**Minutes**
**Beaches and Shores Advisory Committee**
**Tuesday, November 5, 2015, 9:00 a.m.**
**Commission Chambers, Rm. 119**
**18500 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**
Tommy Brock, District 3 / Vice Chairman
Clifford Kewley, Member-at-Large, Chairman
Dick Whitney, District 1
Robert Pierce, FL Shore & Beach Preservation Assoc.
Katherine Ariens, District 2
Rich Parchen, District 4

**Members Excused**
[vacant], District 5

**Staff Present**
Commissioner Stephen R. Deutsch
Commissioner Bill Truex
Chuck Mopps, Charlotte County Engineering Division
Lynette Auger, Natural Resources
Gayle Moore, Recording Secretary

**Guests Present**
Michael Poff, Coastal Engineering Consultants
Capt. Ron Blago, MAC Liaison

**Call to Order**
Vice-Chairman Tommy Brock called the meeting to order at 9:02 a.m., noting that he would be conducting the meeting, but that the Chair, Clif Kewley, was also in attendance.

On motion made by Chair Kewley, seconded by Mr. Whitney and carried unanimously, the minutes from October 1, 2015, were approved as received.

Vice-Chair Brock ceded the floor to Chair Kewley for his comments, and the Chair mentioned on the communications received from residents, particularly from Manasota Key, which had come in to the Commissioner's office and which had been primarily positive with regard to beach renourishment. He thanked citizens for this input, noting its importance to the process.

No deletions or additions to the agenda were requested. Vice-Chair Brock requested any Citizen Comments related to the agenda.

**Citizens Comments on Agenda Items**
*None were offered.*

**New Business**
*None was offered.*

**Old Business**

*The presentation by Mr. Mopps and Mr. Poff was followed by an extensive discussion period. In order to keep transcribed minutes to a reasonable length, it is recommended that interested parties refer to the audio file, which is available at this URL: https://www.charlottecountyfl.gov/boards-committees/bsac/Pages/Meeting-Minutes.aspx (Under "Meeting Audio" right-click on the link for* ***November 5, 2015*** *and choose the option to "save target as" saving the mp3 file to your desktop; you can then listen to the audio file in your preferred media player.)*

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

Mr. Mopps provided comments regarding the current status of the project review, noting there had been breakthroughs with response from National Marine Fisheries Service (NMFS), which had concluded there would be no impact to the project; this allows the Army Corps of Engineers (ACOE) to complete their review. He also noted that there had been a joint meeting with Sarasota County earlier in the week, updating them on the older project and introducing the new one, which Mr. Poff will discuss.

Mr. Poff presented an updated PowerPoint presentation with comments on the history of work of this type and the current plans for the area. (A print-out of the presentation is attached to these minutes "Erosion Control Project Update 10212015.") He noted that while past work had the advantage of a very cost-effective sand source (Stump Pass), using this source also contributed to the current conditions. The current project seeks to improve conditions, first by installation of a low-crested rock permeable groin at the south end of Manasota Key to help stabilize the shoreline, to reduce migration of sand into Stump Pass, and by placing sand from the maintenance dredging of the channel on the down drift beach; secondly, by using offshore sources such as sand shoals that exist about three miles out from the Pass that are regularly used by communities along the coast to nourish their beaches, as a long-term plan. This will be pumped through submerged pipelines to the beaches south and north of the inlet, as part of the 2016 construction project. The estimated cost is $7.5 million and the County draws on a combination of local funds to pay this cost; additionally application will be made for the County to receive $2.5 million in cost-sharing through an established funding assistance program available in the state.

He spoke about the timeline for construction which is primarily driven by the environmental window by which work on Manasota Key must be completed (May 1st) and it is all dependent on getting permits from the agencies in a timely fashion. The long-term plan is that the beaches would be renourished on an average eight-year cycle (influenced by the number of storms we may have) and the channel is scheduled to be dredged every four years. Any adjustments that appear necessary will be made over the life of the 15-year permit.

Vice-Chair Brock had a few questions about how the some of the work would be performed; Mr. Poff noted that details of this nature would be up to the contractor who eventually winds up with the bid.

