

**Minutes**  
**Beaches and Shores Advisory Committee**  
**Tuesday, May 7, 2015, 9:00 a.m.**  
**Building Construction Services Large Conference Room**  
**18400 Murdock Circle, Port Charlotte, FL 33948**

*\*\*\*Please note that one or more Charlotte County Commissioners may be in attendance at any meeting of the Beaches and Shores Advisory Committee\*\*\**

**Members Present**

Clifford Kewley, Member-at-Large, Chairman  
Tommy Brock, District 3 / Vice Chairman  
Dick Whitney, District 1  
Katherine Ariens, District 2

**Members Excused**

[vacant], District 5  
Rich Parchen, District 4  
Robert Pierce, FL Shore & Beach Preservation Assoc.  
Chad Lach, Florida State Parks

**Staff Present**

Commissioner Stephen R. Deutsch  
Chuck Mopps, Charlotte County Engineering Division  
Stephen Kipa, Real Estate Services  
Gayle Moore, Recording Secretary

**Guests Present**

Michael Poff, Coastal Engineering Consultants  
Gary Bayne, SWF Engineering  
Andy Wing, South Manasota/Sandpiper Key Assoc.  
Joan Dunham Card, SMSKA President  
Jeff Bisgrove, Bermont Excavating & Mining  
Rebekah McCrackin, Tamarind Gulf & Bay Resident  
Danny Monica, Manasota Key Resident

**Call to Order**

Chairman Clif Kewley called the meeting to order at 9:00 a.m. and the Recording Secretary indicated that a quorum was present. Chair Kewley led the group in the Pledge of Allegiance.

On motion made by Mr. Whitney, seconded by Ms. Ariens and carried unanimously, the Minutes from March 5, 2015, were approved as received.

No deletions or additions to the agenda were requested. Chair Kewley briefly summarized the agenda topics for today, and then turned to Citizen Comments related to the agenda.

**Citizens Comments**

Mr. Andy Wing, Environmental Chairperson for the South Manasota / Sandpiper Key Association and South Manasota Key's MSTU Vice-Chair. He described his position and responsibilities, and his group's support for the renourishment project. He is tasked with

managing the petitions from Key property owners in support of the beach renourishment, including ultimately presenting them to the Commission. He also referred to another guest, Ms. Joan Dunham Card, as part of this effort.

Mr. Bisgrove, Bermont Excavating and Mining, a Don Pedro Island resident, questioned whether the dredging of Stump Pass was just to open it up, or would dredging also be done further offshore for the beach renourishment; he suggested using local mines' materials to renourish the beach instead of dredging off-shore, as Collier County did. He noted this would keep the economic benefits within the county. The Chair suggested this topic could be taken up later in the meeting, once the discussion of the dredging began.

Ms. Joan Dunham-Card, President of SMKSKAC noted that this was her first time at a BSAC meeting. She asked what she should tell her membership about why it would take three years to get sand to the eroded areas of the Key. It was noted that this would also be part of today's discussion.

### **New Business**

*Discussion of the BSAC April Field Trip – Committee members' impressions on Chadwick Cove improvements, the effects of erosion north of the Englewood public beach, and inspection of the dredging and groin construction area at Stump Pass.*

Chairman Kewley gave a brief introductory overview of the topics on the BSAC agenda today; referencing the prior month's field trip, he described the purpose as getting information first-hand to understand the erosion issues. He invited member comments about the field trip; Mr. Brock observed that it was well-organized, and in particular he said he had gotten a lot of feedback from Key residents who appreciated the Committee making the trip; he also praised Mr. Mopps' presentation to citizens as very informative and well-received. Mr. Whitney said he was impressed by those who wanted the protection, but was concerned by those who do not want it, and wonders how they are being approached. Mr. Mopps responded by clarifying that the references in a recent email send to Committee members were to the current project (e.g., south of the public beach) vs. the erosion north of the public beach which is not yet a project, pending approvals and funding.

