MINUTES OF THE SHORE PROTECTION BOARD
HELD ON MONDAY, NOVEMBER 25, 2013

I. CALL TO ORDER

The meeting of the Shore Protection Board was called to order on Monday, November 25, 2013, at 9:00 a.m. in Town Council Chambers.

II. ROLL CALL

The following members were present: Chairman E. Llwyd Ecclestone, Vice Chair Pat Cooper, Mr. Kane Baker, Mr. Gerald Frank, Mr. Lewis Katz, Mr. Lee David Goldstein, and Mr. Richard Raffo.

III. PLEDGE OF ALLEGIANCE

Chairman Ecclestone led the Pledge of Allegiance.

IV. APPROVAL OF AGENDA

Motion to approve the agenda was made by Mr. Frank, seconded by Vice Chair Cooper, and unanimously approved.

V. APPROVAL OF THE MINUTES OF THE MARCH 28, 2013, MEETING

The minutes of the March 28, 2013, Shore Protection Board meeting were unanimously approved.

VI. COMMUNICATIONS FROM SHORE PROTECTION BOARD MEMBERS

Referring to the March 28 minutes, Vice Chair Cooper requested updates on if the County would be willing to participate financially to the cost of placing sand in Reach 8, and the history and condition of the seawall from Everglades to Wells Road. Mr. Paul Brazil, Director of Public Works, responded that the existing seawall at Wells Road had been inspected by Town staff and by individual property owners, and the wall was in need of minor maintenance but was structurally sound. He reported that the Town owns some sections of the wall and other sections are owned by the adjacent property owners. He noted that there was one section where the ownership had not been resolved.

Vice Chair Cooper stated that at some point the Shore Board should have a discussion regarding Woods Hole's recommendation of a Townwide review of all structures. He asked how The Breakers t-head groins were working and if the Lake Worth Pier, acting as a groin, could be included in the Beach Management Agreement (BMA). Mr. Brazil responded that The Breakers' groins were effective, they were being monitored, and if they did cause any negative impact, The Breakers would have to mitigate for it. He stated that sand was moving through the Lake Worth Pier and the some of the sand that was placed in Reach 7 had moved south of the pier. Town Manager Peter Elwell reported that the potential of a long term negative impact of the pier would be included in the Environmental Impact Statement (EIS) process. Mr. Rob Weber, Coastal Coordinator, added that the physical monitoring data would be used as part of the sediment monitoring report and the pier section would be discussed.

Mr. Frank asked for a status report on the sand transfer plant. Mr. Brazil responded that the plant was operational. He said there was not a lot of sanding going to the plant because of the time of the year. There was discussion regarding funding for the sand transfer plant and for coastal protection.

Mr. Goldstein said he would like the Shore Protection Board to investigate additional protection for the west side of the island, the intracoastal side, because if there was a hurricane from the west to the east, there would be flooding. Town Manager Elwell responded that Town staff and the Shore Protection Board would address this issue in detail in the next few months.

Mr. Goldstein stated he would like to see if the hardbottom mitigation could be streamlined under the BMA.

Mr. Goldstein said that if County receives permission to put up groins in South Palm Beach (they are proposing three groins), the Town must push for structures where there are hot spots in Town.

Mr. Goldstein spoke about issues regarding the building seawalls to protect the condominiums in the south end. Town Manager Elwell responded that it was a state law issue and was not something that could be incorporated into the BMA. He explained that the state law would have to change to allow the construction of a seawall to protect a building that had been built on pilings or in a manner that was deemed sufficiently stable under the state's applicable laws and regulations to not require a seawall to protect it. A discussion followed. Mr. Goldstein said he was trying to get someone from Tallahassee to work with residents on this issue.

Mr. Raffo asked if there was a need for the Shore Protection Board. He said that Town staff does a great job.

Mr. Baker agreed with Mr. Raffo saying that the Town and the U.S. Army Corps of Engineers (USACE) had done a great job. He said that the next priority should be the sand transfer plant and then a program for establishing coastal structures for seawalls and groins. He said he didn't feel he had enough input as a Shore Protection Board member. He asked if it was possible for a Shore Protection Board member to investigate other technologies and other systems. Town Manager Elwell answered that the Shore Board members had the authority to go and ask questions. He stated that the program recommended by the Shore Board was being implemented and cautioned that to explore a different avenue or an experimental program would risk sending confusing signals to the regulatory agencies. He further stated that the focus now was not on exploring but on building the program. He said the Shore Board had played a critically important role in the development of the coastal program. Chair Ecclestone suggested that if a Shore Board member had something they wanted to explore, they should talk to Rob Weber or it could be placed for discussion on a Shore Protection Board agenda.

