

TREASURE COAST REGIONAL PLANNING COUNCIL

MEMORANDUM

To: Council Members

AGENDA ITEM 8B

From: Staff

Date: October 16, 2015 Council Meeting

Subject: Minutes – September 18, 2015

Introduction

The Minutes of the September 18, 2015 Council meeting were posted to Council's website on October 4, 2015 at http://www.tcrpc.org/council_meetings.html.

Recommendation

Council should approve the Minutes of the September 18, 2015 Council meeting.

Attachment

**MINUTES OF THE
TREASURE COAST REGIONAL PLANNING COUNCIL
SEPTEMBER 18, 2015**

Chairman Mowery called the meeting to order at 9:47 a.m. and welcomed everyone to the meeting. He led the pledge of allegiance and requested roll call.

The following members and alternates were present:

Indian River County:	Commissioner Zorc
Martin County:	Commissioner Fielding Commissioner Haddox Commissioner Thurlow-Lippisch
St. Lucie County:	Commissioner Lewis Commissioner Mowery
Palm Beach County:	Commissioner Valeche Mayor DuBois Councilman Hmara Commissioner Ryan (Alternate) Councilman Guyton (Alternate)
Gubernatorial Appointees:	Douglas Bournique Michael Davis Michael Houston Toby Overdorf Reece Parrish Peter Sachs Steven Weaver, Sr.
Ex-Officios:	Kathy LaMartina, South Florida Water Management District Ann Benedetti, St. Johns River Water Management District Lynda Westin, South Florida Regional Transportation Authority
Council Staff:	Kate Boer Michael Busha Phyllis Castro Kim DeLaney Liz Gulick Stephanie Heidt Peter Merritt
Council Attorney:	Keith Davis

The Executive Director announced a quorum is present.

AGENDA APPROVAL

Councilmember Haddox moved approval of the Agenda. Councilwoman Gerwig seconded the motion, which carried unanimously. **Motion**

ANNOUNCEMENTS

Staff provided handouts from the Florida Department of Transportation (FDOT) announcing upcoming workshops regarding updates to the Florida Transportation and Strategic Intermodal System Policy plans.

With respect to the All Aboard Florida (AAF) project, staff announced that two quiet zone technical workshops have been scheduled for September 23rd in Fort Pierce, and September 24th in Palm Beach County. Staff indicated Tom Drake with the Federal Railroad Administration (FRA) will be available to answer questions about local government choices regarding quiet zones, grade intersection improvements, and what was committed to in the environmental impact statement (EIS) versus what is indicated in the 90% drawings.

Staff noted there will be a work-in-progress presentation by Council staff at the Heritage Center in Vero Beach at 6:00 pm. The presentation will show the drawings, master plan, and code analysis that were developed during a week-long charrette process that began on September 12th. Staff noted that Council was asked to assist the Cultural Council of Indian River County in conducting the public participation process to develop the concept of an arts village in one of the city's downtown neighborhoods.

Lynda Westin with the South Florida Regional Transportation Authority provided the *Second edition of the South Florida Transit Resource Guide* to Council members. She noted this document profiles all the transportation programs, providers, policies, and organizations involved in transportation in Southeast Florida.

CHAIRMAN'S COMMENTS

Chairman Mowery stated he is impressed with the executive director and his commitment to Council. He thanked the executive director and staff for all their hard work.

HISTORY OF THE EVERGLADES AND CENTRAL AND SOUTH FLORIDA FLOOD CONTROL PROJECT – PRESENTATION BY ROBERT J. ULEVICH

Staff indicated this presentation is part of the educational series on regional water resources. Staff noted this presentation will be split into two parts, with the second part occurring at a future Council meeting. Staff noted Bob Ulevich's presentation will provide historical background from the 1500s all the way up through the Comprehensive Everglades Restoration Plan of the 1990s. Staff indicated Mr. Ulevich will provide information on the Central and South Florida Flood Control Project in

order for everyone to understand why this system is very clearly what it is, and what we are trying to fix based on what was done in the original project.

Staff indicated Mr. Ulevich has worked for the South Florida Water Management District, and both the St. Johns and Sebastian River Improvement districts, in a number of project management capacities. Staff noted he is now retired and owns his own firm, Polymath Consulting Services, located in Palm City.

