



TOWN OF PALM BEACH

Office of The Town Clerk

MINUTES OF THE SHORE PROTECTION BOARD MEETING HELD ON THURSDAY, JULY 23, 2009

I. CALL TO ORDER

The meeting of the Shore Protection Board was called to order at 9:00 a.m. on Thursday, July 23, 2009 in the Emergency Operations Center, 355 S. County Road, Palm Beach.

II. ROLL CALL

On roll call, Members found to be present were Chair Ecclestone, Vice Chair Frank, Members Lindsay Buck and Goldstein. Member Raffo had an excused absence. Member Hicks had an unexcused absence, Member Katz arrived later in the meeting at 9:18 a.m.

III. PLEDGE OF ALLEGIANCE

Chair Ecclestone led the Pledge of Allegiance.

IV. APPROVAL OF AGENDA

Vice Chair Frank requested that item VIII. PROPOSALS FROM COASTAL SYSTEMS INTERNATIONAL, INC. be pulled from the Consent Agenda for discussion.

Motion to approve the Agenda as Amended made by Member Goldstein and seconded by Vice Chair Frank. On voice vote, the motion carried unanimously 4-0.

V. APPROVAL OF THE MINUTES OF THE JUNE 25, 2009 MEETING

Motion to approve the Minutes as presented made by Vice Chair Frank, seconded by Member Goldstein. On voice vote, the motion carried unanimously 4-0.

VI. COMMUNICATIONS FROM SHORE PROTECTION BOARD MEMBERS

Vice Chair Frank had a question in relation to the response from the DEP's Reach 8 permit. He asked to discuss things that may have been learned from the denial of the permit by DEP Director Mike Sole and what could the Town learn from it. Coastal

Coordinator Robert Weber indicated they could have an item on the next agenda. Town Manager Elwell indicated that some changes have already been implemented that reflect adjustment to the approach from Judge Meale's decision as well as the DEP denial.

VII. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

There were none.

CONSENT AGENDA:

VIII. PROPOSALS FROM COASTAL SYSTEMS INTERNATIONAL, INC.

This Item was pulled from the Consent Agenda by Vice Chair Frank for discussion.

A. Dredging for Lake Worth Inlet (LWI) Maintenance and Settling Basin, Permitting

Mr. Weber requested that the Shore Protection Board recommend to the Town Council to provide conditional approval of the Coastal Systems International, Inc. (CSI) proposal for the Lake Worth Inlet Maintenance and Settling Basin, Tri-Party Permitting Effort (Town Share \$102,000); and approve the CSI proposal for Litigation Assistance, Initial Consulting Services Task (\$15,000).

Member Lindsay Buck stated that she did not realize that the USACOE had dredged this year. Mr. Weber indicated that the USACOE was here for one day earlier this summer for a one day period. Vice Chair Frank asked if the normal dredging of the Port will continue. Town Manager Elwell indicated that the USACOE is legally obligated to dredge, but they have not done it in a timely manner which affects the Town.

Motion made by Member Goldstein and seconded by Member Lindsey Buck to recommend approval of Town Council for the project. On roll call the Motion passed 4-0.

B. USACE Litigation Assistance

Motion made by Vice Chair Frank and seconded by Member Goldstein to provide litigation assistance. On roll call the Motion passed 4-0.

IX. PROPOSAL FROM APPLIED TECHNOLOGY & MANAGEMENT, INC. TO REVIEW EXISTING COASTAL CONSTRUCTION EASEMENTS

X. MONTHLY SHORELINE CONDITION ASSESSMENT [Robert Weber, Coastal Coordinator]

Member Katz arrived at 9:18 a.m.

Vice Chair Frank commended Mr. Weber on his Shoreline Condition Assessment. He indicated that the report is not necessary on a monthly basis and unless there is a drastic change, it would not be necessary. Member Lindsay Buck added that the Town has not had a clear picture of data for an entire year. She would like to see a good twelve month assessment and then perhaps report it less frequently to the Shore Board in the future. Chair Ecclestone indicated that he feels it is important to have the data. Mr. Weber felt a one year report would be a good opportunity and feels the information will be useful.

