

TOWN OF PALM BEACH

Office of the Town Clerk

REPORT OF THE SHORE PROTECTION BOARD MEETING HELD ON 12/13/95

- I. Call to Order: The Shore Protection Board Meeting was called to order at 3:05 p.m. by Acting Chairman Garrison D. Lickle.
- II. Roll Call: The following Board Members were found to be in attendance: Eileen Curran, Edward Hennessy, Charles Isiminger, Gerald Levy, Garrison Lickle, Joel Martino, George Moffett, Richard Raffo, and Judy Schrafft. Member Wayne Dimm was absent. Also attending were Town Manager Robert Doney, Assistant Town Manager Peter Elwell, Town Attorney John Randolph, Public Works Director Al Dusey, and Town Clerk Mary Pollitt.
- III. Approval of Agenda: The agenda was approved as printed.
- IV. Election of Chairperson (*Deferred from Meeting on November 30, 1995*):
The election was deferred to the end of the meeting at which time Garrison Lickle was appointed Chairperson.
- V. Election of Vice-Chairperson (*Deferred from Meeting on November 30, 1995*):
The election was deferred to the end of the meeting at which time George Moffett was appointed Vice-Chairperson.

NOTE:

Mr. Doney reported that Paden Woodruff, Senior Engineer with the Florida Department of Environmental Protection (FDEP), and Hal Bean, Assistant Bureau Chief for the Bureau of Beaches and Coastal Systems of the Florida Department of Environmental Protection, were present from the FDEP Workshop held at 10:00 a.m. in the Town Council Chambers regarding a proposed exemption rule concerning a proposed revised Coastal Construction Control Line for the entire County. Mr. Doney requested that item VII, **"Discussion of State Permitting Criteria and Procedures with a Representative of the Florida Department of Environmental Protection"** be moved up on the agenda to allow the two FDEP representatives to speak before leaving for the airport at 3:30 p.m. The Board Members agreed.

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Mr. Woodruff provided a brief overview of the State's Coastal Construction Control Line Program, under Chapter 161, Florida Statutes, which is known as the "Beach and Shore Preservation Act". Section 161.041 regulates activities seaward of the mean high water line, and any activities in the water are permitted pursuant to that section of the Statute. Section 161.053 is referred to as the "Control Line Permitting Program", and that program involves activities landward of the mean high water line but seaward of each county's coastal construction control line. The control line is currently proposed to be re-established for Palm Beach County.

Mr. Woodruff was asked to address the Department's viewpoint regarding issues of past beach armoring, renourishment, and other devices. Mr. Woodruff stated the Department was very concerned with adverse impacts to downdrift properties. The Department is open-minded to many alternative designs, but has to have reasonable assurance that the structures will have high probabilities of performing the way they were designed. Mitigation or pre-filling a groin field assures that the groin structures will not adversely affect downdrift properties.

Mr. Woodruff said the volume of sand diminishes from the river of sand or littoral drift as it moves from the St. Mary's River on the Georgia-Florida border to Miami. This volume is affected by a number of factors along the way. Many of today's problems, including 50-80% of the erosion problems, can be blamed on the impact of the number of inlets and their maintenance practices along the east coast and the loss of sand from the system through the years. The Department likes to see materials added to the system such as the current Mid-Town Beach Restoration by the Town. Board Members asked questions and discussed some of the new technologies and innovative devices available presently which either add sand to the system or manipulate the sand already in the system.

In response to a question, Mr. Woodruff stated the Department would entertain any application made by the Town regarding the Town's Phipps Ocean Park and Par 3 Golf Course area to trap the sand from the Mid-Town Beach Restoration Project; however, the impact for downdrift properties would be considered.

Mr. Doney concluded that the Town Staff will coordinate with the FDEP regarding the attendance of a high ranking FDEP official at a future Shore Protection Board meeting to provide a further opportunity to ask questions and hear the FDEP's positions on various coastal issues.

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VI. Town Attorney's Report:

A. Sunshine Law Vis-a-Vis Public Meetings of Non-Town Organizations

Mr. Randolph explained that if two Board Members belong to other organizations such as the Civic Association and would take part in outside discussions that would reasonably be expected to take place at the meetings of the Shore Protection Board, violations of the Sunshine Law could occur. Violations occur when two or more of the Board Members take part in any discussion concerning items which are or will be considered by the Shore Protection Board. The actual discussion creates the conflict--not attendance at the meeting.