Mr. Ulevich provided handouts to Council members, which included a summary of his presentation, a project map from 1980, and an article concerning the Flood Control District (FCD) from the Stuart News dated 1959, *Here is Full Background on why Martin County Insisting FCD Change its Priorities*. Mr. Ulevich provided a historical overview that included detailed information regarding events that affected and shaped how our state is today. Events included in the presentation were: the 1850 federal Swamp and Overflow Lands Act; the securing of the Everglades Agricultural Area in 1851; and the creation of the Board of Trustees for the Internal Improvement Trust Fund (TIIF) in 1855. Mr. Ulevich noted the purpose of the TIIF board was to issue bonds and sell land given to the state by the federal government to develop and drain land for cultivation and habitation. He stated when TIIF went bankrupt in 1877, they turned to the railroads. The state needed the railroads, because they would provide drainage, land improvement, development and transportation, all of which furthered the federal directive to drain the land for habitation and cultivation. Mr. Ulevich indicated the railroads were sold land at a lower cost, and in return the railroad received a 200 foot right-of-way, state assistance, and alternate sections of land six miles deep on both sides of the tracks. Commissioner Zorc asked for clarification of the six miles of land. Mr. Ulevich stated six miles of land on both sides of the tracks were given to encourage the railroad to help with their mission.

Mr. Ulevich provided information on how tourism, manufacturing, agriculture, and development began to occur in the state, and the political climate of the 1880s and 1890s. Councilwoman Gerwig asked how the Spanish grants fit into this. Mr. Ulevich indicated he would have to do research on this. Mr. Ulevich noted that in 1905 Governor Broward brought government and public agencies into water and land management with the creation of the Board of Drainage Commissioners. This act provided for the levying of drainage taxes and the right to exercise eminent domain by the board. The United States Supreme court ruled the board was not authorized by the state constitution, so in 1907 the Everglades Drainage District Act was amended to state that the commissioners only had jurisdiction over the 4.3 million acres of the Everglades. Mr. Ulevich noted that this laid the groundwork for the drainage districts and the Florida Everglades Engineering Commission, and was instrumental in things that would occur in the 1960s and 1970s. Other districts highlighted in the presentation were the 1929 Okeechobee Flood Control District, which was responsible for works and improvements to the Caloosahatchee River, Lake Okeechobee and the Everglades, and necessary for flood control and navigation; and the Everglades Drainage District established in 1928 that lead to the construction of major canals.

Mr. Ulevich noted that in 1931 TIIF went bankrupt again, which resulted in all construction stopping, maintenance being deferred, and assessments going to the bond debt. Mr. Ulevich stated that the federal government responded in 1936 with the Flood Control Act of 1946. This was the most significant event from a federal perspective, because this is when the federal government

began to recognize flood control in the state, rather than concentrating on navigation and transportation. He reported that in the 1930s and 1940s construction was dormant, there was a poor economy, there were bankrupt conditions, bond payments were due, successive droughts threatened fresh water supplies, and there were many fires that impacted the Everglades Agricultural Area (EAA). He noted that in 1947 two events brought national focus to Florida: torrential rains that resulted in flood damages of more than \$42 million, and dedication of Everglades National Park on December 6th by President Truman. He noted that this was a turning point for regional, state, and federal flood control projects. He noted that in 1948 the focus began to be more on flood control and water supply. Mr. Ulevich ended the first part of his presentation at this point, noting the second part of the presentation will cover the 1960s through the 1990s.

Commissioner Thurlow-Lippisch asked how big the EAA was when it was originally established. Mr. Ulevich stated that it was 4.3 million acres when it was established, and he believes it is currently smaller than what was originally envisioned in 1951.

Commissioner Zorc asked what exemptions existed in terms of regulations for the agency created in the early 1900s, that are different than the agencies formed later. Mr. Ulevich noted that improvement districts have all the powers of a county of municipal government, except with respect to land use. He stated that the older agencies' primary focus was components of flood control, water supply, and transportation. He also noted that the authority of these districts has been unsuccessfully challenged by other state agencies in the courts.

Councilmember Weaver stated he has heard stories that the surface water elevation has changed over the last 100 years as a result of all these improvements. He asked if the surface water in the prairie lands is higher. Mr. Ulevich indicated he believes it is, but would defer to someone more qualified to answer that question. He noted he used to say manmade structures were built to protect the people from the Everglades, but now it is said they are to protect the Everglades from the people. He indicated managing the manmade system in a natural environment is extremely difficult, and the designs of the 1950s and 1960s was for the land use associated with those areas. He stated that the intention of modification through regulatory review is to provide protection. Chairman Mowery thanked Mr. Ulevich for his presentation.

