, which is prohibited under the Endangered Species Act.

4.3.2.3. *Commercial and Recreational Fishing*

Impacts to AIBM associated with commercial or recreational fishing have not been monitored or documented in St. Johns County. If fishermen drive on the beach to and from their fishing spot, they have the potential to negatively impact AIBM as any other beach driver (Table 4-6).

4.4. *HORSEBACK RIDING ON BEACH*

Horseback riding on the beaches of St. Johns County is regulated through several different County codes and ordinances. Where horseback riding can occur on the beach is addressed in the St. Johns County Land Development Code Article 4 (June 12, 2001), which states that “horseback riding on the beach during Nesting Season [May 1 to October 31] shall be allowed only seaward of the most high-tide line on the beach during times when such riding is otherwise allowed” (section 4.01.08). Further details of when and where horseback riding is permitted are addressed in Ordinance No. 2001-5 (amendment to the Beach Code, Ordinance 97-34). This amendment states that no hooved animals will be permitted “on any portion of the beach between the southern boundary of the Surfside Beach Access Ramp extending south to the southern boundary of St. Johns County from May 1 to October 31 of each year and during county recognized spring break periods...” (section 1(3.02a)). This amendment has been further altered by Resolution No. 2001-5, which additionally allows horseback riding on *all* beaches of the County between November 1 and April 30 of each year. A permit is not presently needed to ride a horse on the beaches of St. Johns County, and the numbers of people who engage in this beach activity are not tracked. Personal observations by County staff suggest that several hundred horseback riders use the beach on a fairly regular basis (Williams *pers. comm.* 2002). Horseback riding on the beach within the municipal boundaries of St. Augustine Beach is prohibited throughout the year (St. Augustine Beach Code of Ordinances Chapter 5. Article I. section 5-12.).

In 2002, there were two organizations who conducted guided horseback rides along Plan Area beaches—Palm Valley Stables and Sawgrass Stables (Green *pers. comm.* 2002). Both of these stables only conducted rides along Ponte Vedra Beach (McDonald and Lehman *pers. comm.* 2002). Horseback tours for paying customers are conducted year-round by both organizations. Rides are conducted in the mornings (starting as early as sunrise and lasting for several hours) as well as in the evenings (starting between 5 PM to 6 PM and lasting until dark). Approximately once per month, riders from Sawgrass Stables partake in a moonlight ride (typically around the time of the full moon), which begins at sundown and can last for several hours into the night. Group size can vary from 3 to 7 horses, including guides. Representatives from both of the stables indicated that they follow voluntary guidelines as to where the horses walk along the beach (McDonald, Lehman, and Stoll *pers. comm.* 2002). These guidelines are additional to the mandatory guidelines outlined in County ordinances. Under these voluntary guidelines, horses walk seaward of the most recent high tide line and do not approach within 20 feet of a marked sea turtle nest. The horses are trained to follow a guided lead horse, such that inexperienced riders do not stray from the wetted portion of the beach.

4.4.1. Effects of Beach Horseback Riding on Sea Turtles

The impacts of horses on sea turtles are not documented in the literature. However, there are several potential ways in which a horseback riding on the beach could impact sea turtles. Due to the considerable pressure concentrated on their hooves, horses could cause harm to incubating eggs if the nest were stepped on. Horse hoof prints on soft sand can create deep depressions that could entrap emergent hatchling sea turtles as they make their way to the ocean. Horse feces can be washed by high tides close to the toe of the dunes, where sea turtle nests are most commonly laid (Stoll *pers. comm.* 2002). The ecological impacts derive from the bacterial decomposition of the horse feces, which would be greatest if the feces is near or on top of a sea turtle nest. However, the impact this may have is not known. Horses on the beach after dark could also potentially cause a nesting female to abort her nesting attempt or unintentionally trod on a hatchling turtle.

In St. Johns County, anecdotal evidence indicates that occasionally horseback riders have led their horses close to or through dune vegetation (Charest and Stoll *pers. comm.* 2002). There have been three reported incidents where a horseback rider guided the horse close enough to a sea turtle nest to potentially result in negative impacts (Stoll *pers. comm.* 2002). Each of these cases occurred in Ponte Vedra Beach north of Mickler's Landing beach access point. In this area of the beach, sea turtle nests are not barricaded with stakes and flagging tape, and the horse prints were within inches of the clutch of eggs. However, these have been the only recorded interactions between horseback riders and sea turtle nests.

4.4.2. Effects of Beach Horseback Riding on AIBM

As stated in section 4.3.2.1., the burrows and escape tunnels of AIBM are extremely vulnerable to crushing via trampling by humans, horses, or other animals and provide reason to limit dune access in AIBM habitat. In St. Johns County, horse prints have been observed through dune vegetation, which could result in degradation or loss of beach mouse habitat.

4.5. BEACH MANAGEMENT ACTIVITIES

The following section describes pre-HCP beach management practices and procedures in St. Johns County. Because the County has not developed a formal beach management plan, the following information was derived from numerous conversations and interviews with Dave Williams, the County's Supervisor of Beach Management.

4.5.1. Law Enforcement, Fire Rescue, and Ambulances

Public safety functions on the unincorporated beaches of St. Johns County are the joint responsibility of the Sheriff and the Supervisor of Beach Management (Beach Code section 5.01). The Supervisor of Beach Management and the on-duty Deputy Sheriffs work closely and rarely take action without the other's consent (Williams *pers. comm.* 2001). During the summer season, St. Johns County provides four Deputy Sheriffs to patrol the 10.6 mi of general public driving beaches, and St. Augustine Beach provides two City Police Officers to patrol their 1.8-

mile portion of the beach (from “A” Street Ramp to Ocean Trace Road Ramp; Bandy *pers. comm.* 2002).

In the rare event that fire rescue is needed on the beach, only County service is available. When an emergency is reported on the beach, the St. Johns County Fire Department will ask the County beach staff for an assessment of the current beach conditions (Williams *pers. comm.* 2001). All the logistics are worked out while the fire rescue is en route to the scene. If the County reports that beach conditions are favorable, the firemen may drive on the beach directly to the scene. The Supervisor of Beach Management prefers not to bring fire vehicles, especially hook-and-ladder trucks, onto the beach unless absolutely necessary (to spare any potential damage to the vehicles; Williams *pers. comm.* 2001). In the past, the County has sent hook-and-ladder trucks to emergencies on the wide, hard-packed sand of the South Beaches. If the County reports that conditions are unfavorable for fire rescue trucks or ambulances on the beach (e.g., high tides or soft sand), then the County staff and emergency rescue personnel will work together to perform a “patient transfer.” In this way, County staff brings the patient to the closest beach access ramp and transfers him/her to the emergency rescue personnel.

4.5.2. Lifeguards and Lifeguard Towers

A total of 65 lifeguards were employed by the County in 2001. The actual number of lifeguards on the beach per day is weather-dependent and ranges during the year between 12 and 27 (Williams *pers. comm.* 2002). The beach patrols of lifeguards are generally curtailed during winter months. Beginning April 1, the number of lifeguards on duty begins to be incrementally increased as weather improves and beach visitation increases. The lifeguard staff will grow to maximum level by Memorial Day weekend and remain at maximum staff through Labor Day weekend. After Labor Day weekend, the number of lifeguards will again be gradually reduced to the minimum year-round staff.

All County lifeguards are required to take a 110-hour training course (Williams *pers. comm.* 2001). This course consists not only of emergency training, but also training on code enforcement and marine species. The lifeguard training manual addresses marine species, such as sea turtles, but does not contain information on the endangered AIBM.

The lifeguard “truck patrol” relieves the staff on the towers at the end of their work shift and drops off the next shift of lifeguards (Williams *pers. comm.* 2002). The truck patrol may consist of one to several four-wheel drive trucks. There is one quad-ATV available to County lifeguards, but it is normally not used. The ATV is only used for special patrols of the North Beaches, where the truck patrol may get stuck in the soft sand.

Lifeguards in St. Johns County typically watch over beach visitors from 14 portable towers. These towers are placed along the most popular beaches during the summer season (i.e., March 1 through Labor Day weekend). The towers are moved throughout the day to follow the tides, are rested next to the dunes at night (but not seaward of a marked sea turtle nest), and are removed from the beach in advance of severe storms and during the winter season.

4.5.3. Traffic Control

The County utilizes a variety of structures to regulate traffic on the beach. Public vehicular access is controlled through designated access points or beach ramps. At present, locked gates at these control points prevent the public from accessing the beach after 10:00 PM and prior to 5:00 AM between May 15 and October 15. This period is defined as the sea turtle nesting season in all County ordinances that deal with beach driving (Ordinance 96-48; Ordinance 97-34 section 5.05). Previously, all ramps in the County were blocked with locked chains, reflectors, and signs. Between October 2001 and January 2002, the County Recreation and Parks Division replaced the locked chains across all 12 vehicle access ramps with steel, crash-resistant barricades. These barricades should prevent violators from using chain cutters or driving small cars under the chains to unlawfully drive on the beach at night, as has occurred in the past.

Lifeguards hold the responsibility of locking the gates at night at 10:00 PM. For the very limited beach staff in St. Johns County, clearing the 14.7 mi of total drivable beaches (including general public driving and four-wheel drive permit driving) of all vehicles is a daunting and time-consuming task. Beginning at about 9:00 PM, the truck patrol uses a PA system to instruct drivers to vacate the beach (Williams *pers. comm.* 2001). However, only one vehicle is used for this task, and the truck patrol may not finish clearing the beach of vehicles until after 10:00 PM. From the time all of the gates have been locked at night until 5:00 AM the next day, the Deputy Sheriff on duty in that area will respond to calls from citizens regarding headlights on the beach. The penalty for being caught driving illegally on the beach at night depends on the type of citation issued. The violator may be charged with a violation of the Beach Code, resulting in a fine up to \$58.00 (Clark *pers. comm.* 2002). The violator could also be cited for vandalism or other charges that could bring the charges up to a felony level. Generally, the local Deputy Sheriffs issue warnings, not citations, to violators of the night driving prohibition. Instances of vehicles on the beach after 10:00 PM are uncommon, and typically pertain to vehicles that have become stuck in the sand (Clark *pers. comm.* 2002).

Deputy Sheriffs are tasked with reopening vehicle access gates each morning at 5:00 AM. However, the time the gates are actually reopened varies greatly—depending on the availability of the on-duty Deputy Sheriffs. Occasionally, anxious beach drivers may resort to unlawful means to enter the beach at 5:00 AM, if the gate is not opened on time (Williams *pers. comm.* 2001). Such means have included driving through the dunes around the locked gate or, very infrequently, cutting the chain with gate cutters (not possible with new crash-resistant barricades).

Traffic control is also maintained by the presence of tollbooths and tollbooth keepers at 10 of the 12 vehicular access ramps (section 2.4.3.3.; Figure 2-9). Additionally, tollbooth staff give educational flyers to beach drivers when the toll booths are in operation. During the 2001 sea turtle nesting season, about 5,000 flyers were handed out containing information on sea turtles. Throughout the year, permanent signs are posted at all ramps and access points (Figure 4-3), and temporary laminated signs are posted on trash cans that instruct beach users to avoid disturbing nesting female turtles, nests, and eggs between May 1 and October 31.

Once on the beach, orderly public vehicular traffic is maintained in part through appropriately placed signage and traffic cones. One large sign is placed at each vehicle access ramp to outline driving instructions, speed limits, beach rules, prohibited activities, and other warnings (Figure 4-4). Additionally, speed limit signs and stop signs are placed daily on the beach at high-volume traffic areas. As outlined below in Ordinance 97-34 section 5.01, the Supervisor of Beach Management and the Sheriff share the responsibility for the daily designation of driving lanes and parking areas on the drivable beaches:

(b) The Supervisor of Beach Management and the Sheriff are to provide that the parking area be placed as far to the west as sand conditions permit allowing for a conservation zone, and that drivers shall be directed to park their cars in an orderly fashion to conserve parking spaces. The traffic lanes adjacent to the parking lanes shall be as compactly defined as is reasonable. The Supervisor of Beach Management and the Sheriff shall have the discretion to move these designated areas according to the circumstances on the beach.

(c) When the westerly row of parking has been filled, and provided that tidal conditions permit, the Supervisor of Beach Management and the Sheriff may allow parking on the east side of the traffic lanes.

In areas congested with beach users, the driving lanes are segregated from the seaward pedestrian zones through the placement of cones on the eastern side of the driving lanes (Appendix G). Before 9:00 AM, a truck patrol of County staff set cones about 25 yards apart along straight stretches of the beach and about every 10 yards near vehicle access ramps. Depending on beach conditions, the cones are set varying distances from the water's edge and about 50 feet (15 m) from the toe of the dunes. Generally, public beach drivers follow the tire tracks made by the County truck earlier in the day (Williams *pers. comm.* 2001).

The northern boundary of the special driving area for North Beach Vehicular Access Permit holders is delimited by a sign on the beach at the southern boundary of Guana River Marsh Aquatic Preserve (section 2.4.3.5.; Figure 4-5). At the Vilano Ramp, one sign at the ramp and one sign on the beach indicate that northbound vehicles are authorized to drive on the beach by special permit only (Figure 4-6). At Usina Beach Ramp, signage also indicates that beach driving is authorized for permit holders only (Figure 4-7). During the summer season (between March 1 and Labor Day weekend), one St. Johns County Deputy Sheriff is assigned to specifically patrol the North Beaches driving zone (Williams *pers. comm.* 2001). During the winter season, the enforcement responsibility is assigned to the Deputy Sheriff tasked with patrolling the upland zone along the North Beaches.

Traffic rules are posted at each vehicle access ramp (Figure 4-4). The speed limit on all beaches in St. Johns County is 10 mph, except for emergency vehicles responding to an emergency (displaying full lights and sirens), which abide by a 30-mph speed limit. The County Deputy Sheriffs and the City of St. Augustine Beach Police Officers patrolling the beaches have the authority for all traffic enforcement, including speed limits (Ordinance 97-34 section 5.01).