Mr. Mopps continued with a description of the activities related to the erosion; he indicated that Mr. Poff has been officially retained to go forward with the study and he gave directions how to access project status information on the County website. Mr. Mopps also spoke about the time frames involved going forward including the time frame for the study (which will establish the scope and magnitude of the project), then the various legal logistics (creation of MSBU, etc.) and the funding parameters. Then all this information is combined to go to the Board for final approvals for the work to commence. Mr. Mopps noted there had been overwhelming positive response from north key residents as to the project for renourishment; he also provided details of the study process, noting that this process speaks to the issue of "why three years" before sand is placed.

Commissioner Deutsch asked if the study would be done for the October meeting of the Committee and Mr. Poff confirmed that the results should be available to present at that time.

Mr. Mopps continued, noting that the conditions in Chadwick Cove seemed much improved, therefore the need for a mooring field is much diminished. Commissioner Deutsch noted that this improvement was accomplished through the law enforcement efforts of Officer Lytle and staff. Mr. Brock concurred, and he encouraged the Commissioner to ensure that the effort was not relaxed. Further discussion ensued on this topic.

Chair Kewley offered a few more remarks about the field trip, particularly the conditions at Stump Pass.

*Communicating to the public the current and future plans for beach renourishment on Manasota Key*

Mr. Poff provided comments regarding the process of conducting a new study to measure erosion and a proposal for beach renourishment. Regarding the suggestion made regarding use of upland sand sources, he noted that was ruled out for the current project because, for one thing, the material primarily goes to a bridgeless barrier island and would be costly to transport. On Manasota Key it would be a different issue (you can drive there directly) because there is no public access or place to offload the sand for transport to the beach, until specific residents make their property available for that purpose.

Another issue concerns the existing hard bottom area offshore; it needs to be evaluated as something that might be covered by the sand placement because there would have to be mitigation if that reef was going to be covered. One of the time frame issues renourishment would encounter would be the need to have a satisfactory mitigation plan in place for this feature. If it has to be rebuilt somewhere else, that becomes one of the greatest challenges in this type of process and one that is a problem for many communities in FLA: Mitigating impacts to nearshore reefs is challenging as finding nearshore or comparable habitat zones that would not impact some other community's future need to do beach restoration is difficult. This is one of the factors that makes this work very costly, and only once the study is done will we know what we are facing, both the potential costs and the possible strategies.

The current project is paid for via multiple sources including the MSTU for this area. It was noted that prior to a beach project, there would also need to be an MSBU for those properties getting the actual benefit of sand on their shoreline. Mr. Poff mentioned other funding sources, including state and FEMA funds, WCIND, etc. The challenge on north Manasota Key is that the lack of public access to the beach which greatly reduces the area's eligibility for state funding. So the significant majority of the funding becomes the responsibility of the residents, unless residents decide to provide public access easements. Also, there is the question of whether or not Charlotte County can involve Sarasota County for a regional project, which would make permitting and funding picture much improved; however, there are no current indications Sarasota would want to join in. Mr. Mopps referred to a recent local article by Steve Reilly touching on this issue.

Ms. Ariens asked about the activity up at Venice and whether that impacts on what we are discussing; Mr. Poff responded that activity is in Venice which is too far from us. Also, it is a Federal government effort, and it's hard for a local government to partner with a Federal project; two local governments can partner more efficiently, especially in the case of Sarasota and Charlotte, which share the Englewood area and already have numerous joint projects. He discussed prior projects that have involved both counties. Mr. Mopps pointed out that Commissioner Deutsch is on the WCIND Board which may help facilitate.

Ms. Ariens indicated she thought the group should discuss why the 2003 project on Manasota Key didn't move forward. Mr. Mopps responded that the 2003 initiative failed due to lack of local interest: 50% of the Manasota Key property owners indicated they did not care to participate. Ms. Ariens asked about what it takes in terms of percentage of property owners who buy in? She also asked what actually stopped the project, e.g., how were those opposed able to stop it?

Mr. Poff responded that, at all the meetings (and he detailed the many various meetings where the matter was discussed) where there was a show of hands, it was always 50/50 ... only

50/50. Therefore the BCC did not direct staff to move forward, because there was no clear majority (though it is worth stating that "clear majority" was never actually defined.) By comparison, on the south side of the Pass, a similar poll produced a result of 98/2 in favor. Additionally, those folks indicated they were willing to pay their fair share, whereas 50% of the Manasota Key folks said they were unwilling to pay. The Board recognized this would be a battle.