PUBLIC COMMENT ON CONSENT AGENDA ITEMS

Drew Martin expressed his concern with the reduction of open space that is being proposed in the West Palm Beach comprehensive plan amendment. He stated that once you establish open space it should be maintained. He asked Council to turn down the Palm Beach County comprehensive land use change related to development option in the Agricultural Reserve. He indicated the proposed amendment was unanimously opposed by the Palm Beach County Local Planning Agency. Also, when Palm Beach County purchased the land, it was determined this area should be primarily agriculture, and noted that purchase was based on a bond referendum that voters overwhelmingly passed. He stated it is important to keep agriculture in this area, because it does not freeze as often, which is vital for producing fruits and vegetables. He stated this is a strong economic component for the county, state and the country, especially with the drought in California. He stated if this change goes forward it will allow smaller parcel owners to sell their rights, which will create more density due to the 60/40 rule. He stated the roads are already challenged in the area and many of the

residents do not want additional development. He indicated one of the arguments on the other side is that land owners want to participate in selling their land. He stated he is happy to work with them, but he would like to find another way to assist the land owners rather than changing zoning laws. He stated he is also concerned some of the owners will want more commercial. He noted that there is already a lot of commercial available, and if more commercial is added it will create more traffic and impact the farmers ability to farm.

Gael Silverblatt, a Lake Worth homeowner for 26 years, stated she is concerned about the Agricultural Reserve. She indicated she is opposed to the proposed amendment changes within the Agricultural Reserve, especially any changes to eliminate the requirement for contiguous preserves.

Commissioner Ryan Maier indicated he is a new commissioner in Lake Worth and is learning about planned development, because in Lake Worth they have discussed allowing them in the city. He stated according to Muni Code, the intent of a planned development is to relax regulations related to height, density, setback, etc. He indicated Palm Beach County currently allows planned developments at 40 percent in the agricultural reserve, and that anything higher could hardly be called agricultural reserve. He noted the planning and zoning board along with staff have recommended against the changes, and he asked Council to support that position.

Council staff indicated this is not a regional issue, and the proposed amendment will not reduce the number of preserves, but allow preserves to be done in a configuration that allow smaller preserves. Staff noted that the Palm Beach County staff report indicated the change may even allow some properties to be preserved for agricultural that would not otherwise be preserved, because they do not meet the 150 acre requirement. Staff agreed that larger agricultural preserves are better, but at this point preserves have already been established for most of the land to be placed in preserves. The 22,000 acres of the Agricultural Reserve has been in place since 1980.

Bryan Davis, principal planner for the Palm Beach County Planning Division, stated that the issue of contiguity is only part of the amendment related to a requirement of being contiguous to or part of 150 acres of preserve land. He stated that it was an incentive to either owners of open space, environmentally sensitive land, or agricultural land to be brought in to help facilitate a way for the land owner to get some compensation and to cluster development. He indicated the staff recommendation was in favor of the amendment, and the Palm Beach Board of County Commissioners approved transmission of the amendment by a six to one vote. He noted that an analysis of this area indicated this would not affect the overall planned units. He stated the problem of identifying 150 acres of contiguous preserve area was effectively preventing parcels that could be placed in agricultural or environmental conservation from being able to participate. He indicated that by removing the requirement staff believes it will help facilitate the establishment of preserves by the landowners, which is what the board ultimately found, and voted to transmit the amendments.

Commissioner Zorc stated a previous speaker had mentioned that planned unit development allows for a relaxing of the rules. He stated in Indian River County when a landowner goes to a planned development they are usually saddled with more regulations. He asked what the rules are for this particular area. Mr. Davis stated in Palm Beach County there are very strict rules. However, they are a little bit different in the Agricultural Reserve, because of the potential for surrounding

agricultural uses. He stated that very few developers have actually used this, although one or two have learned how to navigate through the complexities.

Chairman Mowery stated this policy has been in place since 1980, so it is something that has worked for quite a while. He noted that generally the planned development process allows local governments as well as the development to community to provide a higher level development concept to create flexibility to allow them to create a compact density or other various concepts, and clearly the Agricultural Reserve has its own configuration.

