

# TOWN OF PALM BEACH

Office of The Town Clerk

## REPORT OF THE SHORE PROTECTION BOARD HELD ON THURSDAY, JUNE 25, 2009

### I. CALL TO ORDER

The meeting of the Shore Protection Board was called to order at 9:10 a.m. on Thursday, June 25, 2009, at the Emergency Operations Center, 355 S. County Road, Palm Beach.

### II. ROLL CALL

On roll call, Members present were Chair Ecclestone, Vice Chair Frank, Member Katz and Member Hicks. Members Lindsay-Buck, Goldstein and Raffo were absent with unexcused absences.

### III. PLEDGE OF ALLEGIANCE

Chair Ecclestone led the Pledge of Allegiance.

### IV. APPROVAL OF AGENDA

The following changes were made to the Agenda:

**DEFERRED:** Item XI Coastal Management: Prospective from an Adjacent Municipality (Jennifer Bistyga, Coastal Projects Administrator, City of Boca Raton, was deferred until the July meeting.

**MOVED:** Item XVII Proposal for FEMA Dune Restoration State and Federal Permitting was moved to Item XI.

**Motion to approve the Agenda as Amended made by Vice Chair Frank, seconded by Member Hicks. On voice vote, the motion carried unanimously.**

### V. APPROVAL OF THE MINUTES OF THE MAY 28, 2009 MEETING

Member Hicks noted that he wanted a bullet item for the CCMP added to the future items for discussion.

1 **Motion to approve the Minutes as Amended made by Member Hicks, seconded by Vice**  
 2 **Chair Frank. On voice vote, the motion carried unanimously.**  
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 6 VI. COMMUNICATIONS FROM SHORE PROTECTION BOARD MEMBERS

7 Vice Chair Frank stated there has been progress since the last meeting. The Town has  
 8 recommended four consultants to work with the Town on shoreline issues. The next issue is  
 9 to locate sand for the beaches. Money is coming from FEMA, and he suggests that the  
 10 lobbyists for the Town provide an update to the Shore Board in the future.

11 Member Hicks stated that he wanted the shore board to develop a long term plan for  
 12 management of coastal features of the island. There are now nine consultants that the Town  
 13 can use for various coastal projects. He would like to have a discussion regarding the CCMP  
 14 at the next meeting. He asked that it placed on the agenda. Chair Ecclestone agreed and  
 15 reminded the Board that they must report a plan to the Town Council by November.

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 18 Member Katz stated that he was opposed earlier to hiring ATM for shore protection. The past  
 19 reflects mistakes made and the Town should move toward success in the future. Member  
 20 Katz referenced the editorial written by Council Member Kleid in the local newspaper  
 21 describing how difficult the process is. You could have the best company doing the work, but  
 22 if they are unable to get through the process, the end results may not be attained. Chair  
 23 Ecclestone noted that the review committee selected the consultants in a public meeting and  
 24 four new consultants were selected. Chair Ecclestone noted that he would like the Board's  
 25 approval of those consultants to recommend to the Town Council. He also noted that there  
 26 are 80 groins in town. It is possible that the shore will cost up to \$100 million dollars to the  
 27 Town to install barriers and maintain the shoreline. Member Hicks mentioned the November  
 28 deadline to the Town Council. He asked for clarification on what was to be presented. Chair  
 29 Ecclestone noted that it would most likely be a plan to be presented to the Town Council.  
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31 VII. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

32 There were none.  
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34 VIII. FLORIDA'S MARINE TURTLE MANAGEMENT PROGRAM [Robbin N. Trindell,  
PhD., Imperiled Species Management, Florida Fish & Wildlife Conservation  
Commission]

35 Robbin Trindell, PhD from the Imperiled Species Management at the Florida Fish & Wildlife  
 36 Conservation Commission gave a Power Point presentation to the Shore Board Members. A  
 37 copy was provided for the record.

Chair Ecclestone asked her if the Florida Fish and Wildlife Conservation Commission was a public agency. She noted that it is an agency appointed by the Governor. Financial support comes from sea turtle license tag revenue, and other State funds.

Chair Ecclestone stated that if there is no sand, there is no place for the turtles to nest. There are a few areas in Palm Beach that have hardly any sand. There is also hardbottom that the turtles eat off of. He stated that perhaps a half a loaf would be better for everyone if there is some compromise. He noted that the hardbottom did used to be covered years ago, but erosion has uncovered it.

Council Member Diamond asked about the hatchlings traveling a few miles to the gulf waters. If there are breakwaters, does that prohibit the turtles from reaching the gulf stream? Ms. Trindell acknowledged that with submerged breakwaters, the turtle behavior is altered and they do tend to pause when they reach the breakwaters.