Mr. Baker asked if the Shore Board had any input on the inlet dredging on the west side of the island. Town Manager Elwell replied that the ordinance that created the Shore Board did include the west side of the island. He reported that staff would provide information to the Shore Board about the lake side and there would be discussion to assess if additional actions should be recommended to the Town Council.

Mr. Katz spoke about the need to find a coordinated plan to work with outside sources for financing of coastal projects.

VII. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

No citizens requested to speak.

VIII. CURRENT SHORELINE CONDITION ASSESSMENT [Robert Weber, Coastal Coordinator]

Mr. Weber gave a Power Point presentation on the shoreline condition comparing March 26, 2013, to mid-tide on November 5, 2013, when there was a high surf advisory, and to low tide on November 22, 2013. He said that seas were high on November 22 and were not indicative of a low tide condition. He reported that in most areas of the Town the condition of the shoreline remained relatively the same over the period of time.

Vice Chair Cooper asked about the slope of the sand at Reach 3. Town Manager Elwell stated that it was an area that had emerged for top priority action by the Town. Vice Chair Cooper asked if the Town was beginning to collect data at the suggestion of Woods Hole that would allow the Town to come up with a history or trend line. Mr. Weber replied that the way the Town collects data had not changed but the way it was analyzed may be changed and include additional details. Town Manager Elwell clarified that Woods Hole had recommended the Town analyze a body of data that goes further out eastward than previously analyzed and the Town was following that recommendation. He added that the Town was also following Woods Hole's recommendation to compartmentalize the pieces of the data differently to look at near shore data and the deeper water out to forty feet. He said the additional analysis may help with future permitting. Mr. Brazil stated that the Town would retain Woods Hole to help address reporting issues. Vice Chair Cooper asked if the additional data would affect the decision on renourishment of Reach 7 to include structures. Mr. Weber responded that in the further depths, out to forty feet, he did not believe it would play much of a role.

Chairman Ecclestone spoke about importance of the off-shore sand bars and said they should be part of the analysis of the shoreline.

Chair Ecclestone asked about the work done by The Breakers (t-head groins, sand, and rocks). Town Manager Elwell responded that the project had been very successful and stabilized the beach in that area. He reported that monitoring protocols were in place to assess over time whether or not there was a negative impact nearby.

IX. REVIEW OF RECENT COASTAL MANAGEMENT ACTIONS [Peter B. Elwell, Town Manager]

a. Receipt of Woods Hole Group Peer Review and Recommendations for 10-Year Plan

b. Town Council Approval of FY 2014 Coastal Management Program Budget

c. Town Council Support of Scope, Cost, and Funding of 10-Year Plan

d. Beach Management Agreement

Town Manager Elwell summarized actions that had been taken by the Town since the Board met in March 2013. He reported that the Town Council had approved a ten-year plan that was consistent with the recommendations from Woods Hole and almost completely consistent with the recommendations of the Shore Protection Board. He further reported that staff worked with Woods Hole to develop a cost effective plan to implement the program. He stated that the first year of the plan was adopted and funded by the Town Council. He further stated that in the spring the Shore Protection Board would review the second year of the plan prior to staff taking a recommendation to the Town Council.

Town Manager Elwell spoke about funding of the program. He stated that there was $22 million available for year one of the plan. He reported that in October the Town Council had determined the funding source going forward for implementation of the ten-year Coastal Protection Program would be ad valorem taxes. He said there would be a tax increase for that next year. He reported that a small portion of the funding would be borrowed and the sale of bonds would be going to market in the next few weeks. He explained that of the $54 million in bonds there would be $11+ million for groins and seawalls. He said that with the scope approved, the plan approved, and the funding approved, the program was moving into implementation.

Town Manager Elwell stated that another important achievement this year was the approval and execution of the Beach Management Agreement. He said it was a better way of doing business with less red tape. He praised the Florida Department of Environmental Protection (FDEP) for their partnership. He spoke about the significance of the BMA to future coastal projects. He stated that there was not yet an agreement on the Federal side and the Town would still have to go through the traditional process. He noted that the Town was working with the Corps of Engineers and was hopeful there would be a similar, parallel structure to the BMA on the Federal side set up through a "general" permit.