Councilman Hmara noted that density had been mentioned, and asked if there is a connection between this amendment and the initiatives GL Homes has with regard the development that is being proposed in the central western community. Mr. Davis stated he was not aware of anything official, but there has been speculation of plans to switch developments. He noted there is an application for 5,000 acres in the central western community, which will be brought before Council at the end of this year, or early next year. He stated that is a petition for a development order and comprehensive plan amendments, but at this time this is not officially connected to the Agricultural Reserve.

CONSENT AGENDA

Councilman Guyton moved approval of the Consent Agenda. Councilman Hmara seconded the motion, which carried unanimously. **Motion**

Items on the Consent Agenda were: 8A, Financial Report - June 30, 2015; 8B, Financial Report – July 31, 2015; 8C, Minutes - July 17, 2015; 8D, Memorandum of Agreement for Brownfields Assessment Coalition Grant; 8E, 2015-2016 Hazardous Materials Emergency Preparedness Contract Agreement; 8F, Village of North Palm Beach Interlocal Agreement; 8G, Town of Lake Clarke Shores Interlocal Agreement; 8H, Town of Manalapan Comprehensive Plan Amendment No. 15-1ESR; 8I, City of Pahokee Comprehensive Plan Amendment No. 15-1ESR; 8J, Palm Beach County Comprehensive Plan Amendment No. 15-2ESR; 8K, City of Port St. Lucie Comprehensive Plan Amendment No. 15-3ESR; 8L, St. Lucie County Comprehensive Plan Amendment No. 15-2ESR; 8M, City of Vero Beach Comprehensive Plan Amendment No. 15-1ESR; 8N, City of West Palm Beach Comprehensive Plan Amendment No. 15-3ESR; 8O, City of West Palm Beach Comprehensive Plan Amendment No. 15-4ESR; 8P, Resolutions Recognizing Service of Terry Joseph and Manny Pumariega; and 8Q, Intergovernmental Coordination and Review Log

MIAMI-DADE COUNTY BEACH RENOURISHMENT PROJECT – DRAFT ENVIRONMENTAL ASSESSMENT

Staff provided an overview of the Dade County Beach Erosion Control and Hurricane Protection (BEC&HP) project and draft Environmental Assessment (EA). Staff indicated the purpose of the EA is to review the environmental effects of utilizing sand source alternatives associated with the BEC&HP project for Miami-Dade County, and determine whether the expected impacts from the project are significant enough to warrant preparation of a full EIS. Staff reviewed the process of identifying potential sources of sand, which yielded seven potential sites of which three are in Miami-Dade County; two are in Glades County; one is offshore of Martin County; and one is

offshore of St. Lucie County. Staff also provided an overview of dredging operations, equipment, and the pipelines that will be used for excavating and transporting the sand.

Staff noted the draft EA preferred alternative is to use a combination of the seven sand sources to renourish the beach in Miami-Dade County. The draft EA proposes mitigation to avoid and minimize potential impacts to coastal and marine resources, and compensation for unavoidable impacts associated with the pipeline corridors and operations. Staff stated the U.S. Army Corps of Engineers (Corps) has issued a Finding of No Significant Impact for the project, which means an EIS will not be required.

Staff indicated the proposed project will result in significant financial impacts to ongoing and future beach renourishment activities of the local governments in the Treasure Coast Region. Staff indicated the draft EA has identified a source in the Bahamas, which was eliminated from consideration, because the Corps lacks authority under the Water Resources Development Act (WRDA) of 1986 to acquire non-domestic sources if domestic sources are economically and environmentally available.

Staff indicated Council's draft report recommends the Corps conduct a full EIS that includes: analysis of the total economic impacts to local governments; analysis of when domestic sand sources will be exhausted; comparison of the economic costs and benefits of using domestic versus the non-domestic sand sources in the Bahamas; a mitigation plan for economic impacts to local governments; and a statement justifying use of non-domestic sand sources. Staff requested Council adopt the draft report and authorize its transmittal to the Florida State Clearinghouse, U.S. Army Corps of Engineers, and other interested organizations and parties.

Commissioner Zorc noted that in Indian River County they compared the offshore sources of sand with inland sources. He stated that even with the excessive cost of trucking the sand from the inland source to the beaches, there was a 40 percent savings, which also saved the offshore sources for the future. He stated they need to be more proactive with this project on finding a more competitive sand source. Staff noted that three inland sources have been identified, but together they will not provide enough sand. Commissioner Zorc noted that depending on how the scope is written, if enough advance time is given for supplying the sand, the cost decreases even more.