Vehicle access ramps at either end of the two-way driving zone, namely Ocean Trace Road Ramp and Crescent Beach Ramp, can become congested on some summer days. These ramps

are also two of the most popular ramps in the County, probably because they are the most accessible to major thoroughfares leading from inland areas to the beaches (ATM 2001); Ocean Trace Road Ramp is near Route 312, and Crescent Beach Ramp is close to Route 206. Traffic congestion is controlled by Deputy Sheriffs and Public Service Assistants (PSAs). PSAs are civilians that are trained to direct traffic flow and assist in congested areas on the beach (Williams *pers. comm.* 2001). Since PSAs may be assigned to work throughout the County, the number of PSAs sent to patrol the beach varies daily and seasonally. Typically, during the summer season, four to six PSAs per day assist the Deputy Sheriffs on the beaches of St. Johns County (Williams *pers. comm.* 2002). The PSAs generally patrol the beach on quad-ATVs, and they possess the authority to write citations for code violations.

4.5.4. Conservation Zone

Section 7.01 of the St. Johns County Beach Code (Ordinance 97-34) outlines a Conservation Zone (CZ) along unincorporated County Beaches:

St. Johns County Code section 5-61. Conservation Zone. (a) A conservation zone shall be established along the entire Atlantic Ocean beach in the unincorporated areas of St. Johns County. The purpose of this zone is to encourage the natural growth of both dune and beach, to protect the beach from destructive influences and to provide for the protection of species existing in the area. This conservation zone shall be established fifteen (15) feet seaward from the seaward toe of the most seaward dune, dune scarp, sea wall, or line of permanent vegetation, or half the distance to the mean high-water level, whichever is the lesser. (b) All vehicle and pedestrian activities within the conservation zone is prohibited, except at vehicle approaches and pedestrian walkways and walkovers. (c) The disturbing or removing of existing natural vegetation is prohibited. Additional natural vegetation may be planted and maintained for these areas when necessary and or beneficial and as approved by a state or county agency.

The CZ is generally accepted as 15-feet wide, but as currently defined, may actually fluctuate considerably in width. As the Mean High Water line is periodically redefined by State agencies, the CZ in St. Johns County is likewise redefined. In so far as the Mean High Water line is an invisible line on the beach, the eastern boundary of the CZ is not easily determined.

Along the South Beaches of the County, the beach is normally wide during the summer, and the Conservation Zone is generally accepted as 15 feet in width. The CZ is not currently marked along any County Beaches, though the St. Johns County Recreation and Parks Division has tried repeatedly to place posts in the sand demarcating the zone. Over time, the County has set over 2,000 posts with signs along the CZ's seaward boundary, and all of them have been washed out by waves and lost (Williams *pers. comm.* 2001).

Generally, the unmarked CZ is self-regulated (Williams *pers. comm.* 2001). In 2001, the County moved all trash cans and portable toilets from the dune to the seaward edge of the CZ along the 9.9 mi of drivable beaches on Anastasia Island, (i.e., 15 ft seaward of the toe of the dune). This action was intended to inhibit pedestrians from entering the CZ, because they no longer have a reason to venture beyond the trash can or portable toilet towards the dunes.

Lifeguards and Park Rangers also instruct beachgoers to stay out of both the CZ and the dunes (Williams *pers. comm.* 2001). Lifeguards cannot issue tickets for violations of the CZ, but they do advise, warn, and contact law enforcement. The Beach Code gives the Sheriff's Department the authority to enforce the CZ, though they have never issued a citation for a violation of the CZ (Williams *pers. comm.* 2001, Clark *pers. comm.* 2002).

Because the CZ width varies over time and is not currently marked, beach drivers may unwittingly park their vehicles, walk, play, or sunbathe in the CZ. However, the prohibited act of physically driving through the dunes in St. Johns County is rare, except in the vicinity of Porpoise Point (section 2.4.3.4.; Figure 4-9; Williams *pers. comm.* 2001). The escarpments in most areas are prohibitively high and make accessing the dunes in a vehicle impossible in many areas. Dune driving occasionally occurs adjacent to the vehicle access ramps (Williams *pers. comm.* 2001), at Porpoise Point, and along the North Beaches (Clark and Mathis *pers. comm.* 2002). Driving along the seaward side of the dunes and within the CZ can be common during high tides along eroded areas of the coast (Figure 3-4), such as the North Beaches (Williams *pers. comm.* 2001, Clark and Mathis *pers. comm.* 2002).

4.5.5. Traffic Barricades

For a number of reasons, all or portions of beaches within St. Johns County may be closed to public traffic by use of barricades. In the past, traffic has been barricaded due to the wash-up of rafts of illegal aliens, hazardous materials, or turtle nests in the driving lanes (Williams *pers. comm.* 2002). When a turtle nest occurs in a traffic lane and traffic cannot be reasonably maneuvered around the marked nest, it is customary to block traffic through that area (Williams *pers. comm.* 2001). The County will also block traffic when a vehicle access ramp becomes severely eroded. Occasionally, traffic is diverted from upland roadways onto the beach. County employees generally place the traffic barricades on the beach, and the driving prohibition is enforced by Deputy Sheriffs. Traffic has never been barricaded in St. Johns County, due to a lack of on-beach parking (section 2.4.3.3.; Williams *pers. comm.* 2001). For example, in the summer of 1997, the County diverted traffic from Highway A1A onto the beach in order to carry out roadway construction (Williams *pers. comm.* 2001).

Typically four to five times during the summer season, extremely high tides created by storm events or astronomical conditions may interfere with beach traffic flow (Williams *pers. comm.* 2001). In a joint decision made by the Supervisor of Beach Management and the Sheriff, the number of cars allowed on the beach may be limited during high tide events.

4.5.6. Tow Trucks

Several areas of the beaches of St. Johns County contain patches of soft sand, including the North Beaches and the zones adjacent to vehicular access ramps. Vehicles can have difficulties maneuvering in these areas. An estimated 1,000 cars per year get stuck in the sand, which constitutes approximately one-third of all yearly citizen assists (Williams *pers. comm.* 2001). This is equivalent to 0.8 percent of the average total 125,311 beach drivers that purchased daily and seasonal passes each year between 1995 and 2000 (ATM 2001). When a vehicle becomes immobilized on the beach, the County will assist without physically towing the vehicle out of the

soft sand. The County also airs television public service announcements entitled “How to Drive in Soft Sand.” Instructions on how to drive in soft sand are also printed on the back of every daily beach pass. If a vehicle is seriously stuck, then County staff will assist the driver by calling a private towing company (at the driver’s expense).

4.5.7. Bicycles and Mopeds

In Florida, bicycles and mopeds are legally defined as motor vehicles (Florida Statutes 316.2065 and 316.208). Bicyclists and moped operators, on and off the beach, generally have the same rights and responsibilities as drivers of typical motor vehicles. Accordingly, bicyclists and moped riders must observe all traffic laws and can receive citations for traffic violations from the Deputy Sheriffs patrolling the beaches of St. Johns County.

A growing number of moped rental companies are opening near the beaches of St. Johns County, and renting and driving a moped on the beach is becoming increasingly popular (Williams *pers. comm.* 2001). Since mopeds are motorized, street-legal vehicles, their drivers must buy a beach pass, which permits them to drive on the same beaches that are open to other public vehicular traffic (Figure 2-9). The County does not perceive the increasing number of mopeds on their beaches as a problem, but will be closely monitoring the situation in the future (Williams *pers. comm.* 2001).

Bicycles are permitted on any of the beaches of St. Johns County. However, bicycle riding is most popular on the wide, flat South Beaches. Bicyclists tend to avoid the North Beaches, where there is soft sand and a steep beach profile. Bicyclists are not required to obtain a beach pass, and the County does not deem it necessary to regulate their access (Williams *pers. comm.* 2001).

4.5.8. Unauthorized Vehicles

The St. Johns County Beach Code outlines the types of vehicles that are prohibited on all beaches of the County. Unauthorized vehicles include the following:

1. Wind-powered land vehicles (Beach Code section 5.02a);
2. “Any vehicle not customarily used on public streets and highways, including, but not limited to, go-carts, all-terrain vehicles (ATVs), and other similar vehicles” (Beach Code section 5.03j);
3. Buses (except for permitted special beach events) (Beach Code section 5.04b);
4. Truck tractor or tandem trailer trucks (except those authorized for construction or repair) (Beach Code section 5.04b);
5. “Any vehicle or vehicle and trailer combination of any description longer than 33 feet” (except those authorized for construction or repair) (Beach Code section 5.04b).

However, since May 15, 2000, the Division of Beach Management has granted North Beach Parking Permits to two ATVs and one dune buggy (Division of Beach Management *unpublished data* 2002).

4.5.9. Noise

Permitted noise levels on County Beaches are specifically addressed in the St. Johns County Code of Ordinances. Section 5-43 provides that no audio device (except equipment used by law enforcement, rescue, or beach safety personnel) shall exceed a noise level of 60 decibels. An audio device is further prohibited “that makes noise which is unreasonable, considering the nature and purpose of the user’s conduct, location on the beach, time of day or night, impact on other beach users and other factors that would govern the conduct of a reasonably prudent person under the circumstances.” St. Augustine Beach Code of Ordinances generally addresses noise in Appendix A. Land Development Regulations, section 9.01.00 Noise. Within the municipal boundaries of St. Augustine Beach, maximum permissible sound levels during the daytime shall not exceed 60 decibels in residential areas and 65 decibels in commercial areas. The on-duty Deputy Sheriffs enforce the noise ordinances in both unincorporated St. Johns County and St. Augustine Beach.

4.5.10. Portable Toilets

Five public beach access points along the coastline of St. Johns County have permanent restroom facilities: Mickler’s Landing Beach Access, ASP Ramp & Park, St. Johns County Pier Park, Frank B. Butler Park East, and Crescent Beach Park. Two rented portable toilets (i.e., “Port-o-Lets”) are also present year-round in the parking lot at South Ponte Vedra Park. The County is aggressively trying to build new, and refurbish the old, public restroom facilities at beach access points (Williams *pers. comm.* 2001).

Because the number of public restrooms at beach access points is not adequate to meet demand, St. Johns County rents 19 portable toilets that are placed on the beach during the summer season (i.e., March 1 through Labor Day weekend) (Williams *pers. comm.* 2002). Each of these portable toilets is secured with wooden stakes. Generally, portable toilets are placed at each vehicle access ramp, with two usually placed at the most heavily utilized ramps. Additional portable toilets are placed on the beach at select locations with high beach usage, in areas isolated from access ramps or pedestrian beach access points where restroom facilities are present.

Portable toilets are serviced four times per week (Friday, Saturday, Sunday, and Monday) between 9:00 AM and 12:00 noon. The portable toilets are serviced from the wetted portion of the beach by a $\frac{3}{4}$ - to 1-ton tanker truck using a long hose. The tanker truck generally cannot approach the portable toilets too closely, because of soft sand conditions (Williams *pers. comm.* 2002).

4.5.11. Trash Collection and Beach Maintenance

A total of about 250 trash receptacles are spatially distributed along County Beaches in relation to beach use patterns. These trash receptacles are open blue plastic barrels with several drainage holes in the bottom. They are placed directly on the sand. The County previously mounted the barrels on posts in the sand (Figure 4-8), but they were commonly run into or over by vehicles (Goodwin *pers. comm.* 2002). Also, the sand around the mounted trash cans tended to become

heavily eroded by the end of the summer season, and then the receptacles were too high off the ground for people to reach (Goodwin *pers. comm.* 2002). Since 2001, the County has made an effort to move the trash receptacles seaward to the edge of the 15-foot CZ. By March 2002, all trash receptacles had been placed as far from the dunes as possible and encircled by three wooden stakes. The wooden stakes are expected to prevent the receptacles from being blown, washed, or pushed over, which would cause a garbage spill (Goodwin *pers. comm.* 2002).

All trash pick-ups are performed by a private contractor. Trash collection varies seasonally (Goodwin *pers. comm.* 2002). During the summer, from about March 15 through Labor Day weekend, trash is collected from the receptacles every day using a four-wheel drive, one-ton pick-up truck pulling a trailer. During the winter (i.e., after Labor Day weekend until March 15), trash is picked up three times per week using the same pick-up truck with trailer. On these same days, loose trash on the beach is also collected by one person on an ATV. Trash collection generally starts in the early morning between 6:30 and 7:00 AM at the Fort Matanzas Ramp. From the Fort Matanzas Ramp, it proceeds north to ASP. On weekends and Mondays, it may take as long as four hours to complete trash collection on the South Beaches. Then, the truck with trailer and ATV continue collecting trash on the beach from the Vilano Ramp south around Porpoise Point. North of Vilano Ramp, trash collection personnel generally do not drive on the beach, but pick up trash via established public pedestrian access points (i.e., public dune crossovers) (Goodwin *pers. comm.* 2002).

The County's contractor also deals with large pieces of debris on the beach (Goodwin *pers. comm.* 2002). A front-end loader may be brought onto the beach for this purpose. If a stranded boat is broken into pieces, trash collection personnel can remove the debris. If the boat is larger, the Coast Guard and County generally get involved (Goodwin *pers. comm.* 2002). In the case of a large derelict vessel, the Supervisor of Beach Management must apply to FWC's Grant Removal Program, which generally takes a year and a half before the vessel is removed from the beach (Williams *pers. comm.* 2001). St. Johns County utilized this program in 1994-1995 (Williams *pers. comm.* 2002).

Trash collection vehicles may also be used to assist in the recovery of stranded marine animals. After dead stranded sea turtles are examined and marked with spray paint, trash collection personnel may be asked to remove the dead turtle from the beach or bury it by the dunes (such beach excavation is not permitted during the sea turtle nesting season). Authorized agents of NMFS are contracted to recover and remove beached whales from the beach.

4.5.12. Ramp Grading

In St. Johns County, one grader is owned by the County and used to grade each of the active vehicular access ramps (Williams *pers. comm.* 2002). During the summer season, ramp grading is a daily task beginning at about 8:00 AM and continuing until about 5:00 PM. Generally, it takes the grader operator a full day to grade two or three ramps. By the time all 12 public vehicle access ramps are graded, it is time to start over again. During the winter season (after Labor Day weekend until March 1), the ramps are graded as needed, which is usually once a week.

In accordance with FDEP Rules and Procedures 62B-33.004, ramp grading in St. Johns County is exempt from FDEP permitting requirements (Nelson *pers. comm.* 2002). These regulations outline that a FDEP permit is not required for certain low impact activities, including “the removal of windblown sand from paved road and parking areas, beach access ramps, pools, patios, walkways or decks, not involving a change in the general grade and provided that any beach quality sand is returned to the beach and dune system seaward of the coastal construction control line.” This exemption is provided such that “such activities shall be conducted so as not to disturb marked marine turtle nests or known nest locations or damage existing native salt-tolerant vegetation” (FDEP Rules and Procedures 62B-33.004, effective December 31, 2001).