Commissioner Deutsch asked what effect installation of groin will have on the projected dredging schedule of the pass; Mr. Poff responded that while the County will still dredge every 4 years, it would be at a greatly reduced amount of sand, less than half of historic requirements.

No further questions being offered, the group moved on to the next presentation regarding the Beach Erosion Study on North Manasota Key:

*Beach Erosion Study for North Manasota Key*

Mr. Poff commenced by showing the updated stakeholder PowerPoint presentation (available at: https://www.charlottecountyfl.gov/boards-committees/bsac/Meeting%20Minutes/MK_Stakeholder_Presentation_11052015.pdf ) He commented briefly on the historical background of the present study, going back to 2001-2003 when Charlotte and Sarasota Counties, along with the FDEP, partnered to study the beaches in both counties, minus Lido Key and Venice which already had shore protection projects. In part, this led to the Erosion Control project and Stump Pass dredging in Charlotte; and in Sarasota, a renourishment project for Siesta Key. In the current study commissioned by Charlotte County, the focus has been on the north end of Manasota Key from monument R1 down to Stump Pass Beach State Park, and on updating the various elements, such as cost, environmental conditions and the like.

Noting that some bits of information are not yet available (e.g. answers to funding questions) Mr. Poff said that the goal is to have one more meeting in the Englewood area within the next 30 days, where the final pieces of information can be presented, including discussion of a funding strategy.

Mr. Poff then recapped the original study which showed the chronic erosion rate over time. During the decades from 1974-1983, the average was a loss of about one-foot-per-year in the form of a sand "wave", a natural process that has been much studied. He noted the current conditions of the exposed nearshore hard bottom and how much more exposure might be anticipated over time.

Mr. Poff related the results of past "votes" to go forward on the erosion issue, noting there always has been about a 50/50 split for/against taking action; this was in contrast to other beachfront communities (such as Siesta Key) where there was a majority consensus to go forward, and there was similar support in the Charlotte County community south of Stump Pass.

He next addressed the changes in recommendations for action based on increased erosion over the past 15 years; elements under consideration were shown in the accompanying PowerPoint "stakeholder" presentation and in the beach erosion study posted here: https://www.charlottecountyfl.gov/projects/Pages/Project-Details.aspx?project=66. He mentioned the three different approaches available: Standalone; Regional; and taking the existing project and extending it north to County line; each has different funding possibilities. With reference to this same study, Mr. Poff also mentioned the potential sand sources – regional sand (offshore shoals) and upland sand mines – that would be considered for the project.

The number one take-home point mentioned by Mr. Poff concerned the area of exposed hard bottom which has grown over time; because of the erosion that has occurred, and the reflective energy of waves off the existing revetments, it has scoured out a trough which sits between the shore face of the beach and the sandbar, and is now about ten feet deep on average, with 6-10 inches of Tamiami limestone exposed. About 4.25 acres of protected resource has been identified within the potential restoration footprint that will have to be mitigated for under state rules ("like for like".) What existed naturally near shore will be covered up and reconstructed as a newly-constructed reef (the mitigation project) which compensates for the near-shore loss.

He next went on to a discussion of costs, which are going to be greater now, in view of the required mitigation. He discussed plan scalars where the width of beach can be scaled down to hold down costs, but would provide less storm protection.

For comparative purposes, the consultants took the 2003 study and reproduced it in 2015 timeframe, and then also inflated it to 2019, which would be the anticipated start of construction. For a project of this scale (150' to 180' wide beach with significant amounts of advanced nourishment and storm-damage reduction/protection) the cost would be about $20/yard but with the need for mitigation, that rises to $25/yard. He provided some comments on alternative considerations (plan scalers) as well.

With respect to funding sources, Mr. Poff pointed out that the Army Corps (ACOE) has consistently denied Charlotte County requests for funding of these projects. He advised that people not expect them to contribute in future, noting there is no Federal interest in such a small project. FEMA funds, however, may be available in future as they have been in the past; however this is only available for an engineered beach that has been maintained and that loses sand in a named storm. RESTORE Act funds are also a possibility. State funding has been available in past, and probably would be also in future. A MSBU or MSTU can be established and contribute; the bed tax can be applied also, and there may be other sources we don't yet know about.