Member Hicks stated that the costs are enormous per cubic yard. He asked a question regarding coastal structures. Ms. Trindell stated that there is data to suggest that turtles will avoid certain areas of structures.

Member Katz wanted to know what the Town could do. Although sensitive to turtles, there are property owners that are about to lose their beaches, and the shoreline is encroaching on the buildings. Vice Chair Frank had a suggestion that if there are locations that the turtles cannot nest because there is not enough beach, could her agency recommend projects where there is not enough sand. Ms. Trindell agreed and said that she feels small scale beach re-nourishment is a solution to help with the limited sandy beaches available for sea turtle nesting.

She commended the Town on its lighting ordinance and how it has significantly impacted the turtle effort. The Town supported the Turtle effort with no turtle disorientations in the past year due to lighting.

IX. THE ENDANGERED SPECIES ACT: SECTION 7, INTER-AGENCY COORDINATION [Jeff Howe, Fish & Wildlife Biologist, United States Fish and Wildlife Service]

Jeff Howe, US Fish and Wildlife Biologist, from the US Fish and Wildlife Service, gave a power point presentation to the Shore Board Members highlighting the functions and roles of the US Fish and Wildlife Service as they relate to endangered species. A copy was provided for the record.

He highlighted the differences between Section 7 and Section 10, noting that Section 10 process is much longer because it involves an incidental take permit. A "Take", as defined by the Endangered Species Act, as to "harass, harm, pursue, hunt, shoot, wound, kill, trap,

capture, or collect, or attempt to engage in any such conduct" with a protected species. Chair Ecclestone asked Mr. Howe if he was involved in the permitting process. Mr. Howe responded that he does work on the coastal permit issues and is willing to work with the Town. Another agency that is also involved is the National Marine Fisheries Service. Chair Ecclestone asked Public Works Director Paul Brazil if the Town submits to both agencies at the same time. Mr. Brazil responded that they are sent courtesy copies and when the time is appropriate, there is generally a face to face meeting with the agencies that is helpful. The US Army Corps of Engineers and the Florida Department of Environmental Protection are the permitting agencies. They do, however, seek opinions from the other agencies that are impacted.

Council Member Diamond asked Mr. Howe about "re-initiation" and Mr. Howe stated it would most likely come under the USACOE purview. Re-initiation occurs when there has been a change in the footprint of the plan.

Member Hicks asked if there is an incidental take would that trigger a formal consultation. Council Member Kleid asked about focusing on Reach 8 and asked about how long it took to give the biological opinion, and did they need additional info. Mr. Howe stated that he did not recall the exact dates, but when he gets requests from the USACOE, there is almost always something else that is needed. He recalled that he did turn around the opinion fairly quickly.

Peter Pettie, 3400 S. Ocean Blvd., asked about having better coordination between US Fish and Wildlife Service and the USACOE. He noted that a lot of time is wasted going back and forth between the two agencies.

Member Hicks stated that making sure the consultants are providing the most in-depth report to the agencies makes it possible to save time later on.

Council Member Diamond asked for a chart of all the agencies and have the life of a sea turtle and all of the agencies it must deal with highlighted. Vice Chair Frank wanted to know if all of the agencies are tackled one agency at a time, or if they all are contacted at the same time. Mr. Brazil responded that the FDEP application gets copied to all the agencies at the same time.

Council Member Diamond said he heard one turtle is under the purview of five different agencies. Mr. Brazil thanked the speakers that appeared today and said that a lot of the time is spent during the studies, gathering information. He clarified that the agencies are not changing the minds of the USACOE but they are more of a clarification of the finding and may modify or change a permit.

X. INTRODUCTION TO COASTAL TECH [Michael Walther, P.E., Director of Engineering, Coastal Technology Corporation]

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2 Michael Walther, P.E., Director of Engineering from Coastal Technology Corporation gave a  
3 power point presentation. A copy of the presentation was submitted into the record.  
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5 Council Member Diamond asked about the use of reef balls and asked Mr. Walther his  
6 opinion. Mr. Walther responded that reef balls are a propriety product. He is recommending  
7 them as a project for a private client. Council Member Kleid asked about the ALJ decision on  
8 the GENESIS model. He also inquired about the Indian River project and how long it has  
9 been going on. He also asked about placing the sand on the beaches and asked if that would  
10 be the best thing to do.  
11