4.5.13. Effects of Beach Management Activities on Sea Turtles in Plan Area

4.5.13.1. Law Enforcement and Fire Rescue

Public safety, law enforcement, and other emergency vehicles are provided unlimited access to all beaches within the Plan Area. Both routine and emergency operation of vehicles on the beach have the potential to impact sea turtle eggs, adults, and hatchlings, as summarized in Table 4-5.

4.5.13.2. Lifeguard Towers

There is potential for lifeguard towers to impact hatchling or nesting female sea turtles. Towers pose obstacles to nesting turtles, and portable towers may be placed over unmarked nests, which may harm incubating eggs or trap hatchlings. There are no documented cases of a sea turtle abandoning her nesting attempt due to interactions with a lifeguard tower in St. Johns County; however one turtle nested under a lifeguard tower in Ponte Vedra Beach on June 26, 2002 (Williams, Stam, Hester, Stoll, Lardner, Crawford, Miller, Stauber, and Parker *pers. comm.* 2002).

4.5.13.3. Traffic Control

As explained in section 4.5.3., public vehicular access to the beach is prohibited between the hours of 10:00 PM and 5:00 AM between May 15 and October 15. This poses a risk to nesting female sea turtles and emerging hatchlings. Nesting females may emerge from the ocean and hatchlings may emerge from their nest any time after dark and before sunrise. A nesting female or emerging hatchling on the beach during the crepuscular is not an uncommon event. At the beginning (May 15) and end of the nesting season (October 15), days are the shortest, and the potential for interactions between vehicles on the beach and sea turtles is the greatest. On May 15, 2002, sunrise was 6:32 AM, and sunset was 8:11 PM (U.S. Naval Observatory *unpublished data* 2002). On October 15, 2002, sunrise was 7:27 AM, and sunset was 6:55 PM. Thus, during the fall (pre-HCP) there is about a 2.5-hour period before sunrise and a 3-hour period after sunset when vehicles and turtles may potentially be on the beach at the same time.

The potential for interactions between sea turtles and public vehicles is exacerbated by a lack of adequate staff to clear the beach by posted closing times. As explained in section 4.5.3., only one vehicle with two lifeguards is presently responsible for clearing all the driving beaches of

vehicles. The lifeguards rarely finish clearing the beaches of vehicles until well after 10:00 PM; it generally takes 3 to 4 hours to ensure that all vehicles are off the beach.

4.5.13.4. Conservation Zone

Conceptually, the Conservation Zone should have a positive impact on sea turtles by protecting a majority of sea turtle nests from vehicular and pedestrian traffic and allowing the dune to build. However, the value of the CZ in St. Johns County was presently limited, because it was not clearly marked or regularly enforced.

4.5.13.5. Traffic Barricades

Traffic barricades and signs have the potential to interfere with nesting female sea turtles or emerging hatchlings, if left on the beach overnight. However, traffic barricades are not left on the beaches overnight in St. Johns County, and no such interactions have been documented (Williams, Stam, Hester, Stoll, Lardner, Crawford, Miller, Stauber, and Parker *pers. comm.* 2002).

4.5.13.6. Tow Trucks

When vehicles become stuck in soft sand, the use of a tow truck can create large tire ruts or craters in the sand (Lardner *pers. comm.* 2002). These can interfere with nesting female sea turtles and trap emergent hatchlings as they crawl to the ocean.

4.5.13.7. Bicycles and Mopeds

Bicyclists may ride on the beach anytime and anywhere in St. Johns County, thus exhibiting potential to impact sea turtles or fresh nests during hours of darkness. Since mopeds are treated like any other public vehicle, they can impact sea turtles in much the same ways as vehicles (see Table 4-5). However, no interactions have been documented between a bicycle or moped and a sea turtle in St. Johns County (Williams, Stam, Hester, Stoll, Lardner, Crawford, Miller, Stauber, and Parker *pers. comm.* 2002).

4.5.13.8. Unauthorized Vehicles

Similar to any other public vehicle, unauthorized vehicles can impact sea turtles in the same ways that authorized vehicles can (see Table 4-5). Since unauthorized vehicles include dune buggies and ATVs, there may be more potential for these kinds of vehicles to impact sea turtles, because they might be able to enter soft sand areas where other public vehicles cannot.

4.5.13.9. Noise

There has been very little research to elucidate how sea turtles may be impacted by noise. It is possible that females may be discouraged from emerging from the ocean to nest or frightened back into the ocean by high levels of noise. In St. Johns County, nest monitors have not

documented any noise-related impacts (Williams, Stam, Hester, Stoll, Lardner, Crawford, Miller, Stauber, and Parker *pers. comm.* 2002).

4.5.13.10. Portable Toilets

Portable toilets have the potential to interfere with nesting female sea turtles. They might also be an obstacle to hatchlings and/or trap hatchlings if placed on top of an unmarked nest. No such interactions with portable toilets have been documented in St. Johns County (Williams, Stam, Hester, Stoll, Lardner, Crawford, Miller, Stauber, and Parker *pers. comm.* 2002).

4.5.13.11. Trash Collection and Beach Maintenance

Trash collection and beach maintenance activities have the potential to impact sea turtles because vehicles are used. Such vehicles might impact sea turtles or nests as described in Table 4-5. These impacts may be greater than those described for general beach driving, because larger equipment is sometimes required on the beach, particularly during emergency events such as a beached whale or grounded vessel. Heavy vehicular equipment can create large tire ruts that may hinder hatchlings in their crawl to the sea. However, nest monitors have not documented impacts to sea turtles related to trash collection or beach maintenance in St. Johns County (Williams, Stam, Hester, Stoll, Lardner, Crawford, Miller, Stauber, and Parker *pers. comm.* 2002).

4.5.13.12. Ramp Grading

Ramp graders are large vehicles that can impact sea turtles or nests as described in 4-5. Additionally, this kind of heavy equipment can create large tire ruts in the beach that may hinder hatchlings in their crawl to the sea. Ramp grading can sometimes create shallow depressions at the base of the ramps (Williams *pers. comm.* 2002). During high tides, wavewash reaching the ramps can collect in these “pools.” If ramp grading results in a continuous corridor between the ramps and the ocean that is lower in elevation than the adjacent beach, tidal flooding is exacerbated, and any sea turtle nest deposited in this corridor might be more vulnerable to washover or being washed out. For this reason, PPHs generally chose to relocate nests laid in vehicular access ramps (Stauber *pers. comm.* 2001).

4.5.14. Effects of Beach Management Activities on AIBM in Plan Area

4.5.14.1. Trash Collection and Beach Maintenance

Garbage on the beach may attract beach mice away from the dune and onto portions of the beach where vehicles are present, thus placing the mice at risk. Competitors and/or predators of beach mice might also be attracted to discarded food on the beach. Consequently, it is important that appropriate receptacles be provided, so beach users can properly dispose of their trash. Furthermore, these receptacles need to be routinely serviced and maintained. If receptacles are placed directly on the beach, beach mice may enter the cans through drainage holes cut in the bottom. Mice entering the receptacles may be crushed by heavy trash or may be inadvertently killed, injured, or removed from their habitat during trash pickup. Additionally, beach mice

“will take refuge under the cans, if the cans are not mounted on a post, which is also not necessarily a desirable behavior. The cans are an attractive nuisance for them” (Bard *pers. comm.* 2002). Sealed and elevated trash receptacles could eliminate many of these potential threats.

4.6. SHORELINE PROTECTION

4.6.1. Effects of Shoreline Protection on Sea Turtles in Plan Area

4.6.1.1. Coastal Armoring

In an effort to protect coastal properties from storm-related erosion, property owners may petition the State of Florida to construct concrete and metal seawalls, rock revetments, and other types of shoreline protection devices. Collectively, these hard structures are referred to as armoring. Coastal armoring is known to have both direct and indirect effects on nesting and hatchling sea turtles (National Research Council 1990). In general, the quality of nesting habitat is degraded by the presence of these structures on the beach. Over 21 percent (145 mi) of Florida’s beaches are armored (NMFS and USFWS 1991a and b).

Considerable anecdotal information exists to suggest that permanent armoring structures can diminish the quality of sea turtle nesting habitat. However, there have been few experimental studies designed specifically to assess the impacts of these structures on sea turtle nesting. Mosier (1998) and Mosier and Witherington (2000) recorded the behavior of nesting turtles in front of seawalls and adjacent unarmored sections of beach. Both studies reported that fewer female sea turtles crawled out of the surf onto beaches fronted by seawalls than on beaches where similar structures were absent. Of those turtles that did emerge in the presence of seawalls, proportionally fewer nested. Additionally, turtles on armored sections of beach tended to wander greater distances than those that emerged on adjacent natural beaches. It is unknown if this additional energy expenditure might reduce reproductive output.

Studies by Mosier (1998) and Mosier and Witherington (2000) indicate that seawalls may create suboptimal nesting habitat for sea turtles by diminishing nesting success. Seawalls can effectively eliminate a turtle’s access to upper regions of the beach/dune system. Consequently, nests on armored beaches in Brevard and Indian River Counties were generally found at lower elevations than those on non-walled beaches. Lower elevations subject nests to a greater risk of tidal inundation and can potentially alter thermal regimes, an important factor in determining the sex ratio of hatchlings (Mrosovsky and Provancha 1989, Mrosovsky 1994, Ackerman 1997, Delpech and Foote 1998).

High tides frequently reach the base of armoring structures, particularly during spring tides and storm events. Thus, nests deposited in front of these structures are often subject to tidal inundation. For this reason, nests on some armored nesting beaches have to be relocated each year to a more suitable incubation environment (EAI 2000b). The negative effects of seawalls become more pronounced the closer the seawalls are to the surf zone. Thus, the quality of beach habitat seaward of armoring structures on eroding sections of coastline can be expected to diminish as the shoreline recedes.

In addition to those effects discussed above, impacts can occur if the installation of structures takes place during the sea turtle nesting season. Unmarked nests can be crushed or unearthed by heavy equipment. Vibrations and water runoff from jetting operations during installation of structures can also damage nests. In other regions of Florida, there have been reported incidents of nesting turtles and hatchlings caught in construction debris or trapped in excavations at the construction site.

Once a structure is in place, it can continue to cause problems for sea turtles (FWC *unpublished data* 2001b). For example, along other Florida coasts, hatchlings have been trapped in holes or crevices of exposed riprap and geotextile tubes. Both nesting turtles and hatchlings have been entangled or entrapped in the debris of failed structures. There have also been reports of injuries to nesting turtles that have been able to climb onto a seawall via adjacent properties and have subsequently fallen off.

As the extent of armoring on beaches increases, the probability of a nesting turtle encountering a seawall or depositing a nest in sub-optimal habitat increases. Additionally, the displacement of nests from armored locations may increase the density of nests in a dwindling number of suitable nesting sites, thereby increasing the potential for density-dependent nest mortality (e.g., turtles digging up existing nests). However, this effect is most likely to occur on higher density nesting beaches than those in St. Johns County.

In Volusia County, where detailed information is maintained regarding obstacles encountered by turtles during their nesting activities, loggerhead turtles contacted seawalls, rock revetments, or other types of armoring structures on 16.7 and 22.8 percent, respectively, of all crawls during 1999 and 2000 (EAI 2000b and 2001b). Ninety-one (91.0) and 83.0 percent, respectively, of those encounters resulted in the turtle returning to the ocean without nesting. Overall, armoring was responsible for nearly one-third of all non-nesting emergences (false crawls) on Volusia County's beaches. Nesting success was particularly low in the southern portion of the county where armoring was prevalent.

4.6.1.2. Sand Fences

Sand fences have been known to trap hatchling turtles and act as barriers to nesting turtles (National Research Council 1990). All sand fences are permitted by FDEP, and property owners must adhere to their guidelines to avoid negative impacts to turtles. Sea turtle monitoring personnel in St. Johns County report an occasional false crawl attributable to sand fences (Lardner *pers. comm.* 2001, Rich *pers. comm.* 2002).

4.6.1.3. Dune Restoration, Dredged Material Beach Disposal, and Beach Renourishment

Although beach nourishment is generally viewed as a more environmentally benign solution to shoreline protection than armoring, it too has potential for impacting sea turtles. It can affect the sea turtle reproductive process in a variety of ways. Although nourished beaches may provide a greater quantity of nesting habitat, the quality of that habitat may be less suitable than pre-existing natural beaches. Sub-optimal nesting habitat may decrease nesting, place an increased energy burden on nesting females, result in abnormal nest construction, and reduce the

survivorship of eggs and hatchlings. A thorough review of the processes associated with each of these potential effects was presented by Crain *et al.* (1995).

Most nourishment projects on heavily nested beaches are planned to proceed outside of the main portion of the nesting season to minimize incidental take of turtles. Nevertheless, construction impacts can occur. Unmarked nests may be crushed by construction equipment or buried during deposition of dredged materials on the beach. Nests relocated out of harm's way may experience reduced reproductive success (Moody 1998).

Nourished beaches tend to differ in several important ways from natural beaches. They are typically wider, flatter, more compact, and the sediments are more moist than those on natural beaches (Nelson *et al.* 1987, Ackerman *et al.* 1991, Ernest and Martin 1999). On severely eroded sections of beach, where little or no suitable nesting habitat previously existed, nourishment can result in increased nesting (Ernest and Martin 1999). However, on most beaches, nesting success typically declines for the first one or two years following construction, even though more habitat is available for turtles (Trindell *et al.* 1998). Reduced nesting success on nourished beaches has been attributed to increased compaction of sediments, scarping, and changes in beach profile (Nelson *et al.* 1987, Crain *et al.* 1995, Davis *et al.* 1994, Lutcavage *et al.* 1997, Steinitz *et al.* 1998, Ernest and Martin 1999). Compaction presumably inhibits nest construction, while scarps often cause female turtles to return to the ocean without nesting or deposit their nests seaward of the scarp where they are more susceptible to tidal inundation.

Beach nourishment can affect the incubation environment of nests by altering the moisture content, gas exchange, and temperature of sediments (Ackerman *et al.* 1991, Ackerman 1997, Parkinson and Magron 1998). The extent to which the incubation environment is altered is largely dependent on the similarity of the nourished sands and the natural sediments they replace. Consequently, results of studies assessing the effects of nourishment on reproductive success have varied among study sites.