Council Member Diamond asked if the public can access the data and have a simple grading system to show if each Reach is accreting or eroding. Mr. Weber responded that he had not heard of anyone doing that before but he will research it. Member Lindsay Buck stated that some of the accretion trends are seasonal and the drift may be to the North in the summer, but could change at other times of the year. Member Katz stated that these are only photographs. Town Manager Elwell stated that this information is supplemental and is hesitant to label the photos because there is a distinction between real measurements versus observations. Technical data is calculated differently.

Member Goldstein stated that if you published it monthly, people may get the wrong idea. It can provide a false sense of security.

Larry Goldberg, 3360 S. Ocean Blvd., spoke regarding hardbottoms. He invited the Shore Board to come to where he lives to see exposed hardbottom. There is more now than there was two months ago.

Motion to approve the Consent Agenda as Amended made by Member Lindsay Buck, seconded by Vice Chair Frank. On voice vote, the motion carried unanimously 5-0.

XI. NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION NATIONAL MARINE FISHERIES SERVICE [Jocelyn Karaszia, Fishery Biologist, Habitat Conservation Division]

Ms. Jocelyn Karaszia, Fishery Biologist, Habitat Conservation Division spoke to the Shore Protection Board and gave a Power Point presentation. A copy was submitted into the record. Chair Ecclestone asked about the timeframe for a Section 7 consultation. They have 135 days for a biological opinion. Chair Ecclestone asked her if she is involved in permitting and asked if she has good records of the past projects the Town has done. She responded that NOAA does do permitting and the agency does require monitoring and is moving towards better mitigation techniques.

Chair Ecclestone asked how her how deep the water needs to be and Ms. Karaszia responded that generally it is 0-4 meters. He also asked about the turtles and if they eat

1 the hardbottom and then move on. She noted that she does not work with turtles and is
2 only responsible when the turtles are in the water, but they do use the hardbottom for
3 shelter and feeding.

4
5 Member Lindsay Buck asked about the natural processes. She asked about seasonal
6 fluctuations and if the fish perish in changes or if they relocate. She also asked what
7 happens when the hardbottom is naturally covered. Ms. Karaszia stated that it depends on
8 life cycle history. Member Lindsay Buck asked where the dynamic hardbottom is. Ms.
9 Karaszia responded that there are different methodologies used and what is persistent
10 hardbottom. Member Katz said he wanted a more specific answer from her and asked her
11 about the two Town projects- Mid Town and Reach 7. He asked Ms. Karaszia if she had
12 done monitoring and what were the results and what would she advise based on real
13 completed projects. She responded that her office does not do the monitoring, but the
14 Town's consultant does it. NOAA looks at recovery and impacts to develop the
15 appropriate monitoring protocols. He asked again about the results. He wanted to know
16 what the Town has done right and what has the Town done wrong. She said she was only
17 asked to talk about the process but said that she would be happy to come back at a later
18 date. She said that she is working with SE FL Coral Reef Initiative (SEFLCRI) and the
19 projects in Palm Beach County will be included in the review.

20
21 Mr. Weber mentioned that the USACOE has a "road show" on September 24, 2009 in
22 Fort Lauderdale, FL and it would be the same day as the Shore Protection Board meeting.
23 Mr. Weber suggested to the Board that a few of the questions directed to Jocelyn
24 Karaszia be more appropriately redirected to USACOE. He suggested having the Shore
25 Protection Board meeting the following day and any Shore Board Members could attend
26 the road show.

27
28 Chair Ecclestone stated he does not accept the fact that the inlet is not the cause of a lot
29 of the Town's problems. The Shore Protection Board feels the federal government has a
30 responsibility to remedy the problem that they created. Chair Ecclestone thanked Ms.
31 Karaszia for providing her perspective.

32
33 Member Lindsay Buck said there is a multifaceted way of protecting the shoreline, and
34 asked if anyone was looking at the big picture. Was there any way to come up with a
35 solution from inlet to inlet? She noted that there does not seem to be anyone looking at
36 the large picture only what each agency is responsible for. Ms. Karaszia agreed that the
37 large picture that should be reviewed.