X. COASTAL PROTECTION PROJECT UPDATES [Robert Weber, Coastal Coordinator]

a. Mid-Town Beach Nourishment

b. Phipps Ocean Park/Reach 7 Partial Beach Nourishment

c. Reach 8 Dune Restoration

d. Reach 8 EIS

Mid-Town Beach Nourishment - Town Manager Elwell reported that the bids for the Mid-Town project were higher than anticipated due in part to the time of the year that the bids were sent out (October-December). He stated that $11.6 million had been budgeted for the project and the low bid came in at $23 million and the high bid at $27 million. He further stated that staff could not recommend award of the bid because it would start implementation of the ten-year program more than $10 million behind the budget. He said that plans were to rebid this project in the spring when there would be more competition. He spoke about interim work that could be accomplished during the winter months to provide some level of protection in the most critically needed areas in Town. He stated that a Special Town Council meeting had been scheduled for Monday, December 2. A discussion followed. Chair Ecclestone asked about a ten year bond for sand. Town Manager Elwell responded that he would never recommend it because the life expectancy of beach renourishment projects is less than ten years; it is eight years. He said the Town does not want to be in a position where it was still paying for the last job when it goes out for the next generation of work at that same location. Mr. Goldstein asked about the County purchasing a barge and a dredge. Town Manager Elwell answered that it had been examined and there was a unanimous opinion that the vessels were too expensive and they would have to be busy all the time to be cost effective.

In response to a question from the Chair, Town Manager Elwell stated that the Town would continue to use Woods Hole for broader perspective advice, vetting the work of others, helping with the monitoring program, and reporting to the public. He reported that the five year agreements with the Town's engineering firms would be expiring and the Town would be going out for bid in the next few months for a new list of engineers. Chair Ecclestone requested the list of engineers be presented to the Shore Protection Board.

Mr. Katz asked about joining with the County to purchase sand. Town Manager Elwell responded that Mr. Weber had already spoken to the County about a possible joint effort.

In response to a question from Mr. Frank, Town Manager Elwell reviewed the potential projects that may be included in an interim program: the exposed seawall in Reach 3 and the north end of Reach 7. He explained that there was erosion in both areas and both projects could be completed in a cost effective manner over the next few months using Ortona sand. He stated that he was optimistic that the Town would receive good prices for the trucking of the sand.

Mr. Frank reported that a condominium had agreed to provide access to the beach for the Reach 8 project.

Reach 8 EIS - Mr. Weber stated that the USACE had started oversight of the Environmental Impact Statement (EIS) process and Coastal Planning and Engineering (CPE) had started the work. He reported that CPE was developing a draft EIS document with the oversight of the USACE and the draft should be ready sometime in early February. He reviewed the schedule for finalizing the EIS in September/October 2014. He reported that the Reach 7 project was in the BMA and could be bid in the spring of 2015 with whatever comes out of the Reach 8 EIS. Town Manager Elwell added that it was not anticipated that there would be a negative impact on any of the future years of the program based on having to delay the large project from this year to next year.

There was discussion on the funding and scheduling of various projects and the addition of the unfunded interim projects.

Referring to Mr. Goldstein's earlier comments, Vice Chair Cooper asked about the legislative delegation partnering with FDEP to take an island-wide approach regarding the building of seawalls. Town Manager Elwell responded that if there was to be a change to the law, it would have to occur at the legislative level; not FDEP. He said that the Town would initiate a conversation with the legislators. He asked that Shore Board members speak to the Mayor, who represents Town government to the higher levels of government, before sending a message to a state representative.

Mr. Weber noted that the three line items in the FY14 Coastal Management Program spreadsheet that relate to the sand placement at Mid-Town, Reach 7 and Reach 8 were line 23 ($11.6 million), line 31 ($1.8 million), and line 39 ($950,000) for a total of $14.35 million.

e. North Ocean Boulevard Seawall

Mr. Weber reported that the permit application for the North Ocean Boulevard seawall would be submitted in late November or December. He further reported that it was hoped that the bid to start construction would be let in March/April with construction to start in May and be completed by November. He said that the last piece of construction would be to tear down the old wall which would be seaward of the new wall. He explained that the old wall would be cut down to the height of the existing revetment and would provide toe support for the new wall.