As elsewhere in Florida, all beach nourishment and sand transfer projects in St. Johns County are regulated through State and Federal permitting programs. The USACE, the Federal agency responsible for issuing permits, will undergo section 7 consultations with other Federal agencies to address listed species issues for Federal projects. The USACE permit issued for these projects will specify measures to be implemented to minimize and mitigate impacts to turtles based on those consultations. Consequently, activities associated with beach nourishment and other federally permitted beach projects, including those involving the use of vehicles on the beach, are outside the scope of this HCP, and as such will not be covered under the ITP.

St. Johns County has recently conducted a relatively large beach nourishment project in St. Augustine Beach, and sediment from periodical dredging of the Intercoastal Waterway is placed on the beaches of Summer Haven (section 3.4; Table 3-3). Additionally, dune restoration projects have taken place at ASP in 1999 and Summer Haven in both 2002 and 2003. Dune restoration projects, such as these in St. Johns County, involve placement of additional sand on the beach and can have some the same effects as beach nourishment if performed during the nesting season.

Since 1999, nests have been relocated each nesting season due to various shoreline protection measures in St. Johns County (Table 4-4). In 1999, nests were relocated from St. Augustine Beach due to a USACE beach sand transfer project associated with inlet maintenance dredging (15.8 percent of nests were moved). In both 1999 and 2001, nests were relocated due to renourishment projects south of Matanzas Inlet (Fort Matanzas South survey zone). In 1999, 17.9 percent of the nests deposited in the Fort Matanzas National Monument survey zone were moved, and in 2001, 28.6 percent of the nests in the Fort Matanzas South survey zone were relocated. Additionally, 6.2 percent of the nests within the Fort Matanzas National Monument survey zone were moved in 2000 because of a seawall restoration project at Marineland.

4.6.2. Effects of Shoreline Protection on AIBM in Plan Area

Beach renourishment, sand transfer, and dune restoration projects have the potential to impact AIBM and negatively impact their habitat. The heavy equipment required during these projects may disturb the AIBM, crush burrows, degrade the primary dune system, and/or diminish food resources by disturbing natural dune vegetation. Due to expected negative impacts, the USFWS required that AIBM be trapped and relocated five days prior to renourishment and dune restoration activities conducted at ASP in 2002 (Miller *pers. comm.* 2002).

Coastal armoring can have long-lasting, harmful impacts on AIBM populations through habitat destruction and fragmentation, particularly if one group of mice becomes disconnected from another, thereby creating genetically isolated subpopulations. Frank and Humphrey (1996) summarize the potential impacts, "Habitat fragmentation resulting from the isolation of subpopulations can reduce population viability through both demographic and genetic mechanisms." For instance, the beach mice at ASP have been isolated from the rest of the Anastasia Island population by a section of shoreline protection along St. Augustine Beach, where the former dune system was replaced by a concrete seawall fronted by rock revetment (Figure 3-8b; Frank 1996).

4.7. ARTIFICIAL LIGHTING

4.7.1. Effects of Artificial Lighting on Sea Turtles in Plan Area

Both nesting and hatchling sea turtles are adversely affected by the presence of artificial lights near the beach (Witherington and Martin 2000). Experimental studies have clearly demonstrated that bright lights can deter adult female turtles from emerging from the ocean to nest (Witherington 1992). Thus, not surprisingly, many researchers have noted a relationship between the amount of lighted beach development and sea turtle nest densities. For example, Mattison *et al.* (1993) noted that emergences of nesting turtles in Broward County, Florida, were reduced in areas where lighted piers and roadways were near the beach. In areas where a glow of artificial light is present behind the dune, loggerhead turtles prefer to nest in the darker areas silhouetted by tall buildings and dune vegetation (Salmon *et al.* 1995a). Although there is a tendency for turtles to prefer dark beaches, many do nest on lighted shores. As noted by Witherington and Martin (2000), in doing so, they place the lives of their offspring at risk. Artificial lighting can impair the ability of hatchlings to properly orient to the ocean once they leave their nests.

Hatchling sea turtles exhibit a robust sea-finding behavior. A direct and timely migration from the nest to sea may be vital to their survivorship. Although the cues involved in sea finding are complex, hatchlings rely primarily on vision for proper orientation (Witherington and Martin 2000, Salmon *et al.* 1992, Lohmann *et al.* 1997). A combination of light and shapes is thought to be responsible. The extent to which one or the other drives the process may be a function of the relative strength of each stimulus.

Hatchlings have a tendency to orient toward the brightest direction. On natural undeveloped beaches, the brightest direction is almost always away from elevated shapes and their silhouettes (e.g., dune, vegetation, etc.) and toward the broad open horizon of the sea. On developed beaches, the brightest direction is often away from the ocean and toward lighted structures. Hatchlings, unable to find the ocean or delayed in reaching it, are likely to incur high mortality from dehydration, exhaustion, or predation (Carr and Ogren 1960, Witherington and Ehrhart 1987, Witherington and Martin 2000). Hatchlings lured into lighted parking lots or toward street lights are often crushed by passing vehicles (McFarlane 1963, Philibosian 1976, Peters and Verhoeven 1994, Witherington and Martin 2000).

Artificial lighting cues can cause either misorientation or disorientation (Witherington 1990). Hatchlings that are misoriented travel along a consistent course away from the ocean and toward a light source. Those that are disoriented are unable to establish a particular course and wander aimlessly. However, typically, the two behaviors are lumped under the term disorientation.

Hatchlings are frequently attracted to point source lights on buildings and roadways in urban areas (McFarlane 1963, Philibosian 1976, Mann 1978, Witherington 1992). Urban areas may also have a non-point source nighttime glow (sky glow), which may affect hatchling orientation on otherwise dark sections of beach (Witherington 1993).

Once disoriented, turtles often enter conflicting light environments as they head landward. As hatchlings approach buildings and roads, they encounter obstacles that may screen the source of artificial light (Salmon *et al.* 1995b). They may then re-orient themselves correctly toward the ocean or continue along the obstruction (e.g., seawall, deep ruts, buildings) until they can see the original or perhaps another source of artificial light. If the stimulus affecting disorientation is strong enough and continuous enough, hatchlings may remain on the beach overnight until the brightening sky at sunrise becomes a dominant influence and attracts them to the surf. Mann (1977) found that most turtles in artificial light-dominated areas oriented correctly on brightly moonlit nights. However, on moonless nights, hatchlings were easily disoriented by artificial lights.

Deviations from normal sea-finding behavior may result in excessive expenditure of energy stores, dehydration, and increased likelihood of predation (Witherington and Martin 2000). However, the relationship between level of light-caused disruption and survivorship has not yet been quantified. Relative degrees of sublethal and lethal effects have been reported, ranging from a mild misorientation of a few hatchlings to a strong disorientation of a whole clutch resulting in mortality for many (Salmon *et al.* 1995a, Witherington and Martin).

Both Mann (1977) and Ehrhart and Witherington (1987) found high mortality in the emergences

where the majority of the hatchlings were strongly disoriented. If the hatchlings are drawn landward from the beach, they may enter roadways where they may be run over or become irretrievably lost from finding their way to the surf. The protracted wanderings of disoriented hatchlings also lengthens the time they are susceptible to predation from raccoons, ghost crabs, seabirds, fish crows, and possibly dogs and cats. The prolonged exposure can exhaust and/or dehydrate the turtles to the point of death or limit their chance of survival once in the water. Weakened hatchlings that eventually reach the water may be more vulnerable to marine predators, which are abundant in nearshore waters (Wyneken *et al.* 1994).

Artificial lighting does not appear to be as problematic for nesting adult female sea turtles. They seem to use a “straight ahead” method to select a nest site. They do not appear to be affected as much by lights up and down the beach as they are by bright lights right in front of them upon emerging (Salmon *et al.* 1995b, Witherington 1992). Distant point sources and urban glow are more likely to affect hatchlings than adult females (Salmon *et al.* 1995b).

To reduce the harmful effects of artificial beachfront lighting, St. Johns County (Ordinance No. 99-33) and the City of St. Augustine Beach (Ordinance No. 95-17) have adopted lighting regulations that mimic those contained in the State of Florida’s Model Lighting Ordinance for Sea Turtle Protection (Chapter 16B-55). The intent of these regulations is not to prohibit lighting of beachfront properties, but rather to manage light so it is confined to the property and does not shine out onto the beach. A variety of measures are available for effectively managing lights (Witherington and Martin 2000).

Hatchling disorientations have been documented within St. Johns County. A review of the Hatchling Disorientation Incident Reports submitted to FWC indicates there have been 12 documented disorientation incidents between 1996 and 2001 (FWC *unpublished data* 2001e). This number represents approximately 0.7 percent of all nests within the County during that time period. All but one of these incidents occurred within the vicinity of either St. Augustine Beach or Ponte Vedra Beach. The variety of problematic light sources identified at these events is indicative of the complexity of managing light on coastal beaches. Light sources implicated included roadway lighting (2 nests), condominium lights associated with dune crossovers (1) and tennis courts (2), commercial/parking lot lighting (2), and residential lighting (3). The effects of cumulative beach lighting from street, parking lot, and residential lights were implicated in the disorientation of two nest sites. Three of these incidents occurred subsequent to the establishment of the beach lighting ordinance (Ordinance No. 99-33). All of the reported disorientation events involved loggerhead hatchlings. It should be emphasized that the number of hatchling disorientation events recorded in St. Johns County is probably an underestimate as some disorientations are certain to have been overlooked or were not reported.

4.7.2. Effects of Artificial Lighting on AIBM in Plan Area

The AIBM and all *Peromyscus polionotus* are nocturnal rodents, and they seem to be more active on nights with half to new moons and cloudy skies than on nights with a full moon (Blair 1951). Peaks of activity occur shortly after dusk and again after midnight (Wooten 2001). Artificial lighting, particularly persistent nighttime lighting from skyglow, lights on buildings, and vehicle headlights, can have a negative impact on AIBM by suppressing or disrupting nocturnal

activities, thus decreasing time for finding food (Patrick *pers. comm.* 2002). Along the Gulf Coast of the Panhandle of Florida, it has been demonstrated that beach mice do not venture out of their burrows when their surroundings become well lit (Patrick *pers. comm.* 2002).

4.8. EMERGENCY RESPONSES TO STORMS

In response to severe storm erosion, the St. Johns County Board of County Commissioners has power to authorize the initiation of *temporary* emergency shoreline protection measures. In general, FDEP permits shoreline armoring, and the County defers to FWC and FDEP for guidance regarding the type and placement of structures and the timing of construction activities to avoid impacts to sea turtles and other protected species.

After receiving approval from FWC and FDEP, the Board of County Commissioners declared a state of emergency and authorized the temporary installation of shoreline protection at five private residential homes in Vilano Beach (St. Johns County Resolution No. 2000-161). Each of the five homeowners placed rocks on the beach as landward as practicable. In accordance with section 161.085(6), Florida Statutes, the five homeowners submitted permit applications to the FDEP for the permanent retention of the structures (Brewer *pers. comm.* 2002). Two of these property owners have been granted a permit to retain the rocks on the beach. Though awaiting official determination from FDEP, the remaining three property owners will likely be required to remove the rocks under FDEP direction (Brewer *pers. comm.* 2002).

4.8.1. Effects of Emergency Responses to Storms on Sea Turtles

If the initiation of emergency responses to storm events results in the installation of emergency shoreline protection measures, these responses have the potential to impact sea turtles in much the same way as shoreline armoring (section 4.6.1.). Additionally, when vehicles are used to access a site of an emergency on the beach, those vehicles have the potential to impact sea turtles as outlined in Table 4-5.

4.8.2. Effects of Emergency Responses to Storms on AIBM

If emergency shoreline protection measures are initiated along the foredune, these activities may impact AIBM similarly to shoreline armoring (section 4.6.2.). Shoreline armoring may reduce habitat available to beach mice for burrow construction and foraging. If the abundance of sea oats is reduced by this activity, further stress could be placed upon the AIBM by diminishing their available food supply.

4.9. COASTAL DEVELOPMENT & CONSTRUCTION

4.9.1. Effects of Coastal Development & Construction on Sea Turtles

In addition to shoreline protection activities, there are a variety of other types of coastal construction activities, each of which may affect sea turtles. These include, but are not limited to, the following:

- Construction of new and repair/maintenance of existing upland structures and dune crossovers;
- Construction of jetties and groins;
- Installation of utility cables;
- Installation and/or repair of public infrastructure; and
- Removal of wind-blown sand from upland properties.

Many of these activities may alter nesting habitat and impact sea turtle eggs, hatchlings, and/or nesting females. If vehicles are used on the beach in support of coastal construction, impacts to sea turtles may occur, as summarized in Table 4-5. Eggs may be crushed, unearthed, or otherwise destroyed during construction activities (e.g., heavy equipment, excavation, pile driving, water jetting, etc.). Eggs in undetected and unmarked nests may be buried beneath sand placed on the beach, resulting in mortality of developing embryos. If large quantities of sand are placed over incubating nests, hatchlings may not be able to escape from the nest. Hatchlings may be trapped beneath equipment, supplies, and/or construction debris on the beach.

The migration of hatchlings to the ocean may be impeded by equipment/supplies on the beach. Holes and ruts left on the beach by construction activities may also trap or misdirect hatchlings, increasing energy expenditures and susceptibility to predation. Construction lighting may disorient hatchlings. Holes, crevices, and deteriorating materials associated with structures composed of riprap, sand bags, and geotextile tubes may trap or entangle hatchlings.

Construction lighting and/or construction activities may deter nesting females from emerging onto the beach and reduce nesting success. Females may become entangled or trapped in building equipment and materials while searching for a nest site. Disturbed soil and holes left overnight in the construction areas may trap or topple nesting females.

4.9.2. Effects of Coastal Development & Construction on AIBM

Beach mice rely on periodic storms to overwash and/or erode the dune system, thereby pruning vegetation and maintaining their habitat in early succession. But, beach mice also rely on the availability of the backdune transitional zone, where they can temporarily retreat during storm events. These backdune areas are commonly altered or eliminated by beachfront development, thereby threatening the ability of beach mice populations to persist through sequences of intermittent storms.

Beachfront development is the most serious threat to beach mice persistence. All coastal construction seaward of the Coastal Construction Control Line is permitted by FDEP, not St. Johns County. Any construction along the dune system of Anastasia Island or GRSP, the prime area of beach mouse habitat, will likely result in direct habitat loss and/or habitat fragmentation. If vehicles are used on the beach in support of coastal construction, impacts to beach mice may occur, as summarized in Table 4-6.