B. Federal Obligation to Mitigate Downdrift Impacts of Lake Worth Inlet

Mr. Randolph provided copies of an excerpt from the Town's Comprehensive Coastal Management Plan which addressed in detail of the responsibilities of the Federal Government under Section 111 for funding of beach improvements. Mr. Randolph quoted, "The Corps is authorized under the Rivers and Harbors Act of 1968, Section 111, to investigate and construct, operate, and maintain projects at full Federal expense for the prevention or mitigation of shore damages attributable to Federal navigation works. The authority to provide mitigation at Federal expense is not mandatory; however. Where such projects are undertaken, the degree of mitigation is normally dependent on a reduction of erosion or accretion only to the level which would be attained without the influence of the navigation works at the time the works were accepted as a Federal responsibility. The damaged shorelines need not be restored to historic dimensions; rather, the work is usually performed to lessen the existing damage or prevent subsequent damage." Mr. Randolph emphasized the fact that the Federal government pays particular heed to the public benefit that would occur as the result of the project.

Mr. Randolph suggested the Board Members should review the materials he handed out at the meeting, and he would answer any questions at a future meeting regarding Section 111.

The Committee discussed lawsuits that could be pursued by the Town against the Federal government or have been filed against the Federal government regarding the intent of Section 111. Mr. Randolph and the Town Staff will provide information regarding similar lawsuits filed by other governmental entities.

VII. Discussion of State Permitting Criteria and Procedures with a Representative of the Florida Department of Environmental Protection:

See "Note" on page one of this report.

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VIII. Identification of Current Coastal Management Issues in the Town of Palm Beach and the Mission of the Shore Protection Board (*Continued from Meeting on November 30, 1995*):

Vice Chairperson Moffett offered his mission statement of the Shore Protection Board which was to present a long range plan for the beaches of the Town of Palm Beach based upon prior presentations made and materials generated over the years.

Mr. Hennessy offered to send all of the information submitted to the Board to date to the Stevens Institute in Hoboken, New Jersey, at his expense, for evaluation and their opinions and recommendations. Additionally, Mr. Hennessy offered to contact the President of the Institute to see if a representative could come to Palm Beach to address the Shore Protection Board.

Mr. Levy read his mission statement: "We of the Shore Protection Board have a unique opportunity to help our Town make the most prudent action for the future protection of our beaches, our shores, and our property. The devastation that nature can inflict, coupled with the continuous damage caused by the construction of the Lake Worth Inlet, makes it mandatory for us to explore, prioritize, and recommend to the Town of Palm Beach Town Council the direction of their activities for the near and distant future. It is our responsibility to advise the Town which solutions should be considered and the order which would appear most effective, regardless of cost. A public relations effort should be implemented to acquaint the public how much the Federal government construction of the Lake Worth Inlet has contributed and will continue to contribute to the beach erosion problem with a goal to involve the Federal government and additional financing and finding it through the best solution."

Mrs. Curran reported she based her mission statement on the resolution creating the Shore Protection Board: "The Shore Protection Board is an ad hoc committee appointed by the Town Council of the Town of Palm Beach for one year. The purpose of the Board shall be to serve as an advisory committee to the Town Council on all matters relating to the maintenance, protection, and preservation of the beaches within the Town of Palm Beach. The Shore Protection Board will give consideration to all matters that relate to the maintenance, protection, and preservation of the beaches as a natural asset of the Town and will make recommendations to the Town Council." Mr. Martino stated that he agreed with Mrs. Curran's mission statement.

Mr. Isiminger agreed with Mrs. Curran's statement but added: "In order to accomplish this objective, the Shore Protection Board will hold regular meetings to gather general information on general coastal dynamics and physics as it relates to the beaches of Palm

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Beach, existing coastal technology as it relates to the beaches of Palm Beach, and the history of the use of the technology, especially in Palm Beach. The Board will assimilate this information and attempt to make appropriate recommendations consistent with its (stated) purpose."