38
39 Vice Chair Frank stated that the number one tourist attraction to Florida is its beaches.
40 Then there are the agencies that the Town is required to work with and hoped there would
41 be a better cooperating situation. He cited natural hardbottom exposure that the Town
42 wants to cover again as it once was, but the agencies will not allow it. There should be a
43 compromise. Ms. Karaszia responded that in the early 1990's that agencies starting
44 requiring mitigation. She said the fishery resources are not the same and are responsible
45 for regulatory assistance in deeper water. Vice Chair Frank thanked her for her answer.

46
47 Member Goldstein stated that ten years ago, there was no hardbottom in Reach 7. In

1 Singer Island, there is a mitigation reef that has 2 layers of rocks. Mr. Weber indicated
2 that it is not completed yet. Jocelyn indicated it was designed with the best possible
3 information and hopefully be a good habitat. Member Katz said he had a comment about
4 species. He brought up the human species. He said there are some big choices because
5 there are buildings that are now endangered.
6

XII. COASTAL MANAGEMENT: PERSPECTIVE FROM A LOCAL
MUNICIPALITY [Jennifer Bistyga, Coastal Projects Administrator, City of Boca
Raton]

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8 Ms. Jennifer Bistyga, Coastal Projects Administrator for the City of Boca Raton, gave a
9 Power Point presentation to the Board. A copy was provided for the record. She
10 discussed numerous projects with the City: the North Boca nourishment project, the
11 Central Boca Raton Beach nourishment project, the inlet dredging project, and the South
12 Boca Raton Beach nourishment project overviews.
13

14 Chair Ecclestone asked what the buffer zone was relative to hard bottoms. She explained
15 that the distance between the edge of the borrow area sites and the edge of the
16 hardbottom is measured. The measured distance, called the "buffer zone", is not to be
17 less than 400 feet. The agencies are considering an expansion of the "buffer zone" to
18 require 600 feet between the borrow area sites and the hard bottom. Ms. Bistyga
19 mentioned that the Town and the City should look to "time" the beach projects together
20 in an effort to minimize dredge mobilization costs. Mr. Ecclestone felt it would be
21 beneficial to work together with the timing of coastal projects. Member Katz asked about
22 the structure of the City's staff and who she reports to. She reports to the Director of
23 Municipal Services and the Director reports to the City Manager. The City has two
24 coastal engineering consultants, Coastal Planning & Engineering, and Applied
25 Technology & Management. The length of the beach in Boca Raton is approximately five
26 miles. The costs for the North Boca project contained a federal component that cost
27 \$200,000. The total permitting costs are approximately one million dollars. She did not
28 know the cost of structures and will provide that information to the Shore Board.
29 Member Katz requested breakdown of all the fees.
30

31 Member Lindsay Buck noted that Palm Beach has 12 miles within Palm Beach and the
32 Town is trying to move sand. She asked how deep the Boca inlet is and it is only 7 feet.
33 The Palm Beach inlet is 30 feet and much wider also. Member Lindsay Buck asked Mr.
34 Weber what the annual cubic yards per year pumped from the Transfer Plant would be.
35 250,000 per year was his response and that is not enough to fill the deficit of sand that the
36 Town is losing. Vice Chair Frank noted that Boca Raton is very ahead of the Town of
37 Palm Beach and he asked about the 50 years program. When Boca applied to be a federal
38 project- it was for a 50 year project and had a general design memorandum. They are
39 required to subsequently submit reports and it was only for the North Boca project.
40

41 Vice Chair Frank asked about the relationship with Palm Beach County. She responded
42 that they have an interlocal agreement with the county and get reimbursed 20%. Vice
43 Chair Frank asked about the taxing district and she will provide information to Mr.
44 Weber since she was not familiar with its details. Member Goldstein commended her for

her presentation and said it was very informative. Chair Ecclestone thanked her for coming. Vice Chair Frank said that the DEP is difficult but Ms. Bistyga indicated that DEP is the first step in the process and it is a give and take process. They had to fly to Tallahassee several times and make concessions.

XIII. INTRODUCTION TO TAYLOR ENGINEERING, INC. [Rajesh Srinivas, Ph.D., P.E., Vice President (Operations), Taylor Engineering, Inc.]

Rajesh Srinivas, Ph.D., P.E. Vice President of Operations for Taylor Engineering and several staff members presented a Power Point presentation to the Shore Protection Board. A copy was provided for the record. He highlighted many of the projects Taylor Engineering has conducted in Florida.