12 Mr. Walther stated that fundamentality the GENESIS model is a one line model and a  
13 characteristic of beach in a two dimensional scope. The beaches are in the shape they are in  
14 because of hardbottom. GENESIS is a good tool for predicting trends. He noted that there  
15 are other models out there that could be used. With regard to Indian River County, an  
16 application was filed in January 2008 and it is 18 months later, and they are expecting to  
17 obtain a permit from DEP shortly. In answer to Council Member Kleid's question about sand  
18 placement, first, there are choices to be made about how and where you want sand placed.  
19 That should be part of the planning process. One must understand the entire system as a  
20 whole. Council Member Kleid stated that he attended a meeting with members of staff and  
21 had several agencies present and by phone, he wanted people to understand that the Town  
22 and its staff are trying to get all agencies together in the same room. Mr. Brazil indicated that  
23 it took place early on in the Reach 8 process.  
24  
25

26 Member Katz asked if they were the engineer of record of the Reach 7 project and asked for  
27 a copy of the report. Next, Member Katz asked about the Sloan's Curve area and how the  
28 erosion problem became worse. Mr. Walther would re-evaluate all of the decisions that were  
29 previously made. Member Katz asked about the sand quality and where there is another  
30 beach in Florida with an overfill factor is three. Mr. Walther responded that he has had  
31 experience with overfill factors of ten, and that the criteria of the State Standards is always  
32 changing. The history of beach restoration shows that in many projects, the best sand that is  
33 available at that time is used.  
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35 Vice Chair Frank asked about the project in 2007 in Indian River County. Mr. Walther said  
36 the project was delayed by the County's ability to fund the project. He added that there were  
37 some environmental issues as well. Vice Chair Frank also asked about rebuilding the groins.  
38 Mr. Walther responded that coastal engineering is an art and a science. Vice Chair Frank  
39 noted that Mr. Walther used to be the Chairman of Surfriders, and asked if he could be  
40 helpful. Mr. Walther noted he was chairman of the national association for four years and  
41 does not advise Surfriders on litigation, as it is a conflict of interest.  
42

43 Mr. Walther responded that if sand kept being placed on Mid-Town, eventually that sand  
44 would migrate south into Reaches 5 and 6. Council Member Kleid indicated that he lives on

1 Reach 7 and he thinks there is a great beach there. Member Katz stated that where Council  
2 Member Kleid resides there is beach, and said that there is no sand at the north end of Reach  
3 7 at Phipps Ocean Park.

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5 Peter Pettie, 3400 S. Ocean Blvd., asked about the projects that Coastal Tech did and asked  
6 about current status of projects, and in spring of 2008 he was surprised that Reach 7 had  
7 eroded at such a high rate without a major storm causing it. Mr. Walther responded that he  
8 was not surprised about Reach 7 due to the deprivation of sand. Relative to the Santa Rosa  
9 County project, overall the project is performing very well. He reminded them that there will  
10 always be nuances in any project. Member Katz stated that the Town spent seven million  
11 dollars on Reach 7. Mr. Brazil offered clarification that not all of the sand is gone and he also  
12 did confirm that Tropical Storm Fay occurred in 2008 and effected the Reach 7 project  
13 performance. FEMA is looking to reimburse the Town for a portion of the costs associated  
14 with trucking in sand from Tropical Strom Fay..

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16  
17 Member Hicks about the projects in Charlotte County and if Mr. Walther evaluated  
18 conceptually the use of structures. Ultimately, the structures were not economically feasible.  
19 Member Hicks asked if the Town should develop a plan that is Town-wide, or develop a  
20 model that is site specific. Vice Chair Frank announced that two of the Councilman were in  
21 the audience (Kleid and Diamond). The Town must do a lot of catch-up and we all have to  
22 address the issues forever. Chair Ecclestone asked about Reach 7 and Mr. Walther knew  
23 there were groins north of the project. Mr. Walther said that sand will continue to erode in  
24 that area due to sand deprivation. Member Hicks asked what a priority of the Town should  
25 be.

26 Mr. Walther stated that improvements at the Lake Worth Inlet should be top priority. Reach 2  
27 has a close proximity of shoreline to the hardbottom and is also a big issue. Refurbishment of  
28 the Sand Transfer Plant, re-nourishment of Mid-Town and Reach 7 are the top three issues,  
29 in his opinion.

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32 XI. COASTAL MANAGEMENT: PERSPECTIVE FROM AN ADJACENT  
33 MUNICIPALITY [Jennifer Bistyga, Coastal Projects Administrator, City of Boca  
Raton] TIME CERTAIN 2PM

34 *This item was deferred until the July Shore Board Meeting.*

35 XII. JUNE 2009 COASTAL STATUS REPORT [Robert Weber, Coastal Coordinator]

36 Informational item only.

XIII. INTER-LOCAL AGREEMENT [H. Paul Brazil, Director of Public Works]

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2 Informational item only.  
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5 XIV. CCNA COASTAL ENGINEERING SERVICES RESULTS [Robert Weber, Coastal  
6 Coordinator]

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8 Public Works Director Paul Brazil asked for action to take to the Town Council to ratify the  
9 coastal engineering results.