Commissioner Thurlow-Lippisch thanked staff for the report. She stated this is like the canals and drainage system, and at some point we need to look at the history. She stated we need to say they cannot have our sand just because they have used up all of their sand. She stated we need to think about our future. She commended Senator Negron for holding a gathering in Indian River County on this issue. She recommended the book, *The Corps and the Shore*, which talks about the history of how all the beach renourishment started. She stated she realizes they need to renourish, but indicated there must be another approach to the situation.

Councilmember Parrish asked the timeframe covered in the EA. Staff indicated they claim that the amount of sand they need for the next 50 years is available in the Outer Continental Shelf, and it will not be depleted. Staff noted that even if there is enough sand, we will have to go out further and further from shore to get the sand, which becomes more costly. Staff also noted that the Bahamas is

only 65 miles from Miami, which is much closer than the locations in both Martin and St. Lucie counties.

Councilmember Weaver asked if staff is recommending approval of this activity, which is in contrast of the St. Lucie Board of County Commissioners recommendation. Staff indicated the recommendation is the off-shore sites not be used, which is the same recommendation as St. Lucie County. Councilmember Weaver asked if the borrow area is different than the Capron shoal where the county gets its sand. Staff stated the proposed site offshore of St. Lucie County is not the same as the site St. Lucie County is already using. Councilmember Weaver asked if there is any way around the regulatory circumstance with using the sand from the Bahamas. Staff indicated it would have to be determined that it is better economically than the other identified sites. Councilmember Weaver asked if it is accurate there are no erosion mitigation structures in place in the Dade County project area. Staff indicated that this issue was not addressed in the draft EA.

Commissioner Haddox asked if the Corps has done long range projections that take into account the effect of sea level rise on the frequency of future beach renourishment activities. Staff stated that this was most likely taken into account when the counties supplied their information to the Corps. The Corps contacted every county along the coast and asked what their needs would be for the next 50 years. Then the Corps and state did an analysis of how much sand is available at the different sites and compatibility of the sand for the project. Staff noted that with sea level rise, the need for and frequency of renourishment will increase, which will diminish the supply even faster. Commissioner Haddox asked if the WRDA preclusion of non-domestic sand is based on the Jones Act. Staff stated that was not referenced in the EA. Staff indicated that the EA states all the other sources have to be depleted or if it is economically infeasible then they can go to the Bahamas.

Councilmember Bournique stated that erosion is a hugely complex issue, with no easy answers. He noted that we have diminishing sand supply coming from the rivers of New England where hydroelectric dams have been put in place, and because of the multiple inlets from Maine to Key Biscayne. He indicated that the 16 inlets in Florida also diminish our sand. He noted that jetty technology has increased dramatically, and consideration should be given to the installation of permeable groins or other new technologies designed to reduce erosion and promote accretion of sand on the beaches.

Councilmember Davis stated one of the long standing principles in Washington is live to fight another day, which seems to be the strategy with this project. He asked if there is sequencing of the sites identified in the report. Staff noted there is a protocol identified in the EA for sequencing the sites. Staff noted the St. Lucie offshore site will be used for renourishment in excess of 200 thousand cubic yards up to a total of 4.6 million cubic yards, which is basically the full amount at that particular site. Staff noted the federal government has 10 years of participation left on this project. Councilmember Davis stated he would encourage the use of the upland sources first, to the extent possible. He asked who the letter and report would be sent to. Staff indicated those at the Corps who ran the public meetings, and the state clearinghouse. Councilmember Davis requested that in addition a letter and the report be sent to Jo-Ellen Darcy, Assistant Secretary to the Army. Commissioner Haddox moved approval of the staff recommendation. Councilmember Overdorf

Motion

Under public comment, Mr. Martin, representing the Sierra Club, stated the solution is to not send the sand to Miami. He stated that sand migrates south and the problem is when you dredge the inlets it pushes that sand out when the tide washes out. He stated he does not agree that the solution is engineering, but how we manage our beaches. He stated that in Miami they have allowed people to build 25 to 50 feet from the water line. He also stated that we need to eliminate seawalls, which erode the beaches. He stated that with dredge sand you will kill the sea turtles and coral reefs, and this causes terrible environmental hazards. He stated he is surprised Council is not opposing this, stating he would be taking legal action to oppose this. He said there is no excuse for Miami-Dade County to come this far north and take sand. They should truck it in or take it from the Bahamas. He stated he would like to see a stronger action being taken on this project that is robbing the communities of their beaches.