Mr. Ed Hodges, Project Manager for Palm Beach, spoke next and stated that he had worked for the USACOE for over thirty years. He continued with the Power Point presentation and discussed the challenges of the Town of Palm Beach. Vice Chair Frank asked what a perched beach was, and he was told they are not very common in Florida, but are seen mostly in the Great Lakes area.

Member Katz stated that Taylor Engineering provided an analysis of Reach 7 in February 2008. Mr. Srinivas stated that they studied the impacts of frequent storms on the shorelines. Vice Chair Frank stated that there is a hardbottom problem in South Palm Beach. Mr. Srinivas responded that the projects change with technologies. Vice Chair Frank stated that there has been no mention of saving the buildings and felt it should be looked at. Vice Chair Frank was happy that Taylor Engineering is working with the County, the Tri-Party agreement and now with the Town.

INFORMATIONAL ITEMS:

XIV. EROSION CONTROL LINES, ENGINEERED BEACHES, AND CRITICALLY ERODED BEACH DESIGNATION [Robert Weber, Coastal Coordinator]

Mr. Weber indicated that the next items to be discussed were requested at one time or another by the Board Members. The Erosion Control line information was provided in the back-up. Member Katz asked about the status of Reach 7. Mr. Weber stated that the Sand Transfer Plant rehabilitation is underway- the materials have been ordered and will be operational by December. Phase II includes the extension of the discharge pipe. Town staff is currently in the process of working with a consultant to obtain a proposal for the design and permitting effort.

Member Goldstein noted that the Shore Board Members had not addressed Reach 7 - and suggested that they set up a formal plan. Member Katz stated there are a number of coastal management projects in progress. **He requested on a monthly basis, a project start date, monthly update and how much it will cost the Town.** He felt that in 2-3 months, the residents will be asking what has been accomplished. There should be hard

1 answers. Mr. Weber said he would provide the requested information within the monthly
2 Coastal Update.

3
4 Town Manager Elwell indicated there are many projects underway and he will discuss
5 budgeting later in the meeting. As the Board prepares its report for the Town Council,
6 there will also be prioritization of the projects and the costs associated with it. Chair
7 Ecclestone indicated that the Town Council should figure out where the money should
8 come from and not the Shore Board. Town Manager Elwell added that the Town Council
9 has tentatively approved the \$7.7 million for shoreline projects. He cautioned them to
10 keep adding costs that are not part of a prioritized list. Town Manager Elwell indicated a
11 report was given to them in the back up materials provided to the Shore Board Members.
12 Member Goldstein is concerned about Reach 7 and the sand is going South and the Town
13 is losing it as fast as we are spending money on it.

14
15 Member Goldstein talked about adding structures and wished to pursue engineering
16 studies. Mr. Weber clarified that there is money in the FY 2010 budget for an engineering
17 study and the start of the permitting process for Reach 7. Vice Chair Frank commended
18 Mr. Weber for his report. He noted that part of the problem on Reach 8 is that it is not
19 designated as a critically eroded designated beach. Mr. Weber suggested working with
20 the City of Lake Worth on this topic, prior to engaging a consultant to take on the
21 critically eroded beach designation again.

22
23 Mr. Weber discussed engineered beach designation. Mr. Elwell anticipates that
24 engineered beach designation will not be a lengthy project and may not be too expensive.
25 If we have a storm, then the Town would have the ability to get FEMA reimbursed.
26 Member Lindsay Buck stated that this was her idea months ago and if done, could be cost
27 effective in the future- but thinks it may not be very expensive to do and should be added
28 as a request. Coastal Coordinator Robert Weber will bring proposals for both potential
29 projects and the Board can provide a recommendation to the Town Council which
30 projects, if any, to proceed with. This discussion will be an Agenda Item for the August
31 27 meeting.