Scoring of projects was also commented on. Standalone projects score the least; partnering with Sarasota is much more likely to score better. Taking the existing erosion control project and extending it north would rate the highest score; this approach could also be combined with partnering with Sarasota for an even higher score as suggested by Chuck Mopps.

Mr. Poff provided details on the concept of funding assistance, including the importance of public access to getting funding allocated (and this is over and above the basic scoring.) By getting easements across private land and WCIND lots, and by clearing right-of-way to provide stabilization materials for parking, the existing project wound up getting 45% cost sharing help from the state. Please consider this approach as an alternative to paying for the whole thing yourselves. He also provided comments on the MSBU approach, distinguishing between the primary project benefits to beach dwellers, with secondary benefits to off-beach residents. Mr. Poff also pointed out that with WCIND funds involved (which are collected from ALL taxpayers) this means that ALL county residents pay into the existing project. The County also makes an additional contribution by paying for these project studies.

In closing, Mr. Poff noted the County had four questions for residents:

- do you support the project
- will you pay your fair share
- will you sign a construction easement
- will you accept the establishment of an ECL

These are the basic questions for the community to consider. Because of the legal questions being worked on now by the County Attorneys office, staff has been asked to delay responding to most calls until the legal research is complete. He noted that one question asked concerned dunes and whether residents would be required to have them; he said they would not be required, then listed all the reasons why they are desirable.

Ms. Ariens, noting that Mr. Poff had done an excellent job with the presentation, asked how does the bed tax work? Mr. Poff responded that the County has appropriated $150,000/year of the bed tax for the existing projects, since 2003.

Vice-Chair Brock asked about money from the Stump Pass MSBU fund; Mr. Poff responded that the funds, as he understands it, can't go to the North Manasota Key project, because it is specifically tied to the Stump Pass dredging and sand placement project. Further discussion ensued on this topic, the relevance of construction easements to the question of where the sand could be placed, and the nature of the concerns that citizens have expressed in relation to the easements and the establishment of the erosion control line (ECL).

Vice-Chair Brock commented on the current public easement agreement or contract, noting that citizens have been expressing concern about the loss of their private property. He noted that the new easement specifically spells out access up to the individual's seawall. He asked Mr. Mopps whether he could provide a copy to the committee so that people can review the document and see what is actually being requested. Vice-Chair Brock indicated that in the last month's minutes, in the citizen comment section, the person speaking noted that people did not want to open the beach up to public access which would be required for any publicly-funded nourishment project -- Vice-Chair Brock asked for confirmation whether this concept was factually correct. Mr. Mopps responded that there are two separate things in play: one, the construction easement, has nothing to do with public access, it is strictly for access of the contractor in order to do the work necessary to tie the new beach onto the private property. The other easements being sought for north Manasota Key would be similar to what already exists on the south key, which is public access at the ends of the roads. Something similar would be established on the north key, where five-foot-wide paths would be maintained for public access – and this would be for the general public, not construction work. He gave as an example Gulf to Bay Properties, which had private easements they were willing to turn into public easements. This is the sort of arrangement that positively affects the funding assistance we could get. Mr. Mopps also pointed out that "parking" does not need to be parking for cars, but could be for bicycles instead.

Vice-Chair Brock asked how much distance there would need to be between access points? Mr. Poff responded with information concerning the formula which factors in width of path and number of parking spaces, etc., which is very complicated in its details. Mr. Poff also provided detailed comments about how public access is greater on the south part of the key, and more could be gained by creating access points on the north key, which currently has none.