4.10. STORMWATER OUTFALLS

4.10.1. Effects of Stormwater Outfalls on Sea Turtles

Rainfall incidents on the dunes and beaches percolate rapidly into the permeable sands and produce little, if any, runoff. Runoff from most developed areas on the barrier islands, typically collected by storm sewers, discharges into the estuarine lagoons landward of the islands. However, runoff from beachfront parking lots, roads, and swimming pool decks discharges directly onto the beaches and dunes either by sheet flow or through stormwater collection system outfalls. Collectively, these outfalls can sometimes create localized erosion channels, prevent natural dune establishment, and wash out sea turtle nests.

In St. Johns County, there are no records of a sea turtle nest having been relocated because of the threat of stormwater runoff (Table 4-4). Most of the beach-directed stormwater outfall occurs on beaches now displaying substantial escarpments or seawalls. These properties were primarily developed in the 1960s and 1970s, prior to current stormwater management regulations. The St. Johns River Water Management District typically requires all new developments to provide treatment of stormwater by onsite retention or detention before it is discharged off site.

In addition to the direct physical effects of upland runoff, contaminants contained in the discharges, such as oils, grease, metals, pesticides, and nutrients, may alter the incubation environment of nearby nests and have as yet undetermined consequences on embryonic development and reproductive success. The effect of chemicals contained in pool discharges is similarly unknown. There is no current means of comparing the quantity and effects of pollutants generated on upland property, roads, and parking lots that wash onto the beach via stormwater runoff.

4.10.2. Effects of Stormwater Outfalls on AIBM

The potential impacts of stormwater outfalls on AIBM are not known. It is reasonable to assume that beach mice will be harmed by the release of stormwater in direct proportion to any degradation or contamination that may result to the dune system.

4.11. FERAL & FREE-ROAMING CATS & DOGS

Numerous Federal, State, and local laws and regulations address the release or presence of feral and free-roaming cats and dogs in St. Johns County. Domesticated or feral cats and dogs are considered exotic species, and their release upon lands in the United States is prohibited under the National Invasive Species Act and Executive Order 13112. Florida Statutes also explicitly state that it is unlawful to release into the state any species that is not indigenous to Florida without having obtained a permit from FWC (F.S. 372.265; F.A.C. 68A-4.005). In some cases, the release of a domesticated animal into the wild can be interpreted as animal cruelty, which is prohibited under State law (F.S. 828.12). Additionally, the abandonment of a cat or dog is also prohibited under Florida Statutes, as described below:

- (3) Any person who is the owner or possessor, or has charge or custody, of any animal who abandons such animal to suffer injury or malnutrition or abandons any animal in a street, road, or public place without providing for the care, sustenance, protection, and shelter of such animal is guilty of a misdemeanor of

the first degree, punishable as provided in s. 775.082 or by a fine of not more than \$5,000, or by both imprisonment and a fine (F.S. 828.13).

Domestic dogs and cats within unincorporated portions of St. Johns County are not permitted to:

“...enter upon any public or private road right-of-way, dedicated right-of-way, public property, the Beaches, or the private property of another...unless said Dog or Cat is wearing a Collar and is in actual physical control of such a person by a Retraint” (Ordinance 01-19).

The responsible party is described as, “any person or legal entity who shall own, be in custody of, be responsible for, or be in control of, any Dog or Cat”. The first two non-contested violations of this Ordinance are punishable by a \$50.00 fine. Contested violations may result in a maximum penalty of a \$500.00 fine and/or 60 days imprisonment in the County Jail.

Section 3.02 of the St. Johns County’s Beach Code (Ordinance 97-34) places restrictions regarding animals on the beaches: “(b) Any person who owns, is responsible for, or in control of any dog or cat on the beach of St. Johns County (1) shall then have in their possession and in the close proximity of such an animal an implement or material by which defecation of such animals may be removed from said beach; and (2) shall promptly remove any defecation of such animal from the beach using such implement or material (County Ordinance 99-21).”

4.11.1. Effects of Feral & Free-roaming Cats & Dogs on Sea Turtles

In addition to the foxes and raccoons that appear to concentrate their depredation activities on sea turtle nests within the undeveloped property of State parks, feral and/or free-roaming domestic dogs are becoming of increasing concern in developed regions. The tracks and signs of depredation by dogs may look very similar to that by foxes. However, the paw tracks leading to the depredated nests reportedly appear larger than those of a fox. Observers on the beach have actually watched domestic dogs digging into sea turtle nests (Stoll *pers. comm.* 2002). Between 1996 and 2001, the earliest records of depredation by dogs occurred in FMNM in 1997 (unknown number of nests depredated) and GRSP in 1998 (one nest was lost) (FWC *unpublished data* 2002). In 2001, six nests were disturbed by dogs in the monitoring zone of Beach Club Drive South, and 147 eggs were damaged (Stoll *pers. comm.* 2002). In the same year, one nest was lost to either a dog or raccoon in Old Ponte Vedra (with over 40 damaged eggs) (FWC *unpublished data* 2002).

4.11.2. Effects of Feral & Free-roaming Cats & Dogs on AIBM

Frank and Humphrey (1996) determined that cat predation was a significant factor affecting the long term persistence and population numbers of AIBM. In a single experiment, the population of AIBM increased approximately 20 percent after a sweeping cat control program was initiated at ASP (Frank 1996). Experts on beach mice agree that control of feral and free-roaming cats in AIBM habitat may be the single most important management strategy to reduce the subspecies’ vulnerability to extinction (Miller, Frank, and Bard *pers. comm.* 2001).

4.12. VEHICLES ON THE BEACH

Direct and indirect impacts potentially resulting from vehicles on the beach are summarized in Table 4-5. The different types of vehicles and vehicular activities within the HCP Plan Area can be partitioned into the following categories:

- Public safety operations, such as those involving lifeguards, emergency vehicles, and law enforcement vehicles;
- Public vehicular access;
- Routine beach maintenance and sanitation;
- Access ramp grading and maintenance;
- Activities necessary to implement the terms and conditions of the ITP (e.g., sea turtle monitoring, Code Enforcement, GPS data collection, HCP management, etc.);
- Planned coastal construction projects properly permitted by local, State, and/or Federal regulatory agencies, such as seawall repairs, beach nourishment, dune restoration, and removal of wind-blown sand, where no reasonable upland alternative exists;
- Scientific monitoring and studies other than those related to sea turtles and AIBM;
- Emergency shoreline protection projects properly permitted by local, State, and/or Federal regulatory agencies; and
- Non-routine beach maintenance and sanitation, such as storm cleanup and removal of hazardous materials, debris and/or obstacles from the beach that pose a public health or safety risk following storms and other unforeseen circumstances (e.g., boat groundings, plane crashes, etc.).

The above types of vehicular activities on the beaches of St. Johns County have the potential to impact sea turtles and/or AIBM. A discussion of these impacts is provided in the following sections.

4.12.1. Effects of Vehicles on Sea Turtles

4.12.1.1. Direct Impacts of Vehicles on Sea Turtles

Direct impacts potentially resulting from vehicles on the beach are summarized in Table 4-5. Adult, hatchling, live stranded, and live washback post-hatchling sea turtles, as well as sea turtle nests may be run over by vehicles. Vehicles might run into or over nesting females, live stranded, live washback, and/or hatchlings; vehicles might run over nests and crush eggs. At night, vehicle lights might frighten nesting females from the beach or deter others from emerging from the ocean. Additionally, vehicle headlights can disorient emergent hatchlings during their crawl from the nest to the ocean.

4.12.1.2. Indirect Impacts of Vehicles on Sea Turtles

4.12.1.2.1. Sediment Compaction

A secondary effect of vehicular traffic on the beach is the potential for compacting sediments under the weight of cars, trucks, and heavy equipment. Compaction is an important

consideration for sea turtle conservation, because if sediments are too compact, a female turtle may have difficulty excavating an egg chamber of adequate depth or dimensions (Raymond 1984, Ryder 1990, Carthy 1994). She may also have to dig more often before finally constructing a suitable egg chamber, or she may abandon the nesting attempt altogether. Increased energy expenditures during the course of nesting may place a higher reproductive cost on that individual. Additionally, if the chamber is poorly constructed, the fate of the eggs may be affected. For example, if the chamber is too shallow, eggs are more susceptible to erosion, predation, and disturbance from activities on the beach.

In a cursory assessment of the impact of beach driving, Fletemeyer (1995) found that sediment compaction levels in Volusia County were higher in two areas routinely driven on than in nearby non-driving areas. However, it is unclear what steps were taken in that study to isolate driving effects from other physical beach variables that influence compaction (e.g., sediment type, tidal influence, etc.). In a related assessment, Fletemeyer (1995) repeatedly drove an SUV over a section of beach where public driving was prohibited. Although he found that compaction values were greater after the vehicle made its passes than before, the highest values obtained were well below those typically regarded as detrimental to sea turtle nesting by FWC (500 psi).

4.12.1.2.2. *Vehicle Ruts*

It is widely reported that vehicular ruts left in the sand create obstacles for hatchlings attempting to reach the ocean. Upon encountering a vehicle rut, hatchlings may be misoriented along the vehicle track, rather than cross over it to reach the water. Apparently hatchlings become diverted, not because they cannot physically climb out of the rut (Hughes and Caine 1994, Arianoutsou 1988), but because the sides of the track cast a shadow that disrupts their sea-finding ability (Mann 1977). At least two studies have confirmed hatchling disorientation by vehicular ruts (Cox *et al.* 1994, Hosier *et al.* 1981). In one study, tire ruts were found to cause nearly 21 percent of hatchling turtles to invert (flip over). If hatchlings are trapped or detoured by vehicle ruts, they are at greater risk to predators, fatigue, and desiccation. Live and desiccated turtles have been found trapped in deep vehicle ruts (LeBuff 1990, Rich *pers. comm.* 2001, Stam *pers. comm.* 2001).

4.12.1.2.3. *Contaminants*

Another potential indirect effect of vehicles is the emission of oil, antifreeze, grease, and other substances from automobiles parking and driving on the beach. However, there have been no studies to quantify the impacts of this source of pollution. Vehicle-related pollutants likely are quite mobile in beach sands, so they should be diluted and flushed from the beach area by rainfall, waves, and tides without reaching concentrations that could be harmful to incubating sea turtle nests.

4.12.2. *Effects of Vehicles on AIBM*

Little information is documented about the direct and indirect impacts that beach driving might have on AIBM or other subspecies of beach mice. Direct and indirect impacts potentially resulting from vehicles on the beach are summarized in Table 4-6. Most of the impacts to AIBM due to vehicular driving are probably indirect, not direct impacts. However, during nightly

surveys conducted along the Gulf Coast, beach mice do run out into the path of an oncoming vehicle, suggesting that it could be possible for a vehicle to run over a mouse (Patrick *pers. comm.* 2002). Another direct impact of public vehicles on the beach is that headlights may frighten or disrupt nocturnal activities of juvenile or adult AIBM.

Indirect impacts to AIBM include habitat degradation, deposition of contaminants, and other indirect effects associated with vehicular access to remote beach regions. The segment of beach in St. Johns County from St. Augustine Beach south to Matanzas Inlet is one of a few segments of beach in the U.S. where beach mouse habitat and public beach driving overlap. There has not been a published, rigorous scientific study conducted to quantify the impacts of beach driving on beach mice. The only comprehensive study on the AIBM throughout Anastasia Island was conducted in 1989-1990 by Frank and Humphrey (1996). The following excerpt from their study addresses beach driving in St. Johns County and potential impacts on AIBM:

Driving automobiles on the beach is a long-standing tradition on Anastasia Island. An obvious effect of having automobile traffic on the beach is a neatly-trimmed dune line caused by traffic pruning back pioneering dune vegetation, prohibiting seaward dune growth on the upper beach. At ASRA [ASP], a policy prohibiting beach driving on the toe of the dunes was recently established, and the response was an immediate appearance of low, early successional dune formations just seaward of the established dune line. These low dunes provide habitat for beach mice and reduce dune erosion caused by strong winter storms out of the northeast. FMNM has an additional problem in that the beach remains open 24 hours, but staff patrol only during daylight hours [between October 16 and May 14]. This unsupervised driving results in damage to the dune system.

Additionally, researchers cite vehicular beach access as contributing to the problems of human trespassing and excrement in the dune system. The argument is that beach driving allows people to reach remote beaches that may be a considerable distance from a portable toilet or a public facility. Along these remote beaches, visitors might be disinclined to drive back to a restroom and choose to relieve themselves behind the primary dunes instead (Frank *pers. comm.* 2002). Such incident reports are anecdotal and not documented.

The months of the year when public vehicular access to the beach is permitted may be important for the conservation of AIBM. Peak population densities of AIBM tend to occur in the winter at both ASP and FMNM (Frank and Humphrey 1996). Additionally, both the ASP and the FMNM populations of the AIBM undergo a significant increase in reproductive activity between April and July (Frank and Humphrey 1996). During the winter months, public beach driving in St. Johns County is permitted during all hours of the day. Since populations may be more vulnerable to anthropogenic influences during periods of high reproductive activity, AIBM may be more susceptible to disturbance during the summer, when beach visitation by pedestrians and vehicles are highest.

4.13. FACTORS AFFECTING BIRDS IN PLAN AREA

Several State-listed and federally-listed bird species are known to occur, or may potentially occur, along the beaches of St. Johns County (see Appendix D). The beach environment provides nesting and foraging habitat for various species of shorebirds, as well as resting and stopover points for other migratory species. This section describes the current and potential impacts to protected birds within the Plan Area related to human use of the beach.

4.13.1. Nesting Birds

The beaches within the Plan Area are considered to be appropriate nesting habitat for several species of birds, including the State-listed least tern, black skimmer, and American oystercatcher. According to data obtained from the FNAI (March 2001, see Appendix D), least terns have been reported to nest in the vicinity of the St. Augustine and Matanzas Inlets, as well as within Guana River State Park (section 3.5.2.1.10.8.). In 1992, black skimmers were also observed to nest south of the St. Augustine Inlet on Conch's Island (FNAI 2002).