32
33 Town Manager Elwell heard from several of the Shore Board Members that the Town is
34 trying to "catch up", and at the risk of not sounding defensive, he wanted to clarify some
35 items. As compared to the City of Boca Raton, they have done a great job with their
36 coastal program. He added that they are very parallel to the same storms and FEMA
37 reimbursements are very similar. The opportunity to use FEMA Fay money will come to
38 them in November and the Town staff is doing the necessary required background work.
39 Member Goldstein noted that Boca Raton started with their projects in the 1980's.
40 Member Lindsay Buck stated about the critically eroded designation asked if there are
41 any beaches that are not engineered, that are considered critically eroded. Coastal
42 Coordinator Robert Weber informed that, except for the section of Reach 8 under
43 discussion, the rest of the Town's shoreline is designated as critically eroded. He added
44 that the only sections of beach that are "engineered" are the locations of the Mid-Town
45 and Phipps beach nourishments. **Member Katz requested a list of critically eroded**
46 **beaches in Town and engineered beaches should be a separate list.**

Mr. Ralph Rafaniello, 2275 S. Ocean Blvd., asked if the Shore Protection Board has all of the necessary information to make decisions for the \$7.7 million and there is a prioritized list. Chair Ecclestone responded that they have approved the projects and there is a lot of work to do. Mr. Rafaniello stated that new speakers are still providing new information.

XV. SEDIMENT BUDGET [Robert Weber, Coastal Coordinator]

Member Lindsay Buck asked for a brief discussion and explanation on the Sediment Budget. The maps provided to the members shows the sand deposited and the volume of sand over an 18 year period at approximately 1000 foot intervals. Town Manager Elwell added that this sediment budget relates directly what Council Member Diamond was asking about. They are technically engineered documents that show the trends in sand management. When the new data from August 2009 is available, there will also be historical data. Mr. Weber indicated he will provide all the members with a CD of the report and will meet with each member to go through it. Town Manager Elwell offered to show highlights into the backup for the Town Council.

XVI. SHORE PROTECTION BOARD RECOMMENDED COASTAL MANAGEMENT WORK PLAN TO BE SUBMITTED TO TOWN COUNCIL, NOVEMBER 2009 [Robert Weber, Coastal Coordinator]

Town Manger Elwell indicated each board member needs to submit to Mr. Weber their recommendations and priorities. He encouraged them to be flexible and to understand that when Mr. Weber presents the draft next month, it will be a very rough draft. The deadline to submit is the August meeting date (August 27). Town Manager Elwell also noted that there is a City and Countywide effort going on. The Countywide Coastal Council and Council President Pro Tem Coniglio wrote to Governor Crist and have exchanged correspondence regarding the shoreline issues in our area.

Larry Goldberg, 3360 S. Ocean Blvd., spoke about the definition of critically eroded beach and said the state is not following definition and is travesty. The Shore Protection Board should become part of a group to keep pressure on the state.

There was discussion of rescheduling the September Meeting to the 25th and go to the USACOE "road show" on September 24th at the Hilton in Fort Lauderdale. Mr. Goldstein asked if Town Manager Elwell would invite Congressman Klein and ask his aide to inform him about the USACOE meeting as well as inviting Senator Atwater's office. Regarding the August meeting date, there was discussion about holding a meeting or not. It was decided that the Shore Protection Board would continue to hold a regular meeting on August 27, 2009.

XVII. CONSULTANT PROPOSALS RELATED TO TOWN-WIDE GROIN ASSESSMENT [Robert Weber, Coastal Coordinator]

Mr. Weber requests that the Shore Protection Board review the proposals by Isiminger & Stubbs Engineering and provide direction on this item to take to the Town Council for approval. Mr. Weber currently has a proposal from Coastal Technology Corporation. Mr. Charles Isiminger spoke that his strengths are in field work and that is why they submitted two different proposals and recommended outsourcing the modeling components of the projects.

Vice Chair Frank asked about groins that have harmed the flow of sand. Does any modeling show detrimental aspects as well? Member Katz asked about the status of the current groins. Mr. Weber responded that groins were briefly assessed in the 1986 CCMP and 1998 CCMP update. The Town has a "scroll" from 1932 that shows historic groin data. Member Katz asked why Isminger didn't propose to do the same analysis ten years ago when he worked on the previous Shore Protection Board. He replied that there is a realization of the shortfall of the neglecting the detailed groin assessment now. Mr. Katz then asked if Isiminger has done that type of analysis in other municipalities. Mr. Isiminger has not. Member Katz also asked what will the end product look like and would it be put into the GIS database and include surveys, sand elevations, outline of rubble of rock components and top elevations. Member Katz said the Town does not have the money to do everything that the Board wants to do. Mr. Weber mentioned that the judge recommended that more of a town-wide approach be made to coastal management in the Town as opposed to only Reach specific. The study will provide a town-wide study and prioritize the projects that need to be accomplished.