Mr. Isiminger read a list of topics, as requested by Acting Chairperson Lickle at the last meeting, that he believed will be of interest to the Board:

1. Regulatory permitting considerations, possibly from DEP staff
2. Funding considerations from consultants and/or government staff--possibly Corps of Engineers representatives
3. General dynamics and physics in Palm Beach from consultants or academia
4. Existing technologies from consultants or academia
5. Monitoring (from a variety of people)
6. History from Town Engineering Staff, consultants, or other agency staff
7. One meeting dedicated to Public Input

Mr. Moffett suggested that the beaches lack management and suggested possibly recommending a person who could spend time lobbying for funding and public relations with local, state and/or federal governments.

Mr. Lickle stated his mission statement related to history, the Chapter 111 issue, determining if there are devices available that would work to control beach erosion, renourishment and mitigation issues, and the presentations of all the individuals who would speak regarding the aforementioned items.

Mr. Raffo suggested Palm Beach should pursue possibilities for additional monies from outside sources such as State or Federal governments.

Mrs. Schrafft stated that many existing factors are responsible for the lack of sand along the east coast of America, and her handouts explained some of these factors. The problem is global and universal and included the greenhouse effect or the global warming effect which is somewhat responsible for the rising sea waters. Groins are important; however, she

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questioned the disappearance of the sand during the last ten, twenty, or thirty years from the system. Mrs. Schrafft suggested that all of these factors should be kept in mind when the Board is attempting to reach a solution.

Mr. Lickle said he would read all of the mission statements submitted by the Board Members, distill them and present the results for consideration and action by the Board Members at the next meeting.

Mr. Louis Pryor addressed the Board and suggested the Board also recognize shore protection for the west side of the island; consider the costs of restoring sand to the conditions present before the inlet was dredged; and consider the implementation and monitoring of any shore restoration possibly by appointing a task force manager, part or full-time.

After the Board Members discussed using groins along the entire 12 miles of east coast shoreline in the Town, Mr. Isiminger said he would supply information regarding sand for the groins--where the sand will go, the spacing, the length, and what groins will do.

IX. Consideration of Potential Individuals and/or Organizations to Invite to Attend Future Shore Protection Board Meetings for Information Exchange:

The names and organizations suggested by the Committee and Staff included Dr. Charles Finkl, Professor of Marine Geology at Florida Atlantic University; representative(s) from the Stevens Institute; Public Works Director Al Dusey; representative addressing global issues--suggestion: Dr. Orrin Pilkey from Duke University; coastal engineers who have advised the Town in the past; Assistant Town Manager Peter Elwell reporting on the Countywide Beaches and Shores Council; Town representative(s) addressing legal and liability issues; discussion of the South Lake Worth Inlet District and/or the erosion control project planned for the south side of that Inlet; coastal engineer Erik Olsen concentrating on groins; representative concerning monitoring--suggestion: Dr. Robert Dean of the University of Florida; and a representative from Applied Technology & Management (Coastal Engineers for the Town's Mid-Town Beach Restoration Project and the Lake Worth Inlet Management Plan). The Committee requested that Erik Olsen and a representative from Applied Technology be present at the next meeting (Thursday, January 11, 1996, at 2:00 p.m.), and frame their presentations around the questions "what works", "what has failed", and "what remedies do they have for the future"?

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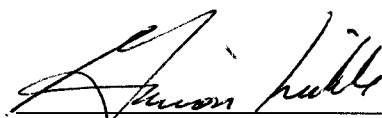
X. Identification of Date & Time for the Next Meeting of the Shore Protection Board:

The Board set the next meeting date for Thursday, January 11, 1996, at 2:00 p.m., and expressed the desire to hold monthly meetings lasting from 2:00 p.m. to 5:00 p.m. Mr. Elwell will submit a tentative meeting schedule based on the second Thursday of every month with the option of scheduling additional meetings, if the Board deems same to be necessary, with alternate dates around the scheduled Town Council meetings.

Mr. Elwell confirmed that items for the January 11th meeting agenda will include the mission statement report, the Inlet update, and two speakers.

XI. Any Other Matters: There were none.

XII. Adjournment: The meeting was adjourned at 6:05 p.m.


Garrison D. Lickle, Chairman

Prepared by: Mary A. Pollitt
Town Clerk