Colonial nesting shorebirds are particularly sensitive to human disturbance because of their high-density nesting habits. Although nesting shorebirds can habituate themselves to occasional human activities (Brubeck *et al.* 1981), persistent anthropogenic disturbances, such as pedestrian or vehicular traffic, free-roaming domestic cats and dogs, and habitat loss as a result of beachfront development and/or erosion can have more serious effects. Some evidence suggests that these types of disturbances can result in decreased reproductive success and even abandonment of a nesting colony (Fisk 1978, Gaddy 1982, Gochfeld 1983). Rodgers and Smith (1995) stated, "Identified detriments to reproductive success include egg and nestling mortality, nest evacuation, reduced nestling body mass and slower growth, premature fledging, and modified adult behaviors." Nesting terns, for example, will often mob perceived threats to their nest sites (such as pedestrians or vehicles), increasing energy expenditures and leaving their eggs vulnerable to overheating (Gaddy 1982) or predation. Intrusion into a nesting colony by pedestrian, vehicular, or horseback traffic could also cause eggs or young to be unintentionally crushed or otherwise disturbed. Another consequence of anthropogenic activities on the beach is improperly discarded refuse. Trash may increase the severity of predation on nesting birds by attracting predators such as raccoons, foxes, or crows to the beach. Lighting of the beach at night may negatively affect bird nesting habitat and/or make nesting birds more easily preyed upon by other species.

Due to the lack of a regular monitoring program that would document nesting attempts or nesting success, the present level of impact to nesting bird species within the Plan Area attributed to public vehicular traffic is unknown. However, Rodgers and Smith (1995) estimated the distance at which a human disturbance (a directly approaching pedestrian, canoe, or motorboat) prompted an initial mass upflight or an alert response (flush distance) by 14 species of colonial nesting waterbirds at 17 colonies in Florida (including 2 least tern nesting sites at Matanzas Point, St. Johns County). The researchers concluded, "In general, a recommended set-back distance of about 100 meters for wading bird colonies and 180 meters for mixed tern/skimmer colonies should be adequate to effectively buffer the sites we studied from human disturbance caused by the approach of pedestrians and motorboats." This study cited evidence suggesting that some

colonial nesting birds may be less disturbed by, perhaps even acclimated to, tangentially approaching disturbances (such as a vehicular traffic passing by the colony). Thus, insuring that vehicles, pedestrians, horseback riders, leashed dogs, etc. pass by nesting colonies and do not directly approach the birds may allow for shorter set-back distances, particularly if the disturbance exhibits low noise levels. A physical barricade that insures that the nesting birds cannot see the human disturbance may also allow for shorter set-back distances (again, provided the human disturbance is relatively quiet).

At some of the study sites in Florida, least terns nested beside roadways (Rodgers and Smith 1995). The authors observed much shorter flushing distances by the birds in these roadside colonies. Apparently, these birds became habituated to tangentially moving vehicles. However, studies have documented that roadside tern colonies exhibit increased alarm behaviors (longer flushing distances) when passed by large noisy vehicles, when vehicles stopped along the roadway, when vehicles honked their horns, or when vehicles directly approached the bird aggregations (Rodgers and Smith 1995).

4.13.2. Resting and Feeding Birds

Protected species of shorebirds, terns, and to a lesser extent, wading birds, utilize the County Beaches within the Plan Area for foraging and resting. Surveys conducted by local biologists have documented the federally threatened bald eagle and State-listed least terns, black skimmers, brown pelicans, and American oystercatchers either resting or foraging within ASP (Miller *unpublished data* 2001). A very small number of federally and State-threatened piping plovers have been recorded resting and feeding along FMNM (Meyer *pers. comm.* 2001, Van Ghent *pers. comm.* 2001). The presence of these species elsewhere within the Plan Area is likely.

Possible impacts to these birds may include disruption of foraging activities as a result of vehicular or pedestrian traffic. Some studies indicate that human disturbance reduces the amount of time that piping plovers, a federally threatened winter resident along Florida's beaches, spend feeding (Johnson and Baldassare 1988, Haig 1992), which could limit the individual's ability to survive its lengthy migration. Upon approach, piping plovers and other shorebirds will evade perceived threats by taking to the air in search of areas that appear free from disturbance. Certain species are more prone to the negative impacts of being frightened into the air, and these species may tend to move or otherwise change their behavior as a result of such impacts.

Improperly discarded refuse might increase the severity of predation on shorebirds by attracting predators such as raccoons, foxes, or crows to the beach. Birds can also become entangled in improperly discarded fishing line and other trash on County Beaches. Timely and appropriate trash pick-up on all beaches of St. Johns County helps to alleviate negative impacts for both wildlife and people.

4.14. ACTIVITIES OVER WHICH ST. JOHNS COUNTY HAS AUTHORITY

The above sections have outlined various activities along the coastline of St. Johns County that have potential to result in harassment, injury, and/or death to adult, hatchling, stranded, or post-hatchling washback sea turtles, AIBM, and birds within the Plan Area. However, St. Johns

County does not have regulatory authority over all of these activities. For example, the County does not have the power to authorize coastal development, construction, beach renourishment, or shoreline armoring within the HCP Plan Area. All construction occurring within the HCP Plan Area would necessarily be seaward of the Coastal Construction Control Line, dictating that the activity be permitted by FDEP (F.S. Chapter 161 and Chapter 62B-33).

St. Johns County has limited power to authorize emergency responses to storms and other unusual occurrences, though FWC and FDEP actually regulate this activity. In accordance with applicable local regulations and ordinances, stormwater outfalls are generally regulated by the State. Also, many human beach activities, such as high-impact special events, activities impacting dune vegetation, placement of recreational beach equipment, and fishing activities are generally either permitted or prohibited by the State.

St. Johns County does have regulatory authority over artificial lighting as outlined in the Beach Lighting Ordinance (Ordinance 99-33) and over public vehicular access to the beach in accordance with Florida Statute Chapter 161.85. The County also authorizes public horseback riding on the beach (Ordinances 97-34, 99-21, and 2001-5). Additionally, a number of beach management activities including trash removal, ramp grading, and low-impact special events are permitted and regulated by St. Johns County. Finally, St. Johns County does exercise some regulatory authority over feral and free-roaming cats and dogs (Ordinances 98-70, 97-34, 99-21).

4.15. ACTIVITIES COVERED BY THE INCIDENTAL TAKE PERMIT

If issued, the ITP will authorize the incidental take of federally listed sea turtles and AIBM on the Atlantic coast beaches of St. Johns County within the HCP Plan Area causally related to vehicular driving and associated activities, as described in section 1.10. of this HCP.

Chapter 5. TAKE ASSESSMENT

Due to a lack of consistent monitoring and reporting of historical take of sea turtles and AIBM in St. Johns County, it is difficult to quantify future incidental take levels potentially resulting from vehicular activity on the beach. However, the level of future incidental take due to vehicular access to the beach is expected to be considerably lower than the level of previous incidental take due to the implementation of minimization and mitigation measures contained in this HCP (Chapter 7). In general terms, anticipated incidental take of sea turtles and AIBM is described below.

5.1. INCIDENTAL TAKE ASSESSMENT: SEA TURTLES

Incidental take of sea turtles can occur as a result of vehicular access to the beach. Impacts can be direct or indirect and affect sea turtle nests, eggs, adults, and/or hatchlings, as described in section 4.12.1. and Table 4-5. Table 5-1 presents all records of historical incidental take of sea turtles due to vehicles or vehicular activities on the beaches of St. Johns County, as documented by USFWS Jacksonville, FWC Bureau of Protected Species, St. Johns County Planning Division, St. Johns County Legal Services Division, St. Johns County Sheriff's Department, and the Marine Turtle PPHs in St. Johns County.

Table 5-1 demonstrates that incidental take of sea turtles has not been systematically or uniformly documented in St. Johns County. However, the information compiled since 1991 suggests that both lethal and sublethal incidental take of sea turtles due to vehicles or vehicular activities has occurred along the beaches of the County. It is logical to assume that incidental take occurred prior to 1991, but no records or anecdotal evidence are available for that period. Since 1991, approximately 43 post-emergent hatchlings have been run over and killed by vehicles on the beaches of St. Johns County. Additionally, 15 eggs/embryos from one nest were crushed and killed, 3 nests were run over (with no or unknown damage to eggs/embryos/hatchlings), and an unspecified number of hatchlings have been trapped in tire ruts. Additional harm or mortality has been reported, but the number of individuals involved was not documented.

Most of the incidental take of sea turtles attributable to beach driving occurred during a single year. During 1994, there were 52 reported lethal incidental takes of hatchlings and eggs directly attributable to beach driving, including 29 hatchlings that were run over near the Vilano Ramp on one night (Table 5-1). However, there were extenuating circumstances in the 1994 Vilano Ramp incident. Hatchlings were first disoriented by artificial beachfront lights (FWC unpublished data 2001e), and a large proportion were run over on the Vilano Ramp and in the parking lot at Vilano Ramp (just west of Fiddler's Green Restaurant) (Stauber, Williams, Brewer, and Holmberg *pers. comm.* 2002). Nevertheless, an unknown number of hatchlings were also run over that night by beach drivers on the beach proper (Stauber *pers. comm.* 2002; in 1994 beach driving was permitted in St. Johns County until 11:00 PM).

The 1994 Vilano Ramp incident was extreme and appeared to have resulted from a combination of a disorientation event coupled with illegal nighttime driving (Stauber *pers. comm.* 2002). Thus, it is not representative of the level of incidental take that has occurred historically.

Additionally, anticipated future incidental take is expected to decrease in response to HCP conservation strategies (Chapter 7). The level of future incidental take is expected to display a correlation with the level of beach driving visits (i.e., if beach driving visits decrease/increase, then incidental take of sea turtles can be expected to decrease/increase on a similar trajectory).

5.2. INCIDENTAL TAKE ASSESSMENT: ANASTASIA ISLAND BEACH MICE

Incidental take of AIBM can occur as a result of vehicular access to the beach. Impacts can be direct or indirect and affect all life history stages of beach mice, as described in section 4.12.2. and Table 4-6. There were no available documents recording historical cases of direct impacts to AIBM due to beach driving in St. Johns County. However, the impacts on AIBM from public vehicular access to the beaches are most likely indirect impacts. Potential indirect impacts include degradation of habitat by vehicles trimming dune vegetation, and the use of vehicles to gain access to remote beaches where human trespassing, garbage, and excrement in the dunes might not otherwise be a problem. There is not enough data to confidently quantify either historical or anticipated levels of incidental take of AIBM due to beach driving.

5.3. CUMULATIVE IMPACTS

There are few areas in the U.S. that authorize public vehicular access to sea turtle nesting beaches. Beach driving presently occurs in parts of Duval, St. Johns, Volusia, and Gulf Counties in Florida, and along segments of the Outer Banks in North Carolina. With the exception of Duval County, all these Florida counties where driving is permitted are also home to several subspecies of protected beach mice. Likewise, the cumulative impacts of public vehicular beach access on beach mouse populations can be considered low relative to the negative impacts related to coastal development and cat predation.

5.4. SECONDARY IMPACTS

The most notable secondary impacts of public vehicular access to the beaches of St. Johns County arise from increased human visitation and presence on remote beaches. As a result of beach driving, remote beaches may be frequented by beachgoers that might otherwise find the beach less attractive if they had to bike or walk to the beach. This increased access to remote beaches can have secondary impacts on sea turtles or AIBM, if the increased access results in amplified negative effects from humans, such as increased dune trampling, violations of the Conservation Zone, litter on the beach, and deposition of human excrement in the dunes.

Since FDEP instituted a ban on public beach driving in ASP in August 2000, the park has experienced several changes (Miller *pers. comm.* 2002). Overall, there has been decreased daily visitation to the park, which has constituted a proportional loss in revenue for the park. Although, daily visitation has gone down, camping has risen. Following the beach driving prohibition, park staff have observed a pronounced demographic shift of beach users from mostly fishermen to mostly families. Additionally, park staff spend less time picking up litter on the beach since the beach driving ban went into effect, particularly along the remote north end of the park at Conch's Island, which is prime AIBM habitat.

Chapter 6. ALTERNATIVES

St. Johns County is seeking Federal authorization for the incidental take of sea turtles and AIBM causally related to vehicular driving and associated activities, as afforded under section 10(a)(1)(B) of the ESA. The County exercises authority to allow public beach driving and wishes to continue to exercise that authority in order to continue to provide its citizens with adequate beach access (section 1.6.1.2.) and the socio-economic benefits they derive from beach driving (section 1.11.2.).

In the absence of Federal authorization for such incidental take, the County could pursue a spectrum of management alternatives. There are a number of possible alternatives, and this HCP will consider a reasonable number to cover the range of possibilities. This analysis of alternatives is presented to satisfy requirements of the National Environmental Policy Act (NEPA). Alternatives are not critiqued in detail in HCPs. Complete detailed analysis of the environmental and social impacts of each alternative is presented in the Environmental Assessment (EA) or Environmental Impact Statement (EIS) prepared by the USFWS. The EA is prepared during USFWS review of the ITP application. Both the HCP and EA will be posted in the Federal Register and will be subject to a 60-day Public Comment Period. USFWS must respond to all Public Comments.

Alternatives range from eliminating all public vehicular access to the beach to continuing current beach driving practices without Federal coverage for incidental take. The following alternatives have been briefly evaluated relative to their impacts on sea turtles and beach mice and are based on best available data. Since reliable and consistent historical baseline data regarding incidental take of sea turtles and AIBM under the County's past and current beach driving management practices are not existing, any prediction of future incidental take through the life of the ITP will necessarily be imprecise. Therefore, conceptual models were used to compare the various environmental costs and benefits of the management alternatives described below.

In order to compare alternatives, attempts were made to establish general trends for the following datasets:

- Number of sea turtle nests deposited on the beaches of St. Johns County (1988-2001; FWC *unpublished data* 2002);
- Total annual beach driving visits to St. Johns County (1990-2001; Williams *unpublished data* 2002);
- Documented incidental take of sea turtles due to beach driving (1991-2001; Table 5-1); and
- Total revenue generated from beach tolls (Williams *unpublished data* 2002).

Based on best-fit regression analyses for each dataset, none of the trends were statistically significant. Nevertheless, the trends did allow for the general characterization of the effects of the various alternatives. The conceptual models simulate how the trend lines would be impacted at ITP issuance for each of the selected alternatives (Figures 6-1, 6-3, 6-4, and 6-5).

The recognized assumptions necessary to force this kind of conceptual comparison of alternatives include the following:

- The apparent increase in sea turtle nesting will continue at the same rate for each alternative;
- Each of the variables does not reach a maximum or biological threshold during the timeframe of the ITP;
- St. Johns County will continue to incrementally increase the prices of daily and season beach passes in conformance with the projected trajectory;
- The level of effort used to document sea turtle nests, beach driving visits, incidental take, and generated revenue has not and will not change over time;
- There is a baseline level of incidental take of sea turtles due to impacts from official vehicles that occurs with or without public vehicular access to the beach; and
- North Beach Vehicular Access Permit Holders constitute a very small percentage of the total beach driving visits in St. Johns County.