10 **Motion to proceed with the CCNA selections made by the selection committee made by**  
11 **Member Hicks, seconded by Vice Chair Frank. On voice vote, the motion passed 3-1**  
12 **with Member Katz dissenting.**

13 Member Katz wanted transcripts and audio of the selection committee meeting. He asked  
14 why the Town did not go for nine firms initially. The direction came from the Town Council  
15 to seek new proposals and advertised internationally at the request of the Shore Board Chair.  
16 The Town Clerk will provide Member Katz with an audio from the selection meeting.  
17

18 XV. TOWN PREPARATIONS FOR COASTLINE EMERGENCY [H. Paul Brazil, Director  
19 of Public Works]

20 Informational item only.

21 XVI. MONTHLY SHORELINE CONDITION ASSESSMENT [Robert Weber, Coastal  
22 Coordinator]

23 Informational item only.

24 XVII. PROPOSAL FOR FEMA DUNE RESTORATION STATE AND FEDERAL  
25 PERMITTING [H. Paul Brazil, Director of Public Works]

26 *This item was moved to become Item XI.*

27 **Motion by Vice Chair Frank, seconded by Member Katz, to approve the proposal for**  
**FEMA Dune Restoration . On voice vote, the motion carried unanimously.**

XVIII. PROPOSAL FOR FDEP PERMIT REQUIRED ENVIRONMENTAL  
MONITORING [H. Paul Brazil, Director of Public Works]

XIX. PROPOSAL FOR FDEP PERMIT REQUIRED AND TOWN-WIDE ANNUAL PHYSICAL MONITORING [H. Paul Brazil, Director of Public Works]

XX. PROPOSALS FOR EIS DEVELOPMENT AND ENGINEERING FOR REACH 8 BREAKWATERS [H. Paul Brazil, Director of Public Works]

XXI. RECOMMEND TRAVEL COST REIMBURSEMENT FOR ROBERT YOUNG, MAY 28, 2009 SPB MEETING [Robert Weber, Coastal Coordinator]

Public Works Director Brazil offered to the Board to approve the four listed Action Items as a Consent Agenda, unless any Member wanted the item discussed. Chair Ecclestone conveyed that he would like to see a Consent Agenda on future agendas. Member Hicks did not object to approving the above four items as a consent agenda, but was concerned that the 1000 feet approved for re-nourishment was all that was allowed for Reach 8- Mr. Brazil indicated that was the only area that was classified as a “critically eroded” area.

**Motion by Vice Chair Frank and seconded by Member Katz, to approve Items XVIII, XIX, XX and XXI. On voice vote, the motion carried unanimously.**

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

- Groin Rehabilitation (July 23)

- Sediment Budget (July 23)

- Permeable/Semi-Permeable Structures (July 23)

- Erosion Control Lines and Engineered Beaches (July 23)

- Coastal Modeling Overview, Capabilities and Applications (July 23)

- Coastal Taxing District

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2  
3 • Critically Eroded Beach Designation

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5 • Sand Transfer Plant - Phase II Permitting

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7 • Coastal Project Funding

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9 • Lake Worth Lagoon

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11 Member Hicks indicated that he wanted the CCMP as an agenda item in the future. Chair  
12 Ecclestone stated that the Town Attorney should only do the legal work and not direct the  
13 Shore Board program.

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15 Brazil suggested that they remove the Coastal Modeling Overview item from the July agenda  
16 and spend more time on the global issues. There was brief discussion regarding the creation  
17 of the erosion control district.

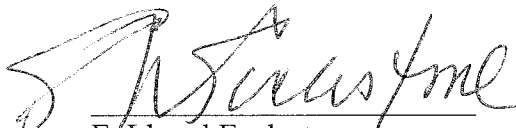
18  
19 Chair Ecclestone noted for the record that Parson's is a tenant of his and he wanted to  
20 announce that.

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22 Vice Chair Frank suggested the Mayor and TC send a letter of invitation to the DERM staff  
23 (Mr. Rich Walesky) to come to the next Shore Board Meeting.

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26 XXIII. ADJOURNMENT

27 There being no further business the meeting of the Shore Protection Board of June 25, 2009  
28 was adjourned at 1:10pm.

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31 APPROVED:

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34 E. Llwyd Ecclestone  
35 Chairman  
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