XI. DRAFT ANNUAL SHORE PROTECTION BOARD REPORT TO TOWN COUNCIL [Peter B. Elwell, Town Manager]

Town Manager Elwell stated that a draft of the Annual Shore Protection Board report to the Town Council was included in the backup materials for the meeting. He explained that it did not reflect the full body of coastal issues that were dealt with during the year but reflected the portion of the work in which the Shore Board was directly engaged.

Chair Ecclestone noted that the current terms of some of the Shore Board members were due to expire. He asked if the members could only serve two terms. Town Manager Elwell responded that the ordinance creating the Shore Board did not include term limits but he believed the Town Council intended to include term limits of two full, three-year terms. He noted that each Shore Board member who was initially appointed to the Board served a partial term. He said he would address with the Town Council an amendment to create an official two term limit for the Shore Protection Board members.

Referring to earlier comments made by Shore Board members, Vice Chair Cooper stated that there was a level of frustration that the Board members are ready, willing, and able to help but are not being accessed as a source.

Motion was made by Mr. Goldstein and seconded by Vice Chair Cooper to accept the annual report to the Town Council.

At the request of Mr. Raffo, Town Manager Elwell gave a brief explanation of the annual report. He stated the future projects of the Shore Board included looking at the lakeside and a long term perspective interest in the climate change issue and potential impacts on the coastal program.

The motion to accept the annual report to the Town Council was unanimously approved.

XII. CLIMATE CHANGE DISCUSSION [Robert Weber, Coastal Coordinator]

Mr. Weber reported that there had been a lot of discussion with local municipalities about what could be done to help mitigate climate change and sea level rise. He explained that a concern was the sea level rise would accelerate over time. He stated that projects in the Town were evaluated on an annual basis during the budget process, on a five-year basis with the BMA, and in the long term out to ten years in the ten-year plan. He reported that with all the information and the most extreme scenarios, the conditions going out ten years did not warrant any change to the existing ten-year plan. He said the issue would continue to be monitored and data collected.

Mr. Raffo requested a report on the groin fields along the east coast, where they are and how they are doing. Chair Ecclestone responded that the Shore Board could look at the

89 groins in the Town. Town Manager Elwell replied that the Shore Board members had been through a level of review that may not have included all the information from other states but did include what would make engineering sense on the island and what could be permitted. He stated that the ten-year program included groin rehabilitation work and, in some cases, the potential for a new groin. He cautioned that the regulations were very site specific and what could be built today was smaller, lower, more flexible and very different from what could be built years ago. He added that the circumstances in Town were different from elsewhere in Florida and in other states. He suggested that Mr. Raffo meet with staff to discuss the issue.

Mr. Frank said he would like to attend the January 24 meeting on climate change. Mr. Weber said he would provide the information to him.

XIII. TOPICS FOR FUTURE AGENDAS [Peter B. Elwell, Town Manager]

a. Annual Sediment Budget Review

Town Manager Elwell stated that the Annual Sediment Budget Review was usually received in January but may not be ready until February because of the additional analysis that would be done this year.

b. Discussion of Lake Worth Lagoon Matters

Town Manager Elwell stated that staff would provide the Shore Board members with basic information on the Lake Worth Lagoon before any discussion on the issue. He explained that Mr. Brazil would describe historically what had been required, the conditions that had occurred, and the empirical and scientific conditions that would affect future decisions.

c. Other

Town Manager Elwell reported that the Shore Board would be provided with the updated roster of engineers at the next meeting.

Town Manager Elwell stated that in the spring the Shore Board members would review the FY15 budget and any modifications to the ten-year plan.

Chair Ecclestone requested specific information on how the water had affected the seawalls in the lagoon area. Town Manager Elwell responded that the water table posed some very special challenges and there were limitations to what actions the Town could take and what would work to prevent intrusion from the lake. He asked that the Shore Board members hold any discussion on the issue until after Mr. Brazil's presentation.

Town Manager Elwell suggested that the next meeting be held after the sediment budget was received in January or February.

Mr. Raffo requested that a discussion of the deepening and widening of the inlet be included at a future meeting.

XIV. ADJOURNMENT

Chairman Ecclestone adjourned the meeting at 11:18 a.m.

APPROVED:

E. Llwyd Ecclestone
Chairman