6.1. ALTERNATIVE #1 (NO ACTION)

Alternative #1 describes the scenario in which no action is taken by St. Johns County. The County does not seek an ITP, the HCP is not implemented, and current beach driving areas (Table 1-2), and access regulations remain the same. Figure 6-1 displays a conceptual representation of the potential results of this alternative. Sea turtle nesting, beach toll revenue, beach driving visits, and incidental take of sea turtles follow historical trends. Beach driving visits eventually plateau as on-beach parking capacity is maximized. Take of sea turtles is directly proportionate to beach driving visits.

Alternative #1 is not preferred by St. Johns County, because the County, private citizens, the municipalities and parks, and the protected species would not derive the benefits that they would be afforded under the minimization and mitigation programs contained in this HCP (section 1.1).

6.2. ALTERNATIVE #2 (PREFERRED ALTERNATIVE)

The Preferred Alternative includes a restriction in the number of hours that beach driving is permitted from 17 hours per day to 12 per day (30 percent reduction). Additionally, this alternative includes minimization strategies as summarized below (Chapter 7).

1. Authorizing public vehicular beach access between 8:00 AM and 8:00 PM from May 1 through October 31 of each year (gates will remain open on a 24-hour basis from November 1 through April 30 on all public driving beaches and from 8:00 AM on July 4 through 1:00 AM on July 5 at Porpoise Point);
2. Installing and maintaining traffic barricades at beach ramps and other points to regulate vehicular access;
3. Monitoring and conspicuous marking of all sea turtle nests in the Plan Area;
4. Developing a standard protocol to remove vehicle ruts seaward of sea turtle nests during periods when hatchlings are expected to emerge;
5. Increased and dedicated enforcement of beach driving policies and procedures;

6. Developing and implementing a public awareness program that includes, but not limited to, the following features:
 - Developing and distributing public awareness materials containing information regarding driving regulations and protected species' issues to beach drivers as they access beaches within the Plan Area;
 - Developing Public Service Announcements, including "special reports," to be aired on the St. Johns County government television station discussing HCP regulations and protected species;
 - Designing and conducting periodic public workshops that include the general public but will also focus on the beach community and hotels/motels to discuss HCP issues; and
 - Posting phone numbers to report HCP violations and sea turtle emergencies.
7. Elevating trash receptacles on posts along public driving areas within AIBM habitat (i.e., Anastasia Island, excluding FMNM);
8. Increased enforcement of existing Conservation Zone (CZ) regulations (defined in Ordinance No. 97-34) and an expansion in the width of the CZ in one region to protect and enhance AIBM and nesting bird habitats;
9. Developing and instituting a training program that must be attended by drivers wishing to obtain a four-wheel drive permit for driving north of Vilano Ramp; and
10. Reducing public beach driving along Summer Haven.

In addition to the minimization measures described above, the County will mitigate unavoidable incidental take that might occur as the result of County-authorized vehicular driving through a number of programs that will provide benefits to sea turtles and AIBM. These mitigation programs include the measures listed below.

1. Developing a proactive Beach Lighting Management Program and align the City of St. Augustine Beach's lighting regulations and the County's lighting regulations;
2. Developing and instituting a beach horseback riding registration and education program;
3. Redirecting Porpoise Point vehicular driving to allow re-establishment of natural dune features; and
4. Restoring the primary dune along Summer Haven.

The programs and policies listed above and described elsewhere in this HCP (Chapter 7) consist of measures that will be implemented to minimize the potential for impacts to sea turtles and the AIBM and mitigate unavoidable incidental take, causally related to vehicular access to the beach allowed under the County's authorization. Under the implementation of Alternative #2, the Plan will substantially improve protected species management on the County's beaches relative to practices currently in place.

6.3. ALTERNATIVE #3

Under this Alternative (Figure 6-3), the length of beach available for public driving is reduced by eliminating public vehicular access to the beaches north of Vilano Ramp (i.e., the elimination of the North Beaches Vehicular Access Permit system). In this scenario, a very small percent of the

total number of beach drivers would be negatively impacted in exchange for a disproportionate decline in incidental take. This represents a 27.9 percent reduction in the length of beaches upon which the public can drive (Table 1-2). A large percentage of incidental take has historically occurred at or north of Vilano Ramp (Figure 6-2, Table 5-1). Under this alternative, the County would suffer a relatively small loss of beach toll revenue (Figure 6-2). North Beach vehicular access permit holders are season beach pass holders, but, due to their small numbers, they do not contribute significantly to the total annual beach toll revenue generated each year.

Alternative #3 is not presented as the County's preferred alternative, because citizens of St. Johns County have a particular interest in maintaining vehicular access north of the Vilano Ramp for fishing and other recreational purposes.

6.4. ALTERNATIVE #4

Alternative #4 eliminates all public vehicular access to the beaches of St. Johns County. Figure 6-5 displays a conceptual representation of potential results of this alternative, including a complete reduction in beach driving visits and beach toll revenues. Incidental take of sea turtles due to vehicles and related activities would drop down to a very low level of baseline incidental take attributable to the presence of official vehicles on the beaches (e.g. public safety, law enforcement, and other emergency response vehicles).

Alternative #4 is not preferred by St. Johns County, because citizens of St. Johns County enjoy beach driving and derive numerous socio-economic benefits from doing so (section 1.11.2.). Additionally, the elimination of all public driving would constitute a 100 percent loss in beach toll revenues to St. Johns County Division of Beach Management, which equaled \$935,968 in 2001 (Williams *unpublished data* 2002). Most beach services, such as trash pick-up, maintenance of restroom facilities, ramp grading, and employment of lifeguards, all services which would still be required to various degrees, are currently paid for by the revenue generated from sale of daily and season beach passes.

This alternative includes the elimination of public beach driving south of Fort Matanzas Ramp -- a management decision that must be made by, or in cooperation with, the National Park Service. St. Johns County regulates, but does not explicitly authorize, beach driving along FMNM (Ordinance 97-34); the National Park Service exercises regulatory authority in this region. The Federal government owns the Fort Matanzas Ramp and the beaches in FMNM seaward to the Mean High Water line. Thus, the implementation of this alternative would require a regulatory action by the U.S. Department of the Interior National Park Service. Public beach driving along FMNM is being evaluated as the General Management Plan for FMNM is being developed. When the management plan is completed (potentially 2005), the County, National Park Service, and USFWS may wish to re-evaluate this alternative.

6.5. OTHER ALTERNATIVES

As indicated above, there are an infinite number of alternatives that could be postulated based on specific locations and times when driving could be allowed, each having varying levels of benefits/impacts on the coastal ecology and the social, cultural, and economic fabric of the

community. However, it is believed that the alternatives presented above provide a reasonable range of options, including the extremes. At one end of this spectrum the County could do nothing and continue with its current beach driving practices. At the other end, the County could immediately eliminate all public vehicular access to the beaches.

During stakeholder meetings in St. Johns County, the environmental community recommended one additional option. This involved a gradual (e.g., 5-year) phasing out of beach driving in conjunction with a program to acquire additional off-beach parking. This option was not evaluated as part of this HCP, because it is considered an incremental approach to Alternative #4. Most of the socio-economic costs and cultural impacts associated with elimination of public vehicular beach access would be incurred, but the impacts would not be immediate.

CITY COMMISSION AGENDA ITEM
City of Fernandina Beach



SUBJECT: Discussion
City Commission Rules of Procedure Amendment - Public Comment

ITEM TYPE: Discussion

REQUESTED ACTION:

SYNOPSIS: This item is placed on the agenda at the request of Vice Mayor Kreger.

At the July 16, 2019, City Commission Regular Meeting, discussion occurred whether to cue "Public Comment Regarding Items Not on the Agenda" after Ordinances in order to allow for the conduction of City business in a more timely manner.

FISCAL IMPACT: None

CITY ATTORNEY COMMENTS: N/A

CITY MANAGER RECOMMENDATION(S): N/A

Tammi E. Bach, City Attorney 7/26/2019

Dale Martin, City Manager 7/29/2019

Date: July 19, 2019

Submitted By: Katie Newton, Legal Assistant

COMMISSION ACTION:

CITY COMMISSION RULES OF PROCEDURE CITY OF FERNANDINA BEACH, FLORIDA

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Section 1. AUTHORITY

Florida Statutes provide for open meetings of the City Commission at which reasonable opportunity shall be given for citizens to be heard under such rules as the City Commission may provide. The Rules of Procedure establish guidelines to be followed by all persons attending a City Commission meeting, including members of the City Commission, administrative staff, news media, and visitors. [Section 286.011, Florida Statutes, and City Charter Section 19]

Section 2. MEETINGS

2.1. Regular Meetings. The City Commission shall meet at 6:00 P.M. on the first and third Tuesdays of each month [Section 2-61 City Code]

2.2. Special Meetings. The Mayor, any two members of the Commission or the City Manager may call special meetings of the Commission upon at least twenty-four (24) hours written notice to every Commissioner [City Charter Section 19] in accordance with Florida Sunshine Law requirements.

(A) Special Meetings of Boards and Committees. The City Manager or any two members of the Commission may call special meetings of any ad hoc or standing committee or board whose members are appointed by the City Commission.

2.3. Public Notice. The agenda for all regular meetings and the notice listing items to be considered shall be posted by the City Clerk's Office on the City's official bulletin board at City Hall and on other public bulletin boards on City property in accordance with the Florida Open Meetings Laws. [Chapter 286, Florida Statutes]

2.4. Quorum. A majority of the members of the City Commission shall constitute a quorum. A quorum of the City Commission must be present to conduct a City Commission regular or special meeting, except that a quorum is not required to hear proclamations and special recognitions. [City Charter Section 21].

2.5. City Manager Participation. The City Manager or City Manager pro tem, shall attend all meetings of the City Commission. The City Manager may make recommendations to the City Commission and shall have the right to take part in all discussions, but shall have no vote. [City Charter Section 29]

2.6. City Attorney Participation. The City Attorney or City Attorney pro tem shall attend all meetings of the City Commission and shall upon request, give an opinion, either written or oral, on questions of law. The City Attorney shall act as the City Commission's parliamentarian. [City Charter Section 31].

2.7. City Clerk Participation. The City Clerk or designated Deputy City Clerk shall attend all meetings of the City Commission and shall keep accurate records of all actions taken by the City Commission. [City Charter Section 47].

2.8. Workshop or Work Session Meetings. During workshop or work session meetings, City Commission members shall refrain from calling on members of the public to speak unless a majority of the City Commission decides by consensus to allow members of the public to speak at a particular workshop or work session.

Section 3 - CODE OF CONDUCT

3.1. City Commission Members.

(a) During City Commission meetings, City Commission members shall assist in preserving order and decorum and shall neither by conversation or otherwise delay or interrupt the proceedings nor refuse to obey the orders of the Mayor (or other presiding officer) or the rules of the City Commission.

(b) A City Commission member desiring to speak shall address the Mayor and, upon recognition by the Mayor, shall confine discussion to the question under debate, avoid discussion of personalities and indecorous language, and refrain from personal attacks and verbal abuse.

(c) A City Commission member desiring to question the administrative staff shall address questions to the City Manager who shall be entitled either to answer the inquiries or to designate some member of city staff for that purpose. City Commission members shall not berate nor admonish staff members.

(d) A City Commission member, once recognized, shall not be interrupted while speaking unless called to order by the Mayor, unless a point of order is raised by another member, or unless the speaker chooses to yield to questions from another member. If a city Commission member is called to order while speaking, that member shall cease speaking

immediately until the question of order is determined. If ruled to be in order, the member shall be permitted to proceed. If ruled to be not in order, the member shall remain silent or make additional remarks so as to comply with rules of the City Commission.

(e) City Commission members shall confine their questions to the particular matters before the Commission and in debate shall confine their remarks to the issues before the City Commission.

(f) When there is more than one speaker on the same subject, City Commission members will delay their comments until after all speakers on the subject have been heard.

3.2 Administrative Staff.

(a) Members of the administrative staff and employees of the City shall observe the same rules of procedures and decorum applicable to members of the City Commission.

(b) Although the Mayor has the authority to preserve decorum in meetings, the City Manager also is responsible for the orderly conduct and decorum of all city employees under the City Manager's direction and control.

(c) The city manager shall take such disciplinary action as may be necessary to ensure that decorum is preserved at all times by city employees in City Commission meetings.

(d) All persons addressing the City Commission, including the city manager, other staff members, or members of the public shall be recognized by the Mayor and shall limit their remarks to the matter under discussion.

(e) All remarks and questions addressed to the City Commission shall be addressed to the City Commission as a whole and not to any individual member.

(f) No staff member, other than the staff member having the floor, shall enter into any discussion either directly or indirectly without permission of the Mayor.

3.3 Citizens and Other Visitors.

(a) Citizens and other visitors are welcome to attend all public meetings of the City Commission and will be admitted to the City Commission chamber or other room in which the City Commission is meeting up to the fire safety capacity of the room.

(b) Everyone attending the meeting will refrain from private conversations while the City Commission is in session.

(c) Citizens and other visitors attending City Commission meetings shall observe the same rules of propriety, decorum and good conduct applicable to members of the City Commission.

(d) Any person making personal, impertinent, profane or slanderous remarks or who becomes boisterous while addressing the City Commission or while attending the City Commission meeting shall be removed from the room if the Chief of Police or his/her designee is so directed by the Mayor, and the person shall be barred from further audience before the City Commission during that session of the City Commission. If the presiding officer fails to act, any member of the City Commission may move to require enforcement of the rules, and the affirmative vote of a majority of the City Commission shall require the Mayor to act.

(e) Unauthorized remarks from the audience, stamping of feet, whistles, yells, clapping and similar demonstrations shall not be permitted by the Mayor, who may direct the Chief of Police or his/her designee to remove offenders from the room. In case the Mayor shall fail to act, any member of the City Commission may move to require enforcement of the rules, and the affirmative vote of the majority of the City Commission shall require the Mayor to act.

(f) No placards, banners, or signs will be permitted in the City Commission chamber or in any other room in which the City Commission is meeting. Exhibits, displays, and visual aids used in connection with presentations to the City Commission, however, are permitted. Video presentations requested by citizens as visual aids will not be broadcasted over cable television.

(g) Citizens or other visitors attending City Commission meetings shall not bring food or drink into the city Commission chamber or into any other room in which the City Commission is meeting.