Commissioner Thurlow Lippisch asked if the recommendation could be made stronger. Councilmember Davis stated that he is not sure Council can do anything, but the counties can challenge the document through the Administrative Procedures Act. Staff noted Council's role in the process is to respond to the state's request for comments. Staff stated that the recommendation is for this project to not go forward as it is currently designed, and Council is asking for a full EIS. Councilmember Davis indicated it could not be challenged at this point, because there is no final agency action until a Record of Decision has been issued. Councilmember Weaver asked if this is the wrong time to send that letter to the Secretary of the Army about the non-domestic sand. Staff indicated Council can authorize the Chairman to send a letter, separate from this report, to the Secretary of the Army. Councilmember Weaver stated he would like to amend the motion to authorize the Chairman to send a letter to the Secretary of the Army that includes specific discussion regarding the use of non-domestic sand. Both the motion maker and seconder agreed with this amendment.

Commissioner Lewis noted St. Lucie County has been involved in this project for about ten years. She stated there has been a lot of activity involving the public, local governments, and state representatives, and there has been a lot of negative sentiment expressed regarding this project. She indicated she supports the staff recommendation, because it mirrors what St. Lucie County has found. She stated it is mind-boggling that there was a Finding of No Significant Impact when there have been numerous requests for an EIS.

Commissioner Ryan asked if Council's response to this is that we do not like the option of coming north for sand, and they should look elsewhere. She stated that from the conversation of Council members, there are other options for Miami-Dade to consider related to their own activities. She stated she would recommend there be comments in the letter that they should look for other options.

Councilman Guyton asked if there are two motions on the table. Keith Davis indicated yes, but that they are related. The first is to accept the staff recommendation, which was modified by Councilmember Weaver. Mr. Davis stated he believes the maker of the original motion accepted the second motion as a friendly amendment. Councilmember Weaver stated he could expand his motion to include Councilmember Ryan's recommendation that not only do we talk about the nondomestic sand, but all the other sources in the letter that we draft. Mr. Davis stated if the maker of the original motion has accepted all the friendly amendments it can be taken as one package and have one vote.

Commissioner Haddox agreed to the amendments. Councilmember Overdorf also agreed to the amendments. Upon being put to a vote, the motion carried unanimously.

ALL ABOARD FLORIDA UPDATE

Staff provided an update on the AAF project, noting that the FRA published the final EIS in August. Staff indicated a review of the document found it is deficient with respect to data and analysis, mitigation, and it does not fully address the 31 issues of concern previously raised by Council. Staff noted that the final step in the process will be for the FRA to issue a Record of Decision (ROD). However, the FRA has not indicated when that action will take place, so the staff's recommendation is for Council to transmit comments to the FRA for consideration before the issuance of the ROD. Staff noted that in August, the Florida Development Finance Corporation provided authorization for AAF to sell private activity bonds. A timeframe has not yet been established for when the marketing of those bonds will occur.

With respect to quiet zones, staff noted the workshops scheduled for September 23rd and 24th will be technical in nature, and they are designed for local government and agency staff to become more knowledgeable about the quiet zone process and analysis. Staff noted information will be covered with respect to proposed grade crossing improvements and how that correlates with the ability, if desired, for local governments to establish quiet zones, and the requirements associated with those actions.

Commissioner Zorc asked what the transfer of liability and legal implications are for the entity granted quiet zone authority. Staff noted one of the FRA staff that will be attending the workshops is the regional director for quiet zones in southeastern region of the country. They will help explain the legal circumstances related to quiet zones, which FRA has previously indicated includes the notion of pre-emption, which limits liability for local governments. Commissioner Zorc indicated there are costs associated with defending lawsuits, and Tri-Rail, which helped establish quiet zones along its corridor, should provide examples for examination. Staff stated FRA has indicated there have been no successful cases with damages penalizing a local government for the establishment of a quiet zone. Staff noted there are different legal opinions on what is the appropriate action. Commissioner Zorc observed that the speed of Tri-Rail is much slower than what is being proposed for the AAF project. Staff indicated this will be covered in the workshops in order to ensure local governments are provided have all the information needed to make an informed decision with respect to the establishment of quiet zones.

