

MINUTES
May 20, 2014
SPECIAL COUNCIL MEETING WITH ARMY CORPS OF ENGINEERS, COASTAL
SCIENCE ENGINEERING AND BEACHFRONT MANAGEMENT COMMITTEE
1:00 P.M.

Town of Edisto Beach
Town Hall
2414 Murray Street
Edisto Beach, SC 29438

Present: Burley L. Lyons, Mayor, Jane S. Darby, Mayor Pro Tempore, Pete Anderson, Susan Hornsby and Patti Smyer, Council Members; *Quorum of Council Present.*

Mayor Lyons welcomed those in attendance and thanked the representatives from ACOE (Dudley Patrick and Brett Walters), CSE (Steven Traynam) and the Beachfront Management Committee (David Cannon) for their hard work.

Dudley Patrick congratulated the Town and Administrator Hill on the presentation of the Edisto Project. The Edisto Project was the first Civil Works Review Board that was completed by the Charleston District. By mid-June, there should be a signed Chief's Report which will then go to Congress for staging for authorization and funding. Administrator Hill asked Brett Walters to explain the two different Water Resources Reform Development Act (WRRDA) bills. The Senate version of the WRRDA legislation authorizes all projects in a sweeping move. Anything included on the list that has a signed Chief's Report gets authorized. In the House version, there is a specific list of projects that are authorized. The Edisto Project is not on the list. Administrator Hill stated that Congressman Sanford's office has been contacted to get the Edisto Project on the list, but there has been no confirmation from Sanford's office. Administrator Hill suggested that Council contact Congressman Sanford's office. Steven Traynam told Council that CSE was there to ensure that anything done between now and when the project is completed is in the best interest of the Town and works with the Corps project so that nothing is done to impede the project or impact the design of the Corps. David Cannon suggested that the Town accumulate at least enough funds to meet the 35% match on the Corps project. If it looks like the Corps project is not going to be on the scene by 2016, the Beachfront Management Committee would like the Town to proceed and do as much of the project as possible, and then use the Corps money to complete the project. Mr. Walters said that the Town cannot get credit for money or effort expended prior to having the agreement in place. Mr. Patrick said that it hinged on having a legal, binding agreement in place. That depends on whether or not the project has been authorized, which it has not been to date. Mayor Lyons told those in attendance that the Capital Project Sales Tax Committee had determined the beach nourishment project to have the highest priority of all the projects submitted in Colleton County. Hopefully, the referendum will pass and the one percent capital sales tax will be approved. Administrator Hill said she would like all the parties involved in the meeting to come up with a plan on how to proceed on the project. She asked the Corps if there was a difference between having an authorized project and

having a funded project. Mr. Walters said there was. Authorization means the project has been approved but no money has been assigned to it. Funding the project is the second step. Administrator Hill asked - If the project is authorized and the Town moves forward, could the Town use that as a "match". Mr. Walters said he was not sure but there were exceptions to the rule for certain funding. Mr. Patrick explained a funding stream matrix to those in attendance. There are three different avenues: accelerated funds, contributed funds and advanced funds. For each phase of a project from study to design/construction to operations/maintenance, there are certain stipulations. For all cases, there has to be authorization in place. Mr. Patrick said that it may take six months to a year before an authorized agreement for accelerated funds is in place between the Town and the Corps before any funds can be pursued. Councilwoman Darby asked if the BeachFX 16-year renourishment interval cycle would be activated if the Town started the agreement process. Mr. Walters said it would not.

Administrator Hill echoed the sentiments of Council by asking the Corps where the process was at the current time. Mr. Walters said the Town "is on the verge" of having an authorized project. Mr. Walters stated that the passage of the Water Resources Reform Development Act of 2014 (WRRDA) that is currently being negotiated is our best chance of having that happen very soon. Authorization is up to Congress, and the Corps cannot speculate when it will take place. The Senate version of WRRDA includes the Edisto Beach project, the House version does not. Mr. Patrick explained that the Senate bill gives a blanket authorization to all signed projects whereas the House version has specifically named projects. Councilman Anderson asked how much the Town had invested in the study to date, and Mr. Patrick said approximately \$875,000. Administrator Hill asked if the Town has a signed project by June, and the project is authorized, what is involved in getting accelerated funds. Mr. Walters said that after the agreement is executed, the Town would agree to pay more than their 35% with an agreement from the Corps to reimburse the Town if federal funds were distributed in the future. Administrator Hill asked - What is the process to get accelerated funds. Mr. Walters said the agreement process would have to be started through the Corps team. Councilwoman Hornsby asked what that cost would be. Mr. Walters stated, "Not very much." Administrator Hill asked - Does the Corps have any examples of any accelerated fund agreements, and Mr. Patrick said they did not have any locally. Mr. Walters said there was an accelerated agreement for the study phase of a project within the Charleston district. Mr. Patrick said that if the Town is interested in exploring any of the alternative funding options, it would be best for the Corps to present it to their legal experts and give the Town something in writing, letting the Town know what the recommended course of action is. It would be easier for the Corps to get the correct answers for the Town if they knew how much of the plan the Town was willing to do. Councilwoman Hornsby asked- If the Town were to go forward to do some type of renourishment, what would be the best for the Town to look at: groin lengthening, the replacing of sand or both. Mr. Walters said that from a permitting perspective, replacing with the sand would be the best option, because part of the agreement was the cells had to be filled so as to not disturb the migration of existing sand. Mr. Patrick pointed out that the current Chief's report is posted on the Charleston District's public website: <http://www.sac.usace.army.mil/>, Missions, Civil Works, NEPA Documents, Edisto Beach - April 2014. David Lybrand asked if the Corps required the Town to have easements from property owners if the project would encroach on their land. Mr. Walters stated that the