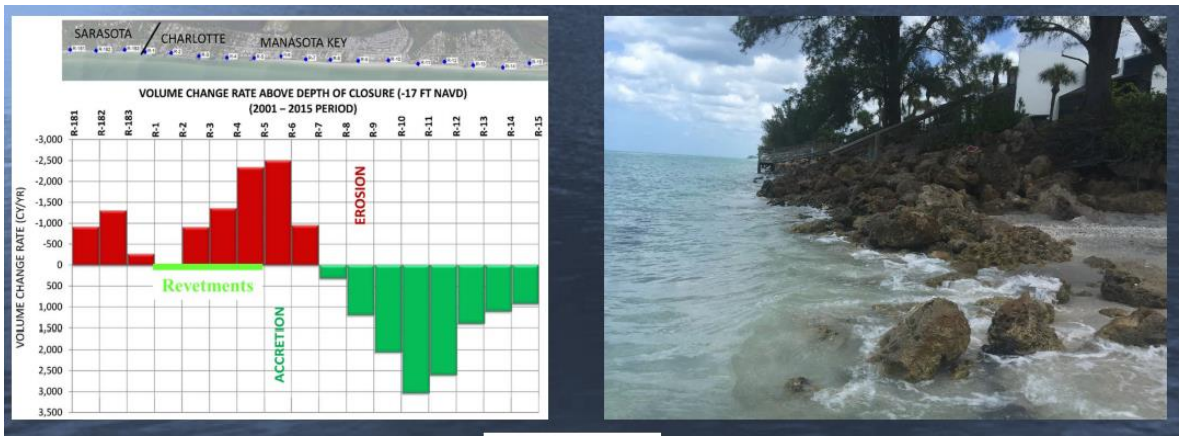
Ms. Ariens asked for the problem areas to be identified according to the "R" number; Mr. Poff indicated that the rock revetments are between R1 and R5, but noted that the the erosion pattern runs beyond that to R7, and that this this is the area where you need the public access to improve the amount of state funding Charlotte County could get.

Additional questions were asked concerning the status of these beaches, whether they are public or private beaches; Mr. Poff indicated that this is one of the legal questions currently under review with regard to recent state supreme court and federal supreme court decisions about erosion control lines, the Mean High Water Line (MHWL) and the line between private property and public access, so the final answers on this issue are not yet available. Further discussion ensued on this topic; Commissioner Deutsch commented that this is a riparian rights question which has not yet been interpreted by our attorneys as defined by the state.

Following a question from Ms. Ariens, Mr. Poff elaborated further regarding whether an ECL could be established today – you would have to be prepared to place sand today because an ECL is a preconstruction mean high water line. If the County doesn't go forward with construction, the ECL can be rescinded; it should be set within 6 months of construction, or the project should be active and moving forward. Further discussion ensued on this topic.

Ms. Ariens mentioned that the group hasn't spoken about how horrible it could get on the shore, if nothing is done. Mr. Mopps responded, noting that the sand wave that Mr. Poff described earlier, has basically ended, the trough has formed in front of the boulders on the north key. This is something that will extend and expose more hard bottom, and that's where the big money is needed for mitigation; the deeper the trough, the faster the sand goes away and only a major storm pushing a huge amount of sand onshore could fix it – this scenario is not currently anticipated. This situation speaks to the safety and security of the homes there; the situation also affects rental units, which are going unrented because there is no beach in front of them; therefore, there is an economic impact there also.

Ms. Ariens suggested that photographs of the current damage could be helpful to educate people on this situation; Mr. Poff and Mr. Mopps responded with reference to the first graphic in the stakeholder presentation:




Mr. Poff noted the location of the rock revetments and the area of erosion as shown on the graph. In response to a question from Ms. Ariens, Mr. Poff noted that the original studies in 2001, 2003 show a small chronic erosion of roughly 1 foot/year; this has increased over time to about 3 feet/year recently. The hard bottom exposure extends down to R5, and is projected to continue south, depending on the number and type of storms that come through the area; in the period from 2001 to the present, there was an unusual amount of storm activity. Ms. Ariens asked about the likelihood of replacement sand being brought ashore by storm activity; Mr. Poff noted that sandbars have migrated landward due to storm activity, but sand arriving this way is more likely to end up in the trough than on the beach. Ms. Ariens indicated she was pursuing this subject because she was aware that some property owners have counted on this being a solution to the issue. Further discussion ensued regarding the lessons to be derived from the numbers of seawalls already in place on the Key where properties had lost their beaches in times past, and how the conditions can change dramatically over time. It was noted that a storm strong enough to move sand through the trough and up onto the beach would be of such magnitude that it would likely wipe the structures off the Key. There was also more discussion of FEMA funding requirements for restoring beaches.