Member Katz asked Coastal Technology Corporation Principal, Michael Walther, if there is an in-house Ph.D. to perform the modeling or if it is outsourced. Mr. Walther indicated that they have two in house employees with Ph.D.'s that do the work. Member Katz asked what makes an "expert" in modeling? Is a Ph.D. necessary to produce better modeling data? Mr. Walther said that a Ph.D. is not necessary but better results are found in concert with a higher education level. Member Goldstein asked Mr. Isiminger about the Bath and Tennis Club. Mr. Isiminger said they reconfigured the groins at the Bath and Tennis Club. Member Goldstein asked about the bottom of Reach 6 and Mr. Isiminger is not familiar with that area. Mr. Isiminger indicated that groins do affect the flow of sand-that is what they are designed to do.

Mr. Walther said his proposal was broken into two parts. Member Goldstein asked about the cost of Reach 6 would be approximately \$10,000.00. Member Lindsay Buck noted that the groins at the Bath and Tennis were pretty functional when they were rehabilitated. She expressed concerned about doing the study right now, because of the newly provided info on the sand budget, and would like time to review the information provided. Town Manager Elwell stated this is a question of timing. At the next meeting, there will be discussion of the plan and could be discussed it again next month as a component. Chair Ecclestone gave his opinion that the Town has not maintained these for

over 70 years and he feels it is important to know where they are, how they function, and if they are worth fixing. He wants an opinion started and feels it needs to be done.

Member Katz stressed that he is an engineer and he does understand modeling. The input is as important as the input. You need to understand the input. The one who does the model is the company who understands the project the most. Mr. Walther indicated that Isiminger's proposal for the field work has been refined and contains the information necessary to perform the modeling. Mr. Wlather added that they have coordinated with the Isminger firm on the project. Member Katz asked why Coastal Tech. did not submit a proposal. Chair Ecclestone answered that Mr. Isiminger's firm has the most experience and has been successful. Member Katz responded that he is a businessman as well and asked Mr. Weber why Coastal Tech. was not selected to perform all the work. Mr. Weber responded that his understanding was that the SPB directed staff to split up the work and use all of the nine coastal engineering firms. Previously, the Town has relied on one firm to perform all the work within Town, independent of peer review or cross referencing. This particular project was set up to have both firms work together, using their respective strengths, to provide checks and balances on the project. Member Goldstein indicated that what Mr. Weber indicated was correct and was what the Shore Protection Board had directed him to do.

Member Lindsay Buck asked if it is easier to permit a functional groin vs. non-functional. She was informed that functional groins are easier to get permitted for rehabilitation.

Motion made by Vice Chair Frank to contract with Isiminger, seconded by Member Goldstein.

Member Katz asked if Coastal Technology Corporation was willing to sign off on the project. Mr. Walther said he respects Isiminger and will have a collaborative effort with him. They will most likely sign off on their work. Mr. Walther said he has been coordinating with Mr. Isiminger and Town Staff, has seen Isiminger's proposal and approves of it.

On voice vote, the motion passed 3-2 with Katz and Lindsey Buck dissenting.

XVIII. ITEMS FOR FUTURE MEETINGS [Robert Weber, Coastal Coordinator]

Sand Transfer Plant Phase II, Design and Permitting

Mr. Weber mentioned that a proposal from a coastal consultant will be provided at the August meeting for the Sand Transfer Plant Phase II, Design and Permitting.

Comprehensive Coastal Management Plan

1 Member Goldstein requested that a project at the north end of Reach 7 be discussed at
2 the next meeting. Mr. Weber mentioned that a proposal from a coastal consultant will be
3 provided at the August meeting for the north end of Reach 7 for a structures study.
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5 XIX. ADJOURNMENT

6 There being no further business, the Shore Protection Board meeting of Thursday, July
7 23, 2009 was adjourned at 1:20 p.m.
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APPROVED:

A handwritten signature in dark ink, appearing to read 'E. Llwyd Ecclestone', written over a horizontal line.

E. Llwyd Ecclestone
Chairman