Town would need to secure easements. Steven Traynam asked how the Town would make sure they met all the criteria set by the Corps. Mr. Walters said that the Corps made assumptions in the materials to be used (outlined in the Cost Engineering Appendix) and as long as those assumptions were followed, there would be no reason for the Corps to object. Mr. Cannon asked if there was a groin profile defined at this point. Mr. Patrick said there was not. Councilwoman Darby asked if it would be beneficial for the Town to provide a "road map" of how we would like to proceed. Mr. Walters agreed that it would be a good idea to do that. Councilwoman Darby asked how fast that should be done. Mr. Patrick said that if the Town is looking at a project for 2016, the end of this summer would be a good time to have the "road map" in place that way decisions could be made as to which type of funding options the Town would like pursue. Councilwoman Darby asked Administrator Hill what she needed. Ms. Hill said that she was at a standstill, since no direction has been given to CSE as to how to proceed. The purpose of this meeting was to get everyone on the same page as to where the project needed to go next, so that Council could give CSE an idea of how to move forward on the project. Mayor Lyons asked - If getting CSE going forward is the next step. Administrator Hill said it depended on Council's direction regarding the scope of the project. Mr. Walters said the easiest and fastest way to move forward would be renourishment (just replacing sand, not lengthening groins). Councilwoman Hornsby asked if CSE would have to submit the permit application to the Corps for its review and if the Town would have to pay for that review. Mr. Walters was unsure. He recommended CSE and the Corps coordinate their efforts so that the Corps can best help the Town to ask for reimbursement when the federal project is authorized and appropriated. Mayor Lyons asked that if the project did not include groin lengthening, would that shorten the time span the sand stayed on the beach. Mr. Walters said he was under the assumption that the Town would not be doing the full Corps-recommended project due to lack of funds. Councilwoman Darby suggested to those in attendance to get in touch with Congressman Sanford to make sure the Edisto Beach project is on the authorization list for the House of Representatives. Mr. Traynam told Council that Dr. Kana recommended proceeding with the project and pursuing some level of groin lengthening. Councilwoman Darby asked at what point should the Town "draw the line" at groin lengthening, and at what point is it helpful in remediating or damaging the situation. Mr. Traynam suggested filling each cell that has a groin lengthened, that way it will not be detrimental to the situation, because that sand will be moving around. The idea is not to capture sand that is already moving down the coast, but to maintain what is put in the cell. Councilwoman Hornsby asked if lengthening a few groins on the north end and a few on the south end would create a problem with the area in the middle of the beach. Mr. Traynam said it would not, because each cell would be filled. Administrator Hill said there may be a perceived problem in that area if additional sand is placed in certain cells and not others. Mr. Cannon pointed out there were seven groins that are not in the Corps planned project to be lengthened. David Lybrand asked if the Town gets a permit for the full project, would the Town have ten years from the date of the permit to complete the project. Mr. Traynam said the permit would expire in five years. In some cases the permits have been automatically extended for an additional five years, or the Town can ask for a five year extension if progress is being shown on the project. This would not include a permit for an additional nourishment. That would require going through the permitting process again. Mr. Cannon asked Mr. Traynam if the Town should ask for the maximum when applying for the permit to include the Corps work. Mr. Traynam

agreed that would be a good idea. Administrator Hill said that the State Park would need to be added when applying for the permits since they had shown interest in participating in the renourishment.

Administrator Hill asked Council to provide direction at the next Council meeting on how to proceed. Mr. Traynam said that if the Town proceeds with permitting, another meeting may be necessary with CSE, the Army Corps and Council, to make sure everyone is up-to-date.

The meeting was adjourned by common consent.

The media/public was notified of the date and time of the meeting on May 16, 2014.

APPROVED BY TOWN COUNCIL



Municipal Clerk
June 12, 2014