Discussing the activities that are scheduled next, Mr. Mopps showed the group Charlotte County website options for keeping up with the existing projects and new developments: https://www.charlottecountyfl.gov/projects/Pages/Project-Details.aspx?project=66 .

**Citizen Comments**

Vice-Chair Brock opened the floor to citizen comments.

Mr. Thomas Geimer, Shoreview Dr., stating that he has already signed the construction easement, voiced concerns about the ECL and what it will mean, not about access, but about how people *use* the beach, noting that he doesn't appreciate the people on his beach all day, drinking beer and putting out cigarettes in the sand. He suggested there was no control over how people use the beach and that their behavior had led to some ugly confrontations in the past.

Mr. Danny Monica indicated he was born and raised in Florida, and he stated that Little Gasparilla has had terrible erosion; houses have been lost and condemned due to erosion. He said that he used to hunt on Manasota Key, where there used to be Australian Pines, which are gone now, and while he acknowledged they are an invasive species, he recollected that the beaches were much deeper during the time the pines were there. There have been cases where the road has collapsed; this really needs to be addressed at some point. He then asked about the area where the trough is and the artificial reef would be built, what the finished elevation height would be; Mr. Poff responded that it will be part of the design work, and it won't hinder navigation.

Ms. Bonnie Littrell, a north beach resident, stated that she used to have 60 feet of beach which is now down to nothing. She noted that her Bay Oaks Circle subdivision has a 4-ft easement and asked, if they donated that easement, would it help? (Mr. Mopps indicated that it would.) She expressed concern that visitors will park on people's yards? Mr. Mopps responded that parking solutions would be part of the design work, and those solutions are yet to be determined. Ms. Littrell said she thought the county should buy available property to make a parking lot. Further discussion ensued on the issues of parking and easements.

Mr. Andy Wing, Chair of several committees on Manasota Key, mentioned that Mr. Poff and Mr. Mopps would be addressing those committees in January. The MSTU has an option of creating 52 parking spaces in the commercial district, so we should coordinate to a greater extent; he extended an invitation for Mr. Poff and Mr. Mopps to address the MSTU Committee. Mr. Mopps said he welcomed the meeting invite, and once we have the design study would be a good time to meet. Further discussion ensued on the possible parking spaces.

Mr. Brook Risner, whose home is one of those on the rocks, said he supports beach renourishment but he questioned what "fair share" is, noting he is paying already (in taxes) for a beach he no longer has; he asked when that share will be quantified? Mr. Mopps responded that this is what we were referring to when we spoke about things the legal department is sorting out; the taxing district has to be created in order to produce that figure. Mr. Risner referred to the last meeting where Mr. Poff gave a figure; Mr. Mopps reviewed the prior meeting's materials, but he noted that without hard costs instead of estimates you can't really calculate meaningfully. Mr. Risner then suggested he (and others) would prefer to forego the ECL and place their own sand; it was explained that anyone would need a permit to place sand, and would need an ECL to get that permit. Mr. Risner indicated he'd rather wait for the big storm that would push the sand into and back up out of the trough; the point was raised again that such a storm would destroy structures. Additionally, there is the lack of sand to the north which mitigates against this hope. Mr. Risner asked what Sarasota had to say about joining the renourishment project; Commissioner Deutsch said he felt they wanted

to cooperate. Mr. Mopps made further brief comments about prior meetings with Sarasota staff, noting there were no negative statements made at those meetings.

Mr. Gene Pearson commented about the public wanting to enjoy the beach, noting there has to be access. He suggested that busing is an alternative to parking. He mentioned the Venice Beach design where something was installed so that sand can't go back out.

Mr. Kent Kozio, who also attended the last meeting, spoke regarding people's concerns. He has worked in beach replenishment and dredging for many years; he stated that the work can't be done in sections; you have to go from point A to point b, finishing the whole thing, so that you are not replenishing every ten years. He gave the Venice Beach jetty as "the only proper way to do this" He noted that a jetty also provides public access. Sees the trough for the problem it is. He stated that he shares an easement with Mr. Risner and ten others, who would all pay their fair share, but he questioned why they should have to pay just because they bought a house on the beach and said he felt others should pay as well.