3.4 Enforcement. The Chief of Police or his/her designee shall act as sergeant-at-arms for the City Commission and shall furnish whatever assistance is needed to enforce the rules of the City Commission.

Section 4 - DUTIES AND PRIVILEGES OF MEMBERS

4.1. Seating Arrangement. City Commission members shall occupy the seats in the City Commission chamber assigned to them by the City Clerk.

4.2. Right of Floor. A City Commission member who desires to speak must be recognized by the Mayor. No member shall address the Mayor or demand the floor while a vote is being taken.

4.3. Conflict of Interest. A Commission member prevented from voting by a conflict of interest shall not vote on the matter, but may participate in the discussion, disclose the nature of the conflict of interest to the Commission prior to a vote being taken, and shall otherwise comply with the state law and city ordinances concerning conflicts of interest.

4.4. Right of Appeal. Any member may appeal to the City Commission from a ruling of the Mayor. If the appeal is seconded, the Commissioner making the appeal may briefly explain the ruling; but there shall be no debate on the appeal, and no other Commissioner shall participate in the discussion. The Mayor shall then put the question, "Shall the decision of the chair be sustained?"

If a majority of the members present vote "Aye," (or "Yes") the ruling of the chair is sustained; otherwise, it is overruled.

4.5. Voting.

(a) Every Commission member present when a question is called shall vote either "Yes" or "No" except on matters involving a conflict of interests.

(b) After the result of a vote is announced, a Commission member may not change a vote unless, before the adjournment of that meeting, that member or a City Commission member on the prevailing side of the vote makes a motion to reconsider the action.

4.6. Excusal from Attendance. City Commission members are expected to attend meetings and stay in attendance during each meeting. No member shall be excused from attendance at a City Commission meeting except for good and valid reasons.

4.7. Excusal During Meetings. No member should leave a City Commission meeting while in session without advising the Mayor.

4.8. No Cell Phones or Mobile Devices During Meetings. Commissioners shall not have cell phones or other mobile devices on the dais during workshops or meetings of the Commission, and all such devices must be silenced. There shall be no text messaging or emailing during Commission meetings by City Commissioners. The dais is equipped with computers and/or tablets that provide internet access for research during meetings. City staff and the public are specifically exempted from this rule. However, City staff, contractors and consultants shall be mindful of the distracting nature of using mobile devices during Commission meetings and take care to silence all mobile devices.

Section 5 - CHAIR AND DUTIES

5.1. Chair. The Mayor, if present, shall preside as chair at all meetings of the City Commission. In the absence of the mayor, the Vice Mayor shall preside. In the absence of both the Mayor and Vice Mayor, the Commission shall elect a chair. If the Mayor vacates the chair during a meeting, and the Vice Mayor is not available, the Mayor may, subject to the approval of the City Commission, appoint a temporary chair.

5.2. Call to Order. The meetings of the City Commission shall be called to order by the Mayor.

5.3. Preservation of Order. The Mayor shall preserve order and decorum, call upon the sergeant-at-arms as necessary to enforce compliance with the rules, and confine members in debate to the question under discussion.

5.4. Questions to be Stated. The Mayor shall state all questions (restate motions) submitted for a vote and announce the result of the vote.

Section 6 – AGENDA AND PUBLIC SPEAKING

6.1. Citizen Speakers. At City Commission regular meetings, a person may address the City Commission concerning voting items on the agenda or may speak during the portion of the agenda providing for citizen and non-citizen speakers to speak on items not on the agenda in accordance with the following rules:

(a) Speakers to Register. A person wishing to address the City Commission must register with the City Clerk and complete a speaker's form provided by the City Clerk prior to the end of the meeting at which they speak.

(b) Speaker Rules. In order that the City Commission may properly consider each matter brought to it by citizens, speakers are asked to observe the following rules:

(1) Only one person may approach the microphone at any one time, and only the person at the microphone will be allowed to speak.

(2) There will be no substitutions or pooling of speakers.

(3) Speakers must address their comments to the Mayor rather than individual City Commission members or staff.

(4) Speakers may file copies of their remarks or supporting information with the City Clerk. The City Clerk will make the information available to the City Commission and City manager if requested.

(5) A person who addresses the City Commission during a public hearing must limit remarks to the specific subject matter being considered by the City Commission in that public hearing.

(6) Fernandina Beach citizens will be allowed to speak before nonresidents.

(c) Time Limits on Voting Items. The length of time a person will be allowed to speak on voting items at City Commission meetings will be determined according to the following rules:

(1) A person who registers to speak on a voting item on the agenda will be called on at the time the item is considered by the City Commission and will have a maximum of three (3) minutes to speak. The Mayor determines the order in which speakers are called. The order in which speakers are called is not required to be in the order that items appear on the agenda, nor are all speakers on a particular item required to be called at the same time. If an item is deferred from a City Commission agenda, a speaker who signed up to speak on the item may not be heard until the item is actually considered by the City Commission.

(2) The Mayor may impose more restrictive time limits on voting items

that are not public hearings, but for which a large number of persons register to speak.

(d) Time Limits for Speaking about Items not on the Agenda. The City Commission will provide an opportunity for citizens to present concerns or address issues that are not matters for consideration listed on a posted meeting agenda during the portion of the agenda providing for citizen and non-citizen comments at regular City Commission meetings, subject to the following rules:

(1) Each speaker may speak only once, and the length of time a person will be allowed to speak during the open citizen or non-citizen comment is (3) three minutes. If a large number of speakers register for the open comment portion of the agenda, however, the Mayor may, with the concurrence of a majority of the City Commission, impose more restrictive time limits in order to allow the maximum number of persons to speak.

(2) The order in which speakers will be called will be determined by the Mayor.

(e) During designated speaker times, City Commission members may ask factual questions or make a brief acknowledgement of speakers. Speakers will have one (1) minute to respond. More time may be granted to the speaker for a response at the discretion of the Mayor or by a non-debatable motion approved by the City Commission. Commission members will refrain from debate on any item during time allotted to speakers unless a specific time is granted by the Mayor or by a non-debatable motion approved by the City Commission.

(f) Use of Interpreters. Whenever it is necessary for a speaker to use an interpreter to translate his/her comments to the City Commission, the time required for the translation will not be counted against the designated time allotted for the speaker to address the City Commission.

6.2 Order of Business; Public Speaking and Motions. For voting items on an agenda, the order of business shall be: 1) public input for speakers who registered to speak on that agenda item; 2) discussion by the City Commission; 3) motion made by Commission member and seconded by another Commission member; 4) any further discussion; 5) motion or amended motion restated by Mayor; and 6) Mayor asks the City Clerk to conduct the roll call vote.

6.3 Agenda. All discussion items (not resolutions or ordinances) and presentations shall be added to Commission agendas through the City Manager's Office in accordance with deadlines for submission approved by the City Manager. Only discussion items related to health, safety and welfare may be added to a Commission agenda with short notice. Presentations shall be limited to ten (10) minutes unless the City Manager or a majority of the City Commission waives or alters the time limit.

6.4 Information Provided by Commissioners. Any and all documents, information, memoranda, research materials and agenda item backup materials must be submitted to the City Manager and/or City Clerk in accordance with deadlines for submission approved by the City Manager for Commission meetings. PowerPoint or other projectable presentation formats may be prepared and submitted to the City Clerk for public display in the Commission Chambers on the projection screen as late as 24 hours prior to the public meeting as long as everything in the projectable presentation was previously submitted as backup material in accordance with agenda submission deadlines. If a Commissioner receives the meeting agenda and backup materials for a meeting and wishes to provide supplemental or rebuttal information, documents, research materials in response to information on a published agenda but too late to meet the City Manager's agenda deadlines, the Commissioner should still submit the information to the City Manager with the understanding that the applicable agenda item may be moved to the next available Commission meeting date by majority vote of the City Commission, subject to the Florida Sunshine Law.

Section 7 - CONSIDERATION OF ORDINANCES, RESOLUTIONS, AND MOTIONS

7.1. Printed Form. All ordinances and resolutions shall be presented to the City Commission only in printed form.

7.2. Rules of Order. These Rules of Order shall govern the proceedings of the City Commission of the City of Fernandina Beach. If there is a motion or action that is not covered by these Fernandina Beach City Commission Rules of Order, state law, City Charter, City ordinances, City resolutions and then the most recent edition of Roberts Rules of Order Revised shall govern the proceedings of the City Commission, in that order.

7.3. Order of Precedence of Motions. The following motions shall have priority in the order indicated:

1. Adjourn (when privileged) - See notes 1 and 2
2. Take a recess (when privileged) - See notes 1 and 3
3. Raise a question of privilege
4. Lay on the table
5. Previous question - See note 5
6. Limit or extend limits of debate - See notes 3 and 5
7. Postpone to a certain time - See note 3
8. Commit or refer - See note 3
9. Amend - See notes 3 and 4
10. Postpone indefinitely
11. Main motion - See note 3

Note 1: The first two motions are not always privileged. To adjourn shall lose its privileged character and be a main motion if in any way qualified. To take a recess shall be privileged only when

other business is pending.

Note 2: A motion to adjourn is not in order: (1) when repeated without intervening business or discussion; (2) when made as an interruption of a member while speaking; (3) while a vote is being taken.

Note 3: Can be amended - others cannot be amended.

Note 4: A motion to amend shall be non-debatable when the question to be amended is non-debatable.

Note 5: Two-thirds vote of members present required.

7.4. Reconsideration.

(a) A motion to reconsider any action of the City Commission may be made, seconded, and voted on not later than the next succeeding voting agenda meeting of the City Commission. If reconsideration of the Commission action has not been posted on the Commission agenda for the meeting at which the motion to reconsider is made, however, actual reconsideration of the item must be delayed until the next voting agenda meeting after the posting requirements of the Sunshine Law are met.

(b) A motion to reconsider an action of the City Commission may only be made by a member who voted with the prevailing side. It can be seconded by any member. No question shall be twice reconsidered except by unanimous vote of the City Commission, except that action relating to any contract may be reconsidered at any time before the final execution thereof.

7.5. The Previous Question (Calling the Question). When the previous question is moved and seconded, it shall be put as follows: "Shall the main question be considered now?" There shall be no further amendment or debate, but pending amendments shall be put in their order before the main question. If the motion for the previous question is lost, the main question remains before the City Commission. An affirmative vote of two-thirds of the City Commission members present shall be required to approve the previous question. (To demand the previous question is equivalent in effect to moving "that debate now cease, and the City Commission immediately proceed to vote on the pending motion." In practice, this is done with the phrase "Call for the Question," or by simply saying "Question.")

7.6. Withdrawal of Motions. A motion may be withdrawn, or modified, by its mover without asking permission until the motion has been restated by the Mayor. If the mover modifies the motion, the seconder may withdraw the second. After the question has been restated, the mover shall neither withdraw it nor modify it without the consent of the City Commission.

7.7. Amendments to Motions. No proposal of a subject different from that under consideration shall be admitted as a motion or amendment to a motion. A main motion may be amended by the mover stating the main motion with the amended language and having a seconder to the amended motion. If a majority of the City Commission concede, an amended motion may be amended several times and until the Mayor restates the amended the motion and asks for a vote.

7.8 Suspension of Rules. Subject only to the limitations imposed by the City Charter and state law, any of the foregoing rules may be suspended for the meeting then in session by unanimous vote of the City Commission.

From: [Caroline Best](#)
To: [Tammi Bach](#); [Dale Martin](#)
Cc: [Katie Newton](#); [Kim Briley](#)
Subject: RE: Public Comment for Items not on Agenda
Date: Thursday, July 18, 2019 12:39:29 PM

CCO staff found Public Comment at the bottom of CC RM agendas from 1955 through January 2000. Public Comment first appears in its present position on the February 1, 2000 agenda. CCO staff did not find discussion on the matter, however the Deputy City Clerk and Records Coordinator recall the move was to lessen speaker wait time.

Caroline Best, CMC
City Clerk
204 Ash Street
Fernandina Beach, Florida 32034
Office (904) 310-3115

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From: Tammi Bach <tbach@fbfl.org>
Sent: Thursday, July 18, 2019 12:30 PM
To: Dale Martin <dmartin@fbfl.org>; Caroline Best <cbest@fbfl.org>
Cc: Katie Newton <knewton@fbfl.org>
Subject: RE: Public Comment for Items not on Agenda

Yes, we can do that. Katie is searching for a resolution that approved the speaker rules at the end of the Commission agenda and can also see if she can find anything on the placement of this item on agendas started.

Tammi E. Bach, J.D., B.C.S.
Board Certified Specialist City, County & Local Government Law
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From: Dale Martin <dmartin@fbfl.org>
Sent: Thursday, July 18, 2019 8:43 AM
To: Tammi Bach <tbach@fbfl.org>; Caroline Best <cbest@fbfl.org>
Subject: FW: Public Comment for Items not on Agenda

Good morning:

From what has been explained to me, the Public Comment on Non-Agenda Items was formerly at the end of the agenda (in a fashion that is now being proposed by Vice Mayor Kreger). Is it possible to review and determine when the item was moved to earlier in the agenda where it sits now?

That may provide some historical context to where it is and why.

Thank you.

Mr. Dale L. Martin

City Manager, Fernandina Beach



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Instead, contact this office by phone or in writing.

From: Chip Ross <cross@fbfl.org>
Sent: Thursday, July 18, 2019 7:52 AM
To: Tammi Bach <tbach@fbfl.org>
Cc: Chip Ross <cross@fbfl.org>; Dale Martin <dmartin@fbfl.org>
Subject: RE: Public Comment for Items not on Agenda

Please forward a copy of the current rules about public comment at the Commission and board meetings. Thanks

chip ross

From: Tammi Bach [tbach@fbfl.org]
Sent: Wednesday, July 17, 2019 11:54 AM
To: Commissioners
Cc: Dale Martin; Caroline Best; Nicole Bednar; Katie Newton
Subject: Public Comment for Items not on Agenda

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Vice Mayor Kreger has asked me to schedule a resolution for the August 6, 2019 City Commission meeting to approve moving "Public Comment for Items Not on Agenda" to the end of the City Commission meeting just before Charter Officer and Commissioners Comments. From what I could tell last night, at least a majority of you are in favor of doing this in order to complete Commission business on action items first. PLEASE LET ME KNOW INDIVIDUALLY IF YOU ARE OPPOSED TO ME WORKING ON SUCH A RESOLUTION.

Tammi E. Bach, J.D., B.C.S.

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