He also mentioned that when permitting that project, the fill limits would have allowed sand to be placed as far north as monument R12 (about one-half mile north of the state park beach's north property line). But when the easements went to those residents, a significant majority refused to sign, saying they didn't like the language or just didn't like the project. Again, the County decided not to fight that battle.

Ms. Ariens asked did that add to the length of time needed to implement the project; Mr. Poff responded that it did not. Ms. Ariens suggested that for the people here today, the message seems to be "get consensus". Chair Kewley asked Commission Deutsch to comment in response; the Commissioner, noting that he is only one of five, agreed that historically, there was no strong cry from the community in support of the project, nor was there any apparent, pressing health or safety issue which could override that lack of consensus.

Turning to WCIND, he said, he felt there was a good relationship on that Board. Ms. Ariens requested there be no acronyms in use; the full name of the Board was provided (West Coast Inland Navigation District.) Commissioner Deutsch continued his comments, noting that he feels the County now gets its fair share from the regional funds. Further discussion ensued on related topics.

In response to a query from Ms. Ariens, Mr. Poff commented again about the variation in public responsiveness to this issue over the years, noting that he has been very available to speak to the citizen groups. Ms. Ariens encouraged those citizens in attendance to educate their neighbors. Ms. Joan Dunham-Card commented on interested residents' efforts to get Key property owners educated about the issues and the solutions. She voiced her opinion that everyone in Charlotte County should be involved because everyone goes to the beach; Mr. Mopps related that to the MSTU which all West County residents pay into.

Mr. Whitney asked how many property owners are on that stretch of beach; Mr. Mopps indicated he didn't presently have the answer, but would bring it to the next meeting. But first we actually need to define the MSBU that would pay for the renourishment, and then could identify the ERUs involved. Mr. Whitney then asked if a property is protected by an Erosion Control Lines (ECL) and contributes to an MSBU, wouldn't it affect their property insurance? Mr. Mopps responded that if the beach is built to full engineered FEMA standards, with dune, etc., it possibly could produce storm surge benefits next time there is a storm; or, if a storm was to happen and property was damaged, and that property had chosen not to participate in the program, that information would have to be shared. Further discussion ensued on this topic.

Mr. Mopps commented about transparency and again suggested that people use the website more, because the most current project progress information is available there. He also suggested that homeowners groups link it to their websites also, to keep their specific group fully informed.

Chair Kewley offered comments regarding the best time for setting a meeting to inform residents, after the study has been completed; September was identified as a better time to go back to speak with residents. Mr. Poff suggested that since the population will rebound in fall,

there would likely be a big turnout for the October BSAC; he noted that possibly the Commission will want to have seen the study first, or they may request that BSAC be first.

Mr. Brock had a question on the ECL issue, asking if there were any on the Key at all; he was told there were none. Mr. Poff noted the State's position that if you are going to design and maintain a beach using public funds, there MUST BE AN ECL (which is at the mean high waterline (MHWL) prior to construction, measured within six months of the date of construction. The state had said they want one established on the state park beach (their own property) in case it's ever sold, but they later retracted that requirement; they have not yet said whether they will require an ECL on their own property. But, he said, going back to the property north of the state park, if there is going to be a project from Sarasota County line down to the State Park beach, then there will have to be an ECL established. Mr. Brock asked if it can be established at any time before the beach work; he notes how the private property has eroded and continues to erode away, so that an ECL will now be at their rocks, and no matter how much sand is placed seaward of that line, all that sand will be owned by the state. Mr. Poff indicated this was correct. Further questions were offered on the ECL subject, Mr. Mopps indicated this would best be discussed under old business.

Mr. Bisgrove returned to his suggestion that local mines should provide sand for renourishment projects, seeking to learn more about the options for public access. Ms. Ariens inquired about the bid process. Mr. Poff asked Mr. Gary Bayne and Mr. Bisgrove if they have qualified mines that produce beach sand; they both responded affirmatively, and said that they will provide the necessary information. Mr. Poff responded to Ms. Ariens about the bid process and why that option wasn't given in the past. Mr. Bayne asked if they have considered a CM manager at risk, so they can "beat down" the price of the subs which is something engineers can't do. Further discussion ensued on this topic.