Mr. Damian Ochab offered comments and questions; he also lives in NJ and said he was affected by Hurricane Sandy and his experience was that berms and dunes saved their property there. He had two different questions concerning construction easements: what is the state law on eminent domain if that would be necessary to get the project construction going? Mr. Mopps indicated staff can't comment on that, but he noted that there's only a few easements not yet in hand; only 17 are missing at this point (16%) so eminent domain is probably not necessary. Mr. Ochab then turned to the question of cost per property owner versus who is using the beach and who will pay for the beach. Further discussion ensued on this point. Some additional comments were provided by Commissioner Deutsch in response, in opposition to eminent domain, and the nature of this process.

Commissioner Deutsch left the meeting at 11:13; Mr. Whitney and Mr. Pierce left also (11:13)

Mr. Ochab asked about the existing rocks and whether FEMA would help to refurbish them and replace the sand in front of the rocks, and also spoke about preventative measures. Mr. Mopps noted that as the rocks were placed by individual owners, then if the rocks were displaced by a named storm, the individual owners would apply personally to FEMA.

Ms. Lorraine McBride asked about the 2003 / 2015 permits and why staff aren't placing an ECL now; Mr. Mopps pointed out that the Stump Pass project does not involve placing sand on the beach; he noted that on Palm Island, where sand was placed, an ECL was created. Further discussion ensued in an attempt to clarify the different projects and their requirements.

Ms. McBride then spoke about the 2003 easement which she understood to have been temporary but which is now being told it's permanent. She has been communicating with Mr. Kipa, who said the old easement is still in effect. Mr. Mopps indicated he would not be able to comment on any legal issues; Vice-Chair Brock suggested that this is a matter that should be addressed to the County Attorney. Ms. McBride asked if a dune could be placed beyond the ECL regardless of property owner preferences; Mr. Mopps indicated that would be project design specific, not possible to respond to now. Ms. McBride also had a question regarding pets on the beach; Ms. Lynette Auger noted that restrictions on dogs on the beach is a county ordinance. Further comments were offered on the easement and ECL questions.

**Staff Comments**

**Member Comments**
Ms. Ariens expressed appreciation for the citizen attendance, and the staff for their presentation.

Vice-Chair Brock gave a summation of what he feels the people want to know about what they are being asked to sign, how much it will cost, and what property rights will be affected and how. He also offered some comments about dealing with people on the public part of the beach who may impose on the property owner's privacy, and ways of addressing the ECL question.

**Adjournment**

Motion to adjourn was offered by Ms. Ariens, seconded by Mr. Kewley; the meeting adjourned at 11:35 a.m.