Staff noted the FRA will be conducting a workshop the following week for the local governments from West Palm Beach south to Boca Raton, where the project is now under construction. That workshop will focus on confirming the accuracy of the quiet zone engineering analyses that have been conducted. Staff indicated there will be another workshop for the local governments from West Palm Beach north to Tequesta in late 2015 or early 2016. Mayor DuBois requested staff provide information to all local governments regarding when and where the meetings will be held.

Commissioner Zorc asked if there is any update on when the 90% drawings for Indian River County will be available. Staff explained that AAF hired separate engineering contractors for the different areas and those plans are not yet finished. Councilmember Weaver stated that imaginations are

running wild with respect to the safety of the corridor construction. He asked if staff has any idea what the aesthetic impact will be to the downtowns along the corridor. Staff stated there are significant discrepancies with respect to what AAF is proposing to construct and what FRA is requiring in terms of safe corridor construction. Staff noted there has been some concern raised about which entity is responsible for the costs the safety improvements. Councilmember Weaver stated that the high speed rail guidelines are very clear with respect to pedestrian trespassing issue and mitigations that are necessary. He stated fencing is the only alternative to mitigate trespassing, but no information has been provided regarding what this will look like and what the responsibility of the local governments will be.

Commissioner Zorc asked if the 90% drawings have been completed for Orange County and the Orlando area. Staff indicated they are not sure if that region has been completed, but noted that significant work has been done at the Orlando International airport. Staff presumes the same contractor is working on the plans for that area. Commissioner Zorc asked how he can obtain the Orange County plans. Staff indicated they will contact the Orange County government to determine if the plans have been completed.

Staff noted that the final EIS does not address issues raised by Council for a thorough analysis of the project costs and benefits; stronger measures necessary to thoroughly mitigate the impacts of the project; the need for additional data and analysis, particularly with respect to grade crossings that are proposed to be closed; and the significant safety issues that have been raised by the FRA with respect to the review of the 90% plans. Staff recommended Council approve the report as drafted for transmission to the FRA for consideration before the issuance of the ROD. Councilman Guyton moved approval of the recommendation. Commissioner Lewis seconded the motion, which carried unanimously.

Motion

PUBLIC COMMENT

Mr. Martin stated he recently attended a meeting on water quality for the State of Florida regarding the new standards being established by the Florida Department of Environmental Protection. He stated they said due to some aberration in the water quality testing, higher fecal amounts in the amount showed better water quality. He stated he is concerned that funding for beach monitoring and water quality testing has been cut from the state budget, and they are relying on federal money to test water quality at the beaches. He stated that if there is a government shutdown at the federal level, there will be no water quality testing at our beaches for things such as fecal matter and *E. coli* bacterium. He stated this is serious and Council may want to ask for a report on this. He stated that a whole process has been established on how they should react to things like the Indian River Lagoon. He indicated he asked if a fish kill would trigger an investigation. They said it would trigger an investigation, but not a study into the water quality. With respect to the Indian River Lagoon, Mr. Martin stated averages are going to be established that are not concerned about a pulse, because a pulse is not an average. He said there can be a pulse that basically kills the seagrasses and oysters, but if the average says that everything is fine then that is not going to trigger any changes. He stated this needs to be changed. He stated we need to protect the wetlands, and there is no connection between doing a basin management plan and wetlands protection. He stated one of the issues of stormwater runoff areas is they do not have grating to capture things like plastic. He asked Council to become more involved in these issues and ask questions.

COUNCIL MEMBER COMMENT

Councilwoman Gerwig thanked staff for having the presentation on the Everglades, because that is important to everyone.

Councilmember Weaver stated it would be nice to find a way to combing water farming and sand for the beach.

Councilmember Davis stated one of the most severe political beatings he had was when he was dispatched by President Clinton to go to the Congress and tell them that we wanted to get out of the beach renourishment business.

STAFF COMMENT

None.

ADJOURNMENT

There being no further business, Vice Chairman Davis adjourned the meeting at 12:25 p.m. This signature is to attest that the undersigned is the Secretary or a designated nominee of the Treasure Coast Regional Planning Council, and that the information provided herein is the true and correct Minutes of the September 18, 2015 meeting of the Treasure Coast Regional Planning Council.

Date

Signature