### **Old Business**

#### *Update on the Stump Pass 10-Year Inlet Management Plan*

Mr. Mopps commented on Stump Pass progress, noting recent very positive contact with the Army Corps of Engineers; noted the effort to keep to the original timelines, especially with National Marine Fisheries Service (NMFS) and their review. He also spoke to the issue of the markers being moved to more appropriate places; the channel will be resurveyed as part of this effort. Mr. Poff spoke to the same issues, particularly about the time frame for the project to move forward, the Army Corps review, the NMFS review and the possible backlogs at that point in the review; he mentioned more about how the system works (their backlog has them reviewing material from June 2014; the Charlotte County material reached them in September) and also commented on why the process can't easily be pushed along by simple citizen complaints (which then slow things down while those complaints are responded to instead of agency continuing to review the actual project materials.) He detailed the parts of the process that would control the timeline for the Manasota Key north project, especially with regard to the review and then the negotiation over the mitigation plan required due to the hard bottom area that would be impacted by the sand placement, noting that this aspect is where much of the three-year estimate comes from and is also why the two works areas (south Key and north of the public beach) and their respective permits would not combined.

Mr. Brock questioned the timeline on the Stump Pass dredging project; Mr. Poff responded with a description of how there was a "pre-project" effort with the agency to resolve all the controversial issues before submittal; he provided additional details about how long the process takes. Further discussion ensued on this topic.

The presentation then passed to Mr. Stephen Kipfer from the Real Estate Services Department of the County, to speak about the easements acquisition progress; Mr. Kipfer commented with reference to a map graphic, a copy of which is attached to these minutes.

Mr. Kipfer discussed the progress of the effort to acquire easements, which is now at about 75%; he anticipates 80% response rate after next week's push. He also discussed the holdouts who therefore would not be getting any sand.

Ms. Ariens questioned whether those who don't want sand would hurt things; Mr. Mopps responded with details on the nature of being in a sand deficit location, and how those properties which are opposed to the sand placement will eventually look like those properties north of the public beach which are heavily eroded. There is also a question as to how the County will be able to service other people around them.

Ms. Ariens restated her question, referencing a comment she remembered being made about how sand movement harms the area. Mr. Poff responded on this point, noting that the "area of resistance" being discussed is from the Public Beach to State Park Beach. He noted there are structures in jeopardy at this time along this segment, however; as the sand transports along the beach and this area erodes (noting no sand exists to the north to "feed" this segment), the beach will erode away to whatever hardening they have put in place. Mr. Brock offered support on this point from his personal experience.

Mr. Poff noted that those revetments were put in for a reason, e.g., those properties lose beach on a regular basis; the sand moves through in waves in a decades-long process. However, there is not going to be future nourishment from Venice beach; in the first place, it would be a very lengthy process and because of the length of the Key, any given spot would receive very little actual sand.

Mr. Poff also noted that where there are large holes in the project, it works to reduce the overall life of the project. Mr. Mopps explained about those who pay vs those who don't and the "fair and equitable" nature of the need to fund the project; Ms. Ariens said her focus was more on the overall health of the estuary rather than on who was paying for it.

Mr. Mopps addressed a point regarding the value to the citizens and the natural resources, not only of the sand, and the protection it offers, but also the post-storm period when the County will be going to FEMA to get millions reimbursed to the County citizens. In order for this to work requires helping the hold-outs to understand what the process is, why it is beneficial, and in particular, why it doesn't take away anything that they actually own (e.g., dry sand beach landward of the MHWL.)

Mr. Brock commented about how if there is no ECL then the limits of the private property is the MHWL, right? Mr. Poff clarified that there would not be any sand placed without an ECL being set, unless property owners privately fund the project themselves. Mr. Brock sought additional information on who the hold-outs were, in order that an effort be made to contact and discuss the issues with them; Mr. Kipfer noted that Real Estate Services staff was working on that, and some new folks are coming on board. Further discussion ensued, and Mr. Brock pointed out that people should be advised not to wait until they lose all their property to erosion before permitting that ECL to be established; he felt that would be a selling point. Another important point to explain is that the easement is for a limited time frame and does not take any owned property away.