Respectfully submitted,

Gayle Moore
Recording Secretary

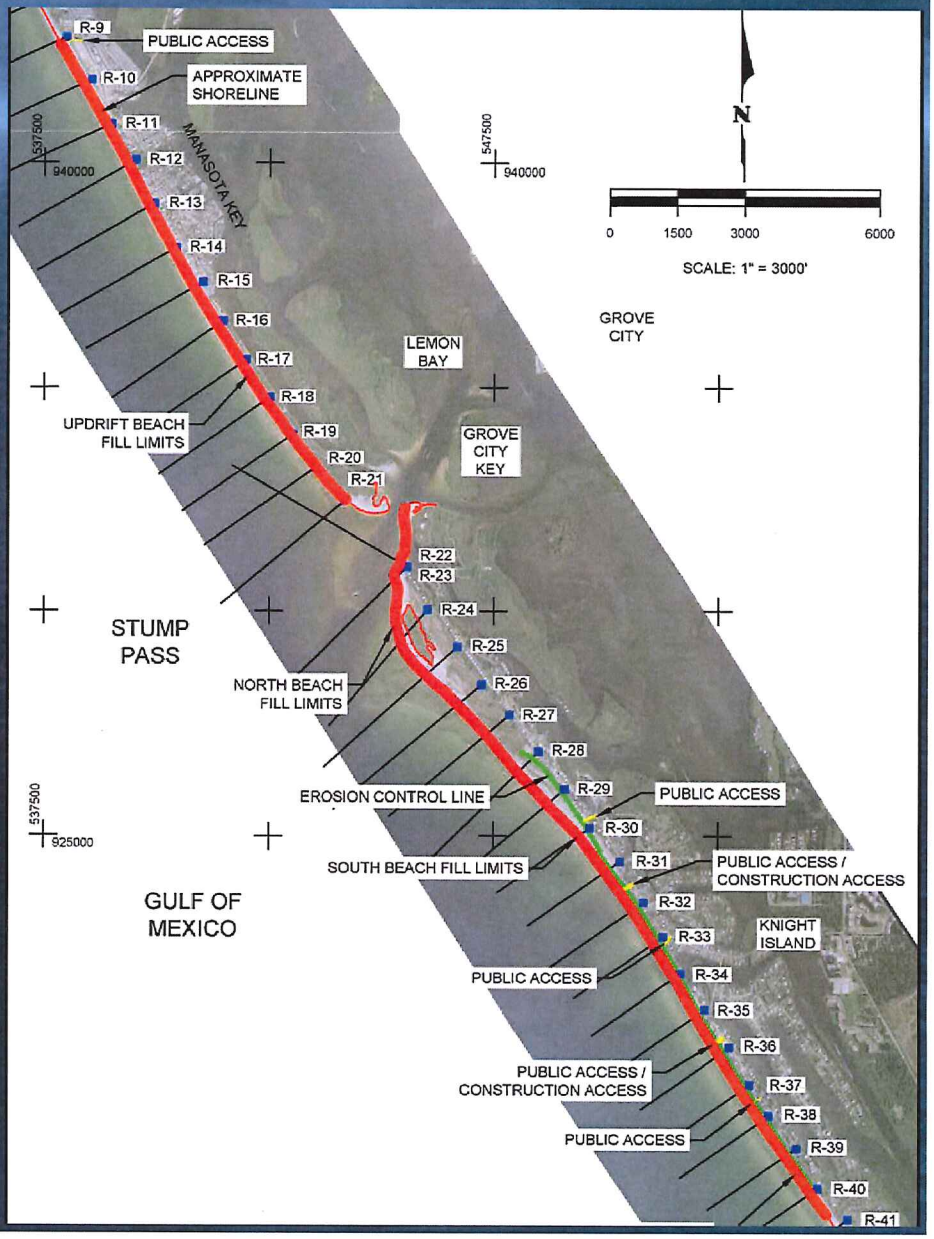
Minutes Approved by

Clifford Kewley, Chairman
Beaches & Shores Advisory Committee

# Joint Meeting of Charlotte County and Sarasota County Board of County Commissioners

November 3, 2015

# Charlotte County Erosion Control Project Update




COASTAL ENGINEERING CONSULTANTS INC

# 2016 Project

- Manasota Key: Install low crested permeable rock groin, Place approximately 180K CY (Offshore Borrow Area/Stump Pass Channel)
- Stump Pass: Conduct maintenance dredging of Navigation Channel (150 ft wide by 9 ft deep on inside and 300 ft wide by 11 ft deep on outside); place approximately 40K CY (Stump Pass Channel) on southern shoreline
- Knight-Don Pedro Islands: Place approximately 200K CY (Offshore Borrow Area) on gulf-front beach
- Opinion of Probable Construction Cost = $7.5 Million
- Funding Sources = MSBU, MSTU, TD Tax, Boater Funds, WCIND, DEP Beach Management Funding Assistance
- Permit Status: DEP & USFWS BO are issued, Waiting on NMFS BO and USACE Permit

# Future Activities

- Beach Renourishment of Current Project (avg. 8-Yr cycle)
- Beach Nourishment of Additional Segments (e.g. County Englewood Beach Park to State Park Beach, and Palm Island inlet and gulf-front shorelines)
- Periodic Maintenance Dredging of Stump Pass Navigation Channel (avg. 4-Yr Cycle)
- Operation, Monitoring & Maintenance Elements
  - Conduct Annual Monitoring (Physical and Biological)
  - Adjust Permeability of structure, minor repairs to structure
  - Place sand for ebb shoal reformation if not meeting FDEP goals
  - Place supplemental fill on Hot Spots, Sand Sharing
  - Maintain flushing within Rum Cove Lagoon