Mr. Poff indicated he would double-check but he believes the ECL has to be established within six months of the project. The consensus is that the ECL is permanent once it is established.

Mr. Bayne asked what happens if you don't get started in exactly six months; Mr. Poff commented that unless the property owners petition to have it removed, it just stays in place while work continues on getting the permits granted. Further discussion ensued; Mr. Brock indicated he was puzzled what people don't want the ECL established now, before they lose further property to erosion, and additional detailed comments followed regarding the ECL, establishment of the appropriate MSBU and related matters. Mr. Poff provided a definition of the Erosion Control Line: the preconstruction mean high water line that formally gets platted and recorded and becomes the property line for the private property owner and demarcates the difference between upland ownership and state lands ownership. He added that establishing such a line before the beach suffers extensive erosion is favorable to the property owners; the state takes a different position on the matter, which may be the basis for the "within six months of construction" requirement. Further discussion ensued on the topic, particularly with reference to the issue where the mean high water line has already encroached to or near to a structure has; Mr. Poff pointed out that the state does not want to own these structures, and so the ECL in those cases would most likely deviate from the MHWL so that the structure is not included.

### **Citizen Comments**

Chair Kewley opened the floor to citizen comments. Mr. Wing suggested an MSTU instead of an MSBU, in order to increase the pool of people paying toward the beach renourishment. A lengthy discussion then ensued on the topic of funding options.

Mr. Bisgrove suggested looking at Bocilla Beach; Mr. Mopps indicated Bocilla not part of this project; Mr. Poff indicated that Bocilla property owners would likely need to do an MSBU to fund the dredging, but cautioned that there are sea grass issues that could hamper action at that location.

Mr. Danny Monica, resident of the Key, spoke about the hard bottom are and asked if there is a diver; Mr. Poff and Mr. Mopps responded. Mr. Monica also asked about Ski Alley, whether it is in the project scope; Mr. Mopps responded regarding how much that area is shoaled in.

Ms. Rebekah McCracken, resident of Tamarind and real estate agent on the Key, spoke about the impact of the erosion on condo sales, indicating residents are very concerned. She indicated she brought 150 petitions in support of the beach renourishment with her. Her question concerned how to "ease the pain" during the three years the project would likely take, for people who are used to easy beach access, and mentioned a private beach access that's currently being used. She asked what she can do; Mr. Mopps responded that if she has a website, she could help spread relevant information. Ms. McCracken noted that older people don't do internet, but she thinks having neighbors email or personally canvass and ask for signatures might be effective. Further discussion ensued on this topic, with numerous suggestions offered, both webcentric and door-to-door efforts.

Responding to Ms. McCracken's inquiry about beach access, Mr. Poff pointed out that if the pathways currently being used are privately owned with an private easement across them, the County can't do anything with those unless the person with the controlling interest in the private easement is willing to give that back to the County so it can become a public easement for the use of all the public. He suggested Ms. McCracken identify that controlling interest holder and contact them about access.

Chair Kewley commented that the County is doing as much as they can, as quickly as possible, for this project; it's the property owners who need to push the matter forward now. Encouragement was given for people to show up at the October meeting of this group.

## **Staff Comments**

### **Member Comments**

Mr. Whitney asked Mr. Poff if there were still any MSBU storm mitigation funds owing to the County from FEMA; Mr. Poff responded that the issue has not been resolved, and that it might take an enormous Congressional effort and an appeal through the FEMA process to get the funding. He said he would inquire about the current situation, and provide an email on the matter. For general information, he noted that this concerned Hurricane Debbie and claims arising out of that; FEMA apparently started rejecting all claims back when they started piling up from numerous storm events. He noted that, fundamentally, FEMA doesn't have the money to pay us to begin with which is why they are happy to have it just be a fight that takes forever to resolve.

Chair Kewly confirmed that the next meeting, in October, will likely be held in Commissioner Chambers.

### **Adjournment**

Motion to adjourn was offered by Mr. Brock, seconded by Ms. Ariens; the meeting adjourned at 11:05 a.m.

Respectfully submitted,

Gayle Moore  
Recording Secretary

Minutes Approved by

Clifford Kewley, Chairman  
Beaches & Shores Advisory Committee